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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, January 04, 2016  
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. Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder and Kevin Fowler were present. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza.

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 land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
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).
3. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 4:56 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

It was announced that no action was needed as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

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

49 VII. OPEN FORUM

50  
51 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
52 come forth to speak at this time. There being no one indicating such, he then closed  
53 Open Forum.  
54

55 VIII. CONSENT AGENDA

- 56  
57 1. Consider approval of the minutes from the December 21, 2015 regular  
58 city council meeting, and take any action necessary.
- 59 2. **Z2015-030** - Consider approval of an **ordinance** for a City initiated  
60 request for a zoning amendment to Planned Development District 75 (PD-  
61 75) being Ordinance No. 09-37, containing 329.53-acres of land,  
62 identified as the Lake Rockwall Estates Subdivision, City of Rockwall,  
63 Rockwall County, Texas, zoned Planned Development District 75 (PD-75)  
64 for Single Family 7 (SF-7) District land uses, being situated east of Tubbs  
65 Road and north of County Line Road, and take any action necessary.  
66 **(2nd reading)**
- 67 3. **Z2015-032** - Consider a request by Lloyd Waldrop of Rockwall Gold &  
68 Silver on behalf of the owner Donna Pritchard for the approval for renewal  
69 of Specific Use Permit (SUP) No. S-115 (**Ordinance** No. 13-46) allowing  
70 a pawn shop on a portion of a 0.423-acre parcel of land identified as Lot  
71 1, Block 1 of the Garland Federal Savings & Loan Addition, City of  
72 Rockwall, Rockwall County, Texas, zoned Commercial (C) District,  
73 situated within the SH-205 Overlay (SH-205 OV) District, address as  
74 Suite 1 of 1901 S. Goliad Street, and take any action necessary. **(2nd**  
75 **reading)**
- 76 4. **Z2015-033** - Consider a request by Stephen B. North for the approval of  
77 an **ordinance** for a Specific Use Permit (SUP) for an accessory building  
78 not meeting the standards stipulated by the Unified Development Code  
79 on a 0.23-acre parcel of land identified as Lot 14, Block F, Harlan Park  
80 Addition, Phase 1, City of Rockwall, Rockwall County, Texas, zoned  
81 Single Family 10 (SF-10) District, situated within the North SH-205  
82 Overlay (N. SH-205 OV) District, addressed as 513 Windsor Way, and  
83 take any action necessary. **(2nd reading)**
- 84 5. **Z2015-034** - Consider a request by Pat Atkins of Saddle Star Land  
85 Development Inc. on behalf of the owner Randa Hance of R&R Hance  
86 Investment LP for the approval of an **ordinance** for a zoning change from  
87 an Agricultural (AG) District to a Planned Development District for Single  
88 Family 8.4 (SF-8.4) District land uses for a 45.318-acre tract of land  
89 identified as Tract 2-03 of the P. B. Harrison Survey, Abstract No. 97, City  
90 of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,  
91 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,  
92 located on the north side of John King Boulevard south of FM-552, and  
93 take any action necessary. **(2nd reading)**
- 94 6. **Z2015-035** - Consider a request by Pat Atkins of Saddle Star Land  
95 Development Inc. on behalf of the owner Larry Hance for the approval of  
96 an **ordinance** for a zoning change from an Agricultural (AG) District to a

97 Planned Development District for Single Family 8.4 (SF-8.4) District land  
98 uses for a 44.56-acre tract of land identified as Tract 3 of the T. R. Bailey  
99 Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas,  
100 zoned Agricultural (AG) District, situated within the SH-205 By-Pass  
101 Overlay (SH-205 BY-OV) District, located at the northwest corner of FM-  
102 552 and John King Boulevard, and take any action necessary. (2nd  
103 reading)

104 Councilmember Milder made a motion to approve the entire Consent Agenda (#s 1, 2, 3,  
105 4, 5, and 6). Mayor Pro Tem Lewis seconded the motion. The ordinance captions were  
106 read into the record as follows:

107 CITY OF ROCKWALL  
108 ORDINANCE NO. 16-01

109  
110 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
111 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75  
112 [ORDINANCE NO. 09-37] AND THE UNIFIED DEVELOPMENT CODE  
113 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE  
114 AMENDED, BY AMENDING EXHIBIT 'B' AND EXHIBIT 'C' OF ORDINANCE  
115 NO. 09-37, BEING A 329.53.00-ACRE TRACT OF LAND IDENTIFIED AS  
116 THE LAKE ROCKWALL ESTATES SUBDIVISION, CITY OF ROCKWALL,  
117 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN  
118 BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
119 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
120 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING  
121 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
122 PROVIDING FOR AN EFFECTIVE DATE.  
123

124 CITY OF ROCKWALL, TEXAS  
125 ORDINANCE NO. 16-05  
126 SPECIFIC USE PERMIT NO. S-142

127  
128 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
129 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
130 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS GRANT A  
131 SPECIFIC USE PERMIT TO ALLOW FOR A "PAWNSHOP" ON A PORTION  
132 OF A 0.423-ACRE PARCEL OF LAND, AND MORE SPECIFICALLY  
133 IDENTIFIED AS "SUITE 1" AS DEPICTED IN EXHIBIT "A" ATTACHED  
134 HERETO, AND LOCATED AT 1901 S. GOLIAD STREET, AND ZONED  
135 COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1, BLOCK 1 OF  
136 THE GARLAND FEDERAL SAVINGS & LOAN ADDITION, CITY OF  
137 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL  
138 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED  
139 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
140 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
141 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
142

143 CITY OF ROCKWALL, TEXAS  
144 ORDINANCE NO. 16-06  
145 SPECIFIC USE PERMIT NO. 143

146  
147 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
148 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
149 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
150 SPECIFIC USE PERMIT WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-

151 10) DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING  
152 THE STANDARDS STIPULATED BY THE UNIFIED DEVELOPMENT CODE,  
153 ON THE PROPERTY ADDRESSED AS 513 WINDSOR WAY, BEING A 0.23-  
154 ACRE PARCEL OF LAND IDENTIFIED AS LOT 14, BLOCK F, HARLAN  
155 PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;  
156 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY  
157 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
158 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY  
159 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
160 EFFECTIVE DATE.

161 CITY OF ROCKWALL  
162 ORDINANCE NO. 16-07  
163

164 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
165 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*  
166 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
167 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)  
168 DISTRICT TO PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR  
169 SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT  
170 PROPERTY, BEING A 45.318-ACRE TRACT OF LAND IDENTIFIED AS  
171 TRACT 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY  
172 OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY  
173 DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL  
174 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
175 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
176 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
177 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
178

179 CITY OF ROCKWALL  
180 ORDINANCE NO. 16-08  
181

182 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
183 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*  
184 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
185 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)  
186 DISTRICT TO PLANNED DEVELOPMENT DISTRICT 80 (PD-80) FOR  
187 SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT  
188 PROPERTY, BEING A 44.56-ACRE TRACT OF LAND IDENTIFIED AS  
189 TRACT 3 OF THE T. R. BAILEY SURVEY, ABSTRACT NO. 30, CITY OF  
190 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY  
191 DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL  
192 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
193 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
194 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
195 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
196

197 **The motion to approve the full Consent Agenda passed by a vote of 7 yeas to 0 nays.**

198  
199 **IX. APPOINTMENTS**  
200

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

204 **Mayor Pruitt indicated that it is not necessary to address this item this evening.**

205 2. Appointment with Steven Nosworthy to hear presentation regarding his  
206 completed Eagle Scout project, and take any action necessary.

207 **Steven Nosworthy came forth and made a short presentation to the City Council**  
208 **regarding his completed Eagle Scout project. He explained that for his project he located**  
209 **gravestones belonging to war veterans in local cemeteries and collected associated data**  
210 **to provide to the City for its own use / information. The City Council thanked Mr.**  
211 **Nosworthy for the work he and his fellow scouts performed on this project. No action**  
212 **was taken following the presentation.**

213  
214 **X. ACTION ITEMS**

215  
216 1. Discuss and consider adoption of a resolution regarding cost of treated  
217 water from the North Texas municipal water District, and take any action  
218 necessary.

219 **Mayor Pruitt stated that Councilmember Milder requested this agenda item. Mayor Pruitt**  
220 **made a motion to table this item until which time as the City Council has an opportunity**  
221 **to discuss the proposed resolution with its two appointed representatives who serve on**  
222 **the NTMWD board. Mayor Pro Tem Lewis seconded the motion, which passed by a vote**  
223 **of 7 ayes to 0 nays.**

224 2. **Z2015-031** - Discuss and consider a request by John and Lenny James  
225 on behalf of the owner Rockway Partners for the approval of an  
226 **ordinance** for a Specific Use Permit (SUP) for a carwash on a 0.688-acre  
227 parcel of land identified as Lot 1, Block D, La Jolla Pointe Addition, Phase  
228 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C)  
229 District, situated within the Scenic Overlay (SOV) District, located at the  
230 northwest corner of La Jolla Pointe Drive and Ridge Road [FM-740], and  
231 take any action necessary. **(2nd reading)**

232 **Councilmember White made a motion to approve Z2015-031. Mayor Pro Tem Lewis**  
233 **seconded the motion. The ordinance was read as follows:**

234 **CITY OF ROCKWALL, TEXAS**  
235 **ORDINANCE NO. 16-02**  
236 **SPECIFIC USE PERMIT NO. S-141**  
237

238 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
239 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**  
240 **04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,**  
241 **SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A CAR WASH**  
242 **WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A 0.688-ACRE**  
243 **PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK D, LA JOLLA POINTE**  
244 **ADDITION, PHASE 2, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;**  
245 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR**  
246 **FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)**  
247 **FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**  
248 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE**  
249 **DATE.**  
250

251 **The motion passed by a vote of 6 in favor with 1 against (Pruitt).**  
252

253 3. Discuss and consider approval of an **ordinance** modifying Chapter 38.  
254 Subdivisions, Article 1. In General, Section 38-19. Street Improvements  
255 and Oversizing, of the Municipal Code of Ordinances to require a 41-foot  
256 street adjacent to schools and parks, and take any action necessary.  
257 **(2nd reading)**

258 **Mayor Pruitt made a motion to approve the ordinance. Mayor Pro Tem Lewis seconded**  
259 **the motion. The ordinance was read as follows:**

260 **CITY OF ROCKWALL, TEXAS**  
261 **ORDINANCE NO. 16-03**

262 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
263 **TEXAS, AMENDING SECTION 38-19, *STREET IMPROVEMENTS AND***  
264 ***OVERSIZING*, OF CHAPTER 38, SUBDIVISIONS OF THE CODE OF**  
265 **ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR REPEALING,**  
266 **SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN**  
267 **EFFECTIVE DATE.**  
268  
269

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

271 4. Discuss and consider possible amendment to second reading of the  
272 ordinance for MIS2015-003 to collect data on alternative solutions for the  
273 roadway designation of Goliad from downtown to East Fork, to include but  
274 not be limited to considering the possibility of two through lanes, one  
275 north and one south, divided by a dedicated turn lane, and take any  
276 action necessary.

277 **City Manager Rick Crowley indicated that Councilmember Milder requested this agenda**  
278 **item be placed on the agenda for discussion. He then provided some additional**  
279 **background information concerning the development of the now proposed changes to**  
280 **the city's Master Thoroughfare Plan. He suggested that an additional traffic study may**  
281 **be needed in order to consider reducing the portion of North Goliad (north of downtown)**  
282 **additionally (down to 2 lanes from the proposed reduction down to 4 lanes).**

283 **Councilmember Hohenshelt asked if it would be wise for the city to conduct this study**  
284 **regardless of whether or not the State decides to designate John King Boulevard as the**  
285 **state's alternate route for SH-205. Mr. Crowley generally indicated that, yes, this study**  
286 **would likely result in beneficial information for the city regardless. Hohenshelt asked if**  
287 **the city has any idea how long the state will take to make its decision regarding**  
288 **designating the alternate SH-205 route. Mr. Crowley indicated that the timeframe is not**  
289 **currently known.**

290 **Councilmember Milder offered general comments in favor of conducting a traffic study to**  
291 **better determine the number of lanes needed on this portion of the roadway. He believes**  
292 **the city owes it to the citizens, but, more specifically, to the property owners who would**  
293 **be affected.**

294 **Mr. Crowley indicated that if the Council wants staff to move forward, then bids would**  
295 **need to be gathered to determine costs associated with said study, and bring an item**  
296 **back to the council for consideration at a future date.**

297 **Councilmember White asked for clarification on studies related to this topic that have**  
298 **already been done. Councilmember Townsend clarified that two studies have been done**  
299 **already (one many years ago showing this stretch of roadway needed to be designated**

300 as six lanes, and one study being done by NCTCOG about eight months ago that showed  
301 it needed to be four lanes). Mr. Crowley offered clarification, indicating that neither of the  
302 studies really, truly evaluated the possibility of having this stretch of roadway potentially  
303 be a two lane roadway.

304 Councilmember White clarified that at four lanes, there would be no structures removed /  
305 lost and that only right-of-way "frontage" would be lost for property owners along this  
306 stretch of road.

307 Councilmember Milder expressed that he is a property owner along this stretch of  
308 roadway. He generally expressed strong support for conducting this study because he  
309 really wonders if things could function well with two lanes versus four lanes.

310 City Engineer Tim Tumulty explained different types of possible configurations for the  
311 lanes and turn lanes. Mr. Crowley asked Mr. Tumulty if there is a possibility that traffic  
312 study data already exists that could help better evaluate the 'two lanes versus four lanes'  
313 possibilities without hiring a consultant to conduct an actual traffic study. It was  
314 generally indicated that, yes, it may be possible that data exists, and staff is willing to  
315 look into this.

316 Mr. Tumulty explained that the NCTCOG study that determined that four lanes is  
317 sufficient was looking at the year 2035. He expressed that the city establishing the four  
318 lanes in its thoroughfare plan at this time is necessary so that the city is able to have  
319 something that we know will work to convey to future developers (i.e. Kroger) regarding  
320 how much right-of-way is needed prior to development taking place.

321 Mr. Crowley indicated that staff will bring back information regarding this topic for the  
322 council to further consider at a later date.

323 5. MIS2015-003 - Discuss and consider approval of an ordinance for a City  
324 initiated request to amend the Comprehensive Plan by approving  
325 changes to the Master Thoroughfare Plan Map contained within the  
326 Transportation section, add a street cross section for a M4U-M (minor  
327 arterial, four [4] lane, undivided roadway, modified) and modify existing  
328 street cross sections in Appendix 'D', Thoroughfare Cross Sections, and  
329 take any action necessary. (2nd reading)

330 Planning Director Ryan Miller indicated that this is second reading of an ordinance that  
331 did not pass unanimously at the last city council meeting. Councilmember White made a  
332 motion to approve MIS2015-003. Councilmember Hohenshelt seconded the motion. The  
333 ordinance was read as follows:

334 CITY OF ROCKWALL, TEXAS  
335 ORDINANCE NO. 16-04  
336

337 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
338 TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN  
339 CONTAINED WITHIN THE TRANSPORTATION SECTION, ADD A STREET  
340 CROSS SECTION FOR A M4U-M (MINOR ARTERIAL, FOUR [4] LANE,  
341 UNDIVIDED ROADWAY, MODIFIED), AND MODIFY EXISTING STREET  
342 CROSS SECTIONS IN APPENDIX 'D', THOROUGHFARE CROSS  
343 SECTIONS, OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE  
344 CITY'S HOME RULE CHARTER.  
345

346 The motion passed by a vote of 7 in favor with 0 against.

- 347 6. Discuss and consider a request by Price Pointer for the approval of a  
348 structure preservation tax exemption application seeking to have the  
349 assessed value for ad valorem taxation fixed for a period of five (5) years  
350 on the subject property at 602 Williams Street, further identified as the  
351 east ½ of Lot 121, Block A of the B. F. Boydston Addition, City of  
352 Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District,  
353 located within the Old Town Rockwall (OTR) Historic District, and take  
354 any action necessary.

355 **Mr. Miller provided background information concerning this agenda item, explaining that**  
356 **Ordinance No. 03-28 was drafted in 2003 with the intent of providing an incentive**  
357 **program for redevelopment within the “Old Town” Rockwall (OTR) Historic District,**  
358 **Southside Residential Neighborhood Overlay (SRO) District and designated Landmark**  
359 **properties. In accordance with this ordinance the applicant, Price Pointer, is requesting**  
360 **to have the assessed value for ad valorem taxation “frozen” for a period of five (5) years**  
361 **on the subject property at 602 Williams Street for the purpose of upgrading the electrical**  
362 **system in the existing single-family home. Specifically, the applicant has submitted a**  
363 **quote indicating that an investment of \$5,700.00 will be made for the purpose of installing**  
364 **a new electrical panel and making various wiring improvements to the existing electrical**  
365 **system. The applicant has also provided staff with a copy of the home inspection report**  
366 **that was performed at the time the property was purchased. A copy of the quote and**  
367 **inspection report has been provided in the attached packet. According to Ordinance No.**  
368 **03-28 a tax abatement of five (5) years can be approved, “...if the amount of the**  
369 **increment project is \$5,000.00 or greater.” In this case, the current taxable value of the**  
370 **subject property is \$578,870.00. If the City Council chooses to approve the applicants’**  
371 **request then the effective tax rate for the subject property would be fixed at this amount**  
372 **for a period of five (5) years. The applicant has provided all required supporting**  
373 **information stipulated by the ordinance including a legal description, proof of title, an**  
374 **owner’s affidavit, and a tax certificate verifying that all current taxes have been paid.**  
375 **Should the request be approved the applicant would be required to submit a sworn**  
376 **statement of completion, at the conclusion of the proposed work, acknowledging that the**  
377 **electrical system has been upgraded in compliance with the quote submitted to staff.**  
378 **Additionally, the applicant shall be required to provide staff with documentation verifying**  
379 **the total cost of all electrical improvements. All information will be verified prior to staff**  
380 **notifying the Rockwall County Central Appraisal District’s (RCAD’s) Chief Appraiser of**  
381 **the applicable ad valorem tax exemption.**

382  
383 **Councilmember White made a motion to approve the request. Councilmember**  
384 **Hohenshelt seconded the motion.**

385  
386 **Councilmember Fowler asked what the intent was when this ordinance was adopted. Mr.**  
387 **Miller clarified that this ordinance was meant to encourage redevelopment in the area**  
388 **and to encourage ‘fixing up’ homes that may need repairs / improvements. Mr. Fowler**  
389 **generally indicated that he has some reservations about granting this tax exemption**  
390 **simply because of where the structure is located.**

391  
392 **Councilmember Milder expressed that he initially had reservations similar to those of**  
393 **Fowler; however, he feels this property owner is taking advantage of an ordinance that**  
394 **the city already has in place, so he sees no problem with approving the request.**

395  
396 **The motion to approve passed by a vote of 7 ayes to 0 nays.**

397 7. Discuss and consider extending the Facilities Agreement for Damascus  
398 Road with Our Lady of the Lake Catholic Church for an additional 90  
399 calendar days, and take any action necessary.

400 **Councilmember Milder made a motion to extend the facilities agreement for an additional**  
401 **90 days. Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 7 ayes**  
402 **to 0 nays.**

403 8. Discuss and consider approval of a joint contract between the City of  
404 Rockwall, the Rockwall Independent School District (RISD) and the  
405 Elections Administrator of Rockwall County for administration of the May  
406 7, 2016 General (Municipal) Election, and take any action necessary.

407 **Councilmember Townsend made a motion to approve the contract. Councilmember**  
408 **Hohenshelt seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.**

409 9. Discuss and consider adoption of an **ordinance** authorizing the issuance  
410 of City of Rockwall, Texas, General Obligation Refunding and  
411 Improvement Bonds, Series 2016; establishing procedures and  
412 delegating authority for the sale and delivery of the bonds; providing an  
413 effective date; enacting other provisions relating to the subject. **(1st**  
414 **Reading - No Action Will Be Taken)**

415 **Assistant City Manager Mary Smith provided brief**  
416 **background information, explaining that the City Secretary**  
417 **needs to read the ordinances for this as well a the following**  
418 **agenda item this evening. She explained that the City**  
419 **Council does not actually need to take any action at this**  
420 **point.**

421 **The ordinance caption was read into the record as follows:**

422 **CITY OF ROCKWALL**  
423 **ORDINANCE NO. \_\_\_\_\_**

424  
425 **ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF**  
426 **ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND**  
427 **IMPROVEMENT BONDS, SERIES 2016; ESTABLISHING**  
428 **PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND**  
429 **DELIVERY OF THE BONDS; PROVIDING AN EFFECTIVE DATE; AND**  
430 **ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**  
431

432 **No action was taken by the Council.**

433 10. Discuss and consider adoption of an **ordinance** authorizing the issuance  
434 of City of Rockwall, Texas, Combination Tax and Surplus Revenue  
435 Certificates of Obligation, Series 2016; establishing procedures and  
436 delegating authority for the sale and delivery of the certificates; providing  
437 an effective date; and enacting other provisions relating to the subject.  
438 **(1st Reading - No Action Will Be Taken)**

439 **The ordinance caption was read into the record as follows:**

440 **CITY OF ROCKWALL**  
441 **ORDINANCE NO. \_\_\_\_\_**

442 **ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF**  
443 **ROCKWALL, TEXAS, COMBINATION TAX AND SURPLUS REVENUE**

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**CERTIFICATES OF OBLIGATION, SERIES 2016; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

**No action was taken by the Council.**

- 11. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 8. Aviation by adding a new article, Article III, establishing an Airport Advisory Board at the Ralph M. Hall / Rockwall Municipal Airport to be appointed and removed by the city council, and take any action necessary. **(1st reading)**

**Joey Boyd, Director of Internal Operations, indicated that this ordinance is coming before the Council for consideration based on instructions given to staff to do so at the last council meeting.**

**Councilmember White made a motion to approve the ordinance. Councilmember Townsend seconded the motion.**

**The ordinance was read as follows:**

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 16-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 8. AVIATION BY ADDING A NEW ARTICLE, ARTICLE III, ESTABLISHING AN AIRPORT ADVISORY BOARD TO BE APPOINTED AND REMOVED BY THE CITY COUNCIL; PRESCRIBING TERMS FOR INITIAL BOARD MEMBERS; ESTABLISHING THE PURPOSE & RESPONSIBILITIES OF THE BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**XI. 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 - November 2015
  - Fire Department Monthly Reports - November 2015
  - GIS Department Monthly Report - November 2015
  - Harbor PD Monthly Report - November 2015
  - Internal Operations Department Monthly Report - November 2015.
  - Police Department Monthly Report - November 2015
  - Recreation Monthly Report - November 2015
  - Rockwall Animal Adoption Center Monthly Report - November 2015
- 2. City Manager’s Report

493 Mayor Pruitt welcomed Police Chief Kirk Riggs back from medical leave. He then asked  
494 the City Manager to provide a brief update regarding what actions the City of Rockwall  
495 has taken to assist and / or offer assistance to the cities recently affected by the  
496 12/26/2015 tornado that went through Sunnyvale, Garland and Rowlett. Mr. Crowley  
497 indicated that the city's Fire and Police Department both provided assistance to the City  
498 of Rowlett, and the city's Citizen Emergency Response Team (CERT) did initially respond  
499 as well. In addition, the city's Building Inspections Department has assisted with  
500 damage assessments, and the city's streets department has assisted with some heavy  
501 equipment (i.e. front end loader). Kristy Cole, Rockwall's Emergency Management  
502 Coordinator, also assisted for one full work day in the Rowlett Emergency Operations  
503 Center (EOC). He explained he has been in contact with the Rowlett City Manager and  
504 has offered to provide any sort of assistance that may be requested / needed. This  
505 assistance has also been offered to the City of Garland.

506  
507 Mr. Crowley indicated that the Council funded a new public information officer in the  
508 budget. After reviewing a number of very qualified candidates, new hire Lauri Dodd will  
509 begin serving in this role beginning January 11. She will be present at the next city  
510 council meeting for introductions.

511  
512 **XII. EXECUTIVE SESSION**

513  
514 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
515 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
516 CODE:

- 517  
518 1. Discussion regarding purchase or lease of real property / land acquisition in the  
519 vicinity of the downtown area pursuant to Section § 551.072 (Real Property).  
520 2. Discussion regarding land acquisition for South Community Park pursuant to  
521 Section § 551.072 (Real Property).  
522 3. Discussion regarding process associated with City Manager performance  
523 evaluation pursuant to Section 551.074 (personnel matters)

524  
525 **XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

526  
527 **XIV. ADJOURNMENT**

528  
529 The meeting was adjourned at 7:13 p.m.

530  
531 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
532 **THIS 19<sup>th</sup> day of January, 2016.**

533  
534  
535  
536 **ATTEST:**  
537 *Kristy Cole*  
538 Kristy Cole, City Secretary  
539



*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Tuesday, January 19, 2016**  
**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, Councilmembers David White, Mike Townsend, Scott Milder, John  
11 Hohenshelt, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant  
12 City Managers Mary Smith and Brad Griggs, and the city's legal counsel, Patrick Lindner  
13 (filling in for City Attorney, Frank Garza). Mayor Jim Pruitt was absent from the meeting.  
14

15 II. WORK SESSION

- 16  
17 1. Hold work session with Dan Allgeier of NuRock Development to discuss  
18 and consider an application for allocation of housing tax credits for a  
19 proposed multi-family development, and take any action necessary.

20 Dan Allgeier, NuRock Development  
21 4925 Greenville Avenue  
22 Dallas, TX  
23

24 Mr. Allgeier explained that he is proposing to build a 136 unit apartment project off  
25 Goliad just south of the railroad track, either garden style, two story or townhomes if  
26 they are able to fit on there, which is not yet known. It will be gated and fenced and have  
27 amenities. He expressed that this would be a mixed income property, so rent will be very  
28 dependent on the resident's income. His company has 10,000 units nationwide, with  
29 2,000 being in Texas. His company develops, builds and manages its properties. He  
30 shared some photos of other, similar properties located elsewhere in the metroplex area.  
31 He indicated that a market study was performed two years ago for the area solely within  
32 Rockwall's city limits, and it showed a need for this type of product (more specifically it  
33 showed a need for 2,000 units). Rockwall's rents are high and occupancies are high.  
34 This property is located right beside the existing Evergreen Rockwall. The reason for  
35 this location is that it's close to shopping, banks and pharmacies, and it's next to an  
36 existing, affordable property, Evergreen. Also, it is not near any existing, single-family  
37 subdivisions. In addition, it already has storm water retention in place. A pre-application  
38 has already been submitted to the Texas Department of Housing Community Affairs for  
39 the 'credits,' and the city has already received a notice about this. There will be a  
40 clubhouse with amenities, on-site management and maintenance, and after school  
41 programs for school-aged children. Mr. Allgeier went on to share some potential floor  
42 plans, sharing that there are laundry rooms in every unit, each unit is big, and  
43 patios/balconies are included if the city's zoning allows such.  
44

45 He explained that he is not sure that working with the city's housing authority would be  
46 appropriate because this product is not the same type of housing, but the RHA could  
47 have office space at this location for \$10 / year if they need it.  
48

49 Regarding rents and incomes, Mr. Allgeier explained that the median household income  
50 in Rockwall is \$70,400 for a family of four, which is 2015 data. Rents would be based on  
51 incomes, and he believes there are a lot of residents currently living and working in  
52 Rockwall that would enjoy a better place to live. Regarding resident screening, they do  
53 check income, credit, and criminal background of their renters. NuRock stays involved  
54 for a very long time, indicating the company has only sold two properties nationwide,  
55 both in Atlanta, in the twelve years he has worked for the company.  
56

57 He explained that housing tax credits would be used. These are federal income tax  
58 credits that have been around since 1986 and are issued by the Texas Department of  
59 Housing and Community Affairs. He explained that this is a very, very competitive  
60 program in that about \$63 million of credits available statewide, and requests for over  
61 \$400 million of credits were submitted associated with the pre-applications which went in  
62 last week.  
63

64 He explained that, if for example, he receives \$10 million worth of credits, he would  
65 receive \$1 million / year of which his company would sell to publicly traded investor  
66 companies who hope to make some money for those ten years. Then, those investors  
67 use the credits to reduce income tax. He explained that he recently looked up who some  
68 of the investors were on a recent property, and they included Google, Chase Bank,  
69 Countrywide Mortgage, and Citibank. The equities use source funds, and less debt  
70 results in the ability to charge lower rates. This program has been very successful in  
71 providing housing to those who have jobs.  
72

73 He went on to explain that their units must contain features and amenities; they are  
74 required to be energy efficient, and they are checked and scored annually by the equity  
75 and lender firms. The properties are scored on a 1-100 scale, and all of their properties  
76 at least score an 80, with a lot of them scoring a 90 or more.  
77

78 He explained that the company / this product is "for profit," so all property taxes are  
79 paid. Impact fees would raise some funding for the city (estimated at about \$800,000 on  
80 this particular project). Some jobs would be created, both short term and long term. In  
81 addition, \$14.5 million in equity, which will be brought to the city.  
82

83 He shared that the housing market is changing, with more and more people renting (over  
84 63% living in the country rent), especially millennials who are getting married later in life,  
85 are not having kids until later in life and desire to rent rather than own. Mr. Allgeier  
86 indicated that he just read an article from Harvard Business that indicated that 60% of the  
87 rental market is from individuals renting houses.  
88

89 He shared that veterans and 'wounded warriors' get preference for rentals, meaning that  
90 if they come in and pass the qualifications to rent, their name automatically gets bumped  
91 to the top of the waiting list.  
92

93 Mr. Allgeier respectfully requested that the Council consider putting this on a future  
94 agenda to take action to issue a resolution of support for the project and a letter stating  
95 that the city will give at least \$10 of local funding. He explained that these steps will  
96 substantially aid him in getting approval in this highly competitive program.  
97

98 He shared that his pre-application was submitted January 8, and a full application is due  
99 March 1<sup>st</sup>. This is the deadline by which he would appreciate a letter of support from the

100 City and from State Rep. Scott Turner. He expressed that said letters of support do not  
101 guarantee his project will get approved as part of this very competitive program;  
102 however, not having said letters would likely be a great hindrance.

103  
104 Mr. Allgeier explained that this is not "Section 8 housing," and it is not "HUD housing,"  
105 indicating that this property would reflect much higher incomes than those.

106  
107 Councilmember White asked if Representative Turner has issued a letter of support for  
108 this project. Mr. Allgeier indicated that, no, he has not yet done so because he has  
109 indicated he would like to wait until the City of Rockwall issues a letter of support prior to  
110 him doing so.

111  
112 Councilmember Fowler indicated that, regardless of whether or not there is a need for it,  
113 the City Council needs to decide if it does or does not desire to have additional  
114 multifamily housing be built in the city.

115  
116 Councilmember Milder asked about the cost of construction on this project versus one  
117 that is not based on income level of future occupants. Mr. Allgeier indicated that this  
118 project could quite possibly cost more because he will have to adhere to several energy  
119 efficient building standards that may not otherwise be required.

120  
121 Councilmember Hohenshelt asked for clarification regarding the financial structure of  
122 this proposal, asking if the rent will be subsidized. Mr. Allgeier explained that rents on  
123 most of the units are adjusted based on the median household income of the area in  
124 which it is being built.

125  
126 Mayor Pro Tem Lewis asked for clarification regarding what the property is currently  
127 zoned for. Mr. Miller, the city's Planning Director indicated that it is zoned for an assisted  
128 living facility at this point, so it would need to be rezoned. Lewis indicated that he and  
129 other members of the city council have been receiving a lot of e-mails expressing  
130 opposition to this project (and this type of project).

131  
132 After various questions and comments among the Council and Mr. Allgeier, the city  
133 council took no action concerning this work session item and associated project.

- 134  
135 2. Hold work session to hear presentation from Tom Kula, Executive  
136 Director of the North TX Municipal District (NTMWD), and take any action  
137 necessary.

138 Tom Kula  
139 Executive Director - NTMWD  
140 501 East Brown Street  
141 Wylie, TX 75098

142  
143 Mr. Kula indicated that he is also a resident of Rockwall and has been for about 6 years.  
144 He introduced some additional guests accompanying him this afternoon, including his  
145 Public Relations Manager (Janet Rummel), Rockwall board member (NTMWD director),  
146 Bill Lofland, and Deputy Director of Finance and Personnel (Judd Sanderson). He  
147 explained that this area recently went through a very significant five year drought that  
148 was accompanied by significant water restrictions. He expressed that over that five year  
149 period, water rates got raised by 10% each year during that 5 year drought. Now that the

150 drought has improved, folks are watering their lawns more often, and they are really  
151 feeling the impact of those rates having been raised over the years. He explained that  
152 his organization provides two essential services to the citizens of Rockwall including  
153 water and wastewater services. He explained that the organization has been in existence  
154 for 60 years and is a non-profit. He expressed that rates are not 'padded' in any way, that  
155 they are actual rates set in order to provide dependable, high-quality service at the  
156 lowest price possible. He explained that there are lots and lots of expensive  
157 infrastructure and high dollar equipment that goes into the water/wastewater systems to  
158 provide services to this area and district wide. He shared that there has been  
159 exponentially large growth that has occurred in the region served by NTMWD since its  
160 inception 60 years ago. He explained that Rockwall is poised to grow substantially over  
161 the next twenty to fifty years. Conservation and reuse make up about 23% of the  
162 organization's future needs. New sources and reservoirs will make up about 24% of its  
163 future needs. He explained that conservation has been very important because it has not  
164 only bided time (while new infrastructure is being acquired and put into place), but it has  
165 also saved money. Mr. Kula explained that water demands will increase 1.5 times over  
166 the next 40 years. He explained the importance of getting an additional water source, the  
167 Lower Bois d'Arc Creek reservoir (located in Fannin County), online as soon as possible,  
168 an effort they have been working on for about the last decade (and are quite close at this  
169 point). He explained that this reservoir will yield about the same amount of supply as  
170 Lavon. The goal was to have the permitting all completed in the year 2016 and have the  
171 reservoir come online as a treated water supply in 2020. However, at this point, it  
172 appears as though there may be some delays. He explained that there have been many  
173 attempts at getting these delays rectified such that the project stays on schedule;  
174 however, it seems less and less likely that this will occur on schedule.

175  
176 Mr. Kula went on to share additional information related to how the District does its  
177 budgeting, explaining that dollars have traditionally not been being spent on things like  
178 the building in which the District offices or on adding additional staff over the years. As  
179 a result, the District recently had to address some of those things in order to ensure it  
180 can meet the current demands while providing the highest, best quality of service to its  
181 member cities and, ultimately, to the citizens. Various comments were made pertaining  
182 to rates that have been charged in the past, those that are being charged now, and what  
183 future increases in rates are projected to be moving forward.

184  
185 The Council took no action concerning this work session item.  
186

- 187           3. Hold work session to hear staff briefing regarding recent support provided  
188           to the cities of Rowlett and Garland associated with the December 26,  
189           2015 tornado, and take any action necessary.

190 Mayor Pro Tem Lewis indicated that this item will be delayed until the meeting  
191 reconvenes at 6:00 p.m.

192  
193 Lewis then read the below listed discussion items into the public record before recessing  
194 the meeting into Executive Session at 5:36 p.m.

198 **III. EXECUTIVE SESSION.**

199  
200 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
201 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
202 **CODE:**

- 203  
204 1. Discussion regarding land acquisition for South Community Park pursuant  
205 to Section § 551.072 (Real Property).  
206 2. Discussion regarding appointment of city council subcommittees and  
207 board liaisons - Fire Dept. Pension Board - pursuant to Section, §551.074  
208 (Personnel Matters).  
209 3. Discussion regarding process associated with City Manager performance  
210 evaluation pursuant to Section 551.074 (personnel matters)

211  
212 **IV. ADJOURN EXECUTIVE SESSION**

213  
214 **Executive Session was adjourned at 5:52 p.m.**

215  
216 **V. RECONVENE PUBLIC MEETING**

217  
218 **Mayor Pro Tem Lewis reconvened the public meeting at 6:00 p.m. with all council**  
219 **members except for Mayor Jim Pruitt present.**

220  
221 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

222  
223 **Councilmember Townsend made a motion to reappoint Kevin Fowler to the city's Fire**  
224 **Department Pension Board (2 year term to expire Dec. 2017). Councilmember White**  
225 **seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).**

226  
227 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**

228  
229 **Councilmember Milder delivered the invocation and led the Pledge of Allegiance.**

230  
231 **VIII. OPEN FORUM**

232  
233 **Mayor Pro Tem Lewis explained how Open Forum is conducted and asked if anyone**  
234 **would like to come forward and speak.**

235  
236 **Judy Harris**  
237 **Representing the Rockwall Philharmonic Orchestra**  
238 **(no address given)**

239  
240 **Mrs. Harris came forth and thanked the city council and Park Board for helping with the**  
241 **recent MusicFest this past September. She and the organization appreciate the city's**  
242 **support.**

243  
244 **There being no one else wishing to speak, Mayor Pro Tem Lewis then closed Open**  
245 **Forum.**

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**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the January 4, 2016 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 8. Aviation by adding a new article, Article III, establishing an Airport Advisory Board at the Ralph M. Hall / Rockwall Municipal Airport to be appointed and removed by the city council, and take any action necessary. **(2nd reading)**
3. Consider awarding a bid to Barco Pump and authorizing the City Manager to execute a Purchase Order for a new Bypass Pump totaling \$38,306 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.
4. Consider awarding a bid to Hall-Mark Fire Apparatus Texas LLC and authorizing the City Manager to execute a Purchase Order for a new Pumper totaling \$582,817 to be funded by Contractual Obligations, and take any action necessary.
5. **P2015-042** - Consider a request by Greg Helsel of Spiars Engineering on behalf of the owner Will Shaddock of Master Developers-SNB, LLC for the approval of a final plat for Phase 1 of the Preserve Subdivision, containing 132 single-family residential lots on a 52.545-acre tract of land identified as Phase 3 of the North Shore Addition and Tract 26-1 of the J. H. B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single Family 10 (SF-10) District land uses, located at the southeast corner of the intersection of Highland Drive and East Fork Drive, and take any action necessary.
6. **P2016-001** - Consider a request by Lori Stevens of Patriot PAWS Service Dogs for the approval of a replat for Lot 1, Block A, Patriot Paws Addition being a replat of a 3.466-acre tract of land currently identified as Lots 3 & 4, Block A, Maverick Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, and addressed as 254 Ranch Trail, and take any action necessary.
7. Consider authorizing the City Manager to execute an agreement with WME for Founder's Day headliner entertainment, and take any action necessary.

**Councilmember Milder made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember White seconded the motion. The ordinance for #2 was read as follows:**

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 16-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 8. AVIATION BY ADDING A NEW ARTICLE, ARTICLE III, ESTABLISHING AN AIRPORT ADVISORY BOARD TO BE APPOINTED AND REMOVED BY THE CITY**

295 COUNCIL; PRESCRIBING TERMS FOR INITIAL BOARD MEMBERS;  
296 ESTABLISHING THE PURPOSE & RESPONSIBILITIES OF THE BOARD; AND  
297 PROVIDING FOR AN EFFECTIVE DATE.  
298

299 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).  
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 Mayor Pro Tem Lewis indicated that the P&Z Chairman, Mr. Craig Renfro, is stuck in  
307 traffic. He was unable to make the meeting; therefore, this item was not addressed, and  
308 no action was taken by Council.  
309

- 310 2. Appointment with Kevin Lefere to discuss and consider an encroachment  
311 on city property, and take any action necessary.

312 Mr. Lefere came forth and generally indicated that he has placed a dumpster and has  
313 screened it at the back door of his restaurant (Zanata) not knowing that it encroaches on  
314 city property. Councilmember Townsend expressed concern about the structure  
315 covering up the electrical boxes and perhaps posing a fire hazard. Fire Chief Poindexter  
316 indicated that he has not looked at it in person since the point in time when some  
317 modifications were made to it. Furthermore, while he understands that a portion of the  
318 structure may be able to be taken apart in order to have proper fire access, it is  
319 supposed to be kept completely open and free from obstruction according to the Fire  
320 Code. Mr. Crowley clarified that this exit serves as an alternative fire exit for the  
321 business, and the handicap accessibility associated with this door may be in question.  
322 Mr. Griggs, Assistant City Manager, explained that, although there are two other fire  
323 exists, they are not far enough apart to meet the National Electric Code requirements.  
324 So, this particular door would have to serve as the alternate exit.

325 Mayor Pro Tem Lewis thanked Mr. Lefere for being a good, local business in our  
326 community and for the various things he and his business have done for the City;  
327 however, he does not believe the City Council is in a position to waive any National Fire  
328 or National Electric Code requirements that may present life safety issues. Chief  
329 Poindexter offered some additional comments, mainly indicating that this door will have  
330 to remain the second / alternate fire exit door due to distance requirements and his 90  
331 person occupant load.

332 Councilmember White expressed that he is open to the possibility of having the trash  
333 container moved down some such that it is further away from the ramp and door and not  
334 situated underneath the electrical boxes.

335 Mayor Pro Tem Lewis also suggested that Mr. Lefere get with staff on the possibility of  
336 moving the trash receptacle. The Council took no formal action on this item at this time.  
337

- 338 3. Appointment with representatives of the Rockwall Community Emergency  
339 Response Team (CERT) to hear presentation regarding the program,  
340 including report on past events in which CERT has been involved, and  
341 take any action necessary.

342 Mayor Pro Tem Lewis indicated that a work session item, which was previously deferred  
343 during the 4:00 p.m. portion of the meeting agenda, would be discussed at this point,  
344 prior to the CERT Team making its presentation.  
345

346 Kristy Cole, Emergency Management Coordinator for the City of Rockwall recapped  
347 weather-related monitoring and related preparations that took place in the afternoon  
348 hours, prior to the tornado occurring.  
349

350 Fire Chief Mark Poindexter shared that the City of Rockwall FD was contacted by Rowlett  
351 Fire asking for some assistance the night of the tornado. We arrived on scene at about  
352 7:45 p.m. and were over there for about 7.25 hours. An engine company and ladder  
353 company were sent with about twelve personnel. We were also asked to help shut down  
354 the interstate at IH-30, so two pieces of apparatus were devoted to that effort. The  
355 stations were backfilled to ensure coverage in our own city, resulting in about 20  
356 personnel (total) being affected, with about half of those being volunteers. He explained  
357 that his personnel assisted with search and rescue while in Rowlett that night.  
358

359 Police Chief Riggs indicated that his department's After Action Report has been included  
360 in the city council's informational meeting packet. His personnel assisted with shutting  
361 down IH-30 and started directing drivers to detour north and south of the city. He  
362 explained that 21 officers were involved over a two day period, and, after two days,  
363 indication was given that no more assistance was needed. He summarized that about  
364 142 hours of assistance were provided in the form of police officers at the needed  
365 locations.  
366

367 City Engineer Tim Tumulty expressed that Public Works spent 2 weeks and about 640  
368 man hours (15 personnel) providing some heavy equipment and man power to assist  
369 with clearing the streets following the tornado. He explained that a lot of the time was on  
370 a "volunteer basis" only with some of the city's personnel volunteering their time, for  
371 free, on New Years Day and the Saturday after.  
372

373 Jeffrey Widmer, Building Official, came forth and briefed the Council on efforts that he,  
374 city staff and members of the Building Officials Association of Texas (BOAT) participated  
375 in starting the Monday following the tornado. He explained that several teams were  
376 formed to conduct "rapid damage assessments" of every damaged structure. This  
377 information is instrumental in assigning a monetary value to the damage done in order to  
378 work towards disaster declarations.  
379

380 Emergency Management Coordinator, Kristy Cole, shared that she assisted the City of  
381 Rowlett in its Emergency Operations Center on New Years Eve, explaining that she spent  
382 the day doing data entry related to damage assessments performed on the residential  
383 homes. Subsequently, she spent one work day at the City of Garland Emergency  
384 Operations Center serving in the "Planning Section," helping take notes related to daily  
385 briefings and assisting with an Incident Action Plan for the next day's workers.  
386

387 City Manager Rick Crowley indicated that staff in Rockwall remained sensitive to the  
388 needs (and non-needs) of the City of Rowlett when offering assistance.  
389

390 Chief Poindexter introduced Stan Jeffus, explaining that he is a member of CERT, and  
391 several other CERT members are also present in the audience this evening. He  
392 expressed that since the tornado on Dec. 26<sup>th</sup>, there has been a notable spike in interest

393 related to training and membership associated with the Rockwall CERT Team. A training  
394 class was held since that time, with fifty people being signed up/trained. Additional  
395 classes are scheduled.  
396

397 Mr. Jeffus then came forth and explained to the City Council why CERT exists and what  
398 services CERT offers to the community. He then briefed the Council on the various  
399 response and community-related activities that the Rockwall CERT participated in during  
400 the year 2015, including the following:  
401

- 402 ● Business Meetings: 8
- 403 ● Training Meetings: 8
- 404 ● Special Events: 22
- 405 ● Drills/Exercises: 5
- 406 ● Official Requests for Assistance: 15
- 407 ● Total Events: 59
- 408 ● Total Volunteer Hours 1125.5
- 409 ● Monetary Value \$25,965.29

410  
411 Mayor Pro Tem Lewis thanked the city's CERT members for all of the work they do. He  
412 also thanked city staff for all of the work they performed related to the tornado event.  
413

414 Before starting the public hearing items, Mayor Pro Tem Lewis indicated that there are  
415 three different scenarios that exist that would require a  $\frac{3}{4}$  (super majority) vote of the  
416 council in order for a case/request to pass. Tonight, there are two such items on the  
417 agenda, and these will require five of the six council members who are present tonight to  
418 vote in favor of them in order for them to pass. Also, there is one case that met the "20%  
419 rule" in that twenty percent (or more) of the property owners who live within the 200'  
420 notification area have returned notices expressing opposition. Therefore, a  $\frac{3}{4}$  majority  
421 vote is required.  
422

423 Patrick Lindner, the city's legal counsel, shared verbiage from a memo that was included  
424 in the city council members' informational meeting packet as follows:  
425

426 The protest from property owners as stated in the memo requires a  
427 favorable three-fourths (3/4) vote from the City Council for approval. Article  
428 II, Section 8.4 "Protest of Proposed Change in Zoning" of the City of  
429 Rockwall Unified Development Code states:  
430

431 *"Whenever such written protest is signed by the owners of twenty (20)*  
432 *percent or more of the area of the lots or land included in such zoning*  
433 *change, or of the lots or land immediately adjoining the same and within the*  
434 *above mentioned two hundred (200) feet radius, or if such change is*  
435 *recommended for denial by the Planning and Zoning Commission, such*  
436 *change in zoning shall require a favorable vote of three-fourths (3/4) of all*  
437 *eligible members of the Council."*  
438

439 So this means that a  $\frac{3}{4}$  majority vote of Council is required if the P&Z Commission  
440 recommends denial of the zoning change, or denies the special use permit (SUP), or if  
441 the P&Z Commission fails to recommend approval of the zoning change or SUP. Also a  
442  $\frac{3}{4}$  majority vote of council is required if 20% or more of the property owners living within  
443 200' of the subject property submit opposition to either the zoning change or the

444 granting of an SUP. A super majority (3/4 vote) tonight would mean that five of the six  
445 council members would have to vote in favor of these such items tonight in order for  
446 them to be approved/pass.

447  
448 **XI. PUBLIC HEARING ITEMS**

- 449  
450 1. **Z2015-028** - Hold a public hearing to discuss and consider a request by  
451 Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of JBR-2, LLC  
452 for the approval of an **ordinance** for a Specific Use Permit (SUP) for  
453 Commercial Amusement/Recreation (Outside) to allow two (2) private  
454 baseball fields to be established on a 2.49-acre portion of a larger 7.32-  
455 acre tract of land identified as Tract 17-12 of the W. W. Ford Survey,  
456 Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned  
457 General Retail (GR) District, situated west of the intersection of SH-205  
458 and FM-549, and take any action necessary **[1st Reading]**.

459 **The applicant, Jimmy Strohmeyer of Strohmeyer Architects, Inc., is requesting a Specific**  
460 **Use Permit (SUP) to allow for a Commercial Amusement/Recreation (Outdoor) training**  
461 **facility for two (2) private baseball fields to be located on a 2.49-acre portion of a larger**  
462 **7.32-acre tract of land. The property is zoned General Retail (GR) District and is located**  
463 **at 5133 FM 549 and situated at the southwest corner of FM-549 and SH-205.**

464  
465 **The private baseball fields (ball fields) the applicant is requesting to build on this**  
466 **property are not regulation size and could not be used for normal game play or**  
467 **tournament play. The layouts of the ball fields are designed for infield practice and will**  
468 **be used only in that manner. The applicant has stated there will not be a need for exterior**  
469 **lighting as the ball fields will only be used during daylight hours. If approved, the ball**  
470 **fields will be available for rental and select team use for infield practice only. It was**  
471 **noted that a request for an SUP is a discretionary act for the City Council.**

472  
473 **Mr. Miller further explained that the applicant's request does not conform to the**  
474 **residential setback requirements for a commercial amusement/recreation (outdoor)**  
475 **facility. The Unified Development Code (UDC), under Article IV, Sec. 2.1.5, Recreation,**  
476 **entertainment and amusement conditions requires a minimum 300-ft setback from**  
477 **residentially zoned properties.**

478  
479 **Staff mailed eleven (11) notices to property owners within 500 feet of the subject**  
480 **property. Staff also notified one (1) HOA/Neighborhood Organization (Oaks of Buffalo**  
481 **Way) that is within 1500 feet participating in the notification program. Additionally, staff**  
482 **posted a sign on the property as required by the Unified Development Code (UDC). At the**  
483 **time this report was drafted, staff has received two (2) notices "opposed to" the zoning**  
484 **change request [one – written & one – verbally stated at the P&Z public hearing]. The two**  
485 **(2) notices constitute a protest from over 20% of the property owners within 200-ft of the**  
486 **proposed property requesting the zoning change and will require a super-majority vote**  
487 **by the City Council for approval of the SUP (five of the six council members present this**  
488 **evening).**

489  
490 **On January 12, 2016, the Planning and Zoning Commission made a motion to approve**  
491 **the SUP request, which failed by a vote of 3 to 3, with Commissioners Trowbridge,**  
492 **Logan, and McCutcheon dissenting [Jusko - Absent].**

494 **Jimmy Strohmeyer**  
495 **1620 Fairlakes Point**  
496 **Rockwall, TX**

497  
498 **The owner of the property, Dan Bobst, came forward and provided a history of the**  
499 **property since he purchased it years ago, indicating that at the time of purchase it was**  
500 **located outside of the city limits in the county.**

501  
502 **Mr. Strohmeyer indicated that a lot of parents drop off their kids for practice, and they**  
503 **personally heard no complaints until the ‘back stops’ were installed.**

504  
505 **After additional comments, Mayor Pro Tem Dennis Lewis then opened the public hearing.**

506  
507 **Scott Blackwood**  
508 **5205 S. FM-549**  
509 **Rockwall, TX**

510  
511 **Mr. Blackwood indicated that he is a neighbor who has complained about these ball**  
512 **fields. He indicated that his property has been on and off the market (for sale) over the**  
513 **course of the last several years. He stated that ever since the ball fields appeared, he**  
514 **has had two potential buyers decide to not follow through because of concerns related to**  
515 **the ball fields. He went on to explain that about two years ago, he personally**  
516 **approached the city council to request rezoning of his property, which got turned down**  
517 **at that time. He expressed that his residential home is zoned Agricultural, and some**  
518 **realtor agents have indicated that listing his home with the ball fields being next door is**  
519 **not ideal. He stated that the land owner next door told him the dirt that was being**  
520 **brought in was for drainage improvements on the property. Also, he contacted city staff**  
521 **at the time who also conveyed that the permits that were pulled for the dirt indicated it**  
522 **was for drainage improvement reasons. Overall, he generally expressed concerns**  
523 **related to the ball fields impeding his ability to sell his property. He generally expressed**  
524 **opposition to approval of this request.**

525  
526  
527 **John Sutton**  
528 **717 Starlight Pass**  
529 **Heath, TX**

530  
531 **Mr. Sutton spoke on behalf of Texas Sports, indicating that having additional practice**  
532 **facilities, such as this one, would be beneficial for local teams seeking out such**  
533 **locations.**

534  
535 **Bryan Munson**  
536 **6314 Warwick Drive**  
537 **Rockwall, TX**

538  
539 **Mr. Munson indicated that his son plays on a team that previously utilized Tuttle ball**  
540 **fields; however, this past spring’s rains wiped out such opportunities for the team. He**  
541 **expressed that baseball is very popular in this area, and teams are constantly looking for**  
542 **fields. He encouraged the Council to approve this item.**

543  
544 **Christian Comer**

545 604 Norwood Drive  
546 Rockwall, TX

547  
548 Christian came forth and expressed that he is a student and will soon be trying out for  
549 the Rockwall Heath High School team, and he generally encouraged the city council to  
550 vote in support of this item tonight.

551  
552 Jake Thomas  
553 2957 Clear Creek Drive  
554 Rockwall, TX

555  
556 Mr. Thomas indicated that he is a baseball coach for teams that seek out practice  
557 locations such as this one. He is also a wrestling coach. This practice facility provides a  
558 location, outside of Tuttle, for players to develop their skills. This need is a result of a  
559 very fast growing community, and fields like this provide an opportunity for families to  
560 develop the leadership and other talents of their children. He generally spoke in favor of  
561 the council approving this request.

562  
563 Jake Edwards  
564 2412 White Road  
565 Heath, TX

566  
567 Mr. Edwards came forth, expressing that these fields are really important to Rockwall.  
568 Tuttle fields are full quite often, and so this alternate location is really needed. Baseball  
569 is a great sport, and supporting these baseball practice fields would be supporting local  
570 kids who play the sport. He generally spoke in favor of approving this request tonight.

571  
572 Jeff McMurtrey  
573 3803 Juniper Hills Drive  
574 Rockwall, TX

575  
576 Mr. McMurtrey generally spoke in favor of approving this request, expressing that these  
577 extra practice fields are needed in the community. He shared that parents usually drop  
578 their kids off, so there are not a bunch of cars parked there. Also, he has never  
579 personally seen more than about one team practicing there at one time.

580  
581 Kelly McGee  
582 (unknown house number) Windsor Drive  
583 (unknown city)

584  
585 Mrs. McGee expressed that the activity at these fields is quite minimal. She generally  
586 encouraged the city council to vote in favor of approving this request.

587  
588 There being no one else wishing to come forth and speak, Mayor Pro Tem Lewis closed  
589 the public hearing.

590  
591 The applicant, Mr. Strohmeier, again came forth and expressed that he would like for the  
592 metal building to remain as well as the ball fields so that those things and opportunities  
593 are not taken away from the kids in the community and a Quick Trip is potentially put up  
594 in its place.

595

596 Mr. Bobst (owner) indicated that this is not a “money maker” for him. Instead, it is solely  
597 for the love of the kids in the community.  
598

599 Councilmember Milder provided brief comments, generally indicating he is in favor of  
600 these ball fields.  
601

602 Milder made a motion to approve this SUP request as presented (Z2015-028).  
603 Councilmember White seconded the motion. After brief comments, the ordinance was  
604 read as follows:

605 CITY OF ROCKWALL  
606 ORDINANCE NO. 16-XX  
607 SPECIFIC USE PERMIT NO. S-144  
608

609 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
610 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
611 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
612 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)  
613 ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY  
614 (OUTDOOR) AND MORE SPECIFICALLY TWO (2) PRIVATE BASEBALL  
615 FIELDS, WITHIN A GENERAL RETAIL (GR) DISTRICT, BEING A 2.49-  
616 ACRE PORTION OF A LARGER 7.32-ACRE TRACT OF LAND IDENTIFIED  
617 AS TRACT 17-12 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, AND  
618 SITUATED WEST OF THE INTERSECTION OF SH-205 AND FM 549, CITY  
619 OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE  
620 SPECIFICALLY DESCRIBED IN EXHIBIT ‘A’ AND AS DEPICTED IN  
621 EXHIBIT ‘B’; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
622 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
623 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
624 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
625 PROVIDING FOR AN EFFECTIVE DATE.  
626

627 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).  
628  
629

- 630 2. **Z2015-036** - Hold a public hearing to discuss and consider a request by  
631 Harry Chapman of Noble RE, LLC on behalf of the owners Robert &  
632 Patrick Hughes and Sandra Ferguson for the approval of an ordinance  
633 for a zoning amendment to Planned Development District 32 (PD-32)  
634 [Ordinance No. 10-21] for the purpose of allowing a Financial Institution  
635 with a Drive-Through within the Ridge Road Retail Subdistrict, being a  
636 1.1755-acre portion of a larger ~78.89-acre area of land identified as the  
637 Harbor District, being zoned Planned Development District 32 (PD-32),  
638 situated within the Scenic Overlay (SOV) District, located at the northwest  
639 corner of Cemetery Road and Ridge Road [FM-740], with the greater  
640 Harbor District being generally located south of IH-30 and west of Horizon  
641 Road [FM-3097], and take any action necessary [1st Reading].

642 Planning Director Ryan Miller provided background information as follows: On  
643 December 16, 2015, the applicant Harry Chapman of Noble RE, LLC submitted an  
644 application on behalf of the owners (Robert & Patrick Hughes and Sandra Ferguson)  
645 requesting that Planned Development District 32 (PD-32) be amended to allow a Financial  
646 Institution with a Drive-Through within the Ridge Road Retail Subdistrict. Currently, the  
647 only property within the Ridge Road Retail Subdistrict is the subject property, which is a

648 1.1755-acre parcel of land at 2930 Ridge Road. He explained that this request is  
649 associated with something similar to an ATM; however there would be an actual, live  
650 person there (a bank teller of sorts). Staff mailed out 132 notices to all property owners  
651 and residents within Planned Development District 32 (PD-32). In addition, staff mailed  
652 out notifications to all property owners and residents within 500-feet of the district and to  
653 all Homeowner's Associations within 1,500-feet of the district (i.e. Water's Edge, Signal  
654 Ridge, Chandler's Landing, Fox Chase and Lakeside Village Homeowner's Associations)  
655 per the requirements of Section 6.1, Notice of Public Hearing, of Article II, Authority and  
656 Administrative Procedures, of the Unified Development Code. Of the 132 notices mailed,  
657 staff has received five (5) notices returned, three (3) in favor of the request and two (2)  
658 opposed to the request.

659  
660 Mayor Pro Tem Lewis called the applicant forth. He came forward and provided brief  
661 comments. Mayor Pro Tem Lewis then opened the public hearing and asked if anyone  
662 would like to come forth and speak. There being no one indicating such, he then closed  
663 the public hearing.

664  
665 Councilmember Milder made a motion to approve Z2015-036. Councilmember  
666 Hohenshelt seconded the motion. The ordinance was read as follows:

667  
668 CITY OF ROCKWALL  
669 ORDINANCE NO. 16-XX  
670

671 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
672 ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT  
673 DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21] AND THE UNIFIED  
674 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF  
675 ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF  
676 AMENDING EXHIBIT 'D', SUBDISTRICT LAND USE CHART, OF  
677 PLANNED DEVELOPMENT DISTRICT 32 (PD-50) TO ALLOW A  
678 FINANCIAL INSTITUTION WITH DRIVE-THROUGH AS A PERMITTED  
679 BY-RIGHT LAND USE WITHIN THE RIDGE ROAD RETAIL  
680 SUBDISTRICT BEING A ~1.162-ACRE PORTION OF A LARGER  
681 ~78.89-ACRE AREA OF LAND IDENTIFIED AS THE HARBOR  
682 DISTRICT, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS  
683 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' OF THIS  
684 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
685 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO  
686 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
687 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
688 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

689  
690 The ordinance passed unanimously of those present (6 ayes with Pruitt (1) absent).

691  
692 Mayor Pro Tem Lewis recessed the meeting, calling for a short break at 7:48 p.m.

693  
694 Mayor Pro Tem Lewis reconvened the meeting at 7:57 p.m.

695  
696 3. Z2015-037 - Hold a public hearing to discuss and consider a request by  
697 Arthur F. Beck of BSM Engineers, Inc. on behalf of the First United  
698 Methodist Church for the approval of an ordinance for a Specific Use  
699 Permit (SUP) for a structure that exceeds the maximum height  
700 requirements for a 8.2983-acre parcel of land identified as Lot 7, Block 1,

701 First United Methodist Church Addition, City of Rockwall, Rockwall  
702 County, Texas, zoned Commercial (C) District, addressed as 1200 E.  
703 Yellow Jacket Lane, and take any action necessary [1st Reading].

704 Planning Director Ryan Miller explained that this item is regarding approval of a Specific  
705 Use Permit (SUP) for a structure that exceeds the maximum height requirements,  
706 specifically a church steeple that will have an overall height of 108-ft 6-inches. He  
707 explained that a church steeple within a commercial zoning district may be constructed  
708 up to a maximum height of 72-ft without an SUP; however, the proposed steeple for this  
709 location will exceed this by 36-ft 6-inches and therefore requires a SUP. On December  
710 22, 2015, staff mailed eleven (11) notices to property owners within 500 feet of the subject  
711 property; however, there is no HOA/Neighborhood Organization within 1500 feet  
712 participating in the notification program. Additionally, staff posted a sign on the property  
713 as required by the Unified Development Code (UDC). At the time the staff report was  
714 drafted, staff has not received any notices either "for" or "against" the request. On  
715 January 12, 2016, the Planning and Zoning Commission made a motion to approve the  
716 SUP request, which passed by a vote of 6 to 0 [Jusko – absent].  
717

718 Mayor Pro Tem Lewis called the applicant forth to speak at this time.  
719

720 Mr. Arthur Beck  
721 BSM Engineers  
722 4111 E. US Hwy 80  
723 Mesquite, TX  
724

725 Mr. Beck indicated that the original plans called for a steeple; however, money was not  
726 sufficient at the time to construct said steeple. Since that time, money has become  
727 available, so that is why it is being requested for construction at this time.  
728

729 Councilmember Hohenshelt asked for clarification regarding what the tallest structure is  
730 within the city currently. He expressed that he is trying to get a frame of reference for  
731 how tall this truly will be. The applicant clarified that the nearby courthouse is taller, and  
732 so is the nearby football stadium.  
733

734 Mayor Pro Tem Lewis opened the public hearing, asking if anyone would like to speak.  
735 There being no one indicating such, he then closed the public hearing.  
736

737 Councilmember White made a motion to approve Z2015-037. Councilmember Townsend  
738 seconded the motion. The ordinance was read as follows:  
739

740 CITY OF ROCKWALL  
741 ORDINANCE NO. 16-XX  
742 SPECIFIC USE PERMIT NO. S-145  
743

744 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
745 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
746 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
747 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)  
748 ALLOWING FOR A STRUCTURE TO EXCEED THE MAXIMUM HEIGHT  
749 REQUIREMENT WITHIN A COMMERCIAL (C) DISTRICT, BEING AN 8.2983-  
750 ACRE PARCEL OF LAND IDENTIFIED AS LOT 7, BLOCK 1, FIRST UNITED  
751 METHODIST CHURCH ADDITION, ADDRESSED AS 1200 E. YELLOW

752 JACKET LANE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND  
753 MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN  
754 EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
755 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
756 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
757 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
758 PROVIDING FOR AN EFFECTIVE DATE.  
759

760 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).  
761

- 762 4. **Z2015-038** - Hold a public hearing to discuss and consider a request by  
763 Scott and Leslie Milder for the approval of an **ordinance** amending  
764 Ordinance No. 07-29 for the purpose of allowing a Banquet Facility land  
765 use to be a permitted use through a Specific Use Permit (SUP) for all  
766 properties within Planned Development District 50 (PD-50), being 21.266-  
767 acres of land in the S.S. McCurry Survey, Abstract No. 146 and B. F.  
768 Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County,  
769 Texas, zoned Planned Development District 50 (PD-50) for Residential-  
770 Office (RO) District land uses, situated within the North Goliad Corridor  
771 Overlay (NGC OV) District, and generally located along N. Goliad Street  
772 [SH-205] north of Interurban Street, and take any action necessary [**1st**  
773 **Reading**].

774 Councilmember Milder expressed that he will be recusing himself from this item, as he is  
775 the applicant/presenter.  
776

777 On December 16, 2015, the applicants Scott and Leslie Milder submitted an application  
778 requesting that Planned Development District 50 (PD-50) be amended to allow a Banquet  
779 Facility or Event Venue through a Specific Use Permit (SUP). The intent of the request is  
780 to allow the property at 803 N. Goliad Street to operate as a Banquet Facility or Event  
781 Venue. This will allow any request for a Banquet Facility or Event Venue to be reviewed  
782 on a case-by-case basis for the purpose of establishing operational conditions to safe  
783 guard the character of the district and to mitigate for any potential negative impacts on  
784 adjacent properties. Since the proposed case involves modifying the land uses  
785 permitted within Planned Development District 50 (PD-50), Mr. Miller explained that staff  
786 has notified all property owners and residents within the Planned Development District.  
787 In addition, staff mailed out notifications to all property owners and residents within 500-  
788 feet of the district and to all Homeowner's Associations within 1,500-feet of the district  
789 (i.e. Lakeview Summit and Caruth Lakes Homeowner's Associations) in accordance with  
790 the city's notification requirements. He explained that, of the 361 notices mailed, staff  
791 initially received seven (7) notices returned (four [4] in favor of the request and three [3]  
792 opposed). Additionally, staff has since received four (4) additional notices (3 opposed,  
793 and 1 for) plus two more notices (both opposed). The Planning & Zoning commission  
794 reviewed this on January 12 and has recommended approval by a vote of 6 to 0.  
795

796 Councilmember Hohenshelt clarified that if this is approved, everyone in this PD could  
797 potentially apply for this type of banquet facility SUP. Mr. Miller affirmed this clarification  
798 as being true.  
799

800 Mayor Pro Tem Lewis called the applicant forth to speak.  
801

802 **Scott Milder**  
803 **830 Shores Blvd.**  
804 **Rockwall, TX 75087**  
805

806 **Mr. Milder indicated that his wife, Leslie, was unfortunately unable to get out of an**  
807 **obligation in Houston. Therefore she could not be present this evening to make the**  
808 **presentation herself. He has, however, filled out and filed an affidavit of recusal with the**  
809 **City Secretary, as advised by the city attorney. He explained that his own property would**  
810 **be more like a “small events” such as birthday parties, teen showers, bridal or baby**  
811 **showers, but no large groups or loud parties, particularly outdoors. He shared that the**  
812 **fire code allows 49 people or less, and he does not wish to have events there that would**  
813 **have more people than this number in attendance. He continued to brief the Council on**  
814 **his own property, which he and his wife have named “Our House,” indicating that they**  
815 **would like to use it as a very small event venue. He expressed a desire to be a “good**  
816 **neighbor” to both the commercial and residential properties located adjacent to his own.**  
817 **During his presentation, he shared numerous before and after photos of improvements**  
818 **made to the home since he and his wife purchased it about three years ago. He indicated**  
819 **that he has heard some of the opposition is related to concerns like noise, congestion**  
820 **and parking. He explained that he and his wife were lead to believe by Mr. Miller’s**  
821 **predecessor that the property was properly zoned for this sort of thing (events) under the**  
822 **“meeting space” zoning. However, he later was told by staff that the zoning was not**  
823 **proper, and they needed to take another look at the zoning. That is why this is being**  
824 **brought forth to allow this type of facility with an approved SUP. He shared that the**  
825 **city’s requirements call for him to have 16 parking spaces. He stated he has about eight**  
826 **or ten spaces built, and there are some that could be included in the formula on the north**  
827 **and south side, and a few more can be added if needed. He indicated that the adjacent**  
828 **property owner on the South side is happy to share parking because she needs**  
829 **additional parking during the day, and his facility will not be using a lot of spaces during**  
830 **the day. He indicated that his particular property does have ample land available to**  
831 **construct parking spaces on the Alamo side; however, he understands that a lot of**  
832 **properties located in the historic district would not have enough land to build a sufficient**  
833 **number of parking spaces. He shared that an 8’ privacy fence would be built in the back**  
834 **in an effort to insulate neighbors from whatever events are being held at the facility.**  
835

836 **At the close of his presentation, he shared that if this request is approved tonight, he will**  
837 **be returning at a future date to request an SUP to allow his property to be utilized as an**  
838 **event venue as he has described tonight.**  
839

840 **Councilmember Townsend asked for clarification regarding The Johnsons who has**  
841 **previously come before the council to discuss plans for this property. Mr. Milder**  
842 **indicated that the Johnsons were previously planning to do a store on the property that**  
843 **would benefit soldiers; however, that plan fell through. He also clarified that “Chris” did**  
844 **want to do a food truck type trailer on the property. Mr. Miller clarified that the change**  
845 **that was needed in the code was approved to allow said trailer; however, an SUP would**  
846 **still be required, and the SUP process has not taken place at this point. Mr. Milder**  
847 **indicated that the retail store will no longer be happening; however, “Chris” may desire**  
848 **to pursue the food truck at some point in the future.**  
849

850 **Councilmember Fowler expressed concern about how the noise would be managed, for**  
851 **example, with kids whose parents may host graduation parties there with DJs and such.**  
852 **He is concerned about how potential noise may be controlled. Mr. Milder indicated that**

853 hiring of a DJ would not be allowed, but a small sound system is indoors, and renters  
854 could plug up their laptop or iPod and play music through that system. Also he, his wife,  
855 Leslie, or someone will be there to manage that aspect of the rentals, explaining various  
856 ways in which the noise will be managed such that it will not be problematic. Also, he  
857 does not believe alcohol will be a problem, as the contract that a leaser would sign would  
858 require a uniformed officer to be present if alcohol were involved. Plus, it would be a  
859 "bring your own alcohol" type facility, as he will not be licensing it through TABC.  
860 Regarding parking, he believes sufficient space will be available between the existing lot,  
861 the additional spaces and the shared spaces on the north and south. He imagines there  
862 may also be some curb parking along Alamo. Mr. Miller indicated that it is a public street  
863 (in other words, curb parking would be ok).  
864

865 Councilmember Fowler also asked about garage sales, explaining that there was one  
866 held there in the parking lot this past Saturday, and it did not look good and it backed up  
867 traffic. Mr. Milder indicated that it was a charity garage sale that was held, and others  
868 may be held in the future, as it is a visible location for drivers-by to stop.  
869 Councilmember Fowler asked if such garage sale violates an ordinance. Mr. Miller  
870 indicated that they actually obtained a special event permit for the garage sale held this  
871 past weekend.  
872

873 Mayor Pro Tem Lewis opened the public hearing and asked if anyone would like to come  
874 forth and speak at this time.  
875

876 Heather Bullock  
877 301 Wildwood Lane  
878

879 Ms. Bullock came forth and expressed that she lives one street behind Alamo behind  
880 where this home (Milder's) is located. She indicated that she has spoken to various  
881 neighbors on Wildwood, and they have some concerns. She is not necessarily opposed;  
882 however, there are concerns such as sufficiency of parking and the fact that  
883 ingress/egress (the driveway) would be on Alamo. She explained that there are a lot of  
884 children that live on Wildwood and Alamo, and a lot of them play in the street and  
885 driveways along those streets. She is very concerned about the safety of these children  
886 at play. She is also concerned about the noise, explaining that it is a relatively quiet  
887 neighborhood; however, they can already hear noise from, for example, events  
888 downtown and from the announcer at the football games. She would also be concerned  
889 about noise from people perhaps hanging out in the parking lot after a party. He also has  
890 concerns pertaining to hours of operation.  
891

892 There being no one else wishing to come forth and speak, Mayor Pro Tem Lewis then  
893 closed the public hearing.  
894

895 Councilmember Townsend made a motion to approve Z2015-038. Councilmember White  
896 seconded the motion. The ordinance was read as follows:  
897

898 CITY OF ROCKWALL  
899 ORDINANCE NO. 16-XX  
900

901 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
902 ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT  
903 DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE

904 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS  
905 HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING  
906 PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW A  
907 BANQUET FACILITY LAND USE TO BE PERMITTED BY A SPECIFIC  
908 USE PERMIT (SUP) FOR THE SUBJECT PROPERTY, BEING A  
909 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S.  
910 McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON  
911 SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL  
912 COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY  
913 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL  
914 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO  
915 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR  
916 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
917 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
918 EFFECTIVE DATE.  
919

920 The motion passed by a vote of 5 ayes, 1 abstention (Milder) and 1 absent (Pruitt).  
921

- 922 5. Z2015-039 - Hold a public hearing to discuss and consider a request by  
923 Dayne Ram of ADR Designs, LLC on behalf of the owner Majestic Cast,  
924 Inc. for the approval of an ordinance for a Specific Use Permit (SUP) for  
925 a Residence Hotel on a 2.003-acre parcel of land identified as Lot 4,  
926 Block A, Wal-Mart Super Center Addition, City of Rockwall, Rockwall  
927 County, Texas, zoned Commercial (C) District, situated within the IH-30  
928 Overlay (OV) District, located on the east side of White Hills Drive south  
929 of Ridge Road [FM-740], and take any action necessary [1st Reading].

930 Mr. Miller, Planning Director, explained that this case is associated with a request for the  
931 approval of a Specific Use Permit (SUP) for a Residence Hotel on a 2.003-acre parcel of  
932 land situated within the IH-30 Overlay (OV) District, located on the east side of White Hills  
933 Drive south of Ridge Road [FM-740]. He explained that the applicant is proposing a 4-  
934 story *Home 2 Suites by Hilton*. The proposed *Residence Hotel* will accommodate 91  
935 rooms including a 1,600 sq. ft. meeting room and an indoor pool as an amenity. The  
936 proposed hotel will be approximately 47,000 sq. ft. and will provide approximately 101  
937 parking spaces. If approved, submittal of a full site plan (including elevations, landscape,  
938 photometric plans, etc.) is required, including an Architectural Review Board  
939 recommendation forwarded to the Planning and Zoning Commission for consideration.  
940 Furthermore, the applicant is requesting a variance to allow for a driveway along White  
941 Hills Drive that does not meet the spacing requirement as established in the  
942 Engineering's Standards of Design (ESD) Manual. White Hills Drive is considered to be a  
943 minor collector and the ESD requires a minimum spacing distance of 100-ft from each  
944 driveway. The property line along White Hills Drive is approximately 135-ft in length. The  
945 placement of the proposed driveway will be approximately 85-ft from the existing south  
946 driveway (entrance to Wal-Mart) and approximately 40-ft from the exiting business at 605  
947 White Hills Drive. With driveways on both sides of the property, the applicant will not  
948 meet the driveway spacing requirement as prescribed. The applicant is seeking a  
949 variance in order to have their primary entrance from White Hills Drive; however, based  
950 on the conceptual site plan, access is available from Suncrest Drive. Should the City  
951 Council approve this case per staff's recommendations they will be granting the  
952 applicant a variance to this requirement. He explained that it should be noted that a  
953 request for an SUP is a discretionary act for the City Council. On December 22, 2015,  
954 staff mailed fifty-two (52) notices to property owners within 500 feet of the subject  
955 property including one (1) HOA/Neighborhood Organization (Turtle Cove HOA) within

956 1500 feet participating in the notification program. Additionally, staff posted a sign on the  
957 property as required by the Unified Development Code (UDC). At the time this report was  
958 drafted, staff had not received any notices either “for” or “against” the zoning change  
959 request; however, staff explained that just today a notice was received back in favor and  
960 one was received back in opposition. On January 12, 2016, the Planning and Zoning  
961 Commission made a motion to approve the SUP request; however, the motion failed to  
962 obtain a second, and therefore died. After further discussion, the Planning and Zoning  
963 Commission’s second motion to approve the request failed by a vote of 2 to 4, with  
964 Commissioners Renfro, Trowbridge, McCutcheon, and Fishman dissenting [Jusko –  
965 absent]. Since the Planning and Zoning Commission’s motion failed to be approved, it is  
966 considered to be a Recommendation to Deny; therefore, approval of the SUP request will  
967 require passage of a ¾ majority vote of City Council.  
968

969 The applicant indicated that he is speaking on behalf of the business owner who is  
970 proposing to build this hotel, explaining that he entered the hotel business in 2005 when  
971 he purchased a hotel in Rockwall that was not doing well, turning it into a successful  
972 LaQuinta Inn. He explained a little bit about the Home 2 Suites brand, which is a Hilton  
973 extended stay product. He shared that this is a more up-scale hotel that caters to  
974 business persons, such as those who come into town for extended periods of time to  
975 work associated with businesses such as L-3 Communications. Also, a hotel like this  
976 product will cater to those who may be moving to Rockwall yet need a nice, interim,  
977 extended stay hotel for some amount of time. He shared some photos of other  
978 Home2Suites that have already been built elsewhere across the nation, explaining that  
979 these properties have very upscale, trendy décor and amenities. He mentioned that the  
980 property will be pet friendly. He explained the various earth conscious, “green” aspects  
981 that are a part of these properties. He spoke briefly about the cost that guests would pay  
982 to stay at the facility, indicating that to stay there for 30 days would cost between \$3,000  
983 and \$3,500. He also shared brief comments regarding positive feedback and ratings that  
984 these properties receive on Trip Advisor online.  
985

986 Patrick Short  
987 603 Whitehills Drive  
988 Rockwall, TX  
989

990 Mr. Short indicated that he owns the property that abuts this property. He shared a  
991 series of photos with the city council showing a representation of average traffic that  
992 traverses White Hills Drive, including very large trucks that reroute off of IH-30 if / when a  
993 traffic accident occurs on the interstate. He encouraged the deeds, covenants and  
994 restrictions to be studied very closely to see what is or is not allowed on this property.  
995 He explained that he has concerns about the property being pet friendly. He encouraged  
996 the Council to very carefully consider this request, suggesting that it may even want to  
997 consider tabling the item in order to study it further before making a decision. He  
998 explained that he still has a lot of questions and is not 100% “sold,” so he is therefore  
999 not in favor of this request.  
1000

1001 The applicant came forth and shared that he questions why Mr. Short placed his law firm  
1002 office along the service road of an interstate if he is truly concerned about 18 wheelers  
1003 (large trucks) diverting off of IH-30 onto White Hills.  
1004

1005 Tom Grunnah

1006 6806 Brookshire Drive  
1007 Dallas, TX  
1008

1009 Mr. Grunnah commented on the quality of this product. He indicated that some members  
1010 of the P&Z commented that this hotel may be too nice for this location, especially  
1011 compared to other buildings in the area, including the adjacent Walmart. He believes this  
1012 produce would be well received in Rockwall. He generally spoke in favor of approving  
1013 this request.  
1014

1015 There being no one else wishing to come forth and speak at this time, Mayor Pro Tem  
1016 Lewis closed the public hearing.  
1017

1018 The applicant came forth and reminded the Council that this is a Hilton product, which is  
1019 the flagship property located at The Harbor. He went on to share various photos and  
1020 information concerning other Home 2 Hilton properties located elsewhere in the United  
1021 States.  
1022

1023 Councilmember Townsend asked for clarification regarding if the city can get involved  
1024 with private deeds, covenants and restrictions. Mr. Miller indicated that, no, it cannot.  
1025

1026 Councilmember Townsend made a motion to approve Z2015-039. Councilmember  
1027 Hohenshelt seconded the motion. Councilman Milder expressed support for the request.  
1028 The ordinance was read as follows:  
1029

1030 CITY OF ROCKWALL  
1031 ORDINANCE NO. 16-XX  
1032 SPECIFIC USE PERMIT NO. S-146  
1033

1034 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
1035 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
1036 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
1037 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)  
1038 ALLOWING FOR A RESIDENCE HOTEL, WITHIN A COMMERCIAL (C)  
1039 DISTRICT, BEING A 2.003-ACRE PARCEL OF LAND IDENTIFIED AS LOT  
1040 4, BLOCK A, WAL-MART SUPERCENTER ADDITION, CITY OF  
1041 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY  
1042 DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS;  
1043 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF  
1044 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
1045 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
1046 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
1047

1048 The motion passed by a vote of 5 in favor, 1 against (Fowler) and 1 absent (Pruitt).  
1049

1050 XII. ACTION ITEMS  
1051

- 1052 1. Discuss and consider adoption of an ordinance authorizing the issuance  
1053 of City of Rockwall, Texas, General Obligation Refunding and  
1054 Improvement Bonds, Series 2016; establishing procedures and  
1055 delegating authority for the sale and delivery of the bonds; providing an  
1056 effective date; enacting other provisions relating to the subject. (2nd  
1057 reading)

1058 Mayor Pro Tem Lewis indicated that refunding of these bonds will save the city a  
1059 minimum of five percent. Councilmember Hohenshelt made a motion to approve the  
1060 ordinance. Councilmember White seconded the motion. The ordinance was read as  
1061 follows:

1062

CITY OF ROCKWALL

1063

ORDINANCE NO. \_\_\_\_\_

1064

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF  
1065 ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND  
1066 IMPROVEMENT BONDS, SERIES 2016; ESTABLISHING  
1067 PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND  
1068 DELIVERY OF THE BONDS; PROVIDING AN EFFECTIVE DATE; AND  
1069 ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

1070

1071 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).

1072

2. Discuss and consider adoption of an ordinance authorizing the issuance  
1073 of City of Rockwall, Texas, Combination Tax and Surplus Revenue  
1074 Certificates of Obligation, Series 2016; establishing procedures and  
1075 delegating authority for the sale and delivery of the certificates; providing  
1076 an effective date; and enacting other provisions relating to the subject.  
1077 (2nd Reading).

1078

Mrs. Smith, Assistant City Manager and Finance Director, indicated that issuance of  
1079 these COs is associated with new dollars for water and sewer projects. Councilmember  
1080 Hohenshelt made a motion to approve the ordinance. Councilmember Milder seconded  
1081 the motion. The ordinance was read as follows:

1082

1083

CITY OF ROCKWALL

1084

ORDINANCE NO. \_\_\_\_\_

1085

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL,  
1086 TEXAS, COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF  
1087 OBLIGATION, SERIES 2016; ESTABLISHING PROCEDURES AND  
1088 DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE  
1089 CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING  
1090 OTHER PROVISIONS RELATING TO THE SUBJECT

1091

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

1092

3. Discuss and consider the City's ordinance provisions related to the  
1093 Structure Tax Preservation Incentive, and take any action necessary.

1094

City Manager Rick Crowley indicated that this item was included on the agenda for  
1095 discussion and consideration this evening as a result of Council expressing a desire at  
1096 the last city council meeting to review provisions of these ordinance regulations. Mr.  
1097 Miller generally explained that staff is seeking clarification from the Council at this time  
1098 concerning what it would like to do, moving forward, concerning these provisions (e.g.  
1099 use its provisions as a reinvestment tool or as a historic restoration tool). He indicated  
1100 that since these ordinance provisions were put into place in 2002, only three requests  
1101 have come forth before council for consideration.

1102 Councilmember Fowler suggested that the Council may wish to discuss this issue at  
1103 another time, under different circumstances since it is after 9:00 p.m. at night at this  
1104 point. Also, he would like to have some input from property owners that may be affected  
1105 by provisions of this ordinance and have some additional information and time to  
1106 consider this.

1107  
1108 Councilmember Hohenshelt instructed staff to move this topic to a future (standalone)  
1109 work session, perhaps at the next city council meeting, if possible.

- 1110 4. Discuss and consider a request by Jay & Alison Odom for the approval of  
1111 a structure preservation tax exemption application seeking to have the  
1112 assessed value for ad valorem taxation fixed for a period of seven (7)  
1113 years on the subject property at 503 N. Fannin Street, further identified as  
1114 Block 122, Lot A, B. F. Boydston Addition, City of Rockwall, Rockwall  
1115 County, Texas, zoned Single Family 7 (SF-7) District, located within the  
1116 Old Town Rockwall (OTR) Historic District, and take any action  
1117 necessary.

1118 Planning Director Ryan Miller provided background information related to this agenda  
1119 item. Jay and Alison Odom, are requesting to have the assessed value for ad valorem  
1120 taxation "frozen" for a period of seven (7) years on the subject property at 503 N. Fannin  
1121 Street for the purpose of renovating/rehabilitating the existing single-family home.  
1122 Specifically, the applicants have submitted paper work indicating that an investment of  
1123 approximately \$56,575.31 will be made into the property in order to make  
1124 improvements/repairs to the foundation, siding, roofing, sheetrock, and to repair/remove  
1125 all wood-rot. On November 19, 2015, the applicants received approval from the Historic  
1126 Preservation Advisory Board (HPAB) for a Certificate of Appropriateness (COA) [Case  
1127 No. H2015-006] for the proposed restoration of the exterior of the home. The board  
1128 approved the request finding that the proposed scope of work would not have an  
1129 adverse impact on the essential character of the neighborhood, nor would it have a  
1130 negative impact on the historic nature of the adjacent properties. It should be noted that  
1131 while this is classified as a *Non-Contributing* home, the Rockwall Central Appraisal  
1132 District (RCAD) identifies an original construction date of 1940 for the property.  
1133

1134 Councilmember White asked for and received clarification regarding the photos that staff  
1135 included in the city council members' informational packet. Councilmember White made  
1136 a motion to approve this request. Councilmember Fowler seconded the motion, which  
1137 passed by a vote of 6 in favor with 1 absent (Pruitt).  
1138

- 1139 5. Discuss and consider a request by Worth Williams on behalf of Arkoma  
1140 Development, LLC regarding the use parkland adjacent to N. Lakeshore  
1141 Drive for the purpose of floodplain mitigation and take any action  
1142 necessary.

1143 Assistant City Manager Brad Griggs provided background information concerning this  
1144 agenda item. Indication was provided that the city's Park Board recently voted  
1145 unanimously to recommend to Council that the grading changes proposed by Arkoma do  
1146 not substantially change the use of the land and further recommended the following  
1147 conditions apply:  
1148

- 1149 • Any excavation adjacent to the trail takes care not to create any potential for  
1150 erosion.
- 1151 • Does not create an unsafe drop off along the trail edge. All building and  
1152 engineering codes apply regarding slopes and drop offs.
- 1153 • Vegetation must be re-established to at least 95% coverage using native  
1154 vegetation approved by the City.
- 1155 • Excavation must be done in such a way as to keep a natural appearance using  
1156 gradual slopes, non-linear edges and not hold water for an extended period of  
1157 time.
- 1158 • Any damage done to the trail as a result of the excavation must be repaired  
1159 immediately so as not to impede use of the trail by the public.

1160  
1161 **Councilmember White made a motion to approve Action Item #5 as**  
1162 **presented/recommended by Park Board. Councilmember Townsend seconded the**  
1163 **motion, which passed unanimously of those present (6 ayes with Pruitt absent).**

- 1164 6. Discuss and consider inclement weather and lightning safety policy for  
1165 Rockwall Baseball Softball League and other City outdoor programs,  
1166 events and activities and take any action necessary.

1167 **Parks Manager, Andy Hesser, provided background information concerning this agenda**  
1168 **item. He explained that, in an effort to provide the safest possible conditions during**  
1169 **baseball and softball games at Leon Tuttle Athletic Complex for participants, staff and**  
1170 **visitors, the FY 2016 budget provided for a lighting prediction system. This system called**  
1171 **Thor Guard, has been purchased and installed in preparation of the spring**  
1172 **baseball/softball season. Councilmember Townsend made a motion to approve the**  
1173 **policy and recommendations put forth by the Park Board. Mayor Pro Tem Lewis**  
1174 **seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).**

1175  
1176 **The Council did not reconvene in Executive Session following the close of the public**  
1177 **meeting agenda.**

1178  
1179 **XIII. EXECUTIVE SESSION**

1180  
1181 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
1182 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
1183 **CODE:**

- 1184
- 1185 1. Discussion regarding land acquisition for South Community Park pursuant to  
1186 Section § 551.072 (Real Property).
- 1187 2. Discussion regarding appointment of city council subcommittees and board  
1188 liaisons - Fire Dept. Pension Board - pursuant to Section, §551.074  
1189 (Personnel Matters).
- 1190 3. Discussion regarding process associated with City Manager performance  
1191 evaluation pursuant to Section 551.074 (personnel matters)

1192 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

1193  
1194 **The Council did not reconvene in Executive Session following the close of the public**  
1195 **meeting agenda.**

1196

1197 XV. ADJOURNMENT

1198

1199 The Council meeting was adjourned at 9:38 p.m.

1200

1201

1202

1203 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

1204 THIS 1<sup>st</sup> day of February, 2016.

1205

1206

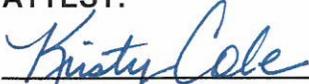
1207

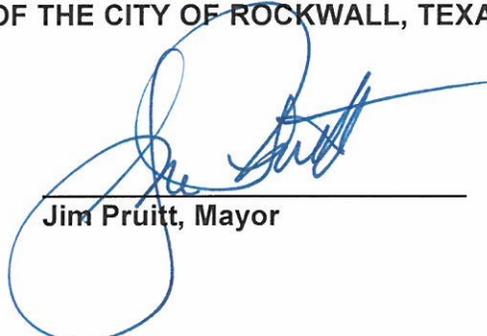
1208 ATTEST:

1209

1210

1211

  
\_\_\_\_\_  
Kristy Cole, City Secretary

  
\_\_\_\_\_  
Jim Pruitt, Mayor





1  
2  
3  
4  
5  
6

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, February 01, 2016  
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, Mayor  
10 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 City  
12 Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. It was noted that  
13 Councilmember Milder's plane was not scheduled to land in Dallas until 4:30 p.m.;  
14 therefore, he will be late arriving to today's meeting(s).

15  
16 II. WORK SESSION

- 17  
18 1. Hold work session to discuss and consider the City's ordinance provisions related to  
19 the Structure Tax Preservation Incentive, and take any action necessary.

20 Planning Director Ryan Miller provided background information concerning this work  
21 session item, giving a history of when the ordinance was initially created back in 2002 and  
22 amended in 2003. Since the last ordinance was drafted in 2003, the city council has  
23 approved four of these tax abatement-type requests, with two of them being 'contributing  
24 properties' and two being 'non-contributing properties.' The largest incentives have been  
25 granted to 'non-contributing properties' for total remodels. Mr. Miller suggested that  
26 Council may wish to provide clarity as to if it wishes to use these ordinance provisions as a  
27 general reinvestment tool, or as primarily an historic restoration tool. He pointed out that  
28 the Southside Overlay District is included in the provisions; however, it has no properties  
29 recognized as 'historic' by the city. It was suggested that, for example, with the five year /  
30 \$5,000 provision, the Council may wish to consider making this a percentage of the overall  
31 value of the home.

32  
33 Councilmember Fowler offered various comments related to the intent of the ordinance  
34 provisions, suggesting that a recent case the council review and approved was likely a  
35 perfect fit for application of these ordinance provisions because it involved restoration of a  
36 home to take it back to its original, historic condition (take off the brick).

37  
38 Mayor Pruitt suggested that as it stands now, if someone needs general maintenance, such  
39 as a new roof, they may come in and apply under this program. However, he feels that the  
40 intent should be that it is for restoration, not general maintenance that comes with home  
41 ownership. He indicated that perhaps the council should consider moving to a percentage  
42 of the value of the home.

43  
44 Councilmember Hohenshelt clarified that the current provisions are applicable to properties  
45 which are geographically located in certain areas, regardless of if they are considered  
46 'historic' or not. Mr. Miller concurred. Hohenshelt indicated that he does not believe the  
47 city needs to be in the business of 'subsidizing' housing costs regardless of whether or not  
48 they are historic structures or are located in a certain geographic area of the city.

51 After some additional discussion, Mayor Pruitt indicated that people moving into homes  
52 that are located in the historic district would likely aim to fix them up and improve them  
53 anyway, regardless of whether or not the city offers some sort of financial incentive in the  
54 form of a tax abatement. Councilmember Fowler concurred with this sentiment; however,  
55 he wants to ensure the city is not setting the standard for letting structures in the 'old town'  
56 or Southside areas to go into disrepair. Councilmember White generally expressed  
57 concerns related to the council having to be subjective regarding if a structure should or  
58 should not be approved for taxes to be frozen under this program.

59  
60 City Manager Rick Crowley reiterated that only four applications have been received and  
61 reviewed by the city and city council since the time these provisions went into effect. Mr.  
62 Crowley generally indicated that a lot of changes have taken place in the historic district  
63 over the years, with a vast majority of improvements having been made without any sort of  
64 city-issued incentive. He shared that these ordinance provisions originated via a city  
65 council member at the time that the historic overlay district was created.

66  
67 City attorney, Frank Garza, suggested that if the city council would like to repeal the  
68 ordinance provisions, he would feel most comfortable if the Council instructs staff to bring  
69 this back for consideration at a future council meeting so that a more clear caption could  
70 appear on the agenda (so as to ensure compliance with the Open Meetings Act).

71  
72 After brief comments, Mayor Pruitt asked the city staff to bring back a draft ordinance to  
73 consider repealing the provisions of these ordinance regulations. Council would also like  
74 staff to bring back information for the council to review and consider other sorts of  
75 incentives or programs that could be offered in order to encourage redevelopment and/or  
76 preservation.

77  
78 The Council took no formal action concerning this work session item.

- 79
- 80 2. Hold work session to discuss and consider consultant's findings for the John King  
81 Boulevard/DGNO Railroad Grade Separation Feasibility Study, and take any action  
82 necessary.

83 City Manager Rick Crowley provided brief background information concerning this agenda  
84 item. He shared that if this roadway is to become the re-route for SH-205, the state will  
85 require that there be no 'at grade' rail road crossing. Thus, the rail line will need to be re-  
86 routed either over or under John King. He shared that going over the roadway with the rail  
87 line will likely not be an option because of the limitations related to height restrictions  
88 associated with the nearby airport.

89  
90 City Engineer Tim Tumulty then came forth and indicated that staff hired TranSystems  
91 Consultants to determine if the at-grade crossing can be constructed as an  
92 Overpass/Underpass should the John King Boulevard be considered as a possible  
93 alignment for SH 205. He then briefed the council on the results of the feasibility study,  
94 generally indicating that there is a way that it can be graded to drain properly without the  
95 need for a gravity lift station.

96  
97 Mayor Pruitt indicated that he recently provided indication to TXDOT (verbally in a  
98 discussion) that the city is likely not in favor of a couplet down Alamo and up Goliad to East  
99 Fork (north of town). He indicated that it was stressed during the discussion that the city  
100 really does prefer that John King Blvd. be the designated route. TXDOT seemed receptive

101 to this, indicating that within the next month or so, they will plan to present various  
102 alternatives to the city.

103  
104 Councilmember White asked who would fund the estimated \$8 million in improvements  
105 associated with this rail line re-route. Mr. Crowley generally indicated that TXDOT will in  
106 some fashion fund the improvements of SH-205 from Lavon to Terrell. Furthermore, there  
107 will be participation from the counties and cities in relocating facilities, and this will be just  
108 a part of funding the overall project.

109  
110 Councilmember Townsend asked if the city has evaluated the idea of lowering John King to  
111 go underneath the railroad and do so in a manner that is associated with improvements that  
112 would benefit the airport. Mr. Crowley indicated that several local business do still take  
113 service off the railroad (i.e. Channel and Whitmore), and making changes to it in the way of  
114 lowering the grade of the rail line may inhibit the ability of these companies to continue  
115 receiving benefit from the rail line. However, staff can revisit this idea and further evaluate  
116 this possibility.

117  
118 Mayor Pro Tem Lewis suggested it may require a combination of dropping the railroad line  
119 and raising the road; however ensuring the ability to have proper gravity flow will remain  
120 important as far as adjustments to the grade are concerned.

121  
122 Councilmember Hohenshelt recalled having evaluated the possibility of making changes to  
123 a rail line in the past when he was serving on the REDC board, and he recalls that doing so  
124 was extremely cost prohibitive.

125  
126 The Council took no action concerning this work session item.

127  
128 3. Hold work session to discuss the IH-30 ramp reversal project (between SH-205 and  
129 John King Boulevard) including timing and cost estimates, and take any action  
130 necessary.

131  
132 City Engineer Tim Tumulty briefed the council on the proposed 'ramp reversal' project on  
133 IH-30 near John King Boulevard. He explained that the overall objective of the project  
134 would be to adjust the on/off ramps to allow more accessibility to and use of John King.  
135 Indication was given that, over time, the estimated cost associated with this project has  
136 risen from about \$1.5 to about \$3.25 million. When the city subtracts out the \$950,000 it has  
137 already paid to the county for engineering costs, it results in about \$2.3 million left to be  
138 funded on this project.

139  
140 Councilmember Townsend and staff clarified that at the time SH-205 went in, there was  
141 asphalt installed. At this time, TXDOT has indicated that that asphalt would need to be  
142 removed before concrete could be poured for the new ramps. This will increase the project  
143 cost by an estimated \$800,000.

144  
145 Councilmember Hohenshelt generally commented that this project is very important to  
146 citizens, and it needs to be done.

147  
148 Mary Smith, Assistant City Manager, cautioned that the costs discussed today could end up  
149 being more, as the project has not yet been bid.

150

151 City Manager Rick Crowley asked if Council is comfortable with staff moving forward with  
152 the project and the funding structure that was generally outlined this evening, with the  
153 understanding that the numbers could change. City Council members generally indicated  
154 they would like staff to forge forward. Mr. Crowley indicated that staff will do so and bring  
155 proper, more official documentation back to the council at a future meeting.  
156

157 Mayor Pruitt the read the below listed discussion items into the public record before  
158 recessing the meeting into Executive Session at 4:57 p.m.  
159

160 **III. EXECUTIVE SESSION.**

161  
162 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
163 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
164 CODE:  
165

- 166 1. Discussion regarding legal advice associated with homeowners association (HOA)  
167 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
- 168 2. Discussion regarding legal claim: Michelle Strom v. City of Rockwall Utility Dept. pursuant  
169 to Section 551.071 (Consultation with Attorney)
- 170 3. Discussion regarding land acquisition for South Community Park pursuant to Section §  
171 551.072 (Real Property).
- 172 4. Discussion regarding process associated with City Manager performance evaluation  
173 pursuant to Section 551.074 (personnel matters)

174  
175 **IV. ADJOURN EXECUTIVE SESSION**  
176

177 Council adjourned from Executive Session at 5:25 p.m.  
178

179 **V. RECONVENE PUBLIC MEETING**  
180

181 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all city council members  
182 except Scott Milder being present.  
183

184 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**  
185 It was announced that no action would be taken as a result of Executive Session.  
186

187 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**  
188

189 Councilmember Fowler delivered the invocation and led the Pledge of Allegiance.  
190

191 **VIII. PROCLAMATIONS / AWARDS**  
192

- 193 1. Go Outside and Play Day  
194

195 Mayor Pruitt invited Parks & Rec Manager, Andy Hesser, forth to brief the public on the new  
196 “Go Outside and Play” campaign, including details related to the new website,  
197 [www.playrockwall.com](http://www.playrockwall.com). Mayor Pruitt encouraged members of the public to visit this new  
198 website and register to learn more about the city’s various programs and amenities and  
199 take advantage of all of them. He then read and presented Mr. Hesser with the  
200 proclamation.

201  
202 Mayor Pruitt recognized City Secretary, Kristy Cole, for her recent graduation from the  
203 Texas Registered Municipal Clerks' Association certification program. Furthermore, he  
204 read a portion of a letter of appreciation he recently received from the Building Officials  
205 Association of Texas (BOAT) pertaining to Building Official Jeffrey Widmer and various  
206 members of his staff for recently assisting the City of Rowlett with tornado-related damage  
207 assessments in that city.

208  
209 **IX. OPEN FORUM**

210  
211 Mayor Pruitt explained how Open Forum is conducted, and explained that if anyone wishes  
212 to speak at this time.

213  
214 Mayor Pruitt explained that he received a letter from a girl named Addy who attends Amy  
215 Parks Elementary School. He then read said letter. In general, Addy's letter was written to  
216 encourage the city to consider constructing a new, indoor mall.

217  
218 **Richard Langley**  
219 **2401 Sand Stone Court**  
220 **Rockwall, TX**

221  
222 Mr. Langley came forth and thanked the city for its presentation made last week at Harry  
223 Myers Park. He indicated that he is not in favor of housing projects such as the NuRock  
224 one that is currently being considered by the City Council at this time. He indicated that fire  
225 and police resources are already strapped. He expressed that this project does not  
26 coincide with the quality of life the council likely wishes to provide. He generally  
27 encouraged the Council to not support projects of this nature.

228  
229 **Bob Wacker**  
230 **806 Miramar Drive (Stonecreek Estates)**  
231 **Rockwall, TX**

232  
233 Mr. Wacker indicated that, prior to moving to Rockwall, he spent 30 years in Plano, and he  
234 loves it here. He is concerned about traffic backing up on SH-205 (north) once the new  
235 Kroger store is finished with construction and opens. He hopes that the city will take over  
236 SH-205 and make it a city street in the future. He suggested

237  
238 **Sol Villasana**  
239 **809 Village Green Drive**  
240 **Rockwall, TX**

241  
242 Mr. Villasana came forth to speak on behalf of the city council voting in favor of Action Item  
243 #4 (the proposed NuRock "Residences of Rockwall" development). He believes there is a  
244 strong need for apartments and products like this, especially those that are affordable. He  
245 then shared various statistics associated with things like population growth, job growth,  
246 renting vs. owning, etc.

247  
248 **(NOTE: Councilmember Scott Milder arrived to the meeting at this point (6:16 p.m.))**

249  
250 He expressed that he believes this project is well fashioned for Rockwall. It is well thought  
251 out, well designed, attractive, is in the right location, will be well managed, and the  
252 Southside community (nearby) and the Evergreen (immediately next door) are not opposed

253 to the project, and it is affordable. He respectfully requested that the Council support the  
254 resolution.  
255

256 Mr. Wacker came forth again and expressed that he hopes the City does its research  
257 regarding the NuRock company to investigate how the company has performed. He then  
258 shared information that he has uncovered that was obtained through an open records  
259 request related to NuRock's management of properties elsewhere at existing property  
260 locations. Things such as mold and rat infestations were mentioned in part. He urged the  
261 Council to have more clarity on its agendas as to whether or not Council plans to take  
262 action on certain agenda items.  
263

264 Rita Flinchum  
265 305 Tyler Street  
266 Rockwall, TX  
267

268 Mrs. Flinchum came forth and generally expressed support for the approval of affordable  
269 housing in Rockwall.  
270

271 Judith Matherne  
272 1115 Signal Ridge Place  
273 Rockwall, TX 75032  
274

275 Mrs. Matherne indicated that there are a lot of people who might benefit from a project that  
276 would offer more affordable housing for people who work in Rockwall County or are on  
277 fixed incomes and could not otherwise afford to live here.  
278

279 X. CONSENT AGENDA  
280

281 1. Consider approval of the minutes from the January 19, 2016 regular city  
282 council meeting, and take any action necessary.

283 2. **Z2015-028** - Consider a request by Jimmy Strohmeyer of Strohmeyer  
284 Architects, Inc. on behalf of JBR-2, LLC for the approval of an **ordinance** for  
285 a Specific Use Permit (SUP) for Commercial Amusement/Recreation  
286 (Outside) to allow two (2) private baseball fields to be established on a 2.49-  
287 acre portion of a larger 7.32-acre tract of land identified as Tract 17-12 of the  
288 W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County,  
289 Texas, zoned General Retail (GR) District, situated west of the intersection  
290 of SH-205 and FM-549, and take any action necessary. **[2nd Reading]**

291 3. **Z2015-036** - Consider a request by Harry Chapman of Noble RE, LLC on  
292 behalf of the owners Robert & Patrick Hughes and Sandra Ferguson for the  
293 approval of an **ordinance** for a zoning amendment to Planned Development  
294 District 32 (PD-32) [Ordinance No. 10-21] for the purpose of allowing a  
295 Financial Institution with a Drive-Through within the Ridge Road Retail  
296 Subdistrict, being a 1.1755-acre portion of a larger ~78.89-acre area of land  
297 identified as the Harbor District, being zoned Planned Development District  
298 32 (PD-32), situated within the Scenic Overlay (SOV) District, located at the  
299 northwest corner of Cemetery Road and Ridge Road [FM-740], with the  
300 greater Harbor District being generally located south of IH-30 and west of  
301 Horizon Road [FM-3097], and take any action necessary. **[2nd Reading]**

- 302 4. **Z2015-037** - Consider a request by Arthur F. Beck of BSM Engineers, Inc.  
 303 on behalf of the First United Methodist Church for the approval of an  
 304 **ordinance** for a Specific Use Permit (SUP) for a structure that exceeds the  
 305 maximum height requirements for a 8.2983-acre parcel of land identified as  
 306 Lot 7, Block 1, First United Methodist Church Addition, City of Rockwall,  
 307 Rockwall County, Texas, zoned Commercial (C) District, addressed as 1200  
 308 E. Yellow Jacket Lane, and take any action necessary. **[2nd Reading]**
- 309 5. **P2016-002** - Consider a request by Michael & Mary Grace Frasier for the  
 310 approval of a replat for Lot 13, Block E, Wade Addition being a 0.74-acre  
 311 tract of land currently identified as Lots 11 & 12, Block E, Wade Addition and  
 312 Tract 36 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall,  
 313 Rockwall County, Texas, zoned Single Family 7 (SF-7) District, addressed  
 314 as 704 Jackson Street, and take any action necessary.

315 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4,**  
 316 **and 5). Councilmember White seconded the motion. The ordinances were read as follows:**

317  
 318 **CITY OF ROCKWALL**  
 319 **ORDINANCE NO. 16-12**  
 320 **SPECIFIC USE PERMIT NO. S-144**  
 321

322 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
 323 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE  
 324 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT  
 325 A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL  
 326 AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY  
 327 TWO (2) PRIVATE BASEBALL FIELDS, WITHIN A GENERAL RETAIL (GR)  
 328 DISTRICT, BEING A 2.49-ACRE PORTION OF A LARGER 7.32-ACRE TRACT OF  
 329 LAND IDENTIFIED AS TRACT 17-12 OF THE W. W. FORD SURVEY, ABSTRACT NO.  
 330 80, AND SITUATED WEST OF THE INTERSECTION OF SH-205 AND FM 549, CITY  
 331 OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY  
 332 DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR  
 333 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
 334 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
 335 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
 336 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

337  
 338 **CITY OF ROCKWALL**  
 339 **ORDINANCE NO. 16-13**  
 340

341 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS  
 342 AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 10-*  
 343 *21*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE  
 344 CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF  
 345 AMENDING *EXHIBIT 'D', SUBDISTRICT LAND USE CHART*, OF PLANNED  
 346 DEVELOPMENT DISTRICT 32 (PD-50) TO ALLOW A *FINANCIAL INSTITUTION WITH*  
 347 *DRIVE-THROUGH* AS A PERMITTED *BY-RIGHT* LAND USE WITHIN THE *RIDGE*  
 348 *ROAD RETAIL* SUBDISTRICT BEING A ~1.162-ACRE PORTION OF A LARGER  
 349 ~78.89-ACRE AREA OF LAND IDENTIFIED AS THE HARBOR DISTRICT, CITY OF  
 350 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED  
 351 HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL  
 352 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM  
 353 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR  
 354 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING  
 355 FOR AN EFFECTIVE DATE.

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374

CITY OF ROCKWALL  
ORDINANCE NO. 16-14  
SPECIFIC USE PERMIT NO. S-145

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 STRUCTURE TO EXCEED THE MAXIMUM HEIGHT REQUIREMENT WITHIN A COMMERCIAL (C) DISTRICT, BEING AN 8.2983-ACRE PARCEL OF LAND IDENTIFIED AS LOT 7, BLOCK 1, FIRST UNITED METHODIST CHURCH ADDITION, ADDRESSED AS 1200 E. YELLOW JACKET LANE, 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.

375 The motion passed by a vote of 7 in favor with 0 absent.

376  
377 XI. APPOINTMENTS

- 378  
379 1. Appointment with the Planning and Zoning Chairman to discuss and answer  
380 any questions regarding cases on the agenda and related issues and take  
381 any action necessary.

382 **Planning & Zoning Commission Chairman, Craig Renfro, came forth and briefed the council**  
383 **on recommendations of the Commission relative to planning-related items on tonight's**  
384 **meeting agenda. Council took no action related to this agenda item.**

385  
386 XII. ACTION ITEMS

- 387  
388 1. **Z2015-038** - Discuss and consider a request by Scott and Leslie Milder for  
389 the approval of an **ordinance** amending Ordinance No. 07-29 for the  
390 purpose of allowing a Banquet Facility land use to be a permitted use  
391 through a Specific Use Permit (SUP) for all properties within Planned  
392 Development District 50 (PD-50), being 21.266-acres of land in the S.S.  
393 McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No.  
394 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development  
395 District 50 (PD-50) for Residential-Office (RO) District land uses, situated  
396 within the North Goliad Corridor Overlay (NGC OV) District, and generally  
397 located along N. Goliad Street [SH-205] north of Interurban Street, and take  
398 any action necessary **[2nd Reading]**.

399 **Councilmember Milder recused himself from this item and left the chambers.**  
400 **Councilmember White made a motion to approve Z2015-038. Councilmember Townsend**  
401 **seconded the motion. The ordinance was read as follows:**

402  
403  
404  
405  
406  
407  
408

CITY OF ROCKWALL  
ORDINANCE NO. 16-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED

409 DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW A *BANQUET FACILITY* LAND  
410 USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) FOR THE SUBJECT  
411 PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S.  
412 McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY,  
413 ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND  
414 MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE;  
415 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE  
416 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
417 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
418 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
419

420 The motion passed by a vote of 6 in favor with 1 abstention (Milder).

- 421 2. **Z2015-039** - Discuss and consider a request by Dayne Ram of ADR  
422 Designs, LLC on behalf of the owner Majestic Cast, Inc. for the approval of  
423 an **ordinance** for a Specific Use Permit (SUP) for a Residence Hotel on a  
424 2.003-acre parcel of land identified as Lot 4, Block A, Wal-Mart Super Center  
425 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C)  
426 District, situated within the IH-30 Overlay (OV) District, located on the east  
427 side of White Hills Drive south of Ridge Road [FM-740], and take any action  
428 necessary. [2nd Reading]

429 Planning Director Ryan Miller indicated that this is second reading of an ordinance that did  
430 not receive unanimous approval upon 1<sup>st</sup> reading. He clarified that the item will require a ¾  
431 majority vote of the Council this evening in order for it to be approved.

432 Councilmember White made a motion to approve Z2015-039. Councilmember Townsend  
433 seconded the motion. The ordinance was read as follows:

434  
435 CITY OF ROCKWALL  
436 ORDINANCE NO. 16-16  
437 SPECIFIC USE PERMIT NO. S-146  
438

439 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
440 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.*  
441 *04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,  
442 SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A  
443 RESIDENCE HOTEL, WITHIN A COMMERCIAL (C) DISTRICT, BEING A 2.003-  
444 ACRE PARCEL OF LAND IDENTIFIED AS LOT 4, BLOCK A, WAL-MART  
445 SUPERCENTER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,  
446 TEXAS, AND MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING  
447 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
448 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
449 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
450 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
451

452 Mayor Pruitt indicated that he listened to the entire discussion that took place at the last  
453 council meeting concerning this agenda item. After his comments, the motion passed by a  
454 vote of 6 in favor with 1 against (Fowler).  
455

- 456 3. Discuss and consider authorizing staff to finalize terms of an agreement  
457 between the City of Rockwall and Kevin Lefere (Zanata) concerning  
458 placement of a trash receptacle on public (city) property, authorizing the City  
459 Manager to execute said agreement, and take any action necessary.

460 Assistant City Manager Brad Griggs briefed the council on this agenda item and associated  
461 agreement. At the last meeting, the Council instructed staff to work with Mr. Lefere  
462 concerning placement of his trash receptacle at the rear, secondary exit of his restaurant.  
463 He explained that staff has worked out the following provisions:

- 464
- 465 • The box is to be placed at the north end of the existing ramp no closer than 44” to  
466 the bottom the ramp.
- 467 • The box can be no closer than 60” to the planter box to the northwest.
- 468 • The trash must be taken to the dumpster 3-4 times daily and at the end of each  
469 night of business.
- 470 • The box shall remain locked at all times except when being filled or emptied,
- 471 • The box must remain in good repair at all times.
- 472 • The surface around the bin and the ramp leading form the restaurant must  
473 remain clean and free of grease and stains at all times.
- 474 • Cleaning agents used on the brick and concrete surfaces around the bin must  
475 not be a danger to the trees and others landscaping materials.
- 476 • The agreement is revocable at any time at the discretion of the City Council.
- 477

478 Mayor Pro Tem Lewis requested that language be added to stipulate that not only should  
479 cleaning agents used not be a danger to nearby trees or landscaping, they should also not  
480 cause harm to the cement/concrete.

481  
482 Councilmember White made a motion to authorize staff to finalize the terms of an  
483 agreement and execute said contract. Councilmember Fowler seconded the motion, which  
484 passed by a vote of 7 in favor with 0 against.

- 485
- 486 4. Discuss and consider a request by Dan Allgeier, Senior Vice President of  
487 NuRock Companies, concerning a resolution regarding the proposed  
488 Residences at Rockwall, and take any action necessary.

489 Mr. Allgeier, Senior Vice President of NuRock Companies, came forth and provided a  
490 presentation concerning his proposed multi-family housing project (Residences at  
491 Rockwall), explaining they are proposing to build 136 units, either garden style or  
492 townhomes (if they fit on the tract of land). He explained that it would be mixed income  
493 (rent varies depending on the resident’s income). He shared some photos of the exterior of  
494 properties located elsewhere in other cities as well as some potential floor plans. He  
495 expressed that Rockwall has a very large need for apartments, indicating that a market  
496 study last week shows the need for over 2,700 rental units in the market area (which was the  
497 city limits of Rockwall and some of the county). Average rental rates of existing apartments  
498 for rent are in excess of \$1,000 / month. The location is near SH-205 South and Justin Road  
499 (across the railroad tracks from the existing Southside neighborhood and next door to the  
500 existing Evergreen at Rockwall (multi-family development)). He explained that he has heard  
501 some amount of positive feedback from residents living in the Southside neighborhood.  
502 The complex would be fenced and gated and would have a clubhouse with amenities (coffee  
503 bars, workout facility); as well as onsite management/maintenance and after school  
504 programs for kids. He explained how the rental rates would be structured, explaining that  
505 residents would pay utilities (electric, water, CATV, internet in addition to rent). Residents  
506 are screened – income, credit check, criminal background check, and preference is given to  
507 veterans and wounded warriors. He explained that this project is funded with federal  
508 income tax credits issued by the TX Dept. of Housing and Community Affairs. \$63,000,000  
509 is available statewide, and their requests for this tax credit funding far exceeded this  
510 amount, so it is a very, very competitive program. He went on to explain how the housing

511 tax credits awarded through this program work. He went on to explain the perceived  
512 benefits to Rockwall, including property taxes, impact fees paid to the city, job creation  
513 (likely four full time positions) and equity. He explained his company has more than 8,000  
514 units nationwide with 2,000 in Texas. He shared that NuRock develops, builds, operates  
515 and manages its own properties. Only two have been sold in the last twelve years. He  
516 explained that his company has an "F" with the Better Business Bureau; however, he  
517 pointed to a Consumer Reports article from August of 2011 and a youtube video to  
518 substantiate his claims that his company has a poor rating due to not being a member of  
519 the BBB. He went on to provide additional information, namely responses his company has  
520 assimilated, in response to various, past complaints/concerns related to NuRock properties  
521 (i.e. mold and rat infestations). He explained that a pre-application was already submitted  
522 for this project. The full application for this project is due March 1, explaining that both the  
523 city council and state representative's letters of support must be submitted at that time as  
524 well. Projects are awarded on July 28<sup>th</sup>, and construction would be completed the end of  
525 2017. Without a resolution of support, his company will not be awarded the tax credits for  
526 which it has applied because the letters of support are worth a lot of "points" towards  
527 getting the project approved through the TX Department of Housing and Community Affairs.  
528

529 Mayor Pro Tem Lewis indicated that he has received a lot of emails in opposition to this  
530 project. He explained that one email received, in particular, was from someone in law  
531 enforcement who expressed that the council should not vote in favor of supporting this  
532 project because it will have a very negative impact by drastically increasing crime. Mr.  
533 Allgeier expressed that they do criminal background checks before renting to anyone, and  
534 they check their past rental history to inquire as to what type of tenant they previously were  
535 when renting elsewhere in the past.  
536

537 Councilman Townsend sought clarification regarding the market study Mr. Allgeier  
538 referenced. He clarified that residents already living here are either living in apartments that  
539 are not good, or, the housing (homes) in which they are currently living, is not a quality  
540 home. Therefore, this type of housing, if it were to be approved, would benefit 2,700 people.  
541 Councilmember Townsend expressed that if those included in the market study already live  
542 here and are happy living in our community (which, he pointed out, does not currently have  
543 a lot of apartments), then why would they want more apartments to be built?  
544

545 Mayor Pruitt asked for clarification regarding how this project is different from the Rockwall  
546 Housing Authority, which currently exists to provide affordable housing to low income  
547 residents. Mr. Allgeier indicated that this is different than the Housing Authority, because,  
548 generally, residents residing in this property would have a much higher income. Mayor  
549 Pruitt made note that he received (on January 20) a letter from the TX Dept. of Housing and  
550 Community Affairs, notifying the city that an application had been made by NuRock to apply  
551 for this competitive tax credits program. Pruitt went on to share that a recent NextDoor poll  
552 revealed 90%+ opposition to this project. He indicated that he also recently received a letter  
553 of opposition from Churchill Residential (currently owns Evergreen at Rockwall).  
554

555 Councilmember White indicated that the Council has received a whole lot of e-mails  
556 expressing opposition to this proposed project. He explained that the council pays close  
557 attention to issues when residents express such a large outcry in opposition. He shared  
558 that about 99% of the correspondence he has received has been in opposition. He  
559 suggested that if Mr. Allgeier comes forth again in the future, he should consider building  
560 community support before approaching council for its support.  
561

562 Following the presentation and discussion, Councilmember Milder made a request to deny  
563 this request from NuRock Companies. Mayor Pruitt seconded the motion, which passed by  
564 a vote of 7 ayes to 0 nays.  
565

566 5. Discuss and consider approval of a variance request from Dallas Design  
567 Build associated with the City's ordinance provisions related to standards for  
568 design of developments, specifically pertaining to construction of retaining  
569 walls in detention areas within the Children's Lighthouse Learning Center,  
570 and take any action necessary.

571 Mr. Tumulty, the city's Engineer, provided background information related to this agenda  
572 item. He explained they would like to use retaining walls along the borders of the detention  
573 pond in lieu of the 5:1 slope. The depth would be about 3' and additional landscaping will  
574 be put in along with a rod iron fence around the entire detention pond. He indicated that  
575 staff does not have any opposition to this request.  
576

577 Sam Ellis  
578 6916 Echo Canyon  
579 McKinney, TX  
580

581 Mr. Ellis came forth and indicated that this is a difficult site, and some fairly massive  
582 grading is needed. He explained that a creek runs through the middle of the site. A  
583 retaining wall needs to be built in order to have enough room for the playground. A 5:1  
584 slope for the detention pond would eat up all the room for the playground and would make  
585 the building not useful for this purpose. Having straight retaining walls will help make this  
586 project doable. He explained that it will be screened from public view so it will not be  
587 visible to those on the lot, next to or passing by on the nearby street.  
588

589 Councilmember White made a motion to approve the variance request. Councilmember  
590 Milder seconded the motion, which passed by a vote of 7 ayes to 0 nays.  
591

592 6. MIS2016-001 - Discuss and consider the approval of a special request by  
593 Jennie Watkins for an exception to the setback requirements for the purpose  
594 of constructing a single family home on a 0.12-acre parcel of land identified  
595 as Lot 49, Canup Addition, City of Rockwall, Rockwall County, Texas, being  
596 zoned Single Family 7 (SF-7) District, situated within the Southside  
597 Residential Neighborhood Overlay (SRO) District, located at the southeast  
598 corner of the intersection of Sam Houston Street and E. Bourn Street, and  
599 take any action necessary.

600 Planning Director Ryan Miller provided background information concerning this agenda  
601 item. He explained that the applicant, Jennie Watkins, has submitted a special request  
602 concerning the property at the corner of the intersection of Sam Houston and E. Bourn  
603 Street. The property is zoned Single Family 7 (SF-7) District and is located within the  
604 Southside Residential Neighborhood Overlay (SRO) District. The applicant is proposing to  
605 construct a single family home on the subject property; however, the property being 35-foot  
606 wide and on a corner lot (i.e. considered as two front yard setbacks @ 20-feet each) and an  
607 internal side yard setback of 6-feet has a reduced building envelop to 9- feet by 150-feet.  
608 Due to the limited width of the building envelop the applicant is requesting to reduce the  
609 front building setback adjacent to Sam Houston Street from 20-feet to 10-feet and the  
610 internal side yard setback from 6-feet to 5-feet, which will increase the building envelop to a  
611 developable lot size of 20-feet by 150-feet. Mr. Miller indicated that the Planning & Zoning  
612 Commission did recommend approval of this request by a vote of 6 to 0. Mayor Pruitt asked

613 for clarification regarding the size of this lot and the one next door. Mr. Miller indicated that  
614 the GIS maps show approximate sizes, not surveyed sizes (exact).  
615

616 Councilmember White made a motion to approve MIS2016-001. Councilmember Townsend  
617 seconded the motion, which passed unanimously of those present (7 to 0).  
618

619 7. MIS2016-002 - Discuss and consider a request by William Laurence for the  
620 approval of an exception to the minimum masonry requirements stipulated in  
621 Section 3.1, General Residential District Standards, of Article V, District  
622 Development Standards, of the Unified Development Code, for a 0.17-acre  
623 parcel of land identified as Lot 1, Block 1, St. Mary's Addition, City of  
624 Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District,  
625 addressed as 508 St. Mary's Street, and take any action necessary.

626 Mr. Miller explained that the applicant, William Laurence, is requesting an exception to the  
627 masonry requirements for the purpose of constructing a 1,914 SF addition to an existing  
628 1,047 SF home and recladding the exterior of the structure in 100% cementaceous lap  
629 siding. Currently, the existing home utilizes 100% vinyl siding on the exterior. According to  
630 Section 3.1, *General Residential District Standards*, of Article V, *District Development*  
631 *Standards*, of the Unified Development Code the minimum masonry (*i.e. brick, stone --*  
632 *natural, cast or cultured -- glass block, tile and/or CMU*) requirement for exterior walls on  
633 structures that are 120 square feet or greater is 80%; with a maximum of 50% of this  
634 masonry requirement being permitted to be Hardy Plank®, stucco or a similar  
635 cementaceous material. Additionally, the code states that, "(e)xceptions to these  
636 requirements ... may be permitted on a case-by-case basis by the [city] council upon  
637 submission and approval of elevation drawings of the subject structure, and materials  
638 samples." The applicant has submitted building elevations and a site plan showing the  
639 proposed single family home after the addition, and has stated in a letter submitted to staff  
640 that the purpose of requesting the masonry exception is to match the materials and  
641 architectural style of the adjacent properties. Staff should note that all the structures on the  
642 adjacent properties utilize 100% vinyl/wood siding or a similar cementaceous lap siding  
643 material. The subject property is located on the south side of St. Mary's Street, west of the  
644 intersection of St. Mary's Street and Davy Crockett Street, and is addressed as 508 St.  
645 Mary's Street.  
646

647 The applicant, Mr. and Mrs. Laurence came forth to address the Council, generally  
648 indicating that they would like to add onto the current home while maintaining the 'historic'  
649 type look.  
650

651 Mayor Pro Tem Lewis made a motion to approve MIS2016-002. Councilmember Milder  
652 seconded the motion, which passed by a vote of 7 ayes to 0 nays.  
653

654 8. Discuss and consider approval of a resolution calling a General Election to  
655 be held jointly with the Rockwall ISD and administered by the Rockwall  
656 County Elections Administrator on Saturday, May 7, 2016 for the purpose of  
657 electing three council members, one for Place 2, one for Place 4, and one for  
658 Place 6, each for two (2) year terms, and take any action necessary.

659 Councilmember White made a motion to approve the resolution. Mayor Pro Tem Pruitt  
660 seconded the motion, which passed by a vote of 7 ayes to 0 nays.  
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9. **SNC2016-001** - Discuss and consider renaming Cemetery Road to Glen Hill Way, and take any action necessary.

**Mr. Miller indicated that Councilmember Milder recently brought to staff's attention that the entryway into the Harbor District is named Cemetery Road. A suggestion to consider changing the name was taken to the city council's naming sub-committee. As a courtesy, six notices would be sent out to adjacent property owners to notify them of this name change if it is approved by Council. It was noted that, according to the staff memo, Glenn Hill was a former African-American settler.**

**Mayor Pruitt made a motion to table this item to allow staff time to clarify whether the names should be Glen Hill or Glen Hills. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

10. **SNC2016-002** - Discuss and consider renaming a portion of FM-3097 to Horizon Road, and take any action necessary.

**Mr. Miller explained that this portion of the roadway was never changed after the city annexed this portion some years ago. Councilmember White made a motion to approve SNC2016-002. Councilmember Hohenshelt seconded the motion, which passed unanimously (7 to 0).**

11. Discuss and consider a resolution authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an electric supply agreement and act as an agent on behalf of the City of Rockwall for electric power for a 5 year period and take any necessary action.

**Joey Boyd, Director of Internal Operations, provided background information pertaining to this agenda item. He explained that this is the lowest that energy prices have been since deregulation occurred. Furthermore, staff has prepared a resolution for the Council to consider that supports "Option 1" for various reasons. This resolution is consistent with how the City has locked in energy prices in the past. The agreement that would be negotiated by TCAP on the city's behalf would be for a period of five (5) years.**

**Councilmember Milder made a motion to approve the resolution as presented. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

12. Discuss and consider approval of the Airport Layout Plan for the Ralph M. Hall / Rockwall Municipal Airport, authorizing the city manager to sign the approval of the drawings on behalf of the City of Rockwall, and take any necessary action.

**Director of Internal Operations, Joey Boyd, provided brief background information concerning this agenda item. After brief comments, Councilmember White made a motion to approve the layout plan as presented. Councilmember Hohenshelt seconded the motion, which passed unanimously.**

13. Discuss and consider appointments to City boards and commissions, specifically the Historic Preservation Advisory Board, and take any action necessary.

**Mayor Pruitt made a motion to appoint Jay Odom and Beverly Bowlin to serve on the city's Historic Preservation Advisory Board. Councilmember White seconded the motion. After**

710 brief comments, the motion passed by a vote of 7 ayes to 0 nays. (Both are filling  
711 unexpired terms of other, past members. Odom's initial term will expire in August of 2017,  
712 and Bowlin's will expire in August of 2016).

713  
714 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
715 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
716

- 717 1. Departmental Reports  
718 Building Inspections Monthly Report - December 2015  
719 Fire Dept. Monthly Reports - December 2015  
720 GIS Department Monthly Report - December 2015  
721 Harbor Monthly Report - December 2015  
722 Internal Operations Department Monthly Report - December 2015  
723 Police Department Monthly Report - December 2015  
724 Recreation Department Monthly Report - December 2015  
725 Rockwall Animal Adoption Center Monthly Report - December 2015  
726 Rockwall Meals on Wheels Senior Services - 1st Quarter Report
- 727 2. City Manager's Report

728  
729 Mayor Pruitt indicated that he sent an email to the council, letting them know the results of  
730 his meetings that took place recently in Washington, D.C. He has already heard back from  
731 those folks, and they will be coming to Rockwall in February to hold a meeting(s) to discuss  
732 things with the current owners of The Harbor property.

733  
734 Also, last Friday he met with TXDOT in Austin at the Capitol to deal with IH-30. He explained  
735 that the city belongs to a larger group of cities made up from over near Fort Worth in the  
736 west to cities over near Texarkana in the east. The purpose of the group is to advocate for  
737 IH-30 and Hwy. 75 between Dallas and Sherman. The group was briefed on the amount of  
738 money that was just released to TXDOT for various projects after some propositions  
739 passed. Pruitt indicated that a lot of projects in Rockwall are already 'on the shelf' to be  
740 started on just as soon as funding becomes available, and this is very favorable for  
741 Rockwall. He encouraged others to "stay on" Senator Hall and Representative Turner  
742 regarding John King becoming the route for SH-205.

743  
744  
745 Mr. Crowley indicated that various reports are available in the council members' packets.  
746 He stated that the council recently authorized Mrs. Smith and the city's bond counsel to  
747 issue \$75 million in refunding bonds to reissue the debt at a lower interest rate over the  
748 same term. These have closed, and will result in a lower interest rate of 12.9%, which is  
749 equivalent to \$9,696,000 in interest over the remaining life of the bonds. The true interest  
750 rate cost for the bonds for their remaining life is 2.48%, so this was a very successful  
751 refunding. In addition, regarding the issuance of money for water and sewer projects and  
752 equipment totaling \$5.5 million - this sale has also commenced and is a 20 year issuance.  
753 The cost is 2.68% for the life of those, so these are very good rates and were timed very  
754 well.

755  
756 Assistant City Manager Brad Griggs briefly introduced Mike Carmack, the city's new Parks  
757 Superintendent, who has past experience at the cities of Carrollton, Arlington and Rowlett.  
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**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 legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding legal claim: Michelle Strom v. City of Rockwall Utility Dept. pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
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**

**XVI. ADJOURNMENT**

**Mayor Pruitt adjourned the meeting at 7:45 p.m.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15<sup>th</sup> day of February, 2016.**

**ATTEST:**

*Kristy Cole*  
\_\_\_\_\_  
Kristy Cole, City Secretary

*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, February 15, 2016**  
**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 John Hohenshelt, David White, Scott  
11 Milder, Kevin Fowler and Mike Townsend. Also present were City Manager Rick Crowley,  
12 Assistant City Managers Mary Smith and Brad Griggs, and the city's legal counsel,  
13 Patrick Lindner (filling in for City Attorney Frank Garza).  
14

15 II. WORK SESSION

- 16  
17 1. Hold work session with Jim Rosenberg to hear proposal concerning a  
18 concession agreement within the city's takeline (lake) area

19 Mr. Rosenberg came forth and indicated that he has owned and operated the Harbor Bay  
20 Marina since 1987. He is proposing to expand his existing (Harbor Bay) concession  
21 agreement to include the south side of IH-30 in The Harbor area near the Hilton Hotel,  
22 creating an entirely new marina area. He explained that Robinson Park recently sold and  
23 is currently under private ownership by a developer; however, it is currently fenced off  
24 and is not a great place, right now, for a business. So, now is a good time to consider  
25 relocating the marina over to The Harbor area. He explained that this marina would bring  
26 1,000 tenants over from the Robinson Park marina. He shared that separate parking  
27 agreements have been arranged to provide for about 550 parking spaces. He indicated  
28 he has been building, developing and managing marinas for about forty years, including  
29 ones at Lake Grapevine, Lake Lewisville and Lake Travis. He explained he does not do  
30 partnerships, but, rather, everything is financed, overseen and built by him through his  
31 own construction crew that works for him full-time.

32 He shared some renderings with the Council, explaining that every aspect of this marina  
33 would be designed to meet the requirements of the city, including matching the look and  
34 feel of the existing Harbor area (everything from stucco, tile roofs, colors, lighting,  
35 painting, etc.) before the marina is moved over from where it is right now (at Robinson  
36 Park). He explained that he offices at and oversees Harbor Bay and Bayview Marinas  
37 fulltime. He is proposing to place a floating restaurant as a component of this marina as  
38 well, explaining that it too would be moved over from the Robinson Park area. He  
39 explained that the restaurant may potentially be leased to Patrick, who currently operates  
40 Southern Comfort and Three Sheets restaurants. He stated that the restaurant would be  
41 completely refurbished and redesigned, and it would become an outdoor venue for  
42 entertainment, music and, of course, food. Mr. Rosenberg went on to offer general  
43 details related to building materials that would be used and various amenities that the  
44 marina would contain/offer. He indicated that 6.5 acres along the takeline would be  
45 proposed to become a public park that would be landscaped and have a walking path /  
46 trail and rest areas with park benches. This area would be located behind the existing  
47 housing (condos) area. He explained that the city requires one parking space for every  
48 two boat slips. So, 550 parking spaces are needed, and they could be utilized for

49 overflow public parking during non-peak usage. He explained that peak weekends are  
50 Memorial Day and 4<sup>th</sup> of July weekends.

51 Councilmember Hohenshelt asked for clarification regarding what would be allocated to  
52 the City of Rockwall and the City of Dallas. Mr. Crowley, City Manager, explained that  
53 any ad valorem taxation would be in Rockwall County and the City of Dallas. Also, sales  
54 tax and property taxes collected would go to the City of Dallas and Rockwall County,  
55 since the area on the lake falls within the City of Dallas and Rockwall County  
56 jurisdictions. The marina would pay a percentage (perhaps, or for example, 4.75%) of its  
57 gross revenue to the city for a lease payment through a concessions agreement. It was  
58 explained that policing would be provided by the City of Dallas, and Code Enforcement  
59 and Fire services would likely be provided by the City of Rockwall.

60 General discussion ensued pertaining to possible aspects of a future concession  
61 agreement. Mr. Rosenberg indicated that he hopes to work out with the City of Dallas a  
62 means by which all of the revenue generated from the concession agreement could go to  
63 the City of Rockwall's Recreation Development Fund (Parks Department). Mr. Crowley,  
64 however, generally indicated that he believes the City of Dallas may want a portion of the  
65 concession monies generated, as this has been the case with more recent concession  
66 agreements that the city has entered into (i.e. "Sail with Scott"). He explained that this is  
67 something that will have to be discussed and worked out with the City of Dallas. Mr.  
68 Rosenberg shared that the concessions-related revenue at Robinson Park currently goes  
69 to the developer who now owns the park – not to the City of Dallas and not to the City of  
70 Rowlett.

71 Councilmember Milder commented that various aspects of this proposed marina seem  
72 appealing, including the possibility of it creating more 'foot traffic' at The Harbor.

73 Mr. Rosenberg went on to share some renderings depicting how the restaurant and  
74 marina may look visually, as well as the view that nearby condominium residents may  
75 expect to see. He expressed the belief that this marina would bring a lot of much needed  
76 people / 'traffic' to The Harbor. He explained that Dallas currently keeps its fire and  
77 police boats at Bay View Marina at no charge. Mr. Crowley generally explained that the  
78 existing 4.75% concession agreement on Harbor Bay Marina may change; however, that  
79 is not known unless / until the City of Dallas gets involved to review this matter.

80 Mayor Pro Tem Lewis asked why Mr. Rosenberg believes nearby residents may like  
81 looking at this marina, boat houses and parking instead of seeing (solely) the lake itself  
82 when they look out from their condominiums. Mr. Rosenberg expressed that there will  
83 be a park area that will allow residents to walk over to The Harbor without walking  
84 through grass. Also, they would be able to go feed the ducks, walk down to their boat  
85 slip, or visit the restaurant. Also, he suggested, the marina may look better than the  
86 current view in that residents now only see the IH-30 bridge, its cars and traffic.

87 Councilmember White generally indicated that he likes this idea / concept and does not  
88 have any problem with it.

89 Councilmember Townsend expressed that his favorite part of the proposal is the floating  
90 restaurant. However, he is not totally 'sold' on it.

91 Mr. Crowley pointed out that the access to the parking lot would take place via what is  
92 currently a designated fire lane between the Hilton and the condos. In addition, he  
93 clarified that there would be no storage of trailers taking place at the parking lot, only  
94 and strictly public parking. Mr. Rosenberg concurred, also indicating that there would  
95 not be a launching (boat) ramp at this location. Mr. Rosenberg also clarified that tenants

96 / "members" would have 24/7 access to enter/exit the marina through controlled access  
97 (perhaps a key card system).

98 Councilmember Townsend questioned how much "tourism" would truly be generated by  
99 this marina. Mr. Rosenberg indicated that there will be boat rentals and other activities at  
100 the marina that guests staying at the Hilton, for example, could enjoy.

101 Councilmember Fowler questioned how noise associated with parties or after hours  
102 socialization could be controlled so that it is not heard and bothersome to nearby  
103 residents. Mr. Rosenberg indicated that the crowd would likely be more mature. In  
104 addition, after day time hours when management goes home, night guards would be on  
105 duty from sun down to sun up. He again indicated that a 'key card' system (or some  
106 similar controlled access system) would be in place, so this would likely help. Regarding  
107 a possible drought in the future, Mr. Rosenberg indicated that the facilities could be  
108 pushed / relocated further out into the water if needed.

109 Regarding long-term maintenance of the proposed facility (a concern raised by Mr.  
110 Crowley and Mayor Pro Tem Lewis), Mr. Rosenberg suggested that these sorts of  
111 provisions could be incorporated into the concession agreement.

112 Mayor Pro Tem Lewis indicated that he is "lukewarm" on the idea of this marina.

113 Mayor Pruitt indicated that he would like city council members to share their concerns  
114 with city staff. Then staff may continue discussing the possibility of this marina with Mr.  
115 Rosenberg moving forward.

116 Mr. Rosenberg summarized his requests from the city as follows:

- 117 • Extend the lease to the year 2040, the year when the current lease expires at The  
118 Harbor (Mayor Pruitt clarified that Mr. Rosenberg is referring to the takeline lease  
119 that exists between the City of Rockwall and the City of Dallas. Mr. Rosenberg  
120 clarified that he would like this lease term to match the length of that one).
- 121 • Extend / expand the concession agreement to include 80 acres of water and 7  
122 acres of land (which will include parking) on the takeline
- 123 • Allow access from Porto Fina Street and signage
- 124 • Allow gasoline to be sold with above grade tanks that would be hidden from sight
- 125 • Support from Rockwall departments to allow the project to move forward quickly
- 126 • No funding is being requested by the city
- 127 • All maintenance and upkeep would be taken care of by Mr. Rosenberg
- 128 • He indicated that Fire Chief Mark Poindexter has already looked into this with Mr.  
129 Rosenberg, and no real issues arose. Mr. Rosenberg understands he will need to  
130 comply with certain fire regulations, which he expressed will not pose a problem.

131 The Council took no action concerning this work session item.

- 132 2. Hold work session to discuss Parks and Grounds Maintenance  
133 Classifications & Standards

134 Andy Hesser came forth and briefed the Council on details concerning different levels  
135 and frequency associated with mowing and maintaining rights of ways, grounds, parks  
136 and other publicly owned areas. He indicated that an Action Item has been included on  
137 tonight's 6PM meeting agenda for the Council to take any action it desires to take in

138 relation to these proposed classifications and standards. The Council took no action at  
139 this point in the meeting as a result of Mr. Hesser's presentation.

140

141 3. Hold work session to discuss possible alternatives to the Structure  
142 Preservation Tax Incentive Program

143 Planning Director Ryan Miller briefed the City Council on various program alternatives  
144 that staff has looked into concerning this matter. It should be noted that many of these  
145 cities take advantage of Community Development Block Grants (CDBG) to fund these  
146 initiatives, and these may not all be suitable programs for the City of Rockwall. In  
147 addition, staff looked into the program alternatives, including the following:

148 Neighborhood Grants, Small Matching Grants or Mini-Grants; Rebate Programs; Heritage  
149 Preservation Grants; Hardship Loans/ Owner-Occupied Rehabilitation Loan Programs;  
150 Reduced Standards; and Permit Waivers/Relief.

151 Councilmember Fowler expressed that some of the programs researched by staff do  
152 seem intriguing; however, he is wondering where this sort of money would come from.  
153 Mr. Miller indicated that money granted would need to be funded by Council during the  
154 regular budget process. He suggested the Council may wish to consider doing a one  
155 year pilot program in order to evaluate a new program chosen and decide if it wishes to  
156 continue the incentive program in future years.

157 Councilmember Hohenshelt indicated that he may well be in favor of something  
158 simplistic such as fee waivers.

159 It was decided that staff will put together more details concerning three possible  
160 programs. These will be vetted through the city's Historic Preservation Advisory Board  
161 and then brought back to the city council for further discussion and consideration during  
162 a future work session.

163

164 At 5:15 p.m., Mayor Pruitt read the below listed discussion items into the record before  
165 recessing the public meeting to go into Executive Session.

166 III. EXECUTIVE SESSION.

167

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

171

172 1. Discussion regarding process associated with City Manager performance  
173 evaluation pursuant to Section 551.074 (personnel matters)

174

175 IV. ADJOURN EXECUTIVE SESSION

176

177 Executive Session adjourned at 5:55 p.m.

178 V. RECONVENE PUBLIC MEETING

179  
180 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven council members  
181 being present.

182  
183 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

184  
185 Indication was given that no action would be taken as a result of Ex. Session.

186  
187 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS

188  
189 Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance

190  
191 VIII. PROCLAMATIONS / AWARDS

192  
193 1. IHOP'S National Pancake & Shriners Hospitals for Children Day

194 Several guests came forth concerning this proclamation. One guest explained that, on  
195 March 8th, IHOP's local restaurant in Rockwall will host a fundraiser to benefit the  
196 Shriners Hospitals for children. He shared that Rockwall's restaurant consistently raises  
197 money in the top 5% of other restaurants in Texas and Oklahoma. He encouraged  
198 members of the public to come out and support this great cause. Mayor Pruitt then read  
199 and presented them with this proclamation.

200  
201 2. Terry Fisher Remembrance Day (American Legion Post 117)

202 Several guests came forth concerning this proclamation, including local resident, Dick  
203 Clark. Mayor Pruitt then read the proclamation. He explained that Wayne Fisher, who is  
204 a nephew and direct descendant of Terry Fisher, could not be present tonight due to  
205 health problems; however, he and others will be present at the March 15<sup>th</sup> presentation of  
206 a framed photo of Terry Fisher and plaque that will be displayed at the Rockwall County  
207 Courthouse Museum. It was explained that Terry Fisher was the first Rockwall resident  
208 to be killed in the line of duty in WWI, and Rockwall's local chapter of the American  
209 Legion is named after Fisher.

210  
211 IX. OPEN FORUM

212  
213 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
214 come forth and speak.

215  
216 Mr. Bob Wacker  
217 806 Miramar Drive  
218 Rockwall, TX

219  
220 Mr. Wacker came forth and expressed concern about the Squabble Creek drainage area  
221 and associated greenbelt area, explaining that it runs through his neighborhood, Stone  
222 Creek. He is concerned about drainage, especially pertaining to the possibility that the  
223 HOA could be held responsible for some future flooding/drainage problems, should they  
224 occur. He is also concerned about a blind spot related to traffic on Quail Run and, in  
225 general, traffic that will occur overall as a result of the Kroger that will soon be  
226 completed and other, future developments such as the Chick-fil-A and Aldi.

228 There being no one else wishing to speak, Mayor Pruitt closed Open Forum.

229  
230 X. CONSENT AGENDA

- 231  
232 1. Consider approval of the minutes from the February 1, 2016 regular City  
233 Council meeting, and take any action necessary.
- 234 2. **SNC2016-001** - Consider approval of an **ordinance** renaming Cemetery  
235 Road to Glen Hill Way, and take any action necessary **[1st reading]**.
- 236 3. **SNC2016-002** - Consider approval of an **ordinance** renaming a portion of  
237 FM-3097 to Horizon Road, and take any action necessary **[1st reading]**.
- 238 4. **P2016-003** - Consider a request by Chase Finch of Corwin Engineering,  
239 Inc. on behalf of Bobby Samuel of Meritage Homes of Texas, LLC for the  
240 approval of a final plat for Stone Creek, Phase VII containing 80 single-  
241 family residential lots on 37.823-acres of land being a portion of a larger  
242 163.2672-acre tract of land identified as Tract 3 of the S. King Survey,  
243 Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned  
244 Planned Development District 70 (PD-70) for Single Family 10 (SF-10)  
245 District land uses, generally located at the northwest corner of Hays Road  
246 and E. Quail Run Road, and take any action necessary.
- 247 5. **P2016-004** - Consider a request by Jay Holman & Don Silverman of  
248 Rockwall 205-552, LLC for the approval of preliminary plat for Lots 1-6,  
249 Block A, Dalton Goliad Addition being a 9.183-acre tract of land identified  
250 as Tract 4-1 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall,  
251 Rockwall County, Texas, zoned General Retail (GR) District, situated  
252 within the North SH-205 Overlay (N. SH-205 OV) District, located at the  
253 northwest corner of the intersection of SH-205 [N. Goliad Street] and FM-  
254 552, and take any action necessary.
- 255 6. **P2016-005** - Consider a request by Warren Corwin of Corwin Engineering  
256 on behalf of John Arnold of the Skorburg Company (BH Phase V 80'  
257 POD, SF, LTD) for the approval of a final plat Phase V of the Breezy Hill  
258 Subdivision containing 79 single-family residential lots on a 25.598-acres  
259 of land being identified as Tract 7-06 of the J. Strickland Survey, Abstract  
260 No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned  
261 Development District 74 (PD-74) for Single Family 10 (SF-10) District land  
262 uses, situated on the west side of Breezy Hill Road north of the  
263 intersection Breezy Hill Road and FM-552, and take any action  
264 necessary.
- 265 7. Consider review and acceptance of the Rockwall Police Department's  
266 2015 Racial Profiling report in accordance with Article 2.132 of the Texas  
267 Code of Criminal Procedure, and take any action necessary.
- 268 8. Consider authorizing the City Manager to execute Professional  
269 Engineering Services Contract with Kimley-Horn and Associates, Inc. to  
270 prepare engineering design plans and specifications for the  
271 reconstruction of S. Lakeshore Dr./Summit Ridge Dr. from SH 66 to FM  
272 740 (Ridge Road) approximately 5,600 feet in length in the amount not to  
273 exceed \$728,900 to be funded by 2016 General Obligation bonds, and  
274 take any action necessary.

275 Mayor Pruitt pulled item #8 for further discussion.

276  
277 Councilmember White made a motion to approve the Consent Agenda items (minus item  
278 #8). Councilmember Milder seconded the motion.

279  
280 The ordinances were read as follows:

281  
282 CITY OF ROCKWALL  
283 ORDINANCE NO. 16-\_\_

284  
285 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
286 TEXAS, CHANGING THE NAME OF CEMETERY ROAD TO GLEN HILL  
287 WAY, WHICH IS MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A' OF THIS  
288 ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
289 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

290  
291 CITY OF ROCKWALL  
292 ORDINANCE NO. 16-\_\_

293  
294 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
295 TEXAS, CHANGING THE NAME OF FM-3097 FROM TUBBS ROAD TO THE  
296 SOUTHERN CITY LIMITS, WHICH IS MORE SPECIFICALLY DEPICTED IN  
297 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY  
298 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
299 EFFECTIVE DATE.

300  
301 The motion passed unanimously of those present.

302  
303 Regarding Consent Agenda Item #8, Mayor Pruitt generally expressed concern about the  
304 continual, large amounts that seem to be coming forth concerning approval of  
305 engineering/design work-related contracts. He is wondering if some of this work could  
306 potentially be conducted 'in house' as a way to save the city money. City Engineer, Tim  
307 Tumulty, explained that he does not currently have an answer to this question, as it is  
308 something that staff would need to further evaluate before a determination could be  
309 made with any certainty. Mr. Crowley indicated that staff is willing to look into this  
310 matter further and bring back related information to the Council for consideration.

311  
312 Mayor Pro Tem Lewis commented that "engineer" is both a broad and narrow term. For  
313 example, an engineer that designs dams should not be one who designs roads. There  
314 are certain specialties that are needed for certain projects. He asked Mr. Tumulty if he  
315 has adequate staff right now to do this type of work 'in house.' Mr. Tumulty indicated  
316 that he likely does not. Lewis generally suggested that sometimes outsourcing work is  
317 the best course of action.

318  
319 Councilmember Milder made a motion to approve Consent Agenda item # 8 as presented.  
320 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

321  
322 XI. APPOINTMENTS

- 323  
324 1. Appointment with the Planning and Zoning Chairman to discuss and  
325 answer any questions regarding cases on the agenda and related issues  
326 and take any action necessary.

327 Planning & Zoning Chairman, Craig Renfro, came forth and provided a briefing  
328 concerning recommendations of the Commission relative to items on tonight's meeting  
329 agenda. The Council took no formal action following his report.  
330

331 **XII. PUBLIC HEARING ITEMS**  
332

- 333 1. **Z2016-001** - Hold a public hearing to discuss and consider a request by  
334 Sherri Banuelos for the approval of an **ordinance** for a zoning change  
335 from an Agricultural (AG) District to a Single Family One (SF-1) District for  
336 a 1.03-acre tract of land identified as Tract 11-5 of the D. Harr Survey,  
337 Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned  
338 Agricultural (AG) District, addressed as 735 Davis Drive, and take any  
339 action necessary [1st Reading].

340 Planning Director Ryan Miller provided background information related to this agenda  
341 item. He explained that an accessory structure within the AG district is not an allowed  
342 use; however, the use is allowed by right in a residentially zoned district (with certain  
343 restrictions), including the SF-1 District. The applicant has indicated that the primary use  
344 for the accessory structure will be for storage, outdoor equipment, other items, and for  
345 use as a workshop. Currently, the subject property has an existing single-family home  
346 constructed on it that was annexed into the City on March 16, 1998.  
347

348 Mr. Miller explained that on January 28, 2016, staff mailed twenty-two (22) notices to  
349 property owners within 500 feet of the subject property. There is no HOA/Neighborhood  
350 Organization within 1500 feet participating in the notification program. Additionally, staff  
351 posted a sign on the property as required by the Unified Development Code (UDC). At the  
352 time this report was drafted, staff had not received any notices either "for" or "against"  
353 the zoning change request.  
354

355 Mayor Pruitt opened the public hearing and called the applicant forward. The applicant  
356 came forth and generally indicated she is happy to answer any questions the Council  
357 may have. There being no substantive questions and there being no one else wishing to  
358 come forth, he then closed the public hearing.  
359

360 Councilmember White made a motion to approve Z2016-001. Councilmember Townsend  
361 seconded the motion. The ordinance was read as follows:  
362

363 CITY OF ROCKWALL  
364 ORDINANCE NO. 16-\_\_  
365

366 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
367 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
368 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED  
369 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN  
370 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY  
371 ONE (SF-1) DISTRICT FOR A 1.03-ACRE TRACT OF LAND IDENTIFIED AS  
372 TRACT 11-5 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF  
373 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY  
374 DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR  
375 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
376 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
377 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
378 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

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2. **Z2016-002** - Hold a public hearing to discuss and consider a request by Bobby Dale and Bretta Price for the approval of an **ordinance** for a Specific Use Permit (SUP) for a guest quarters/secondary living unit and garage on a 5.5-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, addressed as 453 Cullins Road, and take any action necessary [**1st Reading**].

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Ryan Miller, Planning Director, indicated that the subject property is a 5.5-acre tract of land and is zoned SFE-2.0. He explained that the applicants, Bobby Dale & Bretta Price, are requesting a Specific Use Permit (SUP) for the purpose of constructing a one-story combination mother-in-law suite (648 sq. ft.) and garage (1,793 sq. ft.) space. Based on the applicant's letter of request and the building plans submitted, the size and height of the new structure will exceed what the Unified Development Code (UDC) allows. The subject property is located on the northeast corner of FM-549 and Cullins Road.

397  
398

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

399  
400

Councilmember White made a motion to approve Z2016-002. Mayor Pro Tem Lewis seconded the motion.

401

The ordinance was read as follows:

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CITY OF ROCKWALL  
ORDINANCE NO. 16-        
SPECIFIC USE PERMIT NO. S-147

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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, AS PREVIOUSLY AMENDED SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A GUEST QUARTERS/SECONDARY LIVING UNIT AND GARAGE WITHIN A SINGLE-FAMILY ESTATE (SFE-2.0) DISTRICT, FOR A 5.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17-7 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, 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.

422

The motion passed unanimously (7 ayes to 0 nays).

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3. **Z2016-003** - Hold a public hearing to discuss and consider a request by Matt Moore of Claymoore Engineering, Inc. on behalf of U. V. Real Estate, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for outside storage in conjunction with an Auto Body Shop on a 3.2039-acre tract of land described as Tract 7-01 of the J. Lockhart

428 Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas,  
429 located at 1780 E IH-30, zoned Light Industrial (LI) District, situated within  
430 the IH-30 Overlay (IH-30 OV) District, and take any action necessary [1st  
431 Reading].

432 Mr. Miller provided background information concerning this agenda item. He explained  
433 that twenty-three notices were sent out to property owners located within 500'; however,  
434 no replies were received back by staff. Planning & Zoning Commission has  
435 recommended approval of this request with the caveat that the applicant be required to  
436 construct a masonry fence rather than the proposed pre-fabricated fence.

437 Mayor Pruitt called the applicant forth. After brief comments, he opened the public  
438 hearing. There being no one wishing to come forth and speak, he then closed the public  
439 hearing.

440 Councilmember White made a motion to approve Z2016-003. Councilmember Hohenshelt  
441 seconded the motion. The ordinance was read as follows:

442 CITY OF ROCKWALL  
443 ORDINANCE NO. 16-\_\_\_\_  
444 SPECIFIC USE PERMIT NO. S-148  
445

446 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
447 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
448 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE  
449 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
450 SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE ON A 3.2039-  
451 ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT,  
452 LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT,  
453 ADDRESSED AS 1780 E. IH-30 AND DESCRIBED AS TRACT 7-01 OF J.  
454 LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL,  
455 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;  
456 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF  
457 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
458 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
459 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
460

461 The motion passed unanimously of Council (7 ayes to 0 nays).

462 4. Z2016-004 - Hold a public hearing to discuss and consider a request by  
463 Scott and Leslie Milder for the approval of an ordinance for a Specific  
464 Use Permit for a Banquet Facility on a 0.66-acre lot of land containing two  
465 (2) parcels of land identified as Block 23A (0.43-acres) and Block 24C  
466 (0.23-acres) of the Amick Addition, City of Rockwall, Rockwall County,  
467 Texas, zoned Planned Development District 50 (PD-50) for Residential-  
468 Office (RO) District uses, located within the North Goliad Corridor Overlay  
469 (NGC OV) District, addressed as 803 & 805 N. Goliad Street, and take  
470 any action necessary [1st Reading].

471 Councilmember Scott Milder explained that he is recusing himself from discussion and  
472 voting concerning this item, as he is the applicant. He has filed the appropriate Affidavit  
473 of Recusal with the City Secretary.  
474

475 Mr. Miller provided background information concerning this agenda item. On February 1,  
476 2016, the City Council approved an amendment to Planned Development District 50 (PD-

477 50) that expanded the permitted uses within the district to include *Banquet*  
478 *Facilities/Event Venues*. *Ordinance No. 16-15* defines these facilities as, “a commercial  
479 facility that can be rented out for the purpose of hosting private events (e.g. *birthday*  
480 *parties, wedding receptions, meetings, etc.*) ... (t)hese events shall not be open to the  
481 general public.” In accordance with this amendment, the applicants have submitted a  
482 request for a Specific Use Permit (SUP) for a *Banquet Facility/Event Venue* on the subject  
483 property at 803 N. Goliad Street. As part of the request, the applicants have submitted a  
484 letter stating that the intent of the facility would be to hold small events that include:  
485 birthday parties, baby and bridal showers, team parties, graduation parties, family  
486 reunions and milestone celebrations, charity organization’s fundraisers and meetings,  
487 business socials and meetings, holiday parties, seasonal parties, tea parties, youth  
488 activities, weddings, receptions and funeral receptions. The applicants have indicated  
489 that the proposed facility will operate Sunday through Thursday, 8:00 AM – 9:00 PM, and  
490 Friday & Saturday, 8:00 AM – 11:00 PM. In addition to establishing hours of  
491 operation, the applicants have submitted operational constraints that further clarify the  
492 intent of the property. These include limitations with respect to food preparation,  
493 consumption of alcohol, and live music.  
494

495 As part of this Specific Use Permit (SUP) application, the applicants have requested  
496 several variances, including a variance to the paving standards stipulated by Planned  
497 Development District 50 to allow for installation of crushed rock. In addition, parking-  
498 related variances are being requested as well.  
499

500 Mr. Miller explained that on January 29, 2016, staff mailed 105 notices to property owners  
501 within 500-feet of the subject property. Additionally, staff posted a sign adjacent to N.  
502 Goliad Street as required by the Unified Development Code (UDC). Staff has received  
503 three (3) notifications in favor of the request and two (2) notifications in opposition to the  
504 request.  
505

506 Mayor Pruitt asked if the Council has ever granted a variance to allow gravel parking lots  
507 in the past. Mr. Miller indicated that, no, it has not ever granted one.  
508

509 Mayor Pruitt indicated that, regarding the request to delay putting in the additional cross  
510 access easement, he generally has concerns related to this possible delay.  
511

512 Discussion took place concerning the proposed gravel parking spaces versus  
513 concrete/paved spaces.  
514

515 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
516 speak. He then closed the public hearing and invited the applicant to come forward and  
517 speak.  
518

519 Mr. Scott Milder  
520 830 Shores Boulevard  
521 Rockwall, TX  
522

523 Mr. Milder came forth and provided comments related to his variance requests including  
524 (1) standard paving materials; (2) parking within a cross access easement; and (3) waiver  
525 to paving the access easement.  
526

527 Councilmember Fowler generally indicated that he has concerns related to granting the  
528 variance associated with allowing gravel/rock parking spaces in lieu of concrete. He  
529 knows that it is very expensive; however, it is part of the city's normal standards to have  
530 those spaces be concrete, and he believes that this should be a standard expense that is  
531 factored into his financing with the bank.

532  
533 Extensive discussion took place related to the gravel versus concrete parking spaces  
534 and the associated cross access easement, including possible approval or denial of  
535 these portions of the variance request.

536  
537 Mr. Crowley suggested that the Council could waive the requirement for the two  
538 (requested gravel) parking spaces in the cross access easement, which would result in a  
539 total of nine parking spaces, versus eleven.

540  
541 Mayor Pro Tem Lewis made a motion to approve Z2016-004, including approval of the  
542 requested variances and waiver of the requirement associated with the two parking  
543 spaces (that were requested to be gravel and would be located within the cross access  
544 easement. Councilmember White seconded the motion.

545  
546 The ordinance was read as follows:

547  
548 CITY OF ROCKWALL  
549 ORDINANCE NO. 16-XX  
550 SPECIFIC USE PERMIT NO. S-149

551  
552 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
553 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
554 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE  
555 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
556 SPECIFIC USE PERMIT (SUP) FOR A BANQUET FACILITY/EVENT VENUE  
557 WITHIN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ON A 0.670-  
558 ACRE PARCEL OF LAND, ADDRESSED AS 803 N. GOLIAD STREET AND  
559 BEING IDENTIFIED AS LOT 1, BLOCK A, OUR HOUSE ADDITION, CITY OF  
560 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL  
561 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED  
562 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
563 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
564 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

565  
566 Mayor Pruitt expressed that he is not in favor of the part of this discussion having to do  
567 with not requiring paved parking spaces and instead allowing for gravel spaces. He  
568 indicated he recently talked to a business owner who decided to establish his business  
569 in Fate instead of the City of Rockwall, mainly because the City of Rockwall was going to  
570 require paved parking (rather than gravel). For this reason, he has concerns about this  
571 with regards to the current request.

572  
573 Milder pointed out that one person showed up at the P&Z meeting expressing concern to  
574 the gravel parking spaces; however, after he found out that an 8' fence would be installed  
575 such that those would be screened from public view, he seemed to be fine with it.

576  
577 After comments, the motion passed by a vote of 4 in favor, 2 against (Hohenshelt, Pruitt)  
578 and 1 abstention (Milder).

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**XIII. ACTION ITEMS**

1. Discuss and consider a recommendation from the City Council's Hotel Tax Subcommittee regarding funding requests for Downtown Celebration and Hyzerbomb Disc Golf Tournament; authorize the City Manager to execute agreements, and take any action necessary.

**Assistant City Manager Mary Smith briefed the Council on these requests, indicating that the city council's Hotel / Motel Tax Subcommittee (comprised of White, Milder and Lewis) has reviewed these requests and is recommending their approval.**

**Mayor Pruitt made a motion to approve the hotel/motel tax funding request in the amount of \$25,000 plus an additional \$10,000 that was set aside by Republic Waste to be used for an April 16 downtown grand opening celebration. Councilmember White seconded the motion, which passed unanimously.**

**Regarding the request related to the Hyzerbomb Disc Golf Tournament in the amount of \$2500. Councilmember White made a motion to approve this funding request. Councilmember Hohenshelt seconded the motion, which passed unanimously of Council.**

2. **SP2016-001** - Discuss and consider a request by James Spencer of GHA Architecture/Development on behalf of the owner Robert Clinesmith of Triton I-30 Rockwall, LLC for the approval of a variance to allow parking within a required landscape buffer in conjunction with an approved site plan for a restaurant on a 1.66-acre tract of land identified as a portion of Lot 1, Village 2 Addition and Tract 3 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of Village Drive and the IH-30 frontage road, and take any action necessary.

**Ryan Miller, Planning Director, provided background information on this agenda item. He explained that the proposed restaurant (*an El Fenix Tex-Mex Restaurant*) will be a 7,642 SF building that will be accessible through a 24-foot cross access easement that runs through the adjacent restaurant (*i.e. Snuffers Restaurant & Bar*) located direct east of the subject property. The requested land use (*i.e. a restaurant, 2,000 SF or more, without a Drive-Thru or Drive-In*) is permitted *by-right* within the Commercial (C) District and will not require any additional approvals by the Planning and Zoning Commission or City Council.**

**Mayor Pro Tem Lewis made a motion to approve SP2016-001. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

3. **A2016-001** – Discuss and consider a request by Pat Atkins on behalf of the owners Gwendolyn A. and Randall D. Reed for the approval of annexation of an 11.275-acre tract of land identified as Tracts 1-5 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary.

627 **Mr. Miller provided background information concerning this agenda item. He explained**  
628 **that Pat Atkins is requesting that the City Council annex an 11.275-acre tract of land,**  
629 **explaining that the subject property is currently located within the City's Extraterritorial**  
630 **Jurisdiction (ETJ). The purpose of the annexation is to add additional area to the recently**  
631 **approved Planned Development District 79 (PD-79), which is also referred to as the**  
632 **Saddle Star Estates Subdivision. If approved, the applicant would need to amend the**  
633 **Planned Development District to incorporate this area. If the City Council elects to move**  
634 **forward with this annexation request, the annexation schedule (*per the requirements of***  
635 ***Chapter 43 of the Texas Local Government Code*) would be as follows:**

- 636 · **February 19, 2016: Staff will have a preliminary *Service Plan* prepared.**
- 637 · **March 3, 2016: Notice of the first and second public hearings will be posted in**  
638 **the Harold Banner and on the City's website.**
- 639 · **March 21, 2016: First (6:00 PM) and second (6:30 PM) public hearing held in**  
640 **the City Council Chambers.**
- 641 · **April 18, 2016: City Council approves first reading of the annexation**  
642 **ordinance.**
- 643 · **May 2, 2016: City Council approves second reading of the annexation**  
644 **ordinance.**

645 **It should be noted that once the first reading of the ordinance takes place the City**  
646 **Council will have 90 days to approve the annexation ordinance (*i.e. July 17, 2016*).**  
647

648 **Councilmember Townsend made a motion to approve A2016-001. Councilmember**  
649 **White seconded the motion, which passed unanimously (7 ayes to 0 nays).**

- 650 4. Discuss and consider adoption of the Parks & Grounds Maintenance  
651 Classifications and Standards, and take any action necessary.

652 **Councilmember Hohenshelt made a motion to approve these standards and**  
653 **classifications as presented earlier this afternoon at the work session. Councilmember**  
654 **Townsend seconded the motion, which passed unanimously of Council (7 ayes to 0**  
655 **nays).**

- 656 5. Discuss and consider approval of a resolution for the annual update of the  
657 Mandatory Park Land Dedication Ordinance regarding neighborhood park  
658 development pro-rata equipment fees and take any action necessary.

659 **Parks & Rec Manager Andy Hesser provided brief background information on this item**  
660 **explaining that two new parks will soon be added to the city's parks system. As such,**  
661 **staff may bring something back mid-year to make modifications to the specified amount.**  
662 **Or, a possible increase may not come forth for consideration until around this time next**  
663 **year. Mayor Pruitt made a motion to approve this resolution and also ask that the Park**  
664 **Board begin evaluating the impact that the two new parks may have on the system**  
665 **moving forward. Mayor Pro Tem Lewis seconded the motion, which passed unanimously**  
666 **of Council (7 ayes to 0 nays).**

- 667 6. Discuss and consider approval of a resolution for the annual update of the  
668 Mandatory Park Land Dedication Ordinance regarding the per acre value  
669 of land for the purpose of calculating cash-in-lieu of land fees and take  
670 any action necessary.

671 **Mr. Hesser provided brief background information regarding this item. Councilmember**  
672 **Hohenshelt made a motion to approve the resolution. Councilmember Townsend**  
673 **seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).**

674 7. Discuss and consider approval of an **ordinance** repealing Ch. 40  
675 Taxation; Article III. Property Tax; Division 4. Exemption for Historically  
676 Significant Sites; Section 40-119 through Section 40-123 of the Code of  
677 Ordinances to discontinue the Structure Preservation Tax Incentive  
678 Program, and take any action necessary [**1st reading**].

679 **Councilmember Hohenshelt made a motion to approve the ordinance, which repeals this**  
680 **section of the Code. Councilmember Townsend seconded the motion. The ordinance**  
681 **was read as follows:**

682 CITY OF ROCKWALL  
683 ORDINANCE NO. 16-XX

684  
685 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
686 TEXAS, REPEALING ORDINANCE NO. 03-28 (*PREVIOUSLY RESOLUTION*  
687 *NO. 02-10 AND ORDINANCE NO. 02-53*) AND AMENDING CHAPTER 40,  
688 *TAXATION, ARTICLE III, PROPERTY TAX, DIVISION 4, EXEMPTION FOR*  
689 *HISTORICALLY SIGNIFICANT SITES, OF THE MUNICIPAL CODE OF*  
690 *ORDINANCES TO REMOVE SECTIONS 40-119 THROUGH 40-123;*  
691 *PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A*  
692 *REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.*  
693

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

695 8. Discuss and consider approval of a resolution acknowledging and  
696 supporting the "16 in 16 Campaign" which aims to achieve the goal of  
697 recruiting sixteen (16) new volunteer firefighters by December 31, 2016,  
698 and take any action necessary.

699 **City Manager Rick Crowley provided brief background information regarding this agenda**  
700 **item. Mayor Pruitt made a motion to approve the resolution as presented.**  
701 **Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0**  
702 **nays.**

703 9. Discuss and consider appointments to the city's Airport Advisory Board,  
704 and take any action necessary.

705 **Mayor Pruitt indicated that the Airport Advisory Board appointments were discussed this**  
706 **afternoon by the city council subcommittee, consisting of Townsend, White and himself.**

707 **Mayor Pruitt made a motion to appoint the following members to serve on the city's**  
708 **newly formed Airport Advisory Board, with Councilmember White seconding said**  
709 **motion:**

- 710 • **Brad Bassett**
- 711 • **David Couch**
- 712 • **Matt Murphey**
- 713 • **Dwight Royall**
- 714 • **Mike Potter**
- 715 • **Kellie Roby**
- 716 • **Mark Berglund**
- 717

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

719

720 Council did not go back into Executive Session at the conclusion of the public meeting  
721 agenda.

722  
723 **XIV. EXECUTIVE SESSION**

724  
725 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
726 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
727 CODE:

- 728  
729 1. Discussion regarding process associated with City Manager performance  
730 evaluation pursuant to Section 551.074 (personnel matters)

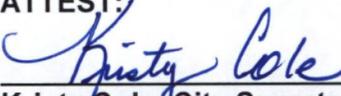
731 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

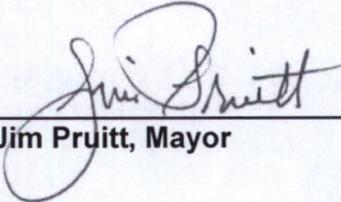
732  
733 Council did not go back into Executive Session at the conclusion of the public meeting  
734 agenda.

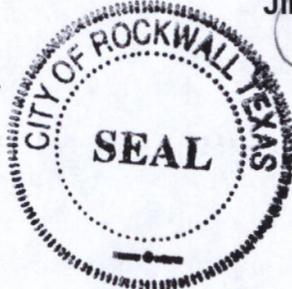
735  
736 **XVI. ADJOURNMENT**

737  
738 Mayor Pruitt adjourned the meeting at 7:49 p.m.

739  
740  
741 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
742 THIS 7<sup>th</sup> day of March, 2016.

743  
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746 ATTEST:  
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748 \_\_\_\_\_  
749 Kristy Cole, City Secretary

  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**

Monday, March 07, 2016  
4:00 p.m. Regular City Council Meeting  
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss possible alternatives to the Structure Preservation Tax Incentive Program

Planning Director, Ryan Miller, provided background information concerning the repeal of the *Structure Tax Preservation Program* and introduced the following alternatives: *Permit Fee Waiver and Reduction Program*, *Reduced Standards* for properties within the City's Historic Districts and a *Small Matching Grants Program*. Mr. Miller stated that if directed by the council, staff could prepare any of these programs and bring guidelines back for further council review; however, the *Reduced Standards* would likely not have a large impact on properties within the city's historic districts.

Mayor Pro Tem Dennis Lewis asked for clarification regarding the *Small Matching Grants Program* and generally how the programs would be administered. Specifically, Mr. Lewis was interested in if council would need to allocate the required funding in the future fiscal year's budget. Mr. Miller stated that the money would need to be allocated in the future year's budget and could be for an amount as low as \$5,000.00. Mr. Miller went on to state how the money for the program could be allocated for Contributing (i.e. historically significant properties) and Non-Contributing Properties and that staff is currently in the process of revising the *Historical Assets Study* that was last completed in 1999. In addition, any program that the city council approves could be administered by city staff through the Historic Preservation Advisory Board (HPAB), as well as properties within the Old Town Rockwall (OTR) Historic District, Planned Development District 50 (PD-50), the Southside Neighborhood Residential Overlay (SRO) District, and/or the Downtown District. He stated that programs should include work that improves the exterior of these properties.

Mr. Miller clarified that the programs could be structured so that an HPAB ruling could be appealed to council, if desired. Mr. Lewis stated that he was fine with the HPAB having final say on the programs approval. Direction was given to Mr. Miller to bring back guidelines for the *Permit Fee Waiver and Reduction Program* and *Small Matching Grants Program*. Council member Hohenshelt had questions regarding if the Council implemented all the programs could a property be eligible for multiple programs.

48 **Councilmember Kevin Fowler asked if providing reduced or waived building permit fees**  
49 **would have a noticeable impact on the budget, to which City Manager, Rick Crowley,**  
50 **stated that it would reduce revenues but not noticeably. No further action was taken.**  
51

52 **III. EXECUTIVE SESSION**

53  
54 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
55 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
56 **CODE:**  
57

- 58 1. Discussion regarding Economic Development incentives, procedures and  
59 possible projects pursuant to Section 551.087 (Economic Development)
- 60 2. Discussion regarding the lease of land in the vicinity of the downtown  
61 area pursuant to Section §551.072 (Real Property).
- 62 3. Discussion regarding potential land acquisition and right-of-way along  
63 Ridge Road pursuant to Section §551.072 (Real Property).
- 64 4. Discussion regarding formation of / appointment of city council  
65 subcommittee(s) pursuant to Section, §551.074 (Personnel Matters).
- 66 5. Discussion regarding (re)appointments to city regulatory boards,  
67 commissions, and committees - Planning & Zoning Commission -  
68 pursuant to Section 551.074 (personnel matters)
- 69 6. Discussion regarding process associated with City Manager performance  
70 evaluation pursuant to Section 551.074 (personnel matters)

71 **IV. ADJOURN EXECUTIVE SESSION**

72  
73 **Executive Session was adjourned at 5:42 p.m.**  
74

75 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**  
76

77 **Mayor Pro Tem Lewis reconvened the public meeting at 6:00 p.m. All council members**  
78 **except Mayor Jim Pruitt and Councilmember Scott Milder were present.**  
79

80 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**  
81

82 **Councilmember Mike Townsend made a motion to form a new city council subcommittee,**  
83 **consisting of Councilmembers Hohenshelt, Milder, and Townsend, to evaluate fire**  
84 **department community standards. Councilmember White seconded the motion, which**  
85 **passed by a vote of 5 in favor with 2 absent (Pruitt and Milder).**  
86

87 **Councilmember Townsend made a motion to appoint Sandi Whitley to fill the current**  
88 **vacancy on the Planning & Zoning Commission. Councilmember White seconded the**  
89 **motion, which passed unanimously (2 absent – Pruitt and Milder). (Note: This is a**  
90 **partial-term appointment to finish out former member, Mike Jusko's, term, and it will**  
91 **expire in August of 2017).**  
92

93 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**  
94

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

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VIII. OPEN FORUM

Brent E. Muecke  
5880 CR 4518  
LaRue, Texas

Mr. Muecke came forth and provided comments to Council regarding the following concerns:

No restrooms at community parks; poor drainage that leads to some houses being flooded (concerns related to storm drainage); improper signage for handicap parking at The Center; no person answering the police non-emergency number (would like a human answering); the desire to have a right turn only sign at City Place (on pole where you can see it); handicapped signs at all businesses and government buildings. The council listened to the concerns and took no formal action.

There being no one else wishing to come forth and address the Council during Open Forum, Mayor Pro Tem Lewis then closed this portion of the meeting.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the February 15, 2016 regular city council meeting, and take any action necessary.
2. **Z2016-001** - Consider a request by Sherri Banuelos 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 1.03-acre tract of land identified as Tract 11-5 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 735 Davis Drive, and take any action necessary **[2nd Reading]**.
3. **Z2016-002** - Consider a request by Bobby Dale and Bretta Price for the approval of an **ordinance** for a Specific Use Permit (SUP) for a guest quarters/secondary living unit and garage on a 5.5-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, addressed as 453 Cullins Road, and take any action necessary **[2nd Reading]**.
4. **Z2016-003** - Consider a request by Matt Moore of Claymoore Engineering, Inc. on behalf of U. V. Real Estate, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for outside storage in conjunction with an Auto Body Shop on a 3.2039-acre tract of land described as Tract 7-01 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, located at 1780 E IH-30, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary **[2nd Reading]**.
5. **SNC2016-001** - Consider approval of an **ordinance** renaming Cemetery Road to Glen Hill Way, and take any action necessary **[2nd reading]**.

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6. **SNC2016-002** - Consider approval of an **ordinance** renaming a portion of FM-3097 to Horizon Road, and take any action necessary **[2nd reading]**.
  7. Consider approval of an **ordinance** repealing Ch. 40 Taxation; Article III. Property Tax; Division 4. Exemption for Historically Significant Sites; Section 40-119 through Section 40-123 of the Code of Ordinances to discontinue the Structure Preservation Tax Incentive Program, and take any action necessary **[2nd reading]**.
  8. Consider approval of an amendment to the engineering services contract with Hydrological Support Services, LLC to perform flood study reviews for developments within the City in an additional amount not to exceed \$35,865 (thus revising the contract amount to \$75,865) with funding provided from private development funds collected, and take any action necessary.
  9. Consider approval of an amendment to the Facilities Agreement with Master Developer-SNB, LLC to increase to pipe size of 547 linear feet sanitary sewer line to ten-inches in diameter in The Preserve, Phase One development in the amount of \$2,500. from Sewer Operating Budget, and take any action necessary.
  10. Consider awarding a Unit Price Bid to McMahan Contracting LP and authorizing the City Manager to execute a contract for Annual Pavement Repair Services in an amount not to exceed \$500,000 to be funded out of the General Fund Streets and Drainage Operating Budget, and take any action necessary.
  11. Consider approval of a resolution and (re)submission of a grant application by the City Manager to the Criminal Justice Division of the Texas Governor's Office for third year funding associated with the Domestic Violence Investigator position, and take any action necessary.
  12. Consider approval of the First Amendment to the Interlocal Cooperative Agreement between the City of Rockwall and Rockwall County to fund the IH30 Ramp Reversal project with the City's contribution to the project in the amount of \$2,018,737 with funding from 2012 Bond Election and take any action necessary.
  13. Consider authorizing the City Manager to execute a Professional Engineering Services Contract with Atkins North America, Inc. to prepare engineering design plans and specifications for the relocation of approximately 2,800 feet of existing 16" water line on the west side of FM 3549 before roadway construction begins in an amount not to exceed \$70,166 to be funded by the 2016 Water Bonds, and take any action necessary.
  14. **P2016-008** - Consider a request by Sam Ellis on behalf of Amal Fernando of M. REA Properties 2, LLC for the approval of a replat for Lot 1, Block A, Children's Lighthouse Addition being a 3.483-acre tract of land currently identified as Lot 1 of the DeWoody Addition and Lot 1, Block D, North Lakeshore Valley, Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District (65) for General Retail (GR) District land uses, situated within the North SH-205

189 Overlay (N. SH-205 OV) District, addressed as 3009 & 3011 N. SH-205,  
190 and take any action necessary.

191  
192 Councilmember White made a motion to approve the entire Consent Agenda (#s1, 2, 3, 4,  
193 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14). Councilmember Townsend seconded the motion. The  
194 ordinances were read as follows:

195  
196 **ORDINANCE NO. 16-19**

197  
198 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
199 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
200 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED  
201 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN  
202 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY  
203 ONE (SF-1) DISTRICT FOR A 1.03-ACRE TRACT OF LAND IDENTIFIED AS  
204 TRACT 11-5 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF  
205 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY  
206 DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR  
207 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
208 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
209 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
210 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

211  
212 **ORDINANCE NO. 16-20**  
213 **SPECIFIC USE PERMIT NO. S-147**

214  
215 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
216 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
217 NO. 04-38] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED SO  
218 AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A GUEST  
219 QUARTERS/SECONDARY LIVING UNIT AND GARAGE WITHIN A SINGLE-  
220 FAMILY ESTATE (SFE-2.0) DISTRICT, FOR A 5.50-ACRE TRACT OF LAND  
221 IDENTIFIED AS TRACT 17-7 OF THE W.W. FORD SURVEY, ABSTRACT  
222 NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE  
223 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;  
224 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY  
225 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
226 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY  
227 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
228 EFFECTIVE DATE.

229  
230 **ORDINANCE NO. 16-21**  
231 **SPECIFIC USE PERMIT NO. S-148**

232  
233 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
234 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
235 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE  
236 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
237 SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE ON A 3.2039-  
238 ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT,  
239 LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT,  
240 ADDRESSED AS 1780 E. IH-30 AND DESCRIBED AS TRACT 7-01 OF J.  
241 LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL,  
242 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;

243 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF  
244 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
245 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
246 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

247  
248 ORDINANCE NO. 16-17  
249

250 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
251 TEXAS, CHANGING THE NAME OF CEMETERY ROAD TO GLEN HILL  
252 WAY, WHICH IS MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A' OF THIS  
253 ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
254 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

255  
256 ORDINANCE NO. 16-18  
257

258 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
259 TEXAS, CHANGING THE NAME OF FM-3097 FROM TUBBS ROAD TO THE  
260 SOUTHERN CITY LIMITS, WHICH IS MORE SPECIFICALLY DEPICTED IN  
261 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY  
262 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
263 EFFECTIVE DATE.

264  
265 ORDINANCE NO. 16-23  
266

267 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
268 TEXAS, REPEALING ORDINANCE NO. 03-28 (*PREVIOUSLY RESOLUTION*  
269 *NO. 02-10 AND ORDINANCE NO. 02-53*) AND AMENDING CHAPTER 40,  
270 *TAXATION, ARTICLE III, PROPERTY TAX, DIVISION 4, EXEMPTION FOR*  
271 *HISTORICALLY SIGNIFICANT SITES, OF THE MUNICIPAL CODE OF*  
272 *ORDINANCES TO REMOVE SECTIONS 40-119 THROUGH 40-123;*  
273 *PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A*  
274 *REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.*

275  
276 **The motion passed unanimously of those present. (2 absent – Pruitt & Milder).**  
277

278 **X. ACTION ITEMS**  
279

- 280 1. **Z2016-004** - Discuss and consider a request by Scott and Leslie Milder  
281 for the approval of an **ordinance** for a Specific Use Permit for a Banquet  
282 Facility on a 0.66-acre lot of land containing two (2) parcels of land  
283 identified as Block 23A (0.43-acres) and Block 24C (0.23-acres) of the  
284 Amick Addition, City of Rockwall, Rockwall County, Texas, zoned  
285 Planned Development District 50 (PD-50) for Residential-Office (RO)  
286 District uses, located within the North Goliad Corridor Overlay (NGC OV)  
287 District, addressed as 803 & 805 N. Goliad Street, and take any action  
288 necessary [**2nd Reading**].

289 **Councilmember White made a motion to approve the Z2016-004. Mayor Pro Tem Lewis**  
290 **seconded.**  
291

292 **Councilmember Hohenshelt asked if there was a time limit associated with any of the**  
293 **waivers that are currently being granted. Planning Director, Ryan Miller indicated that**  
294 **the waivers granted would be in perpetuity; however, the council could bring this matter**  
295 **back at any time for consideration and the applicant also had a component that tied a**

296 portion of the waivers to 802 N. Alamo Street in that, once changed from residential to  
297 commercial property, they would be required to pave the access drive. Miller clarified  
298 that this was the only waiver that had a timing element associated with it.  
299

300 Councilmember Hohenshelt stated he would like to grant 36 months of time associated  
301 with the granting of waivers, expressing he feels the business should be viable within  
302 that time frame and able come into compliance with the parking requirement. Mr.  
303 Hohenshelt went on to propose that the applicant come back before council in 36 months  
304 to revisit the specific use permit.  
305

306 Mr. Miller clarified that this ordinance will grant three variances – (1) to grant reduction in  
307 parking by two spaces to allow him to not have to use the cross access easement for  
308 parking; (2) to not have to pave the cross access easement until the adjacent property  
309 develops and (3) for the gravel parking itself.  
310

311 Councilmember Hohenshelt stated that the gravel parking lot was the only thing he  
312 thought needed to be complete within a 36 month timeframe. Within this time frame, the  
313 applicant would be required to either pave the 5 spots (currently allowed to be gravel  
314 through passage of this ordinance), or come back to the city council to seek an  
315 extension on this portion of the variance request for any period of time beyond the  
316 allowed 36 months.  
317

318 City Attorney Frank Garza clarified that council does not have to bring this back for first  
319 reading, and, if so desired, it can be adopted on second reading this evening.  
320

321 Councilmember White amended his motion to add the above stipulation of the 36 month  
322 gravel pavement requirement or bring the SUP back before council to be considered  
323 upon its expiration. Mayor Pro Tem Lewis seconded the amended motion. The ordinance  
324 was read as follows:  
325

326 **ORDINANCE NO. 16-22**  
327 **SPECIFIC USE PERMIT NO. S-149**  
328

329 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
330 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
331 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE  
332 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
333 SPECIFIC USE PERMIT (SUP) FOR A BANQUET FACILITY/EVENT VENUE  
334 WITHIN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ON A 0.670-  
335 ACRE PARCEL OF LAND, ADDRESSED AS 803 N. GOLIAD STREET AND  
336 BEING IDENTIFIED AS LOT 1, BLOCK A, OUR HOUSE ADDITION, CITY OF  
337 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL  
338 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED  
339 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
340 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
341 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
342

343 The motion passed unanimously of those present with 2 absent (Pruitt and Milder).  
344  
345  
346

347 2. Discuss and consider approval of a variance request from ROCK-HOB,LP  
348 from the City's Standards of Design and Construction, Section 2.19 (Off-  
349 Street Parking) allowing the existing asphalt pavement to remain in place  
350 at 2004 South Goliad (Hobby Lobby), and take any action necessary.

351 City Engineer, Tim Tumulty, indicated that the city recently received a complaint related  
352 to a crew doing an asphalt overlay job on the Hobby Lobby parking lot. As a result, staff  
353 intervened and stopped the crew from continuing work on the parking lot since the city's  
354 standards currently call for concrete, not asphalt. A representative from the owner of the  
355 parking lot subsequently contacted the city, requesting that they be allowed to continue  
356 with the asphalt overlay project, waiving the requirement that concrete be used.

357  
358 Councilmember White asked for clarification on the matter. Mr. Tumulty and Mr.  
359 Crowley, City Manager, shared that if an applicant would like to redo a parking lot,  
360 material would be determined at the time of the request. Mr. Tumulty generally indicated  
361 that, over time, the asphalt parking lots deteriorate more quickly and at a larger degree  
362 than do concrete surfaces.

363  
364 Hohenshelt asked if the applicant is required to pull a permit before doing this sort of  
365 work on a parking lot. Mr. Tumulty indicated that, yes, it is required that a permit be  
366 pulled prior to any work being done. Indication was given that the variance request has  
367 been submitted by the property owner / land lord of the property.

368  
369 Councilmember White made a motion to approve the variance for this property location,  
370 thus allowing for the asphalt work to continue. The motion failed for lack of a second.

371  
372 Mr. Garza indicated that our ordinance speaks for itself, and that this item was related to  
373 requesting a variance to our ordinance standards. So, if the city council takes no action  
374 this evening, staff would move forward with enforcing the city's ordinance, which will, in  
375 part, consist of staff asking the property owner to remove the asphalt that was recently  
376 laid and replace it and the rest of the parking lot with concrete.

377  
378 3. Discuss and consider approval of an ordinance declaring unopposed  
379 candidates for the offices of City Councilmember Place 2, Place 4 and  
380 Place 6 and cancelling the May 7, 2016 General Election, and take any  
381 action necessary. (1st reading)

382 Councilmember White made a motion to approve an ordinance declaring unopposed  
383 candidates and cancelling the May 7<sup>th</sup> General Election. Councilmember Townsend  
384 seconded the motion. The ordinance was read as follows:

385  
386 ORDINANCE NO. 16-\_\_\_\_

387  
388 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
389 TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF  
390 CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4,  
391 AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT  
392 THE MAY 7, 2016 GENERAL MUNICIPAL ELECTION SHALL NOT BE  
393 HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN  
394 CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A  
395 SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE  
396 MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO

397 THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE  
398 DATE.  
399

400 The motion passed unanimously of council present with 2 absent (Pruitt and Milder).  
401

- 402 4. Discuss and consider the content of the plaque recognizing the  
403 completion of the downtown project and take any action necessary

404 Mr. Crowley provided brief comments related to this agenda item.  
405

406 Mayor Pro Tem Lewis made a motion to have the content of the plaque recognize the  
407 Council at the time the bond election was held as well as the current councilmembers.  
408

409 Councilmember White suggested also listing names of the mayors who were in office  
410 during the planning phase and beginning stages of construction, namely past Mayor  
411 Cecil and past Mayor Sweet.  
412

413 Mayor Pro Tem Lewis amended his motion to include the current council members,  
414 former mayors and former council members involved from the inception of the planning  
415 process and to name it the 'downtown capital improvement project.' This motion died for  
416 lack of a second.  
417

418 Councilmember Hohenshelt made a motion to name the project "historic downtown  
419 Rockwall Renovation." Councilmember White seconded the motion, which passed  
420 unanimously of Council present (Pruitt and Milder absent).  
421

422 Councilmember White made a motion to approve the contents of the plaque, including  
423 names of the current council, construction manager, staff and two former mayors  
424 involved in the project (Cecil and Sweet); Councilmember Hohenshelt seconded the  
425 motion, which passed by a vote of 4 in favor, 1 against (Fowler) with 2 absent (Pruitt and  
426 Milder).  
427

- 428 5. Discuss and consider appointments to the city's Airport Advisory Board,  
429 and take any action necessary.

430 Councilmember Townsend made a motion to appoint Tom Woodruff to fill the one  
431 vacancy on this board. Councilmember White seconded the motion, which passed by a  
432 vote of 5 in favor with 2 absent (Pruitt and Milder).  
433

434 XI. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
435 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.  
436

- 437 1. Departmental Reports  
438 Building Inspections Department Monthly Report - January 2016  
439 Fire Dept. Monthly Reports - January 2016  
440 Fire Dept. "16 in 16" Recruiting Report - Through Feb. 2016  
441 Fire Department Annual Report - 2015  
442 GIS Department Monthly Report - January 2016  
443 Harbor PD Monthly Report - January 2016  
444 Internal Operations Department Monthly Report - January 2016  
445 Police Department Monthly Report - January 2016  
446 Recreation Monthly Report - January 2016

448 2. City Manager's Report

449 Rick Crowley indicated all department reports were included in the council packet for  
450 review and stated he would be happy to answer any questions.  
451

452 The Council did not reconvene in Executive Session following the close of the public  
453 meeting agenda.  
454

455 XII. EXECUTIVE SESSION  
456

457 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
458 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
459 CODE:  
460

- 461 1. Discussion regarding Economic Development incentives, procedures and  
462 possible projects pursuant to Section 551.087 (Economic Development)
- 463 2. Discussion regarding the lease of land in the vicinity of the downtown  
464 area pursuant to Section §551.072 (Real Property).
- 465 3. Discussion regarding potential land acquisition and right-of-way along  
466 Ridge Road pursuant to Section §551.072 (Real Property).
- 467 4. Discussion regarding formation of / appointment of city council  
468 subcommittee(s) pursuant to Section, §551.074 (Personnel Matters).
- 469 5. Discussion regarding (re)appointments to city regulatory boards,  
470 commissions, and committees - Planning & Zoning Commission -  
471 pursuant to Section 551.074 (personnel matters)
- 472 6. Discussion regarding process associated with City Manager performance  
473 evaluation pursuant to Section 551.074 (personnel matters)

474 XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION  
475

476 The Council did not reconvene in Executive Session following the close of the public  
477 meeting agenda, so there was no possible action to be taken.  
478

479 XIV. ADJOURNMENT  
480

481 Mayor Pro Tem Lewis adjourned the meeting at 6:42 p.m.  
482

483 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
484 THIS 21<sup>st</sup> day of March, 2016.

485  
486  
487  
488 ATTEST:  
489 *Kristy Cole*  
490 \_\_\_\_\_  
491 Kristy Cole, City Secretary



*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor

1  
2  
3  
4  
5  
6  
7

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, March 21, 2016**  
**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 Council Members David White, Mike Townsend, John  
12 Hohenshelt, Scott Milder, and Kevin Fowler. Also present were City Manager Rick  
13 Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank  
14 Garza.

15  
16 **II. WORK SESSION**

17  
18 1. HOLD WORK SESSION TO DISCUSS AND CONSIDER STRATEGIC PLANS FOR THE  
19 POLICE DEPARTMENT AND PLANNING DEPARTMENT.  
20

21 City Manager Rick Crowley introduced this item, thanking Councilmember Hohenshelt  
22 for his assistance and input regarding development of the strategic plans. He then  
23 introduced Police Chief Kirk Riggs, who briefed the council on his departmental strategic  
24 plan. He explained that the department will focus on the following three, main initiatives:  
25

- 26 • Safety and security through crime prevention and crime reduction
- 27 • Traffic Issues
- 28 • Public trust and transparency.

29  
30 Various commentaries took place on the part of both staff and Council.

31  
32 Planning Director, Ryan Miller, came forth and briefed the Council on the Planning  
33 Department's proposed strategic plan. He provided general comments pertaining to the  
34 following goals, which are outlined in his plan:  
35

- 36 • Balance & Maintain Residential/Non-Residential Land Uses
- 37 • Maintain or Increase the Current Per Capita Sales Tax Revenue
- 38 • Develop a Long-Term Funding Plan for Infrastructure Investment/Reinvestment

39  
40 No action was taken following these two presentations.

41  
42 At 4:51 p.m., Mayor Pruitt read the following discussion items into the record before  
43 recessing the public meeting to go into Executive Session.  
44

45 **III. EXECUTIVE SESSION**

46  
47 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
48 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
49 CODE:

- 50  
51  
52  
53  
54  
55  
56  
57
1. Discussion regarding right-of-way adjacent to FM3549 pursuant to Section 551.071 (Consultation with Attorney)
  2. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)
  3. Action Item #7 from public meeting agenda: Discuss and consider prohibiting parking on residential streets in the city, and, take any action necessary.

58  
59 **IV. ADJOURN EXECUTIVE SESSION**

60  
61 **Executive Session was adjourned at 5:55 p.m.**

62  
63 **V. RECONVENE PUBLIC MEETING**

64  
65 **The meeting was reconvened at 6:00 p.m.**

66  
67 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

68  
69 **Mayor Pro Tem Lewis made a motion to amend the city manager's compensation and contract as per Executive Session direction. Councilmember White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).**

70  
71  
72  
73 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

74  
75 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

76  
77 **VIII. PROCLAMATIONS / AWARDS**

- 78  
79  
80  
81
1. State Senate Certificate - Volunteer Efforts to the Victims of December 2015

82  
83  
84  
85  
86  
87

**Mayor Pruitt read this certificate, which came from State Senator, Bob Hall, and State Representative, Scott Turner, regarding volunteer aid rendered to Rowlett and other communities in the aftermath of the December 26, 2015 tornados that affected several neighboring cities. Mayor Pruitt then thanked Police, Fire, CERT, police dispatchers and others for their efforts in responding to help.**

88  
89 **IX. OPEN FORUM**

90  
91  
92

**Mayor Pruitt explained how Open Forum is conducted. He then asked if anyone would like to come forth to speak at this time.**

93  
94  
95  
96

**Bruce Foith  
1087 Shady Dale Drive  
Rockwall, TX 75087**

97  
98

**Mr. Foith indicated that the naming of the park near Caruth Lake is the topic that he would like to speak to the Council about this evening, explaining that he knows this is an**

99 agenda item that will be discussed and considered later on in tonight's agenda. He  
100 expressed that he believes the park should be named Caruth Lakes Park or The Park at  
101 Caruth Lakes. He believes this type of name will tie into where it is located (in the Caruth  
102 Lakes subdivision). He believes naming it after the subdivision would likely be relatively  
103 important to the residents living there.  
104

105 There being no one else wishing to come forth and speak, Mayor Pruitt then adjourned  
106 Executive Session.  
107

108 **X. CONSENT AGENDA**  
109

- 110 1. Consider approval of the minutes from the March 7, 2016 regular City  
111 Council meeting, and take any action necessary.
- 112 2. Consider awarding a bid to Weldon's Lawn and Tree and authorizing the  
113 City Manager to execute a Contract for Grounds Maintenance Services in  
114 the amount of \$213,230 to be funded out of the General Fund, Parks and  
115 Harbor Operating Budgets, and take any action necessary.
- 116 3. Consider approval of an **ordinance** declaring unopposed candidates for  
117 the offices of City Councilmember Place 2, Place 4 and Place 6 and  
118 cancelling the May 7, 2016 General Election, and take any action  
119 necessary. **(2nd reading)**
- 120 4. Consider approval of an **ordinance** amending Ch. 18, Article III, Section  
121 18-66 and 18-67 of the city's Code of Ordinances, authorizing the City  
122 Manager to appoint the Fire Marshal for the city, and take any action  
123 necessary. **(1st reading)**
- 124 5. Consider approval of a resolution applying for and accepting grant  
125 funding from the Body Worn Camera Program grant program through the  
126 Criminal Justice Division of the Office of the Governor for the purchase of  
127 body worn cameras; establishing the duties and responsibilities of said  
128 grant requirements; designating the city manager as the authorized  
129 official for the grant application, and take any action necessary.
- 130 6. Consider approval of the Southside Elevated Storage Tank Valve project  
131 to Flow-Line Construction, Inc. in the amount of \$162,900.00 to be funded  
132 by the 2015 Water and Sewer Bonds, and take any action necessary.

133 **Mayor Pruitt pulled item #2 for discussion.**

134 **Councilmember White made a motion to approve the remaining Consent Agenda items**  
135 **(#s 1, 3, 4, 5, and 6). Councilmember Townsend seconded the motion. The ordinances**  
136 **were read as follows:**

137 **CITY OF ROCKWALL, TEXAS**  
138 **ORDINANCE NO. 16-24**  
139

140 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
141 **TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF**  
142 **CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4,**  
143 **AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT**  
144 **THE MAY 7, 2016 GENERAL MUNICIPAL ELECTION SHALL NOT BE**  
145 **HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN**  
146 **CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A**

147 SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE  
148 MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO  
149 THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE  
150 DATE.  
151

152 CITY OF ROCKWALL

153 ORDINANCE NO. 16-\_\_\_

154 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
155 CHAPTER 18, ARTICLE III, SECTION 18 BY AMENDING SECTION 18-66  
156 AND 18-67 OF THE CODE OF ORDINANCES, AUTHORIZING THE CITY  
157 MANAGER TO APPOINT THE FIRE MARSHAL FOR THE CITY;  
158 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE  
159 DATE AND PROVIDING FOR RELATED MATTERS.

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

161 Mayor Pruitt commented that the required form associated with Consent Agenda Item #2  
162 (Certificate of Interested Parties – Form 1295) appears to be filled out incorrectly. City  
163 Attorney, Frank Garza, advised that a correction may be made afterwards and that this  
164 mistake will not impede the Council’s ability to move forward with approval of this item if  
165 so desired.

166 Mayor Pruitt made a motion to approve #2 and the associated contract for grounds  
167 maintenance services. Mayor Pro Tem Lewis seconded the motion, which passed by a  
168 vote of 7 ayes to 0 nays.

169 XI. APPOINTMENTS  
170

171  
172 1. Appointment with the Planning and Zoning Chairman to discuss and  
173 answer any questions regarding cases on the agenda and related issues  
174 and take any action necessary.

175 Indication was given that this agenda item is not needed, as the recent P&Z Commission  
176 meeting had to be cancelled (was not held) due to lack of a quorum.  
177

178 2. Appointment with Patrick Tetrick, owner of Three Sheets and Southern  
179 Comforts at The Harbor, to discuss and consider requests associated  
180 with alcohol beverage sales including late hours, sales ratios (food-to-  
181 alcohol), 'to go' sales, as well as related sponsorship opportunities  
182 associated with the city's Concerts by the Lake series, and take any  
183 action necessary.

184 Mayor Pruitt indicated that he was contacted in the last few minutes, letting him know  
185 that Mr. Tetrick no longer wishes to address the Council tonight concerning these  
186 agenda items. So this item was not addressed, and no action was taken.  
187

188 3. Appointment with Dallas Cothrum of Master Plan on behalf of Echo Park  
189 Automotive to request an amendment to the Unified Development Code  
190 (UDC) allowing used automotive dealerships in Light Industrial (LI)  
191 Districts, and take any action necessary.

192 Mr. Cothrum came forth and provided the Council with a presentation concerning his  
193 request for a code amendment to allow for what he described as high caliber type pre-  
194 owned car sales dealerships in certain locations (i.e. zoned "light industrial") with  
195 approval of a Specific Use Permit (SUP). He explained that Echo Park is owned and  
196 operated by Sonic Automotive. He went on to share several photos of dealerships that  
197 have been built by this company in other cities. He stressed that these dealerships are  
198 aesthetically attractive; they do not adversely affect adjacent properties; and they are  
199 first class type dealerships.

200  
201 Following Mr. Cothrum's presentation, Mayor Pro Tem Lewis asked about possible  
202 vehicle repairs that a dealership like this would perform.

203  
204 John Russ  
205 19629 Scooner Drive  
206 Cornelius, North Carolina

207  
208 Mr. Russ indicated that only light mechanical work would be conducted. No intensive  
209 vehicle repair services would take place on site.

210  
211 Mayor Pro Tem Lewis asked if the dealership does financing for customers. Mr. Russ  
212 indicated that his company only arranges for financing for those purchasing vehicles.  
213 The company does not currently offer its own financing.

214  
215 Mr. Russ indicated that the company would likely spend somewhere in the area of about  
216 \$8 million on building this pre-owned car dealership.

217  
218 Councilmember Fowler asked from where their inventory is derived. Mr. Russ shared  
219 that the company employs buyers. Also, cars are bought from members of the public  
220 who simply wish to sell their car (similar to what CarMax does).

221  
222 Mr. Miller clarified that the request this evening is to move forward with a code  
223 amendment that would allow used car lots / sales within Light Industrial zoned districts if  
224 they are accompanied by an SUP. He explained that currently used car lots are only  
225 allowed as an accessory use when attached to / part of a new car dealership.

226  
227 Councilmember Milder expressed that he was recently opposed to some new car  
228 dealerships along the IH-30 corridor because he believed there were too many of them  
229 popping up. However, he believes Mr. Cothrum's business model is different and  
230 interesting.

231  
232 Mr. Russ explained that at most of their locations, most of their inventory is located to  
233 the rear of the facility. Mr. Cothrum explained that at this type of dealership, the  
234 customer is finished (with their car purchase) within an hour.

235  
236 Mr. Russ shared that there may be up to 150 – 200 cars at the site at any given time,  
237 which would include vehicles belonging to employees. However, specific site planning  
238 has not yet been undertaken at this juncture. He explained that a 'reconditioning' type  
239 facility would be located elsewhere, not at the car lot location itself. He explained that  
240 the company aims to have several 'neighborhood stores' that are located in smaller,  
241 suburbs around the DFW Metroplex area.

243 Councilmember White made a motion to instruct staff to move forward with an ordinance  
244 amendment to allow used car dealerships in Light Industrial zoned districts with an SUP.  
245 Councilmember Townsend seconded the motion. After brief comments, the motion  
246 passed by a vote of 4 in favor with 3 against (Hohenshelt, Pruitt and Fowler).  
247

248 **XII. PUBLIC HEARING ITEMS**  
249

- 250 1. **A2016-001 (6:00 PM)** – Hold a public hearing to discuss and consider a  
251 request by Pat Atkins on behalf of the owners Gwendolyn A. and Randall  
252 D. Reed for the approval of annexation of an 11.275-acre tract of land  
253 identified as Tracts 1-5 of the P. B. Harrison Survey, Abstract No. 97,  
254 Rockwall County, Texas, and take any action necessary (1st Public  
255 Hearing).

256 **Pat Atkins**  
257 **3076 Hays Lane**  
258 **Rockwall, TX**  
259

260 **Mr. Atkins came forth and stated that this is a continuation of the Saddle Star**  
261 **development.**  
262

263 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and**  
264 **speak at this time. There being no indication of such, Mayor Pruitt then closed the public**  
265 **hearing.**  
266

267 **Mr. Miller clarified that no action is required at this time. The way the local government**  
268 **code is written, the public hearings have to be held first before ordinances may be**  
269 **brought forth before Council for action. Those will be brought forth at the April 18 city**  
270 **council meeting.**  
271

- 272 2. **A2016-001 (6:30 PM)** – Hold a public hearing to discuss and consider a  
273 request by Pat Atkins on behalf of the owners Gwendolyn A. and Randall  
274 D. Reed for the approval of annexation of an 11.275-acre tract of land  
275 identified as Tracts 1-5 of the P. B. Harrison Survey, Abstract No. 97,  
276 Rockwall County, Texas, and take any action necessary (2nd Public  
277 Hearing).

278 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and**  
279 **speak at this time. There being no indication of such, Mayor Pruitt then closed the public**  
280 **hearing. No action was taken at this time.**  
281

282 **XIII. ACTION ITEMS**  
283

- 284 1. **MIS2016-007** - Discuss and consider a request by Wayne Mershawn of  
285 Mershawn Associates Architects and Construction on behalf of the  
286 owners Lou & Ruby Losanes for the approval of a special request to  
287 construct a four-plex residential dwelling unit that does not meet the  
288 minimum material requirements stipulated by Article V, District  
289 Development Standards, of the Unified Development Code on a 0.32-  
290 acre tract of land identified as Lot 33 & 34 of the Canup Addition, City of  
291 Rockwall, Rockwall County, Texas, zoned Single Family-7 (SF-7) District,  
292 situated within the Southside Residential Neighborhood Overlay (SRO)

293 District, located at the southeast corner of the intersection of Emma Jane  
294 Street and Sam Houston Street, and take any action necessary.

295  
296 **Mr. Miller explained that the applicant is asking permission to construct a four-plex,**  
297 **residential dwelling / living unit. He explained that it is located on Emma Jane within the**  
298 **Southside Residential Overlay District. Mr. Miller explained that the applicant must first**  
299 **come forth to Council to receive direction from council before possibly proceeding**  
300 **through the P&Z process and various other steps.**

301  
302 **Greg Wallace**  
303 **Mershawn Architects**  
304 **4313 Ridge Road**  
305 **Rockwall, TX**

306  
307 **Mr. Wallace came forth indicating that he is here tonight on behalf of the owner and**  
308 **architect. He stated he was happy to answer any questions the council may have.**

309  
310 **Councilmember White made a motion to approve MIS2016-007. The motion died for lack**  
311 **of a second. Therefore, no action was taken concerning this agenda item.**

312  
313 **Mayor Pruitt then called for a brief break and recessed the meeting at 7:02 p.m.**

314  
315 **Mayor Pruitt called the meeting back to order at 7:13 p.m.**

316  
317 **2. Discuss and consider Park Board recommendation regarding the naming**  
318 **of park land in the vicinity of Raymond Cameron Lake, and take any**  
319 **action necessary.**

320 **Brad Griggs, Assistant City Manager, provided brief background information concerning**  
321 **this item. He explained that the Park Board has put forth recommendations to the City**  
322 **Council concerning the naming of these park areas (about 171 acres total). He explained**  
323 **that the Park Board received this request to consider formally naming the park land**  
324 **around Raymond Cameron Lake and Phelps Lake. In accordance with the Park and**  
325 **Facility Naming Policy, the Park Board formed a subcommittee to review potential names**  
326 **submitted by the group that made the initial request and considered other names as well.**  
327 **The subcommittee met on multiple occasions. The subcommittee ultimately made a**  
328 **recommendation to the Park Board which was voted on unanimously and approved. It**  
329 **was to recommend to the City Council that the area west of SH 205 be named the “Trails**  
330 **of Squabble Creek” and the area east of SH 205 be named the “Lakes of Squabble**  
331 **Creek.”**

332  
333 **Councilmember Townsend made a motion to approve the Park Board recommendations**  
334 **concerning naming of these two areas. Councilmember Hohenshelt seconded the**  
335 **motion, which passed by a vote of 6 in favor with 1 against (Pruitt).**

336  
337 **3. Discuss and consider approval of a resolution establishing a Building**  
338 **Permit Waiver and Reduction Program for the purpose of providing an**  
339 **incentive to property owners within the City's Historic Districts, and take**  
340 **any action necessary.**

341 Planning Director Ryan Miller provided background information concerning this agenda  
342 item. Councilmember Hohenshelt made a motion to approve this program and the  
343 associated resolution. Mayor Pruitt seconded the motion, which passed by a vote of 6 in  
344 favor with 1 against (White).

345

346 4. Discuss and consider approval of a resolution establishing a Small  
347 Neighborhood Matching Grants Program for the purpose of funding  
348 various beautification and improvement projects for residential properties  
349 within the City's Historic Districts, and take any action necessary.

350 Mr. Miller provided background information on this agenda item. He indicated that the  
351 projects for which fund are applied have to be for improvements that will be visible from  
352 the street. He explained that for contributing properties, the city would match up to  
353 \$1,000, and for non-contributing properties, the matching funds would be for up to  
354 \$500.00. He clarified that once all annual funds are exhausted, no one could apply for  
355 program grant funding until the next budget cycle or until Council made increases in  
356 budget appropriations.

357 Councilmember Hohenshelt made a motion to approve the Small Neighborhood Matching  
358 Grants Program and associated resolution. Mayor Pruitt seconded the motion, which  
359 passed by a vote of 6 in favor with 1 against (White).

360 5. Discuss and consider a budget amendment in the downtown fund for pole  
361 banners, and take any action necessary.

362 Mr. Griggs, Assistant City Manager, provided background information concerning this  
363 agenda item. He indicated that there is room for 81 banners to be placed around the  
364 square on the light poles. He shared proofs of three different banners that are being  
365 recommended to the Council by the Main Street Advisory Board. He cost is around  
366 \$7,000 to purchase 81 of them and about 10% extra in case any become damaged. The  
367 Friends of Downtown Rockwall organization has agreed to partner with the city on this  
368 purchase. So a Council budget amendment of \$5,000 is being requested out of the  
369 downtown fund, and the remaining \$2,000 would be paid for by Friends of Downtown.  
370 Griggs handed out a sample in addition to the depictions he shared of the proposed  
371 banners.

372 Mayor Pruitt expressed concern about all of the pole banners displaying the same exact  
373 three images and messages over and over again. He would rather see the banners  
374 display various pieces of information and/or depictions such as, perhaps, parks  
375 programs like the "Go Outside and Play" campaign.

376 Conversely, Councilmember Townsend generally indicated that he agrees with the  
377 repetition because it is an attempt to create a 'brand' in the downtown area. Pruitt  
378 expressed that "eat, shop and relax" is not an all-inclusive type statement, as there are  
379 other things people can do downtown, such as visit other small businesses such as law  
380 firms or a chiropractor. Councilmember Milder expressed concern about what appears  
381 to be a wine glass on the depiction. It was suggested that perhaps a music note could be  
382 a good replacement.

383 Mayor Pruitt made a motion to approve the requested budget amendment (in the amount  
384 of \$5,000). Councilmember White seconded the motion, which passed by a vote of 6 in  
385 favor with 1 against (Fowler).

386 6. Discuss and consider the content of the plaque recognizing the  
387 completion of the downtown project, and take any action necessary.

388 Mayor Pro Tem Lewis indicated he regretted the vote he cast on this item at the last city  
389 council meeting, so he wanted to put this item back on the agenda to be discussed  
390 again, especially since two of the city council members were absent when this was  
391 discussed at the last meeting. He feels as though the past city council members should  
392 be listed on the dedication plaque. Councilmember White indicated he is fine with how  
393 the vote went at the last meeting (with the current council members, the two former  
394 mayors, the construction manager, the architect, the city manager and the two assistant  
395 city managers listed). Lewis indicated that he believes the city council members that  
396 were in office when the bond election was planned and put out for vote should also be  
397 listed.

398 Mayor Pro Tem Lewis made a motion to reconsider the vote from the last meeting  
399 concerning the content of the downtown dedication plaque associated with the  
400 reconstruction. Councilmember Fowler seconded the motion, which passed by a vote of  
401 5 in favor with 2 against (Townsend and White).

402 Mayor Pro Tem Lewis made a motion to include former mayors, current councilmembers  
403 and all councilmembers from 2010 to present as well as the construction manager,  
404 architect, (current) city manager and assistant city managers. Councilmember Fowler  
405 seconded the motion.

406 Mayor Pruitt indicated that he believes it should only include council members from the  
407 ground breaking ceremony to present, pointing out that there were some city council  
408 members who were admittedly opposed to the downtown improvements project.

409 After brief comments, the motion passed by a vote of 5 in favor with 2 against (White and  
410 Pruitt).

411 7. Discuss and consider prohibiting parking on residential streets in the city,  
412 and, take any action necessary.

413 Councilmember White provided background information concerning this agenda item.  
414 White explained he received an email from a Shores HOA representative that seemed to  
415 indicated that the Shores would like a final decision from the city in this regard. Garza  
416 clarified that the Shores HOA was given the option that the city could possibly pass an  
417 ordinance prohibiting parking on city streets, but, without a city ordinance the Shores  
418 HOA could not prohibit street parking. It was clarified that the HOA cannot prohibit  
419 parking in their subdivison, which is made up of city-owned streets, unless the city  
420 passes an ordinance banning street parking citywide or banning street parking on one  
421 side of the street. White indicated that this is an opportunity for the Shores HOA to  
422 receive a definitive answer with regards to whether or not the city will support such ban.  
423

424 After the discussion, no action was taken concerning this agenda item.

426 8. Discuss and consider a revised Franchise Agreement with Sail with Scott,  
427 LLC, and take any action necessary.

428 Scott Self  
429 319 Harbor View Drive

430  
431 Joy Dennis  
432 5200 Keller Springs

433 Dallas, TX

434  
435 **Mr. Self shared that he is downsizing Sail with Scott in that he will only operate the Sea**  
436 **Wolf and will sell his “Harbor Lights” boat to Mrs. Dennis. He shared that Mrs. Dennis**  
437 **has been operating a similar business and boat at Lake Lewisville for some time now. In**  
438 **addition, Mrs. Dennis is also having a new boat constructed to be operated on Lake Ray**  
439 **Hubbard as well.**

440  
441 **Mayor Pruitt clarified that neither Mr. Self nor Mrs. Dennis would have an alcohol license,**  
442 **so patrons would do “BYOB.” Also, Mr. Self is selling his dock to Mrs. Dennis, so no**  
443 **boat dock / tie up space will be occupied at the city’s dock. Mr. Self affirmed these**  
444 **statements.**

445 **Mr. Griggs indicated that some revenue from franchise fees received from the operators**  
446 **would need to be shared with the City of Dallas after a certain point. However, that will**  
447 **not start until January of 2017. New franchise agreements will be drafted by the city**  
448 **attorney and executed thereafter if the Council is ok with moving forward.**

449 **Mayor Pro Tem Lewis made a motion to approve a revised franchise agreement with Sail**  
450 **with Scott, LLC. Councilmember White seconded the motion, which passed**  
451 **unanimously of Council (7 ayes to 0 nays).**

452 **9. Discuss and consider a Franchise Agreement with McJoyful Lights, LLC**  
453 **and take any action necessary.**

454 **Mr. Griggs provided brief comments concerning this agenda item. Councilmember**  
455 **Townsend made a motion to approve this franchise agreement. Councilmember White**  
456 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

457 **10. Discuss and consider a Franchise Agreement with Little Toot, LLC, and**  
458 **take any action necessary.**

459 **Mr. Griggs indicated that this is a 22’ x 60’ party boat that is currently under construction**  
460 **to be operated out of Lake Ray Hubbard. Mrs. Dennis indicated that this boat will be**  
461 **housed at Captain’s Cove.**

462  
463 **Councilmember Hohenshelt made a motion to approve this franchise agreement with**  
464 **Little Toot, LLC. Councilmember Townsend seconded the motion, which passed**  
465 **unanimously of Council (7 ayes to 0 nays).**

466  
467 **XIV. EXECUTIVE SESSION**

468  
469 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
470 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
471 **CODE:**

- 472  
473 **1. Discussion regarding right-of-way adjacent to FM3549 pursuant to**  
474 **Section 551.071 (Consultation with Attorney)**  
475 **2. Discussion regarding process associated with City Manager performance**  
476 **evaluation pursuant to Section 551.074 (personnel matters)**

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

478

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

481  
482 XVI. ADJOURNMENT

483  
484 The meeting was adjourned at 7:34 p.m.

485  
486 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
487 THIS 4<sup>th</sup> day of April, 2016.

488  
489  
490

491 ATTEST:

492 Kristy Cole  
493  
494 Kristy Cole, City Secretary

Jim Pruitt  
Jim Pruitt, Mayor





1  
2  
3  
4  
5  
6

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, April 04, 2016  
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

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, John Hohenshelt, Scott Milder, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza.

15  
16

II. WORK SESSION

- 17  
18
1. Hold work session to discuss and consider strategic plan for the Parks and Recreation Department

19  
20

Andy Hesser, Parks and Recreation Manager, came forth and briefed the city council on the following strategic plan / initiatives:

21

**1. Park Development Initiative**

- 22  
23  
24  
25  
26  
27  
28
- A. *Resolve Baseball/Softball Field Space Issues*
  - B. *Develop existing neighborhood parks to full development as needed.*
  - C. *Lakeside Park Development Process*
  - D. *Develop Alma Williams Howard Park*
  - E. *Develop South Community Park*
  - F. *Develop the Parks at Squabble Creek*

29

**2. Non-Resident Sales Tax Revenue**

- 30  
31  
32  
33  
34  
35  
36
- *Utilize tourism to help maintain \$340 per capita sales tax revenue through the promotion of conventions and other professional trade organization functions.*
  - *Work with hotel operators to attract business meetings and conventions to increase hotel/motel tax and non-resident sales tax.*
  - *Endeavor to host sporting events that lead to "heads in beds" and have a positive financial impact on the community.*

37

**3. Operational Excellence**

- 38  
39  
40  
41  
42  
43  
44  
45
- *Validate department practices and procedures against prescribed industry best practices.*
  - *Develop Recreation Programming Criteria Policy*
  - *Achieve CAPRA (Commission for Accreditation of Parks and Recreation Agencies) accreditation by June of 2018.*
  - *Compete for state and national awards for facility design, programs and agency management.*

46  
47

General discussion took place related to community needs associated with additional ball / playing and practice fields. Discussion also took place related to the various

48 means by which staff attempts to determine what type of programs members of the  
49 public desire to have.

50  
51 At 4:41 p.m., Mayor Pruitt read the below listed discussion items into the public record  
52 before recessing the meeting into Executive Session.

53  
54 **III. EXECUTIVE SESSION.**

55  
56 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
57 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
58 CODE:

- 59 1. Discussion regarding the purchase, exchange, lease, value and/or right-  
60 of-way acquisition of real property pursuant to Section §551.072 (Real  
61 Property).
- 62 2. Discussion regarding appointments to city regulatory boards,  
63 commissions, and committees (the North TX Municipal Water District  
64 Board) pursuant to Section §551.074 (Personnel Matters)
- 65 3. Discussion regarding report and possible claim regarding a retaining wall  
66 pursuant to Section §551.071 (Consultation with Attorney)

67 **IV. ADJOURN EXECUTIVE SESSION**

68  
69 Executive Session was adjourned at 5:28 p.m.

70  
71 **V. RECONVENE PUBLIC MEETING**

72  
73 Mayor Pruitt called the public meeting back to order at 6:00 p.m. with all seven city  
74 council members being present.

75  
76 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

77  
78 Mayor Pro Tem Lewis made a motion to authorize the city manager to proceed with the  
79 sale of land adjacent to the East Side Pump Station. Councilmember Townsend  
80 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

81  
82 Mayor Pro Tem Lewis made a motion to reappoint Larry Parks to serve an additional term  
83 on the North Texas Municipal Water District Board (from June 1, 2016 to May 31, 2018).  
84 Councilmember Townsend seconded the motion, which passed unanimously of council  
85 present.

86  
87 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

88  
89 Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.

90  
91 **VIII. PROCLAMATIONS / AWARDS**

- 92  
93 1. Mayor and County Recognition Day for National Service

94  
95 Mayor Pruitt called upon Mallory Laremore of the Boys & Girls Club of Northeast Texas  
96 to come forward at this time. He then read and presented to her this proclamation.

97 IX. OPEN FORUM

98  
99 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
100 come forward and speak at this time. There being no one indicating such, Mayor Pruitt  
101 then closed Open Forum.  
102

103 X. CONSENT AGENDA

- 104  
105 1. Consider approval of the minutes from the March 21, 2016 regular City  
106 Council meeting, and take any action necessary.
- 107 2. Consider approval of an **ordinance** amending Ch. 18, Article III, Section  
108 18-66 and 18-67 of the city's Code of Ordinances, authorizing the City  
109 Manager to appoint the Fire Marshal for the city, and take any action  
110 necessary. **(2nd reading)**
- 111 3. Consider a contract extension to 3-D Mowing and authorizing the City  
112 Manager to execute a Purchase Order for Contract Mowing Services in  
113 the amount of \$40,291 to be funded out of the General Fund Parks  
114 Operations Budget, and take any action necessary.
- 115 4. **P2016-006** - Consider a request by Chase Finch of Corwin Engineering,  
116 Inc. on behalf of John Arnold of BH Balance I LLC for the approval of a  
117 preliminary plat for Breezy Hill, Phase VII containing 10 single-family  
118 residential lots on 6.802-acres of land identified as Tract 7-10 of the J.  
119 Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County,  
120 Texas, zoned Planned Development District 74 (PD-74) for Single Family  
121 10 (SF-10) District land uses, situated within the 205 By-Pass Corridor  
122 Overlay (205 BY-OV) District, located at the northeast corner of N. John  
123 King Boulevard and Cozy View Drive, and take any action necessary.
- 124 5. **P2016-007** - Consider a request by Chase Finch of Corwin Engineering,  
125 Inc. on behalf of John Arnold of BH Balance I LLC for the approval of a  
126 preliminary plat for Breezy Hill, Phase VI containing 79 single-family  
127 residential lots on 32.020-acre portion of a larger 61.528-acre tract of land  
128 identified as Tract 7 of the J. Strickland Survey, Abstract No. 187, City of  
129 Rockwall, Rockwall County, Texas, zoned Planned Development District  
130 74 (PD-74) for Single Family 10 (SF-10) District land uses, generally  
131 located northeast of the intersection of N. John King Boulevard and Life  
132 Springs Drive, and take any action necessary.
- 133 6. Consider approval of an additional delay for action on the Pro Rata  
134 Facilities Agreement with Our Lady of the Lake Catholic Church for the  
135 Damascus Road construction until December 31, 2016, and take any  
136 action necessary.

137 Mayor Pro Tem Lewis made a motion to approve the Consent Agenda (#s 1, 2, 3, 4, 5 and  
138 6). Councilmember Townsend seconded the motion. The ordinance for #2 was read as  
139 follows:

140 CITY OF ROCKWALL  
141 ORDINANCE NO. 16-25

142 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
143 CHAPTER 18, ARTICLE III, SECTION 18 BY AMENDING SECTION 18-66  
144

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194

AND 18-67 OF THE CODE OF ORDINANCES, AUTHORIZING THE CITY  
MANAGER TO APPOINT THE FIRE MARSHAL FOR THE CITY; PROVIDING  
A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND  
PROVIDING FOR RELATED MATTERS.

The motion passed unanimously of those present (7 - 0).

**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, Chairman of the Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to items on tonight's Council meeting agenda.**

Lewis asked why it was that Commissioner Logan voted against MIS2016-006 (related to the mobile home). Mr. Renfro indicated that she did not want to replace the existing product with something that, in her opinion, was deficient. She also had concerns about the hardi-board going all the way to the skirt around the structure, expressing she thought it could develop 'rotting' over time once exposed to rain.

Mayor Pruitt clarified that this mobile home is being brought in from another site (being relocated to the lot in Lake Rockwall Estates). Mr. Renfro concurred, expressing that he felt the photos made it appear to be 'gently used.'

Mayor Pruitt asked about the item tonight related to an SUP for a carport over near the Park Place development (Z2016-006). He expressed that Bill Bricker, who is the head of the HOA in the Park Place subdivision and owns property to the east of the subject property. Pruitt expressed that Bricker has expressed concern that perhaps the tall 8' fence that the property owner wants to construct may possibly be being constructed in order to hide some sort of commercial activity that may ensue on the property. Pruitt pointed this out, stating that if the property owner did do so in the future, it would be a code violation that the city would address at that time.

**Council took no action as a result of this Appointment Item.**

2. Appointment with representatives from The Rockwall Old Towne Shoppes to hear request concerning use of the downtown San Jacinto Plaza for an upcoming "Farm to Feast" event, and take any action necessary.

**Mayor Pruitt thanked the Old Town Shoppes for all of its work associated with the upcoming April 16<sup>th</sup> event in downtown, which will be a celebration of the completion of the downtown renovations and will last all day long.**

**Denise Webb, owner of Worker Bee Studios, and Deedee Rowe, owner of DeeDee Style. Mrs. Webb explained that they would like to host a plated dinner as a fundraising event on Sunday, May 15. One hundred seats will be sold, and the food will be provided by vendors who participate at the Farmers Market. All of the restaurants downtown will contribute to the meal preparation. Mrs. Webb indicated that the actual cost will be \$25, and there will be a \$50 profit. This profit will go towards promoting future events**

195 downtown, such as Scare on the Square, Old Towne Christmas, etc. She explained that  
196 they are seeking approval of the special event permit that has already been submitted to  
197 staff to hold this event (permission to hold the event on the Plaza downtown).  
198

199 Mrs. Rowe indicated that this dinner is related to the organization's desire to proactively  
200 fund raise instead of coming to the city to ask for money. They respectfully requested  
201 that the Council consider approving the permits that they have requested from the City.  
202

203 Mayor Pruitt clarified that no alcohol will be sold; however, guests will be able to bring  
204 their own in a cooler if they so choose.  
205

206 Councilmember Milder made a motion to approve this request. Mayor Pro Tem Lewis  
207 seconded the motion. Assistant City Manager Brad Griggs pointed out that the plaza will  
208 still be accessible to members of the public / pedestrians who would like to pass through  
209 while the dinner is taking place. Councilmember White asked if the city will be charging  
210 a fee to utilize the Plaza, or if the city will just be granting permission. Mr. Griggs  
211 indicated that there is no set fee schedule associated with renting the plaza, so if this is  
212 approved, permission will be granted by Council (but no fee would be charged).  
213 Councilmember White pointed out that there was previous opposition expressed by the  
214 Council with regards to some other individuals or organizations desiring to rent/lease the  
215 San Jacinto Plaza. Comments were made that past request(s) may have involved the  
216 sale of alcohol and/or closing the plaza entirely to the public while the event would have  
217 taken place. Mr. Crowley suggested that a discussion item be brought back before the  
218 Council in the future to decide if establishing guidelines associated with future use of the  
219 San Jacinto Plaza is necessary.  
220

221 After various comments, the motion passed by a vote of 7 ayes to 0 nays.  
222

## 223 XII. PUBLIC HEARING ITEMS

- 224
- 225 1. **P2016-009** - Hold a public hearing to discuss and consider a request by  
226 Michael Hunter of the Rockwall Housing Development Corporation for the  
227 approval of a residential replat for Lots 1 & 2, Block H, Lake Rockwall  
228 Estates East Addition being a 0.27-acre parcel of land currently identified  
229 as Lot 984A of the Rockwall Lake Estates #2 Subdivision, City of  
230 Rockwall, Rockwall County, Texas, zoned Planned Development District  
231 75 (PD-75) for Single Family-7 (SF-7) District land uses, located at 112  
232 Chris Street, and take any action necessary.

233 Ryan Miller, Planning Director, explained that the purpose of this request is to allow the  
234 applicant to construct two, single family detached homes in accordance with what the  
235 Council approved back in October. This case has been advertised to all property owners  
236 located within 200' of the subject property. The Planning & Zoning Commission has  
237 recommended approval of this request.  
238

239 Michael Hunter of the Rockwall Housing Development Corporation, the applicant, then  
240 came forth and provided brief comments, respectfully asking permission for approval of  
241 this request.  
242

243 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
244 speak at this time. There being no one indicating such, Mayor Pruitt then closed the  
245 public hearing.  
246

247 Councilmember White made a motion to approve P2016-009. Councilmember Milder  
248 seconded the motion, which passed by a vote of 7 ayes to 0 nays.  
249

- 250 2. Z2016-006 - Hold a public hearing to discuss and consider a request by  
251 John Cherry for the approval of an ordinance for a Specific Use Permit  
252 (SUP) for a carport on a 1.04-acre tract of land identified as Tract 47 of  
253 the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall  
254 County, Texas, zoned Single Family 7 (SF-7) District, addressed as 303  
255 Renfro Street, and take any action necessary (1st Reading).

256 Mr. Miller provided background information on this agenda item, indicating that the  
257 applicant is asking permission to construct a carport that does not meet the city's  
258 current standards. The proposed carport will stand approximately 8-feet in total height  
259 and will have a building footprint of 32-feet x 20-feet or approximately 640 square feet.  
260 The structure will be located on the north side of the building and setback 10-feet from  
261 the front façade of the house. The applicant is proposing that the carport to be situated  
262 behind a fence so that it is not visible from the street. Additionally, the opening of the  
263 carport will be located facing the northern property line. The applicant is also requesting  
264 a waiver to the masonry requirement to construct the carport out of a steel building  
265 system with a standing seam metal roof as a continuation of back patio cover.  
266

267 Mr. Miller indicated that notices were sent out to adjacent property owners located within  
268 500' of the subject property. Three notices of opposition were received back by staff.  
269

270 Mayor Pruitt opened the public hearing and asked if the applicant or anyone would like to  
271 speak at this time. There being no one indicating such, he then closed the public  
272 hearing.  
273

274 Mayor Pro Tem Lewis made a motion to approve Z2016-006. Councilmember White  
275 seconded the motion. The ordinance was read as follows:  
276

277 CITY OF ROCKWALL  
278 ORDINANCE NO. 16-XX  
279 SPECIFIC USE PERMIT NO. S-XXX  
280

281 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
282 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
283 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
284 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW  
285 FOR A CARPORT THAT DOES NOT CONFORM TO THE REQUIREMENTS  
286 AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND LODGING USE  
287 CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED  
288 DEVELOPMENT CODE, BEING A 1.04-ACRE TRACT OF LAND, ZONED  
289 SINGLE-FAMILY RESIDENTIAL (SF-7) DISTRICT, AND ADDRESSED AS  
290 303 RENFRO STREET, AND IDENTIFIED AS TRACT 47 OF THE R.  
291 BALLARD SURVEY, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS,  
292 AND MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A' OF THIS  
293 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR  
294 A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND

295 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
296 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
297 PROVIDING FOR AN EFFECTIVE DATE.  
298

299 **The motion passed by a vote of 7 ayes to 0 nays.**  
300

- 301 3. **Z2016-007** - Hold a public hearing to discuss and consider a request by  
302 Scott W. Blackwood for the approval of an **ordinance** for a zoning  
303 change from Agricultural (AG) District to a General Retail (GR) District on  
304 a 12.493-acre tract of land identified as Tract 17-14 of the W. W. Ford  
305 Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas,  
306 located west of the intersection of SH-205 [S. Goliad Street] and S. FM-  
307 549, addressed as 5205 S. FM-549, and take any action necessary (**1st**  
308 **Reading**).

309 **Mr. Miller provided brief comments related to this case, indicating that the applicant has**  
310 **requested to withdraw this request. Subsequently, the council took no action related to**  
311 **this agenda item.**  
312

313 **XIII. ACTION ITEMS**  
314

- 315 1. **MIS2016-005** - Discuss and consider a request by William Laurence for  
316 the approval of an exception to the minimum masonry requirements  
317 stipulated in Section 3.1, General Residential District Standards, of Article  
318 V, District Development Standards, of the Unified Development Code, for  
319 a 0.17-acre parcel of land identified as Lot 1, Block 1, St. Mary's Addition,  
320 City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7)  
321 District, addressed as 508 St. Mary's Street, and take any action  
322 necessary.

323 **Mr. Miller provided background information related to this agenda item. He indicated that**  
324 **on February 1, 2016, City Council approved an exception to the masonry requirements to**  
325 **allow the primary structure to be re-clad in 100% hardi-board siding. Thereafter, the**  
326 **applicant has found a different product that he feels better suits the historic nature of the**  
327 **home. The applicant would like to modify his original request and instead of using hardi-**  
328 **board as originally requested, the applicant would like to use a lap siding that is made**  
329 **from 100% wood. The applicant feels that using a material such as hardi-board would**  
330 **change the historical look of the home. The Planning & Zoning Commission has**  
331 **recommended approval of this request by a unanimous vote.**  
332

333 **Councilmember White made a motion to approve the request for MIS20116-005.**  
334 **Councilmember Milder seconded the motion, which passed by a vote of 7 ayes to 0 nays.**  
335

- 336 2. **MIS2016-006** - Discuss and consider the approval of a special request by  
337 Ulises Martinez Viveros & Rosita Z. Barron for the construction of a  
338 manufactured home that does not meet the minimum standards for  
339 square footage and materials as set forth in Exhibit 'C' of Planned  
340 Development District 75 (PD-75) [Ordinance No. 09-37] on a 0.17-acre  
341 parcels of land identified as Lot 838A, Rockwall Lake Estates #2 Addition,  
342 City of Rockwall, Rockwall County, Texas, zoned Planned Development  
343 District 75 (PD-75) for Single Family 7 (SF-7) District land uses,  
344 addressed as 120 Blanche Drive, and take any action necessary.

345 Mr. Miller, Planning Director, provided background information related to this agenda  
346 item. The applicants, Ulises Martinez Viveros & Rosita Z. Barron, have submitted a  
347 special request seeking approval for a manufactured home that does not meet the  
348 minimum standards of the Single Family Residential (SF-7) District. If approved, the  
349 special request would also allow for the *home* to be less than the minimum square  
350 footage of the SF-7 district and for the *home* to not meet the minimum masonry standard  
351 established in the Unified Development Code (UDC). The applicant is proposing to place  
352 a 952 sq. ft. manufactured home on the lot. This represents 148 sq. ft. less than the  
353 required minimum of 1,100 sf. Also, the applicant is requesting to use Hardi Plank siding  
354 rather than meeting the minimum 80% masonry standard of brick, stone, etc. for the  
355 *home*. According to Section C, *Consideration of Special Request, of Exhibit 'C'* of PD-75,  
356 the City Council may consider special requests on a case-by-case basis for properties  
357 located within the Lake Rockwall Estates subdivision pending a recommendation from  
358 the Planning and Zoning Commission. The approval of any special request shall preempt  
359 any other underlying zoning restrictions stipulated by the zoning ordinance. Additionally,  
360 City Council does have the authority to grant a waiver/variance to allow the  
361 manufactured home to not meet the minimum standards for square footage and/or not  
362 meeting the minimum masonry standard. Mr. Miller indicated that the Planning & Zoning  
363 Commission has recommended approval of this item by a vote of 6 in favor with 1  
364 against.  
365

366 Councilmember Lewis made a motion to approve MIS2016-006. Councilmember White  
367 seconded the motion. Mayor Pruitt commended that he is not in favor of approval of this  
368 request because he believes the city should be encouraging single family homes rather  
369 than manufactured homes. After brief, additional comments, the motion passed by a  
370 vote of 6 in favor with 1 against (Pruitt).

- 371
- 372 4. P2016-011 - Discuss and consider a request by Pat Atkins of Saddle Star  
373 Land Development, LLC on behalf of the owner Larry Hance for the  
374 approval of a master plat/open space plan for the Saddle Star North  
375 Subdivision containing 108 single-family residential lots on a 44.56-acre  
376 tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract No.  
377 30, City of Rockwall, Rockwall County, Texas, zoned Planned  
378 Development District 80 (PD-80) for Single Family 8.4 (SF-8.4) District  
379 land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV)  
380 District, located at the northwest corner of FM-552 and John King  
381 Boulevard, and take any action necessary.

382

383 Planning Director Ryan Miller provided background information concerning this agenda  
384 item. The Saddle Star Estates North Subdivision is a single phase, master planned  
385 community that will be composed of 108 single-family, residential lots on approximately  
386 44.56-acre tract of land. The 108 single-family lots will be broken down into three (3) lot  
387 types with 11 lots being allocated to the 8,700 SF lot type, 79 lots being allocated to the  
388 10,000 SF lot type, and 18 lots being allocated to the 12,500 SF lot type. Additionally, the  
389 plan will consist of 5.61-acres of open space (or ~12.59% of total land area). The purpose  
390 of the applicant's submittal is to preliminary plat all 108 single-family, residential lots and  
391 the 5.61-acres of open space. On March 15, 2016, the Parks Board reviewed the  
392 proposed *Preliminary Plat* and made a recommendation to the plat with the following

393 condition: that the developer shall be required to build a 10-ft concrete trail adjacent to  
394 John King Boulevard on the eastern edge of the Saddle Star Estates North Subdivision.  
395

396 Mayor Pruitt made a motion to approve P2016-010. Councilmember White seconded the  
397 motion, which passed unanimously of those present (7 ayes to 0 nays).  
398

- 399 3. P2016-010 - Discuss and consider a request by Pat Atkins of Saddle Star  
400 Land Development, LLC on behalf of the owner Larry Hance for the  
401 approval of a preliminary plat for the Saddle Star North Subdivision  
402 containing 108 single-family residential lots on a 44.56-acre tract of land  
403 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of  
404 Rockwall, Rockwall County, Texas, zoned Planned Development District  
405 80 (PD-80) for Single Family 8.4 (SF-8.4) District land uses, situated  
406 within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at  
407 the northwest corner of FM-552 and John King Boulevard, and take any  
408 action necessary.

409 Mayor Pruitt generally indicated that he has concerns about individuals purchasing  
410 homes in and around this area and claiming that they never knew or were never told that  
411 the John King Boulevard could possibly become a six-lane state highway (SH-205  
412 bypass) in the future. He would like the applicant to in some way ensure that people who  
413 purchase homes in this subdivision in the future are made aware of this very real  
414 possibility. Mr. Atkins indicated that he is willing to make future home buyers aware.  
415

416 After brief comments, Mayor Pruitt made a motion to approve P2016-011.  
417 Councilmember Hohenshelt seconded the motion, which passed unanimously of Council  
418 (7 ayes to 0 nays).  
419

- 420 5. Discuss and consider a city initiated request to direct staff to amend  
421 Section 4, Southside Residential Neighborhood Overlay (SRO) District, of  
422 Article V, District Development Standards, of the Unified Development  
423 Code, and take any action necessary.

424 Mr. Miller provided background information concerning this agenda item. At the last City  
425 Council meeting on March 21, 2016, the City Council took action on a case dealing with  
426 granting a special request within the Southside Neighborhood Residential Overlay (SRO)  
427 District. Specifically, the applicant was requesting a land use that was not permitted  
428 within the Single Family 7 (SF-7) zoning district; however, since the subject property was  
429 located within the SRO District the applicant was permitted to make a special request for  
430 a quad-plex without being subject to a zoning change. This process is very similar to a  
431 request that was brought forward within Planned Development District 75 (PD-75) [*i.e. the*  
432 *Lake Rockwall Estates Subdivision*] earlier this year. This case resulted in staff being  
433 directed to change the PD-75 zoning ordinance to remove the City Council's ability to  
434 grant land use without a public hearing process. In addition, under the current SRO  
435 ordinance any application for a special request must first be brought to the City Council  
436 for approval, prior to going to the Planning and Zoning Commission for a  
437 recommendation and finally returning to the City Council for action. Typically, these  
438 requests would be taken to the Planning and Zoning Commission first for  
439 recommendation prior to being brought before the City Council.  
440

441 **As a result of the land use and procedural issues associated with the current ordinance,**  
442 **staff is proposing changes that would correct these issues.**

443 **Mayor Pro Tem Lewis made a motion to direct staff to amend Section 4, Southside**  
444 **Residential Neighborhood Overlay (SRO) District, of Article V, District Development**  
445 **Standards, of the Unified Development Code. Councilmember White seconded the**  
446 **motion, which passed by a vote of 7 ayes to 0 nays.**

447 **6. Discuss and consider the future outlook associated with public**  
448 **transportation-related services, and authorize the City Manager to**  
449 **execute an interlocal agreement between Rockwall County and the City**  
450 **of Rockwall for transportation-related services for the remainder of the**  
451 **current fiscal year in an amount not exceed \$55,201.50 with funding**  
452 **provided in the FY16 Operating Budget, and take any action necessary.**

453 **Mr. Crowley, City Manager, provided comments related to this agenda item. Mayor Pruitt**  
454 **indicated that he has concerns about the city writing a check to the County, who will then**  
455 **contract with the service provider for transportation services. He generally expressed**  
456 **concern about monies paid by the City of Rockwall going specifically towards the**  
457 **following transportation services (only):**

458

459 **1. 65 years of age and older**

460 **2. Disabled / Special Needs**

461 **3. Citizens who require transportation for medical care related purposes**

462

463 **He indicated that he questions how the County of Rockwall is going to ensure that City of**  
464 **Rockwall's portion of the money given towards the overall transportation contract only**  
465 **goes towards providing these three items mentioned above and not also to other things.**

466

467 **Councilmember Townsend provided some clarifying comments related to past**  
468 **discussions related to provision of these services and associated, potential costs.**

469

470 **Councilmember Townsend made a motion to authorize the expenditure of \$55,201.50 and**  
471 **to authorize the City Manager to execute a contract with Rockwall County for these**  
472 **services for the remainder of FY2016. Councilmember Fowler seconded the motion,**  
473 **which passed by a vote of 5 ayes to 2 nays (Pruitt and White).**

474

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

477

478 **1. Departmental Reports**

479 **Building Inspections Monthly Report - February 2016**

480 **Fire Department Monthly Reports - February 2016**

481 **Fire Department's "16 in 16" Volunteer Recruitment Report - March 2016**

482 **Fire Marshal's Division Monthly Report - February 2016**

483 **GIS Monthly Report - February 2016**

484 **Harbor PD Monthly Report - February 2016**

485 **Internal Operations Department Monthly Report - February 2016**

486 **Police Department Monthly Report - February 2016**

487 **Recreation Monthly Report - February 2016**

488 **Rockwall Animal Adoption Center Monthly Report - February 2016**

489

**2. City Manager's Report**

490  
491 City Manager Rick Crowley indicated that the city's Engineer, Tim Tumulty, has advised  
492 that TXDOT has approved the installation of traffic signals at the intersection south John  
493 King Boulevard at SH-205. So, as soon as it is designed and bid, the state will be  
494 installing these traffic lights at that location. Mr. Crowley also pointed out that the Fire  
495 Department's "16 in 16 report" is positive. He indicated that staff is happy to discuss any  
496 of the reports or answer any questions the Council may have at this time. There being  
497 none, Mayor Pruitt then invited everyone out to the downtown square on Saturday, April  
498 16 for the downtown renovations dedication / kick-off celebration.

499  
500 Council did not reconvene in Executive Session following the close of the public meeting  
501 agenda.

502  
503 **XV. EXECUTIVE SESSION**

504  
505 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
506 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
507 CODE:

- 508  
509 1. Discussion regarding the purchase, exchange, lease, value and/or right-  
510 of-way acquisition of real property pursuant to Section §551.072 (Real  
511 Property).  
512 2. Discussion regarding appointments to city regulatory boards,  
513 commissions, and committees (the North TX Municipal Water District  
514 Board) pursuant to Section §551.074 (Personnel Matters)  
515 3. Discussion regarding report and possible claim regarding a retaining wall  
516 pursuant to Section §551.071 (Consultation with Attorney)

517  
518 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

519  
520 Council did not reconvene in Executive Session following the close of the public meeting  
521 agenda.

522  
523 **XVII. ADJOURNMENT**

524  
525 The meeting was adjourned at 7:07 p.m.

526  
527  
528 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
529 **THIS 18<sup>th</sup> day of April, 2016.**

530  
531  
532  
533 **ATTEST:**  
534 *Kristy Cole*  
535 \_\_\_\_\_  
536 Kristy Cole, City Secretary



*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor

1  
2  
3  
4  
5  
6

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, April 18, 2016**  
**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  
10 Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, John  
11 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. Councilmember Mike Townsend was absent from the meeting.

14  
15 II. WORK SESSION

16  
17 1. HOLD WORK SESSION TO REVIEW, DISCUSS AND CONSIDER VARIOUS TXDOT  
18 ALTERNATE ALIGNMENTS FOR SH 205 IN THE CITY OF ROCKWALL.  
19

20 City Manager Rick Crowley began discussion of this work session item. He explained  
21 that part of the TXDOT planning process for projects that include state and federal  
22 funding is to develop various alternative routes. He explained that TXDOT will be holding  
23 public meetings sometime in the summer, and members of the public will have an  
24 opportunity to provide commentary on these various route alternatives. He explained  
25 that, eventually, all but one of the routes will be eliminated by TXDOT for one reason or  
26 another as the process ensues. He explained that staff will be reviewing with Council  
27 this afternoon the various routes that will soon be presented for public input by TXDOT.  
28 Mayor Pruitt clarified that after the public meeting(s) is (are) held, TXDOT will be  
29 accepting comments, in writing, (although no public comments will be accepted during  
30 the meeting) for a period of time. Discussion will take place related to the technically  
31 preferred and locally preferred alternatives, which will be reconciled before the State's  
32 public hearing is held. Both Mr. Crowley and Mayor Pruitt reiterated that the City of  
33 Rockwall has made the locally preferred route for SH-205 clearly known to TXDOT and  
34 others at this point in time.

35  
36 City Engineer Tim Tumulty provided the Council with a map depicting SH-205 and then  
37 verbally explained the various route alternatives that TxDOT may evaluate before  
38 definitively choosing which route to move forward with constructing.

39  
40 Councilmember Townsend arrived to the meeting at 4:23 p.m.

41  
42 Mr. Crowley reminded the Council that the goal this afternoon was to show the Council  
43 the various route options that TxDOT will be presenting at upcoming public meetings.

44  
45 Upon conclusion of the work session, Mayor Pruitt read the following discussion items  
46 into the public record before recessing the meeting into Executive Session at 4:27 p.m.  
47  
48  
49

50 **III. EXECUTIVE SESSION**

51  
52 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
53 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
54 **CODE:**

- 55 1. Discussion regarding appointment of a city council planning and  
56 development subcommittee pursuant to Section, §551.074 (Personnel  
57 Matters).
- 58 2. Discussion regarding contracts in the area of the Harbor pursuant to  
59 Section 551.071 (Consultation with the City Attorney), and take any action  
60 necessary.
- 61 3. Discussion regarding a city levied property lien on residential property  
62 pursuant to Section §551.071 (Consultation with Attorney)
- 63 4. Discussion regarding the status of negotiations for an ambulance services  
64 contract pursuant to Section §551.071 (Consultation with Attorney)

65 **IV. ADJOURN EXECUTIVE SESSION**

66  
67 **Executive Session was adjourned at 5:20 p.m.**

68  
69 **V. RECONVENE PUBLIC MEETING**

70  
71 **Mayor Pruitt reconvened the public meeting at 6:00 p.m.**

72  
73 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

74  
75 **Mayor Pro Tem Lewis made a motion to appoint Councilmembers Hohenshelt, Fowler**  
76 **and Lewis to serve on the newly formed Planning and Development Subcommittee.**  
77 **Mayor Pruitt seconded the motion, which passed unanimously of those present.**

78  
79 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR JIM PRUITT**

80  
81 **Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.**

82  
83 **VIII. PROCLAMATIONS / AWARDS**

- 84  
85 1. Motorcycle Safety and Awareness Month

86  
87 **Mayor Pruitt called forth representatives. He then read and presented the proclamation**  
88 **to them, declaring the month of May as Motorcycle Safety and Awareness Month.**

- 89  
90 2. Public Safety Communication Day

91  
92 **Mayor Pruitt called forth the 911 dispatch supervisors, staff and Police Chief Kirk Riggs.**  
93 **He thanked the staff for the phenomenal job they did the night of the Rowlett tornado**  
94 **struck, explaining that all of Rowlett's dispatch calls rolled over to Rockwall PD, and our**  
95 **city's dispatchers responded to the calls. He then read and presented the proclamation**  
96 **to the group, thanking them for their service to the community.**

97

- 98 3. Child Abuse Awareness Month and recognizing the Child Advocacy Center,  
99 CASA and the Rainbow Room of Rockwall County  
100

101 Mayor Pruitt called Kenda Culpepper, County District Attorney, forth as well as  
102 representatives of the CAC, CASA and Rainbow Room organizations. He then read and  
103 presented them with the proclamation. Mrs. Culpepper provided various comments,  
104 praising each organization for the work it performs on behalf of and for the betterment of  
105 local children in our community.  
106

107 Mayor Pruitt then called forth Tony Rios, Executive Director of the Rockwall Housing  
108 Authority (RHA), and John White, board member. He explained a little bit about the  
109 Housing Authority and shared that Mr. White has been serving on the board since July of  
110 2013. He then read and presented him with a proclamation to recognize and thank him  
111 for his service to the board and to Rockwall residents. He then announced that Mr. White  
112 will be stepping down from the board, so he plans to appoint Amanda Fowler to replace  
113 Mr. White on the RHA.  
114

115 IX. OPEN FORUM  
116

117 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
118 come forth and speak at this time.  
119

120 Bob Wacker  
121 806 Miramar Drive  
122 Rockwall, TX 75087  
123

124 Mr. Wacker explained that he would like to speak about the Park at Stone Creek. He  
125 moved here about five years ago because of The Harbor, the lake and downtown. He  
126 encouraged the Council to not ruin the scenic view by modifying SH-205. He is  
127 concerned about people who may be displaced from their homes if changes to SH-205  
128 are made. He encouraged the Council to carefully consider what the future of Rockwall  
129 will look like, especially concerning Goliad / SH-205 and other high traffic areas, both  
130 north and south of IH-30. He thanked the city for the Park at Stone Creek, explaining that  
131 it is moving along nicely. He explained that several hundreds of homes have been and  
132 are slated to be platted. He encouraged the Council to utilize general reserve funds to  
133 move forward with development of the Park at Stone Creek and get it finished. He also  
134 wants the city to ensure that the developer is contributing his share towards the shortfall  
135 in funding that currently exists for the development of this park.  
136

137 Since no one else indicated a desire to come forth and speak, Mayor Pruitt closed the  
138 Open Forum. He then reordered the agenda to next address Action Item #6 on the  
139 agenda.  
140

141 X. CONSENT AGENDA  
142

- 143 1. Consider approval of the minutes from the April 4, 2016 regular City  
144 Council meeting, and take any action necessary.
- 145 2. Consider a budget amendment of \$14,937 and awarding a purchase to  
146 Caldwell Country Chevrolet, authorizing the City Manager to execute a

147 Purchase Order for a new Police Patrol Tahoe for \$36,720 to be funded  
148 out of the General Fund, and take any action necessary.

149 3. Consider awarding a bid to Precision Fence and authorizing the City  
150 Manager to execute a Contract for a new perimeter fence and gates at  
151 the Police Patrol Parking Lot (Washington St.) totaling \$58,189 to be  
152 funded out of General Fund Reserves and Police Seized Funds, and take  
153 any action necessary.

154 4. Consider awarding a purchase to Coban Technology and authorizing the  
155 City Manager to execute a Purchase Order for 8 new  
156 computer/audio/video units for police patrol totaling \$71,360 to be funded  
157 out of the Technology Replacement Fund, and take any action necessary.

158 5. **P2016-012** - Consider a request by Worth Williams of Moore Worth  
159 Investments, LLC on behalf of Jean Voltz of Arkoma Development LLC  
160 for the approval of preliminary plat for Lots 1-4, Block A, Lakeshore  
161 Commons Addition being a 4.706-acre tract of land identified as Tract 8-4  
162 of the J. H. B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall  
163 County, Texas zoned Planned Development District 65 (PD-65) for  
164 General Retail (GR) District land uses, located at the southwest corner of  
165 the intersection of SH-205 [N. Goliad Street] and North Lakeshore Drive,  
166 situated within the North SH-205 Overlay (N. SH-205 OV) District, and  
167 take any action necessary.

168 6. **Z2016-006** - Consider a request by John Cherry for the approval of an  
169 ordinance for a Specific Use Permit (SUP) for a carport on a 1.04-acre  
170 tract of land identified as Tract 47 of the R. Ballard Survey, Abstract No.  
171 29, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-  
172 7) District, addressed as 303 Renfro Street, and take any action  
173 necessary (2nd Reading).

174 Mayor Pruitt pulled item #3. Councilmember White made a motion to approve the  
175 Consent Agenda (minus item #3). Mayor Pro Tem Lewis seconded the motion. The  
176 ordinance for item #6 was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 16-26  
SPECIFIC USE PERMIT NO. S-150

177  
178  
179  
180  
181 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
182 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
183 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
184 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW  
185 FOR A CARPORT THAT DOES NOT CONFORM TO THE REQUIREMENTS  
186 AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND LODGING USE  
187 CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED  
188 DEVELOPMENT CODE, BEING A 1.04-ACRE TRACT OF LAND, ZONED  
189 SINGLE-FAMILY RESIDENTIAL (SF-7) DISTRICT, AND ADDRESSED AS  
190 303 RENFRO STREET, AND IDENTIFIED AS TRACT 47 OF THE R.  
191 BALLARD SURVEY, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS,  
192 AND MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A' OF THIS*  
193 *ORDINANCE*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR  
194 A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
195 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
196 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;

197 PROVIDING FOR AN EFFECTIVE DATE.  
198

199 Regarding Consent Agenda Item #3, Mayor Pruitt expressed concern about the Police  
200 Department wanting to place a chain link fence around the property, especially  
201 considering that the city would not allow any other owner to use that type of fencing  
202 material. Chief Riggs indicated that the city is not required to adhere to its own  
203 ordinances / standards and that the idea behind the proposed chain link material is to  
204 save money; however, he indicated that the city can certainly build wrought iron instead  
205 of chain link if that is the Council's desire. Pruitt indicated that it will likely cost an extra  
206 \$16,000. After various comments, Chief Riggs agreed to spend the extra money to install  
207 wrought iron instead of the chain link material, indicating that he will fund the extra  
208 expense through '(drug) seizure funds.' Councilmember White pointed out that there are  
209 neighborhoods that are allowed, by right, to have chain link fences, including his own  
210 neighborhood. Councilmember Milder expressed agreement with the sentiment that the  
211 city needs to abide by the same rules that it requires of other non-city property owners.

212 Mayor Pruitt made a motion to approve Consent Agenda Item #3 with the stipulation that  
213 the extra \$16,996 be spent to install a wrought iron fence in lieu of chain link.  
214 Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1  
215 against (White).

216  
217 **XI. APPOINTMENTS**  
218

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

222 **Mr. Renfro, Chairman of the city's P&Z Commission, came forth and briefed the Council**  
223 **on recommendations of the Commission relative to items on tonight's meeting agenda.**  
224

225 **XII. PUBLIC HEARING ITEMS**  
226

- 227 1. **Z2016-008** - Hold a public hearing to discuss and consider a request by  
228 Darrell Simpson on behalf of Sherry Banuelos for the approval of an  
229 **ordinance** for a Specific Use Permit (SUP) to allow an accessory building  
230 that does not meet the minimum requirements as stipulated by Article IV,  
231 Permissible Uses, of the Unified Development Code for a 1.03-acre tract  
232 of land identified as Tract 11-5 of the D. Harr Survey, Abstract No. 102,  
233 City of Rockwall, Rockwall County, Texas, zoned Single Family One (SF-  
234 1) District, addressed as 735 Davis Drive, and take any action necessary  
235 **[1st Reading].**

236 **Planning Director Ryan Miller provided background information regarding this agenda**  
237 **item. He explained that the applicant, Sherry Banuelos, is requesting a Specific Use**  
238 **Permit (SUP) to allow for an accessory building that does not meet the minimum**  
239 **requirements stipulated in the Unified Development Code (UDC). According to this**  
240 **section "(i)n SF-7, SF-8.4, SF-10, SF-16, and SF-1, no more than two accessory buildings**  
241 **shall be allowed which are up to 225 square feet (each) in area and 15 feet or less in**  
242 **height, provided the exterior cladding contains only materials found on the main**  
243 **structure." The subject property is zoned Single Family 1 (SF-1) District. The proposed**  
244 **accessory building will stand approximately 15-feet in total height and will have a**

245 building footprint of 24-feet x 36-feet or approximately 864 square feet. The accessory  
246 building will be located behind the main residential structure and not visible from the  
247 street. The applicant is requesting a waiver to the size requirement to allow for a building  
248 approximately 639 sq. ft. larger than the maximum size allowed in a SF-1 District. The  
249 applicant is also requesting a waiver to the masonry requirement to construct the  
250 accessory building out of a steel building system with a standing seam metal roof that  
251 does not comply with the masonry requirements for an accessory building in an SF-1  
252 District. The applicant plans to extend the current gravel driveway to the accessory  
253 building to allow access to the building. Mr. Miller indicated that twenty-three notices  
254 were mailed out to adjacent property owners located within 500' of the subject property;  
255 however, staff did not receive any replies back as a result of these mailed notices.

256  
257 The applicant came forth (Sherri Banuelos, 735 Davis Drive). She provided brief  
258 comments, generally asking that Council approve her requests.

259  
260 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and  
261 speak at this time. There being no one indicating such, he then closed the Public  
262 Hearing.

263  
264 Mayor Pro Tem Lewis made a motion to approve Z2016-008. Councilmember White  
265 seconded the motion. The ordinance was read as follows:

266  
267 CITY OF ROCKWALL  
268 ORDINANCE NO. 16-XX  
269 SPECIFIC USE PERMIT NO. S-XXX

270  
271 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
272 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
273 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
274 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW  
275 FOR AN ACCESSORY BUILDING THAT DOES NOT CONFORM TO THE  
276 REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND  
277 LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES, OF  
278 THE UNIFIED DEVELOPMENT CODE, BEING A 1.03-ACRE TRACT OF  
279 LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-1) DISTRICT,  
280 ADDRESSED AS 735 DAVIS DRIVE, AND IDENTIFIED AS TRACT 11-5 OF  
281 THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL,  
282 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN  
283 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL  
284 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED  
285 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
286 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
287 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

288  
289 The motion passed unanimously of Council (7 ayes to 0 nays).

290  
291 Public Hearing Item #3 was addressed next by Council.

292  
293 2. Z2016-009 - Hold a public hearing to discuss and consider a request by  
294 Mohamed Taha for the approval of an ordinance for a Specific Use  
295 Permit (SUP) to allow a minor auto repair garage to be established in  
296 conjunction with an existing oil/lube change facility located on a 0.2755-

297 acre parcel of land identified as Lot 3, Block B, Rockwall High School  
298 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial  
299 (C) District, situated within the Scenic Overlay (SOV) District, addressed  
300 as 2225 Ridge Road, and take any action necessary [1st Reading].

301 Mayor Pruitt called Chairman of the P&Z Commission, Craig Renfro, forward to brief the  
302 council on recommendations of the Commission relative to this particular case. Upon  
303 coming forth to address Council, Mr. Renfro expressed confusion related to the applicant  
304 being allowed to withdraw case number Z2016-011, explaining that the P&Z Commission  
305 unanimously recommended a declination of the request associated with this case. He  
306 generally expressed concern about the applicant potentially coming back time and time  
307 again and the city having to address and readdress the same issues over and over. Mr.  
308 Garza, City Attorney, explained that, under state law, the city council has to take a vote to  
309 either accept or deny the applicant's request to withdraw. At this point, since the case  
310 has been withdrawn, the applicant can come back again; however, he would have to  
311 begin the entire process all over again. Mayor Pruitt indicated that he really does not  
312 believe the applicant will be coming forth again in the future.

313  
314 Regarding Z2016-009, Mr. Renfro then briefed the Council on the Commission's  
315 recommendation, indicating that on April 12, 2016, the Planning and Zoning Commission  
316 made a motion to approve the SUP request for overnight storage of vehicles with the  
317 condition that only four (4) vehicles be allowed in the parking spaces as depicted on the  
318 approved 1987 site plan. Furthermore, the motion included that no additional screening  
319 mechanism will be required based on the vehicles being located behind the building as  
320 depicted in the 1987 site plan. He explained that the motion was approved with staff  
321 conditions and passed by a vote of 4 to 3 with Commissioner's Renfro, Whitley, and  
322 McCutcheon dissenting. He clarified that the motion excluded an additional screening  
323 mechanism, which is part of the reason for the 3 dissenting votes, since those three  
324 members felt additional screening could help better preserve the Scenic Overlay District.  
325

326 Mr. Miller provided background information concerning this agenda item. He explained  
327 that notices were sent out to all property owners located within 500' of the subject  
328 property. Of the twenty-nine notices sent, three were received back in opposition.  
329

330 Mayor Pruitt opened the public hearing and called the applicant forth to speak at this  
331 time.  
332

333 A representative of the applicant came forth and provided brief comments. He shared  
334 that minor vehicle repairs take place at this business location. He indicated that they  
335 were willing to do some sort of screening; however, no consensus was ever reached  
336 concerning the type of screening. He went on to explain the different types of service  
337 and occasional repairs that take place at this business location.  
338

339 Mayor Pruitt then asked if anyone else would like to come forth to speak during the  
340 public hearing.  
341

342 Nell Welborn  
343 810 Lake Meadows Circle  
344 Rockwall, TX 75087  
345

346 Mrs. Welborn came forth and shared nine photos with the city council, photos of the  
347 property that she recently took this past week. Mrs. Welborn pointed out that one of the  
348 properties next door is currently for sale. She suggested that, if the Council does wish to  
349 approve the SUP, a one year time limit be placed on the SUP to evaluate, upon its  
350 expiration, how it has been working out. She suggested that this location may not be  
351 incredibly suitable for the operation that Mr. Taha is currently running.

352  
353 Ben Weible  
354 215 Trout Drive  
355 Rockwall, TX 75032  
356

357 Mr. Weible suggested that this business owner seems to be running a very successful  
358 auto repair minor garage. He expressed that he does not want the government to get in  
359 the way of this gentleman running his business, especially if related to differing views  
360 regarding parking spaces. He does not believe this gentleman's parking spaces will  
361 interfere with adjacent property owners. He asked the Council to approve this item and  
362 help another Rockwall business be successful.

363  
364 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the  
365 public hearing.  
366

367 Mayor Pro Tem Lewis asked how this area could be screened. Mr. Miller explained that it  
368 would need to be fenced on at least two sides. Mr. Miller indicated that the Council  
369 denied this same request one year ago, and it is coming back now for reconsideration  
370 (since one year has now passed). Mayor Pruitt asked if the property owner has been  
371 abiding by other city regulations throughout the past year. Mr. Widmer of the city's  
372 Neighborhood Improvement Services Department provided comments indicating that  
373 several citations have been issued to the property owner pertaining to non-compliance  
374 related violations. Mr. Miller explained that the outside storage of tires, albeit outside in  
375 the rear of the facility, is an example of something that is currently in non-compliance.  
376 Councilmember White asked for clarification related to the number and configuration of  
377 parking spaces. White indicated that the Council has previously granted outside  
378 overnight parking, for example, to Jackson Automotive and Christian Brothers  
379 Automotive. Mayor Pruitt pointed out that, although those other ones were previously  
380 approved, they were not located in a "Scenic Overlay District." Pruitt indicated that the  
381 neighbors adjacent to this property, specifically in the next door office building, have  
382 written him expressing opposition to the council approving this request.

383  
384 Councilmember Milder explained that he gets his oil changed at Mr. Taha's business, and  
385 he believes it to be a nice, legitimate, local business. He explained that during daytime  
386 hours, there is no restriction on the number of cars he may park there. It is only during  
387 non-daytime hours. Therefore, he made a motion to approve Z2016-009, allowing the  
388 requestor to paint seven spaces, with four of them accommodating overnight parking.  
389 Councilmember White seconded the motion. The ordinance was read as follows:

390  
391 CITY OF ROCKWALL  
392 ORDINANCE NO. 16-XX  
393 SPECIFIC USE PERMIT NO. S-XXX  
394

395 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
396 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF

397 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
398 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN "AUTO REPAIR  
399 GARAGE, MINOR" TO BE ESTABLISHED IN CONJUNCTION WITH AN  
400 EXISTING OIL/LUBE CHANGE FACILITY WITHIN THE (C) COMMERCIAL  
401 DISTRICT, ON A 0.2755-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3,  
402 BLOCK B, ROCKWALL HIGH SCHOOL ADDITION, AND MORE  
403 SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL  
404 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
405 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
406 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
407 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
408

409 The motion passed by a vote of 5 in favor with 2 against (Pruitt and Fowler).  
410

411 Mayor Pruitt then addressed Appointment Item #1 on the agenda (appointment with P&Z  
412 Chairman).  
413

- 414 3. **Z2016-010** - Hold a public hearing to discuss and consider a request by  
415 Grey Stogner of Crestview Real Estate on behalf of the owner Tom R.  
416 Briscoe of Briscoe Oil, Inc. for the approval of an ordinance for a PD  
417 Development Plan abandoning Hill Top Lane to establish an urgent care  
418 facility on a 1.042-acre tract of land identified as Lots 1 & 2, Block A,  
419 Briscoe/Hillcrest Addition and Tract 41-2 of the E. Teal Survey, Abstract  
420 No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned  
421 Development District 32 (PD-32), situated within the Summit Office  
422 Subdistrict and the IH-30 Overlay (IH-30 OV) District, located at the  
423 southwest corner of Horizon Road [FM3097] and the IH-30 frontage road,  
424 and take any action necessary [1st Reading].

425 Mr. Miller, Planning Director, indicated that the applicant, Grey Stogner, has  
426 submitted an application for the approval of a PD Development Plan indicating a  
427 proposed layout for the 1.042-acre tract of land. Based on the applicant's concept plan,  
428 a waiver to the city's *building placement requirements* will be required for the purpose of  
429 allowing the buildings' easterly facing facade to be situated no more than 60-ft to 70-ft  
430 from Horizon Road and for the southerly facing facade to vary from the horizontal  
431 articulation standards. It should be noted that the district's intent for the buildings  
432 setback from Horizon Road is 150 feet; however, the property has been platted with a  
433 25-ft building setback. Since the applicant is requesting waivers to *Ordinance No. 10-*  
434 *21* and the proposed use -- *while being a permitted use* -- does not meet *Criteria 'A'*  
435 *of Section 9.C (i.e. meet the general intent of the PD District or Subdistrict in which the*  
436 *subject property is located)*, staff has required the applicant to submit a *PD*  
437 *Development Plan*. Through this process, the City Council retains discretionary  
438 approval over the request to ensure that the proposed development does not have a  
439 negative impact on adjacent properties.

440 Mayor Pruitt called the applicant forth and asked if he wished to come forth and speak.  
441 He indicated that he does not wish to speak at this time. Mayor Pruitt then opened the  
442 public hearing, asking if anyone would like to come forth. There being no one indicating  
443 such, he then closed the public hearing.

444 Mayor Pro Tem Lewis indicated that he knows this developer, and he believes that he  
445 builds quality facilities, including the Tom Thumb up north of town.

446 Lewis then made a motion to approve Z2016-010. Councilmember White seconded the  
447 motion. Councilmember Milder asked Mr. Renfro (P&Z Chairman) for clarification  
448 regarding recommendations of the Commission relative to this item. He questioned if

449 another urgent care facility is really the type of facility that is needed or desired,  
450 especially at one of the main entry points into our city, explaining that he is aware of at  
451 least four other facilities of this kind already in existence within the city. Mr. Renfro  
452 indicated that some on the P&Z Commission had similar concerns, and there were some  
453 concerns related to traffic. Councilmember Fowler indicated that, in his opinion, the belief  
454 that there are "too many" of a certain type of facility already located within the city is not  
455 relevant to what the city council is being asked to consider this evening associated with  
456 this case.

457 Mr. Grey Stogner  
458 12720 Hillcrest Road  
459

460 Mr. Stogner, the developer, came forth, generally indicating that the market in Rockwall,  
461 warrants even one more urgent care facility (beyond this particular one). He went on to  
462 explain the differences between ERs and urgent care facilities. He indicated he believes  
463 the traffic will not be problematic and that he use is appropriate for this particular piece  
464 of property.  
465

466 The ordinance was read as follows:  
467

468 CITY OF ROCKWALL  
469 ORDINANCE NO. 16-~~XX~~

470  
471 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
472 TEXAS, AMENDING *ORDINANCE NO. 10-21* OF PLANNED DEVELOPMENT  
473 DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE  
474 [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE  
475 AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN FOR AN  
476 URGENT CARE FACILITY ON A 1.042-ACRE TRACT OF LAND IDENTIFIED  
477 AS LOTS 1 AND 2, BLOCK A, BRISCOE/HILLCREST ADDITION AND  
478 TRACT 41-2 OF THE E. TEAL SURVEY, ABSTRACT NO. 207, CITY OF  
479 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY  
480 DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL  
481 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
482 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
483 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
484 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
485

486 The motion passed by a vote of 6 in favor with 1 against (Milder).  
487

488 Action Item # 1 was addressed next by Council.  
489

490 4. **Z2016-011** - Hold a public hearing to discuss and consider a request by  
491 Fred Hazel of Davis Development on behalf of Jim Kirby of Rockway  
492 Partners, LLC for the approval of an **ordinance** abandoning the right-of-  
493 way for Carmel Circle and for a zoning change from a Commercial (C)  
494 District to a Planned Development District for a multi-family apartment  
495 complex on a 17.60-acre tract of land identified as Lots 6-11, Block A, La  
496 Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas,  
497 zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30  
498 OV) District, located east of the intersection of Laguna Drive and La Jolla  
499 Pointe Drive, and take any action necessary [**1st Reading**].

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Planning Director Ryan Miller indicated that the applicant has requested to withdraw his application / request at this time, explaining that this will require a vote by the City Council in order to accept the request to withdraw.

Mayor Pruitt explained that Council will need to decide if it wants to move forward with holding the public hearing, or if it wants to allow the applicant to withdraw.

Councilmember Milder made a motion to allow the applicant to withdraw his application. Councilmember Hohenshelt seconded the motion.

Councilmember White inquired about how long it would be before the developer can possibly return to the Planning & Zoning Commission and Council if he potentially chooses to submit a new application. Mr. Miller explained that it would be at a May P&Z work session, a June regular P&Z meeting, and a city council meeting thereafter (second meeting in June) at the earliest.

Mayor Pruitt acknowledged that he and other members of Council have received hundreds of emails, letters and phone calls regarding this case. He asked for a show of hands from the audience regarding how many are in favor of the development and how many are opposed. It is noted that visually, a large majority in the room raised their hands to express opposition (compared to those in favor). Mayor Pro Tem Lewis thanked the citizens for all of their input related to this agenda item.

After the commentary, the motion to accept the withdrawal request passed by a vote of 6 ayes to 1 nays (Fowler).

The Council next addressed Public Hearing item #2.

**XIII. ACTION ITEMS**

1. Discuss and consider authorizing the City Manager to enter into a construction manager at risk contract to include a guaranteed maximum price for the construction of the Park at Stone Creek, and take any action necessary.

Assistant City Manager, Brad Griggs, provided background information related to this agenda item. He indicated that at the October 19, 2015 meeting, Council authorized a contract to be executed between the City and Dean Construction for the purposes of constructing the Park at Stone Creek. This is a Construction Manager-at-Risk contract in which Dean provides an initial estimate to build the park. Once a scope of work and final price is mutually agreed upon, a guaranteed maximum price (GMP) is provided and park construction begins. At this time, \$729,159 is available for this project and breaks down as follows:

- \$400,000 - Texas Parks and Wildlife grant funds
- \$268,559 - Total balance of pro-rata equipment fees collected from Park District #5
- \$ 33,600 - Trail escrow funds from Skorburg Co. to be used for trail within the park
- \$ 27,000 - Approved in FY 2016 budget from tree mitigation funds to plant 100 trees
- \$729,159 TOTAL**

549 He explained that in December, Dean Construction provided an initial cost estimate of  
550 \$1,030,341 to build the Park at Stone Creek. This estimate is \$301,182 above the  
551 available funds. At that time MSH Planning and Design along with Dean  
552 Construction offered possible reductions in the project scope to bring it within  
553 budget. Based on the public input heard from the neighborhood, the emphasis was  
554 on creating a great playground. With that emphasis in mind, the following items  
555 were proposed to be removed from the project scope:  
556

- 557 1. The 25'x35' picnic pavilion and concrete slab
- 558 2. Electrical, utilities and drinking fountain associated with the pavilion area
- 559 3. Mass grading that provided contours and topography rather than flat ground
- 560 4. Drainage utilities associated with the mass grading
- 561 5. Site furniture: two benches, six picnic tables and eight trash cans
- 562 6. Reduction in landscaping
- 563 7. Masonry seating and retaining wall that separates the open-play field and the  
564 playground area.
- 565 8. Irrigation outside of the concrete trail loop

566  
567 Mr. Griggs went on to brief the Council on several options the Council may wish to  
568 consider moving forward.  
569

570 Mayor Pruitt suggested the City may want to approach Mr. Skorburgh, the developer, to  
571 see if he would be willing to contribute additional money for this park that will clearly  
572 benefit the property owners within the subdivision he is still developing. Mr. Griggs  
573 indicated that the developer has already contributed the funding he was required to  
574 contribute, so he does not believe such request will have any positive results. Mr. Griggs  
575 explained that the initial cost estimates were produced by the designer without the project  
576 actually being bid at that point. He then invited Mr. Spencer, the city's consultant, forth to  
577 address the Council.  
578

579 Mark Spencer,  
580 MSH Planning & Design  
581 Tyler, Texas  
582

583 Mr. Spencer came forth and regretfully expressed that there may have been some  
584 "overzealous" planning associated with identifying the elements that would go into this  
585 proposed park. Lengthy discussion ensued pertaining to the various options that the  
586 Council may wish to move forward with at this point.  
587

588 Councilmember Hohenshelt made a motion to:  
589

- 590 • Construct the park with current funds available, and
- 591 • Add the pavilion at a cost of \$84,968.80;
- 592 • Add site furniture at a cost of \$23,500;
- 593 • Add the stone retaining/seating wall at a cost of \$32,144

594  
595 borrowing \$168,000 from the general fund reserves to pay for the increased costs.  
596 Councilmember Townsend seconded the motion. It was explained that revenue funds for  
597 a particular park district must be utilized within that same park district. After various  
598 comments, the motion passed by a vote of 6 ayes to 1 nay (White).

599

600           2.     Discuss and consider requests for Hotel Occupancy Tax funding for  
601           multiple organizations considered by the Hotel Tax Subcommittee;  
602           authorize the City Manager to execute agreements, and take any action  
603           necessary.

604     **Assistant City Manager Mary Smith indicated that each request will need to be**  
605     **considered separately, since Lewis and White need to recuse themselves from the**  
606     **“Meals on Wheels” organization’s funding request (related to the Rubber Duck Regatta).**

607  
608     **Mrs. Smith explained that the City received a supplemental funding request for**  
609     **hotel occupancy tax revenues for Duck Regatta 2016 co-sponsored by Meals on**  
610     **Wheels and Boys and Girls Club. The event will be held September 24<sup>th</sup>. Their request**  
611     **totals \$30,000 and a waiver of the Harbor rental fees. Since there was some uncertainty**  
612     **as to the funding request for this year’s event versus last year’s, the Council took no**  
613     **action on this particular request at this time, opting instead to consider it again in two**  
614     **weeks.**

615  
616     **Mayor Pro Tem Lewis made a motion to approve the \$15,500 funding request associated**  
617     **with the coordination of all aspects of the semi-annual Main Street Manager training that**  
618     **will be held in Rockwall this July 11-15th. Councilmember White seconded the motion,**  
619     **which passed by a vote of 7 in favor with 0 against.**

620  
621     **Mayor Pro Tem Lewis made a motion to approve the \$5,000 funding request associated**  
622     **with offsetting the promotional-related costs associated with the upcoming Trend HR**  
623     **conference. Councilmember Milder seconded the emotion, which passed by a vote of 6**  
624     **in favor with 1 against (Hohenshelt).**

625  
626     **Mr. Griggs, Assistant City Manager, indicated that staff has had conversations with the**  
627     **Hilton to see if there are things that are inhibiting their ability to ‘win’ conferences that**  
628     **they have bid on. He explained that one of the problems they have is related to**  
629     **transportation costs to/from DFW Airport. He generally explained that the Hilton is**  
630     **requesting consideration of a request for funding which will assist in offsetting**  
631     **transportation-related costs associated with two conferences they are proposing to host.**  
632     **He explained that funds would only get spent if the Hilton is successful in being awarded**  
633     **the conferences through the bidding process. The events need \$5,270 and \$1,485**  
634     **respectively to provide transportation for attendees.**

635  
636     **After lengthy discussion regarding, in part, tax rebates associated with The Hilton,**  
637     **Councilmember Milder made a motion to approve the \$5,270 and \$1,485 funding requests**  
638     **associated with these two conferences specifically related to transportation costs. Mayor**  
639     **Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

640  
641           3.     Discuss and consider an **ordinance** adopting Chapter 10 Buildings and  
642           Building Regulations, Articles III, IV, V, VI, VII, VIII, IX AND X of the Code  
643           of Ordinances regarding the 2015 International Building Code, Residential  
644           Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Energy  
645           Conservation Code, Existing Building Code and the 2011 National  
646           Electric Code with certain local amendments and exceptions, and take  
647           any action necessary. **(1st Reading)**

648     **Mayor Pruitt indicated that the Council would like to have this and Action Item #4**  
649     **scheduled for a 4:00 p.m. work session at the next regular city council meeting. No**  
650     **discussion and no action took place at this time.**

651 4. Discuss and consider an **ordinance** adopting Chapter 18 Fire Prevention  
652 and Protection Article II Fire Code Standards Sec 1832 and Sec 18 of the  
653 Code of Ordinances regarding the 2009 International Fire Code with  
654 certain local amendments and exceptions, and take any action  
655 necessary. (1<sup>st</sup> Reading)

656 **Mayor Pruitt indicated that the Council would like to have this and Action Item #3**  
657 **scheduled for a 4:00 p.m. work session at the next regular city council meeting. No**  
658 **discussion and no action took place at this time.**

659 5. **A2016-001** – Discuss and consider a request by Pat Atkins on behalf of  
660 the owners Gwendolyn A. and Randall D. Reed for the approval of an  
661 **ordinance** for the annexation of an 11.275-acre tract of land identified as  
662 Tracts 1-5 of the P. B. Harrison Survey, Abstract No. 97, Rockwall  
663 County, Texas, situated within the City of Rockwall's Extraterritorial  
664 Jurisdiction (ETJ), and take any action necessary. (1<sup>st</sup> Reading)

665 **Planning Director Ryan Miller provided brief background information concerning this**  
666 **item. Councilmember White made a motion to approve A2016-001. Mayor Pro Tem Lewis**  
667 **seconded the motion. The ordinance was read as follows:**

668 CITY OF ROCKWALL  
669 ORDINANCE NO. 16-XX

670 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
671 TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY  
672 LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF  
673 AN 11.275-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 1-5 OF THE P.  
674 B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY,  
675 TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS  
676 THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS;  
677 PROVIDING FOR AN EFFECTIVE DATE.  
678  
679

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

681 6. Discuss and consider a request from Dr. Lowrance with Lowrance Dental  
682 for a height variance for on premise traffic signs located at 1350 Summer  
683 Lee Dr., and take any action necessary.

684 **Dr. Lowrance thanked the City Council for reordering its agenda to address his item at**  
685 **this time, explaining that he has a family issue that has arisen and needs to go out of**  
686 **town quickly. He explained that he is building a new dental office near the intersection of**  
687 **Summer Lee and Ridge Road behind what is now Dunkin Donuts. He explained that he is**  
688 **asking for height and other signage related variances regarding the on-site signage**  
689 **associated with the parking at the front of the building. He shared that he has a large**  
690 **number of geriatric patients as well as young mothers with children, who don't**  
691 **necessarily need handicapped parking; however, he does wish to provide designated**  
692 **parking for those who would benefit from parking up close. He explained that an LED**  
693 **signs will be placed at the same height as what handicapped signs would be, the**  
694 **displays of which will be controlled from inside the building by his staff. He then invited**  
695 **his sign company representative to come forth and explain more.**

696  
697 **Jamie with Signature Graphics**  
698 **880 East Ralph Hall Parkway**

699  
700 **Jamie came forth and explained the LED signs that they would like to place in front of Dr.**  
701 **Lowrance's building for designating and reserving individual parking spaces for use by**  
702 **his patients.**  
703

704 **Following the presentation, Councilmember White made a motion to approve the height**  
705 **and other variances associated with the signage. Councilmember Milder seconded the**  
706 **motion, which passed unanimously of Council present (7-0).**  
707

708 **Mayor Pruitt then addressed Public Hearing Item #4.**  
709

710 **7. Discuss and consider a resolution directing Oncor Electric Delivery**  
711 **Company, LLC to file certain information with the City of Rockwall; setting**  
712 **a procedural schedule for the gathering and review of necessary**  
713 **information in connection therewith; setting dates for the filing of the City's**  
714 **analysis of the company's filing and the company's rebuttal to such**  
715 **analysis; ratifying the hiring of legal counsel and consultants; reserving**  
716 **the right to require the reimbursement of the City of Rockwall's rate case**  
717 **expenses; setting a public hearing for the purposes of determining if the**  
718 **existing rates of Oncor electric delivery company are unreasonable or in**  
719 **any way in violation of any provision of law and the determination by the**  
720 **City of Rockwall of just and reasonable rates to be charged by Oncor**  
721 **Electric Delivery Company, LLC, and take any necessary action.**

722 **Internal Operations Director, Joey Boyd, provided background information related to this**  
723 **agenda item. He explained that, based on a recommendation by the consultants and**  
724 **legal counsel of the Steering Committee of Cities Served by Oncor (of of a resolution**  
725 **authorizing the city to participate in a show cause resolution initiating rate case**  
726 **proceedings against Oncor. This is related to the city's efforts to attempt to ensure that**  
727 **Oncor lowers its rates.**  
728

729 **Mayor Pro Tem Lewis made a motion to approve the resolution as presented.**  
730 **Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**  
731

732 **8. Discuss and consider the future outlook associated with public**  
733 **transportation-related services, and authorize the City Manager to**  
734 **execute an interlocal agreement between Rockwall County and the City**  
735 **of Rockwall for transportation-related services for the remainder of the**  
736 **current fiscal year in an amount not exceed \$55,201.50 with funding**  
737 **provided in the FY16 Operating Budget, and take any action necessary.**

738 **Mayor Pruitt indicated that the Council approved this item by a vote of 5 to 2; however,**  
739 **the County rewrote the contract thereafter. So, a revised agreement is now being**  
740 **brought before the city council for consideration. Mayor Pruitt generally explained that**  
741 **the city council needs to decide if it wants to fund transportation services for only the**  
742 **very needy in our community, or, if it is ok with funding these services for any member of**  
743 **the public who wishes to pay for a ride regardless of if he/she is truly in need. City**  
744 **Manager Rick Crowley further briefed the Council on some of the issues associated with**  
745 **funding transportation services in this year's budget as well as in the future. He**  
746 **explained that the city council did include in the current fiscal year budget the**  
747 **\$55,201.50. After clarifying comments, Councilmember White indicated that he does not**  
748 **like STAR Transit, and he believes the city should get away from doing business with**

749 STAR. He expressed general dissatisfaction with STAR Transit's history of being vague  
750 and evasive when answering questions posed by the city.

751 Mayor Pro Tem Lewis made a motion to authorize the City Manager to execute a (revised)  
752 interlocal agreement between Rockwall County and the City of Rockwall for  
753 transportation-related services for the remainder of the current fiscal year in an amount  
754 not exceed \$55,201.50. Councilmember Townsend seconded the motion, which passed  
755 by a vote of 6 ayes with 1 against (White).

756 Councilmember Townsend provided extensive commentary related to STAR's rates of  
757 service and cost of service as well as new systems they are putting into place to better  
758 track their operations, ridership and revenues/expenditures. He overall indicated that the  
759 services provided to the city and its citizens by STAR are a good value.

760 Clarification was given that STAR transit will not be able or willing to lower its scope of  
761 service to accommodate the City of Rockwall's desire for a lower level/scope of service.

762 Rockwall County Judge David Sweet came forth and provided comments to the Council  
763 pertaining to STAR.

764 Mayor Pro Tem Lewis shared that the consultant's report (hired by the city last year)  
765 confirmed that STAR's costs are very, very, very competitive for the services it provides.  
766 Lewis asked if the local Boys and Girls Club is still impacting the ridership and costs  
767 paid by the city/county. Councilmember Townsend indicated that the B&G Club now has  
768 a separate contract with STAR, and the city's costs were somewhat reduced as a result.

769 Councilmember Hohenshelt clarified with the City Manager and City Attorney that the  
770 City of Rockwall has no legal obligation under the law to provide any sort of public  
771 transportation services at all. However, if a County does wish to provide public  
772 transportation services, then federal guidelines do kick in and affect how much a city or  
773 county would be required to pay based on new urban / rural regulations that went into  
774 effect.

775 Councilmember Townsend generally indicated that several other companies that might  
776 otherwise be interested in servicing Rockwall County and its cities are likely not  
777 interested in doing so (i.e. Hunt County or DART).

778 Judge Sweet indicated that the Rockwall County Commissioner's Court is waiting to see  
779 what the City of Rockwall is going to do regarding this interlocal agreement and  
780 associated cost before moving forward with retaining STAR's services.

781 Mayor Pruitt indicated that the City Council needs to decide if it wants to invest funds in  
782 providing public transportation services. Or, if not, does the city want to provide a more  
783 limited scope of public transportation services instead? Or, does the city not want to be  
784 in the "public transportation" business at all?

785 Pruitt indicated that he is not in favor of funding transportation services to anyone and  
786 everyone in the community. Rather, he is only in favor of providing services to those  
787 who are "at risk" and are truly in need of low cost transportation services.

788 Councilmember Hohenshelt made a motion to stipulate that in the next fiscal year, the  
789 city will pay up to \$55,000 to pay for the following subsidized transportation services.  
790 Mayor Pruitt seconded the motion.



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**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 contracts in the area of the Harbor pursuant to Section 551.071 (Consultation with the City Attorney), and take any action necessary.
2. Discussion regarding appointment of a city council planning and development subcommittee pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding the status of negotiations for an ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding a city levied property lien on residential property pursuant to Section §551.071 (Consultation with Attorney)

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

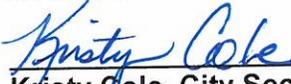
The Council did not reconvene in Ex. Session following the conclusion of the public meeting agenda.

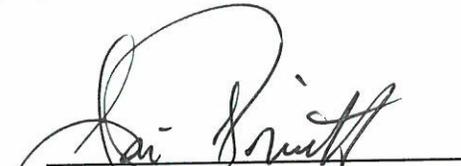
**XVI. ADJOURNMENT**

Mayor Pruitt adjourned the meeting at 9:19 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 2<sup>nd</sup> day of May, 2016.

ATTEST:

  
\_\_\_\_\_  
Kristy Cole, City Secretary

  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, May 02, 2016  
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, John Hohenshelt, Scott Milder, and Kevin Fowler. 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 and consider the 2015 International Codes (Fire, Building, Residential, Mechanical, Plumbing, Fuel Gas, and Energy Conservation, the Existing Building Code), and the 2011 National Electric Code with certain local amendments and exceptions

Mayor Pruitt began discussion of this item, indicating that he has concerns related to two issues within the new codes. One of his concerns is related to a provision related to hot water heaters. He indicated that for a person living in an older house, in order to replace their hot water heater, he/she will have to drill through walls to put an outlet to the outside, or he/she will have to purchase a device that will shut off the water whenever there is a leak. He does not believe this regulation is necessary. Also, there is a requirement that has to do with safety shelters, and it centers around fire and police stations, dispatch centers, and schools. He has issues with telling a school board that they need to build and provide shelter facilities. He believes the school board should be making those decisions on their own, and no other government body should dictate this to them.

Mayor Pruitt generally indicated that right now, the building codes, which Rockwall has adopted and is currently operating under, require that there be separate male and female restrooms, according to sex, and that they be labeled as such. Or, you can have unisex restrooms. However, it seems like things may be ultimately shifting towards gender neutral restroom facilities with several single, lockable stalls.

Councilmember Milder asked for clarification on several items, including distances pertaining to bond fires; width requirement for streets that are built; fences and associated permit requirements, emergency gas meter shut off valves; alarms on fences surrounding residential swimming pools; and overall safety related concerns pertaining to plumbing and other residential codes. Related to the change in bond fires and associated distances (50' to 300'), Fire Marshal Ariana Hargrove came forth and clarified that the City of Rockwall has also previously made a local amendment to change this distance in order to be in sync with the TCEQ (TX Commission on Environmental Quality) regulations. She also clarified that a bond fire is considered open burning, and a fire pit in someone's back yard is different. Milder also asked for clarification related to the width of streets and associated requirements, especially related to fire apparatus

50 utilizing the roadway to respond to emergencies. Milder indicated that he does not want  
51 developers to build four (4) extra feet of roadway if it is not absolutely necessary. Fire  
52 Chief Poindexter came forth and provided brief comments, generally explaining that this  
53 extra width is mostly related to being mindful of two fire apparatus being able to pass  
54 each other on a roadway, and it is also related to being able to perform certain fire  
55 operations more easily. It was clarified that the City of Rockwall has been requiring the  
56 extra roadway footage for about the last fourteen (14) years, so this is not a new  
57 requirement. It is a continuation of a requirement that is already in place. Milder also  
58 questioned and engaged in dialogue with Mr. Widmer pertaining to the provision related  
59 to the alarm that is required to be on a fence surrounding a residential swimming pool  
60 and how long that alarm needs to sound. General discussion also took place related to  
61 residents replacing (or having replaced) their hot water heater under these new Codes,  
62 and how residents may in fact be doing so without pulling a permit from the city.  
63

64 Councilmember Milder asked if the 2015 version of the Codes will make things less  
65 restrictive for property owners when compared to the 2009 version of the Codes.  
66 Hargrove indicated that, overall, the new codes will make the burden less restrictive for  
67 the public, in particular, for developers. Mr. Widmer, Building Official, indicated that staff  
68 worked very diligently to analyze the new codes to see if there were places where local  
69 amendments could be adopted in order to save residents and developers money.  
70

71 Mayor Pruitt asked for clarification regarding - if the city adopts these codes tonight, can  
72 it go back at any point in time and make amendments, for example, related to the  
73 requirements pertaining to bathroom facilities? City Attorney Frank Garza answered in  
74 the affirmative, generally indicating that the city can go back at any time and make  
75 amendments.  
76

77 Mayor Pruitt then read the following discussion items into the public record before  
78 recessing the meeting in to Executive Session at 4:37 p.m.  
79

80 **III. EXECUTIVE SESSION.**

81  
82 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
83 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
84 **CODE:**  
85

- 86 1. Discussion regarding the status of negotiations for an ambulance services  
87 contract pursuant to Section §551.071 (Consultation with Attorney)
- 88 2. Discussion regarding legal options available to the City pertaining to  
89 possible violations of erosion control and drainage development  
90 standards pursuant to Section §551.071 (Consultation with Attorney)

91  
92 **IV. ADJOURN EXECUTIVE SESSION**

93  
94 **Executive Session was adjourned at 5:16 p.m.**

95  
96 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

97  
98 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**  
99 **members present.**

100  
101 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**  
102

103 **Mayor Pro Tem Lewis indicated that no action was needed as a result of Executive**  
104 **Session.**  
105

106 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**  
107

108 **Councilman Milder delivered the invocation and led the Pledge of Allegiance.**  
109

110 **VIII. PROCLAMATIONS / AWARDS**  
111

- 112 1. Building Safety Month  
113 2. National Day of Prayer  
114

115 **Mayor Pruitt read each of these proclamations into the public record, thanking**  
116 **Building/Fire Inspections staff for their work, especially pertaining to their assistance**  
117 **after the tornado hit Rowlett in December of last year. He also invited members of the**  
118 **public to attend the Rockwall County Mayor’s Prayer Breakfast, which he indicated is**  
119 **scheduled for this Thursday morning at The Center.**  
120

121 **IX. OPEN FORUM**  
122

123 **Michelle Smith**  
124 **115 Sceptre**  
125 **Rockwall, TX 75032**  
126

127 **Mrs. Smith came forth and thanked Mayor Pruitt for taking active steps to protect our**  
128 **citizens and children. She generally expressed support and gratitude to the Mayor and**  
129 **Council for taking up this issue.**  
130

131 **Sol Villasana**  
132 **809 Village Green Drive**  
133 **Rockwall, TX**  
134

135 **Mr. Villasana came forth and spoke, indicating that he is opposed to the ordinance that is**  
136 **being considered tonight pertaining to use of public restrooms. He generally expressed**  
137 **concerns related to enforcement of this ordinance and the associated cost pertaining to**  
138 **its enforcement, prosecution, etc. He also has concerns related to the costs involved**  
139 **with the city potentially being sued because he believes the ordinance is constitutionally**  
140 **unlawful. He respectfully requested the city council take a step back and understand the**  
141 **ramifications of this ordinance, which he says is driven by fear and is discriminatory.**  
142

143 **Peter Flores**  
144 **2080 Belfrey Court**  
145 **Rockwall, TX**  
146

147 **Mr. Flores indicated he has lived in Rockwall for eleven years. He explained that some**  
148 **groups say this type of ordinance is unnecessary and discriminatory. He shared a short**  
149 **story that his father told him regarding having to go to the back of a restaurant, place his**  
150 **order and leave out the back door all because of the color of his skin. He expressed a**

151 desire to protect his children from seeing genitalia belonging to the opposite sex while in  
152 a public restroom. He generally spoke in favor of the ordinance to protect his and  
153 others' families.

154  
155 **Jennifer Valdez**  
156 **601 Primrose Lane**  
157 **Rockwall, TX 75032**

158  
159 **Ms. Valdez indicated that the 'bathroom ordinance' is unnecessary. She has a young**  
160 **child and feels safe with him using the restroom around others. She generally expressed**  
161 **opposition to passage of the ordinance.**

162  
163 **Stephanie Gardella**  
164 **502 Whittle Way**  
165 **Rockwall, TX 75087**

166  
167 **Mrs. Gardella generally expressed opposition to the proposed bathroom-related**  
168 **ordinance. She does not feel unsafe in a public restroom. She believes it is**  
169 **unnecessary, and she believes it is not enforceable. She pointed out that it is already**  
170 **illegal for people to commit assault in a bathroom. She believes passage of the**  
171 **ordinance could really cause problems for our police department. She urged Council to**  
172 **consider if the city has the staff to deal with vigilantly and enforcement related issues**  
173 **that this ordinance will create. She is also concerned about harassment and the safety**  
174 **of "trans" individuals. She believes this ordinance will force businesses to leave (i.e.**  
175 **Target, Costco, Starbucks, the Hilton, etc.). She believes the ordinance is unnecessary**  
176 **and fiscally irresponsible. She generally expressed that this ordinance is in opposition**  
177 **to less government intrusion and fiscal responsibility.**

178  
179 **John White**  
180 **1929 South Laskeshore**  
181 **Rockwall, TX**

182  
183 **Mr. White came forth and indicated that committing assault in a restroom has always**  
184 **been unlawful; however, it did not prevent the "hero ordinance" from being passed in**  
185 **Travis County in Houston, TX. He pointed out that both right-wing conservative**  
186 **Christians and democrats were involved with that issue. He indicated that he sent an**  
187 **email to the Council today. He believes the ordinance will uphold how things have**  
188 **always been – that men only go into a men's restroom or locker room, and women only**  
189 **go into a women's restroom or locker room. He does not believe this ordinance**  
190 **expresses hatred for LGBT people, but rather it is strictly out of concern for the city's**  
191 **women and children.**

192  
193 **Laura Blenk**  
194 **1553 Shadygrove Circle**  
195 **Rockwall, TX 75032**

196  
197 **Mrs. Blenk indicated that she lives in Rockwall with her children, shops in Rockwall,**  
198 **worships in Rockwall and has supported local businesses in Rockwall since 2000. She**  
199 **highlighted several of the 'practical reasons' others have expressed regarding their**  
200 **opposition to this ordinance. She stated that she has objections to this issue because**  
201 **neither she nor her children have ever been harassed by anyone other than a straight**

202 male. She pointed out that if a transgender person has ever been in the restroom with  
203 her in the past, she was either unaware or did not have a remarkable experience with that  
204 interaction. She shared that she is aware of a transgender woman who is employed  
205 locally, and this person has never been anything less than very kind to her and her  
206 terminally ill friend who frequents the store that employs her. She believes that an  
207 ordinance like this would lead to harassment of transgender individuals. She believes  
208 that child sex trafficking is a real issue, including locally, although she does not believe  
209 that any transgender women have ever been a part of this problem. She pointed out that  
210 there are many homeless children, and she wonders what is being done to protect those  
211 kids. She is generally opposed to the city council passing the proposed 'bathroom  
212 ordinance' being considered this evening. She believes it does not address any real or  
213 present threats.

214  
215 Mayor Pruitt indicated he asked the next speaker to do some research and address the  
216 Council this evening.

217  
218 Kenda Culpepper  
219 NO ADDRESS STATED  
220 Rockwall, TX

221  
222 Mrs. Culpepper, Rockwall County District Attorney, come forth, indicating that she is  
223 here tonight to talk as a 'resource speaker.' She stated she is not here to necessarily  
224 speak about any transgender issues. However, she did point out that she does not  
225 believe that anyone here this evening, on either side of the issue, is trying to indicate that  
226 transgender individuals are predators. However, there are in fact predators in our midst.  
227 She indicated that it has always been legal for anyone to go into any restroom that they  
228 wish to go into, and, up until now, this has not posed a huge problem that she knows of.  
229 However, newly emerging business policies are creating situations that encourage  
230 people, whether they look transgender or they are transgender, to go into any restroom  
231 that they would like to go into. She has heard people say that we do not need an  
232 ordinance like this because there is not a sexual predator issue in Rockwall County;  
233 however, she believes this is a dangerous misunderstanding. She shared that Rockwall  
234 County is not immune to sexual predators or sexual offenses. She pointed out that a  
235 Child Advocacy Center is being created in Rockwall County because we do in fact have  
236 child predator issues that occur in this county. She shared some stories of past criminal  
237 cases dealing with sexual offenders, one having occurred and being tried in Rockwall  
238 County. She generally expressed the belief that these types of business policies that  
239 allow individuals to use whichever bathroom that they want will open up doors of  
240 opportunity for dangerous sexual predators to go into bathrooms and assault children,  
241 and she believes these types of policies pose a security risk.

242  
243 Kim Cline  
244 223 McKinney Trail  
245 Rockwall, TX 75087

246  
247 She explained she has lived in Rockwall for over a decade, and she has three daughters.  
248 She feels there is a misconception that this whole thing is related to or 'against'  
249 transgender people. She expressed that she is not a "transgender phobe" or a  
250 "homophobe." She believes most of the people here in support of this ordinance feel  
251 exactly as she personally feels. She feels that Target started this issue when they came  
252 out publicly and stated that they are going to let any person in any restroom at any time

253 without any offense. She feels like because they brought that policy forward, it sent a  
254 message to all of the predators out there that bathrooms are 'free game.' She does not  
255 want her eight year old daughter to go into a restroom and fear that she will be exposed  
256 to 'man parts,' and she does not want her to feel unsafe. She does not believe that  
257 transgender people are unsafe; however, she believes that transgenders make up about  
258 .03 percent of the population, while the predators far outrank the transgender population.  
259 She generally expressed that this issue puts all of the men, women and children at risk.  
260 She expressed that she has concerns about having all of the public restrooms in our city  
261 accessible to anyone. She generally expressed support for this "bathroom ordinance."  
262

263 **George Russell**  
264 **521 Shoreview Drive**  
265 **Rockwall, TX**  
266

267 **Mr. Russell** came forth and quoted **Colin Powell** stating that "leadership is lonely." He  
268 acknowledged that Rockwall is being watched by others throughout the state and is  
269 setting the stage for other cities and counties to follow. He applauded the city council for  
270 taking on this topic, especially since it is a very complicated, difficult issue.  
271

272 **Karen Rogancamp**  
273 **309 Star Street**  
274 **Rockwall, TX 75087**  
275

276 **Mrs. Rogancamp** came forth and indicated she is a resident of Rockwall and is a parent  
277 to one of many transgender teens and children who live in this city. Her child is not a  
278 boy who dresses up in girl's clothing in order to prey on unsuspecting innocent people.  
279 She explained that her daughter should have every right to use the bathroom in the one  
280 that corresponds to the gender with which she identifies. She believes that this  
281 ordinance intrudes into the privacy of transgender individuals in a very concerning way.  
282 She believes it is an unnecessary, unenforceable ordinance that is based on ignorance,  
283 and she believes it will take away "safety" from transgender residents. She indicated that  
284 she will not hesitate to bring legal action. She believes this ordinance treats  
285 transgenders as second class citizen and that it represents government overreach that is  
286 based on fear and ignorance. She generally spoke very strongly in opposition of  
287 passage of this ordinance.  
288

289 **Harold Snyder**  
290 **1519 Murphy Drive**  
291 **Rockwall, TX**  
292

293 **Mr. Snyder** came forth and indicated that he is the Waterstone Estates HOA president,  
294 and he has concerns related to a retaining wall that one of his residents has constructed  
295 within the neighborhood. He would like to have problems addressed that the homeowner  
296 has been experiencing related to permitting associated with repair of the retaining wall.  
297 He pointed out that this resident recently received a letter from the city's Neighborhood  
298 Improvement Services Department, generally indicating that erection of the retaining wall  
299 was not valid. He generally urged the city to try and help this homeowner so that he is  
300 not subject to a fine.  
301

302 **Janette Keaton**  
303 **1727 Lakebreeze Drive**

304 Rockwall, TX 75087

305  
306 She indicated that she and her family have lived here since 1994, she is a  
307 communications consultant, mother of two and has been married to the same man for 35  
308 years. They are long time members of First United Methodist Church, and she has held  
309 leadership positions there, including three years as Chair of the Global Missions  
310 Committee. She urged the Council to soundly defeat this ordinance, as it does not  
311 represent the Rockwall that she knows and loves. She believes it is unnecessary,  
312 discriminatory and opportunistic. She and others do not have concerns about being  
313 sexually molested in a restroom, and she does not feel she needs to be protected. She  
314 pointed out that most children are sexually assaulted by someone 'close to home' rather  
315 than in a public bathroom. She suggested that perhaps the mayor is bringing this issue  
316 forth related to his aspirations for higher political office. She expressed very strong  
317 opposition to the ordinance, as she believes it is divisive, discriminatory and groundless,  
318 and it does not reflect the people of Rockwall.

319  
320 Gerald Parrish  
321 1510 South Alamo  
322 Rockwall, TX 75087

323  
324 Mr. Parrish and his son, Jett, came forth to speak. He believes the ordinance, as it is  
325 written, is based on discrimination, not fact. He believes it is exclusionary. He believes  
326 these issues are non-issues and are just for political 'show.' North Carolina has seen  
327 major companies leave or choose to not do business there, and he believes Rockwall  
328 would face large economic impacts if this ordinance is passed. He is generally  
329 concerned about the reputation of Rockwall if this ordinance is approved and believes  
330 the community has bigger issues to address. He generally spoke in opposition of the  
331 city council passing the proposed 'bathroom ordinance.'

332  
333 James Montgomery  
334 2055 Summer Lee Drive  
335 Rockwall, TX 75032  
336 The Hilton  
337 Rockwall, TX

338  
339 Mr. Montgomery came forth and indicated that he represents The Hilton in Rockwall and  
340 its leadership group. As a local business that employs about 175 workers and pays a lot  
341 of taxes locally, he urged the council to vote "no" regarding this ordinance. He believes  
342 that this will have a very negative effect on the local economy and local businesses,  
343 including The Hilton. He pointed out that The Hilton attracts tourism and visitors from all  
344 over the world, and this ordinance, if passed, will be perceived as very negative and  
345 discriminatory across the country, and it will adversely affect business locally. He  
346 shared that his company takes the safety of its team members, visitors and our  
347 community very seriously; however, he does not believe that this ordinance properly  
348 ensures safety. He explored the Council to find a reasonable way to ensure people are  
349 safe; however, he urged the council to not approve this ordinance tonight.

350  
351 Jeremy Johnson  
352 201 Stonecrest Drive  
353 Rockwall, TX 75087

355 Mr. Johnson came forth with his daughter, Presley, and spoke in opposition of the  
356 proposed “bathroom ordinance.” He indicated that he moved here to raise a family, and  
357 he does not believe this ordinance represents the type of city in which he wants to raise  
358 a family. He indicated he believes this ordinance is discriminatory and is about ‘hate,’  
359 and he urged the city council to vote ‘no’ to its adoption.  
360

361 **Jon Bennett**  
362 **2795 Clear Creek Drive**  
363 **Rockwall, TX 75032**  
364

365 Mr. Bennett indicated that he is in strong opposition to the city passing the proposed  
366 “bathroom ordinance.” This ordinance is not representative of the city in which he  
367 chose to raise a family. He expressed concern related to this ordinance, indicating that  
368 because of it, he is now embarrassed to tell people he lives in Rockwall. He believes it  
369 represents bigotry, and he generally explained how he believes this ordinance would  
370 bring unwanted attention to individuals who are transgender. He generally expressed  
371 concern that passage of this ordinance, as it would put the safety of transgender people  
372 at risk, opening them up to the possibility of verbal and physical assault.  
373

374 **Judith Matherne**  
375 **1115 Signal Ridge Place**  
376 **Rockwall, TX 75032**  
377

378 Mrs. Matherne came forth and indicated that she is the Chair of the Rockwall Democratic  
379 Party. She shared that she voted for Mayor Pruitt, and she encouraged others to vote for  
380 him too when he was running for office. She wanted to know what data the city council  
381 members have used to inform themselves related to this ordinance. She shared that she  
382 has found no basis for this ordinance. She went on to quote statistics from various  
383 national associations that have studied these types of issues. She believes passage of  
384 this ordinance would be dangerous to those in our community who are transgender. She  
385 believes the ordinance is based on an ideology and political motivation that it is  
386 discriminatory. As such, she believes it will be found unconstitutional and that its  
387 passage would open up the City of Rockwall to lawsuits. She believes the safety of  
388 ‘trans people’ will be placed at risk, and it will negatively impact the local businesses.  
389 She urged the council to vote ‘no’ to this ordinance.  
390

391 **Brent Muecke**  
392 **5880 CR4518**  
393 **LaRue, Texas**  
394

395 Mr. Muecke indicated he would like to speak about case Z2016-009 regarding “Big D  
396 Auto.” He shared that he travels into Rockwall about every other weekend, and he  
397 recently stopped in to speak to this business owner about the ordinance. He explained  
398 that the business owner let him know the city is trying to limit his number of parking  
399 spaces. He indicated the city’s secretary emailed him the ordinance earlier today, and  
400 there are a couple of changes that need to be made to it if it is to be passed. He pointed  
401 out that the Council wishes to limit the owner to parking seven vehicles outside;  
402 however, according to Exhibit B, it is marked as four vehicles at 60 degrees, but the lines  
403 on the exhibit are shown at 90 degrees. Also, spark plugs are not oiled. They are  
404 changed. He went on to generally express concern related to any time limit placed on  
405 the parking of the vehicles. He explained that ordering, receiving and installing parts

406 takes time, and he believes the city is being hard on this particular business owner. He  
407 would like to see more details before this ordinance is passed on second reading.  
408

409 Mayor Pruitt then announced that Councilmember Hohenshelt is leaving to attend a  
410 lacrosse game for his son who is in the state finals. Hohenshelt explained that any  
411 council member is allowed to place an item on the city council meeting agenda for  
412 discussion. Doing so does not require any vote. He shared that he is a business owner  
413 and personally has a strong libertarian bent. Therefore, he explained that he has a lack  
414 of appreciation for adding regulations onto businesses. He shared that if he were to stay  
415 for the remainder of the meeting and the vote on the proposed bathroom ordinance, he  
416 would be voting against it.  
417

418 **Sam Pierce**  
419 **970 West Yellowjacket Lane, #313**  
420 **Rockwall, TX 75087**  
421

422 Mr. Pierce generally spoke in opposition of passage of the proposed ordinance regarding  
423 use of public restrooms and changing facilities. He lives and works in Rockwall and has  
424 for the past two years; however, for many years he and his family were frequent visitors  
425 to Rockwall. He believes this ordinance was brought forth by Mayor Pruitt as an attempt  
426 to protect families and children; however, he does not believe this ordinance is the right  
427 way to do this. He then shared a story about an event that recently occurred in the City of  
428 Frisco whereby a man followed a woman into a women's restroom, questioning her  
429 gender and intent for being in said restroom. He indicated that the woman is now  
430 pursuing litigation pertaining to this event. Mr. Pierce questioned what sort of city  
431 manpower and finances may be available to enforce and litigate should this ordinance  
432 pass. In addition, he wonders what sort of data exists to support its passage and uphold  
433 the belief that it will increase security. He believes this is an attempt at finding a solution  
434 for a problem that does not exist. He believes this ordinance seems to suggest that  
435 transgenders are pedophiles, deviants or perverts individuals. Furthermore, he generally  
436 believes that crimes committed by transgenders in bathrooms are generally non-existent,  
437 while passage of this ordinance would actually adversely affect the safety of transgender  
438 individuals.  
439

440 **Carol Crow**  
441 **504 Williams Street**  
442 **Rockwall, TX**  
443

444 Mrs. Crow came forth and expressed that she had no intention of speaking this evening,  
445 but she was dumbfounded by the marchers outside of city hall who may or may not be  
446 from Rockwall. She explained that she may never have personally seen a transgender  
447 person before, and she does not care if one of them goes into the ladies restroom if they  
448 look like a lady. However, what she does not want is for a big, hairy man to go into the  
449 lady's restroom. She is not here about hate, but rather about common sense and family  
450 values. She thanked the city council for getting the sex toys off the bottom shelf of the  
451 Target a few years ago. She suggested that men may feel uncomfortable if she stood at  
452 the sink in a men's room while a man was using a urinal. She expressed that his  
453 ordinance is not about transgenders, gays, or lesbians, or anything else, but, rather, it is  
454 about civility.  
455

456 Mayor Pruitt called for a break at 7:16 p.m.

457 The meeting was called back to order at 7:30 p.m. with all Council members except John  
458 Hohenshelt being present.

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\* Mayor Pruitt called the public meeting back to order at 8:18 p.m. and announced that  
462 Open Forum would be continued at this time.

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**Bobby Guillory**  
1642 Cliffbrook Drive  
Rockwall, TX 75032

469 Mr. Guillory came forth and indicated that his understanding is that the city is discussing  
470 allowing transgender individuals to participate in utilizing the women's and men's  
471 restrooms/bathrooms. He indicated that he is opposed to this situation. He shared that  
472 every male and female was created according to his/her gender. He stated that there is a  
473 law that exceeds all laws – the law of our Lord and Savior, Jesus Christ, or God. He and  
474 his family feel that allowing this use would place children in jeopardy as well as our  
475 elderly and young folks. He suggested that individuals who have chosen this lifestyle  
476 should have their own facilities (i.e. transgenders or homosexuals). He stated that God  
477 refers to this as an abomination. He generally spoke in favor of this proposed bathroom  
478 ordinance.

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**Ben Weible**  
215 Trout  
Rockwall, TX

484 Mayor Pruitt generally thanked Mr. Weible for his service on the Rockwall Central  
485 Appraisal District (CAD) board of directors.

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Mr. Weible expressed that when his children were younger, he would never send his kids  
into multi-occupancy bathrooms. He generally expressed the belief that it is not the  
business of government to dictate the private actions of private businesses. He believes  
government intervention in private business matters contributes to 'stirring the pot'  
related to the ordinance that is on tonight's agenda pertaining to use of public restroom  
facilities. He generally encouraged letting each individual business resolve the issue of  
use of their restrooms with their own, individual patrons.

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**Marie Ann Shipman**  
2125 Hillcroft Drive  
Rockwall, TX

499 Mrs. Shipman encouraged the council to not weigh in on 'culture wars,' because she  
500 believes doing so is divisive. She believes this will not result in additional sexual  
501 assaults; however, she believes it will result in discrimination against a minority group  
502 (transgenders), and their safety could be at risk. She has concerns about how this  
503 bathroom ordinance, should it pass, would be enforced. She also expressed a concern  
504 about this ordinance causing businesses to move elsewhere. She believes a community  
505 is made better by more diversity. She generally spoke against approval of this  
506 ordinance.

507  
508 **Ashley Nichols**  
509 **1920 Crestlake**  
510 **Rockwall, TX**  
511

512 **Ms. Nichols shared that she discontinued going to Rockwall schools for many reasons,**  
513 **and she would possibly consider going back if it were welcoming to everyone in the**  
514 **community. She hates that someone cannot go to the bathroom in peace. She thinks**  
515 **passage of this ordinance could prove embarrassing for someone having to prove their**  
516 **gender before using a restroom. She is generally opposed to passage of this ordinance.**  
517

518 **Aubrey Fam**  
519 **2 Indian Trail**  
520 **Rockwall, TX**  
521

522 **Mrs. Fam indicating she is a registered republican and believes in small government;**  
523 **however, she does not think government needs to be small enough to fit into the stall**  
524 **next to her. She generally expressed concerns related to the possible economic impacts**  
525 **of this bill as well as ‘gender binary’ and working with kids in the Rockwall school district**  
526 **that do not fit the gender binary. She shared that she overheard someone this evening**  
527 **questioning her own gender identity, and that is the first time she has been made to feel**  
528 **unsafe while in Rockwall. She believes questioning someone’s gender identity is**  
529 **indicative of the kind of harassment that would likely be seen if this ordinance is passed.**  
530 **She expressed opposition to this bathroom ordinance, encouraging the Council to vote**  
531 **“not” to it. She does not believe it will make women and children safer.**  
532

533 **Patricia Pomroy**  
534 **992 Starlight Place**  
535 **Rockwall**  
536

537 **Mrs. Pomroy indicated that she is a licensed counselor, and she pointed out that**  
538 **statistics show that most children who are sexually assaulted are assaulted by someone**  
539 **close to them, within their inner circle. She shared that it is a bit of a falsehood to state**  
540 **that passing a bathroom ordinance like this would protect children. Generally, sexually**  
541 **assault of children does not typically happen in public places spontaneously. Instead, it**  
542 **typically happens slowly over a period of time by someone close to the child or family,**  
543 **such as a coach. She urged the Council to consider basing their decision on facts.**  
544

545 **Dr. Rob Mehl**  
546 **601 Carriage Trail**  
547 **Rockwall, TX**  
548

549 **Dr. Mehl indicated that he is a licensed, clinical psychologist who has been practicing in**  
550 **Rockwall for about thirty-five years. He then proceeded to share various definitions,**  
551 **generally related to transgender individuals. He also shared some statistics related to**  
552 **transgender individuals, including the rate of suicide attempts among that population.**  
553 **He generally encouraged the city council to not vote in favor of approving this ordinance.**  
554 **He is against it.**  
555

556 **Chanel Rushing**  
557 **705 Nash Street**

558  
559 Mrs. Rushing indicated she is a graduate of Rockwall High School and has lived here for  
560 twenty-two years. She shared that she is personally a child sex abuse survivor. She  
561 pointed out that her sexual abuser did not abuse her in a restroom; however, his rap  
562 sheet did include being a “peeping Tom” in women’s restrooms. She does not believe  
563 that an ordinance can be passed to restrict men from entering a women’s restroom  
564 without giving transgenders a safe alternative. She indicated that she would feel safer  
565 with men not being allowed in a women’s restroom; however, she does feel like the  
566 ordinance that is being proposed, as it is currently written, would cause a transgendered  
567 person to feel very uncomfortable and potentially unsafe. She generally expressed  
568 support for general neutral bathrooms with single locking stalls, and she encouraged the  
569 city to immediately start on an ordinance that would require all local business and  
570 property owners to provide at least one gender neutral restroom. She believes those  
571 would be safe, private spaces for anyone to use. Furthermore, she believes that doing  
572 so would diffuse the accusations of discrimination and solve the issues at hand.

573  
574 Bekah and Lizzie Gutierrez  
575 1676 Westbury Drive  
576 Rockwall, TX

577  
578 The girls indicated that they are against the proposed bathroom ordinance. They believe  
579 that for people who are “trans” objectifies and creates fear as well as creating an evil  
580 connotation towards these individuals. In addition, they generally expressed that it is  
581 discriminatory and will put transgenders in a spotlight that they likely never wanted to be  
582 in. They feel this ordinance would multiple problems rather than solve them. The girls  
583 quoted some statistics, including pointing out that no statistical evidence exists to  
584 warrant this type of legislation. They believe transgenders would be placed in danger if  
585 forced to use the bathroom related to the gender identified on their birth certificate. They  
586 indicated that this ordinance punishes local businesses who implement non-  
587 discrimination policies by threatening criminal penalties or requiring them to build  
588 additional facilities. They questioned the ordinance as being discriminatory, violating  
589 separation of church and state and a person’s constitutional right to privacy.  
590 Enforcement of this ordinance would not be viable without the enforcer having to go to  
591 unreasonable lengths.

592  
593 Alex Naser  
594 1251 Highland Drive  
595 Rockwall, TX

596  
597 Alex came forth and stated that he is a transgender male living in Rockwall. He generally  
598 spoke in opposition of the proposed bathroom ordinance and believes it will be hard to  
599 enforce. He explained that if he were forced to use a women’s restroom, he would be out  
600 of place and feel uncomfortable. He shared that it is already hard enough, as a  
601 transgender person, without having to deal with other people’s criticisms. He is worried  
602 about going into the men’s restroom because he is afraid of being hurt; however, he  
603 knows he cannot go into the women’s restroom because he looks like a man. He pointed  
604 out that transgenders are not dangerous. They just want to use the restroom. He  
605 believes this ordinance is discriminatory and pointed out that there are already laws  
606 against “assault.” He indicated that he attended Rockwall Heath High School, but he had  
607 to leave because he was not allowed to utilize the men’s restroom at school. So he has  
608 had to transition to online school instead. He has also had to deal with bullying at

609 school and mis-gendering from teachers. He said that transgenders already have so  
610 many other things to worry about. He shared that transgenders will not hurt you...they  
611 just want to use the restroom.

612  
613 **G. David Smith**  
614 **601 Stonebridge Drive**  
615 **Rockwall, TX**

616  
617 **Mr. Smith came forth and generally spoke in opposition of the city council passing the**  
618 **proposed bathroom related ordinance. He believes it fosters hate and encourages**  
619 **ignorance. He wants everyone to feel welcome in this community, including those who**  
620 **have stood up and shared their personal, intimate stories and secrets. He encouraged**  
621 **the community to come together in lieu of lashing out. He offered that he and his law**  
622 **office will be happy to help anyone who is convicted of these crimes, and he will fight,**  
623 **both criminally and civilly, to defend anyone who is accused of violating the ordinance.**  
624 **He is opposed to its passage.**

625  
626 **Katherine Lindsey**  
627 **9613 Heartstone Lane**  
628 **Rockwall, TX**

629  
630 **She explained that she is a former Rockwall High School graduate who is now studying**  
631 **social work at Texas Women's University in Denton. She shared some additional**  
632 **information pertaining to gender identity issues and how some people are born different**  
633 **and therefore do not fit the traditional gender binary (i.e. chromosomal differences or**  
634 **those born with ambiguous genitalia). She explained that she is part of the LBGT**  
635 **community and she has a lot of transgender friends, and she sees a lot them already**  
636 **suffering with their own set of issues. She wants her transgender friends to be accepted**  
637 **publicly, to be able to go to the restroom in public without fear for their safety, and to see**  
638 **them be accepted by their families.**

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640 **X. CONSENT AGENDA**

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1. Consider approval of the minutes from the April 18, 2016 regular city council meeting, and take any action necessary.
  2. **Z2016-008** - Consider a request by Darrell Simpson on behalf of Sherri Banuelos for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 1.03-acre tract of land identified as Tract 11-5 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Single Family One (SF-1) District, addressed as 735 Davis Drive, and take any action necessary **[2nd Reading]**.
  3. **P2016-013** - Consider a request by Alexander Menjivar and Daniel & Lidia Mendez for the approval of a final plat for Lots 1 & 2, Block A, Mendez Addition being a five (5) acre tract of land identified as Tract 2 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 5143 SH-276, and take any action necessary.

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4. **P2016-014** - Consider a request by Daniel Stewart of Cates-Clark & Associates, LP on behalf of Jeff Finkel of Seaman Development Corporation for the approval of a final plat for Lot 1, Block 1, Rockwall-Pine Addition being a 3.642-acre portion of a larger 14.07-acre tract of land identified as Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 920 E. IH-30, located southwest of the intersection of Kyle Drive and the E. IH-30 frontage road and take any action necessary.
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5. **P2016-015** - Consider a request by Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of JBR-2, LLC for the approval of a final plat for Lots 1 & 2, Block A, JBR2 Addition being a 7.329-acre tract of land identified as Tract 17-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated west of the intersection of SH-205 and FM-549, and take any action necessary.
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6. **P2016-017** - Consider a request by Robert R. Varner, Jr. of Townsend Professional Centre, LLC for the approval of a replat creating Lots 9, 10, & 11, Block A, Municipal Industrial Park Addition, being a 2.60-acre parcel of land currently identified as Lot 8, Block A, Municipal Industrial Park Addition (2.29-acres) and Lot 1, Block A, Corrigan Law Office Addition (0.31-acres), City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated west of the intersection of SH-205 and FM-549, and take any action necessary.
- 683  
684
7. Consider approval of a resolution abandoning the right-of-way for Carrier Drive to the adjacent land owner and take any action necessary.

685 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**  
686 **6, and 7). Councilmember Milder seconded the motion. The ordinance was read as**  
687 **follows:**

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690

**CITY OF ROCKWALL  
ORDINANCE NO. 16-29  
SPECIFIC USE PERMIT NO. S-152**

691 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
692 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE***  
693 ***04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**  
694 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW**  
695 **FOR AN ACCESSORY BUILDING THAT DOES NOT CONFORM TO THE**  
696 **REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, *RESIDENTIAL AND***  
697 ***LODGING USE CONDITIONS*, OF ARTICLE IV, *PERMISSIBLE USES*, OF**  
698 **THE UNIFIED DEVELOPMENT CODE, BEING A 1.03-ACRE TRACT OF**  
699 **LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-1) DISTRICT,**  
700 **ADDRESSED AS 735 DAVIS DRIVE, AND IDENTIFIED AS TRACT 11-5 OF**  
701 **THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL,**  
702 **ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN**  
703 ***EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL**  
704 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED**  
705 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**  
706 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**  
707 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

708

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

710  
711 **XI. APPOINTMENTS**

- 712  
713 1. Appointment with the Chairman of the Airport Advisory Board to discuss  
714 and consider a recommendation from the Airport Advisory Board, asking  
715 the City Council to consider developing a plan for purchasing land near  
716 the airport for airport development; and to formally request that TXDOT  
717 Aviation place the airport development plan in the State's Aviation Capital  
718 Improvement Program and take any action necessary.

719 **Dwight Royall, Chairman of the city's newly formed Airport Advisory Board, came forth**  
720 **and indicated that the board has met a couple of times so far. Board members have**  
721 **organized, have reviewed the Airport Development Plan, and have toured the airport**  
722 **facility itself. He shared that the board has two recommendations. First, he generally**  
723 **requested that the city council consider having the city manager submit a formal letter of**  
724 **intent to TXDOT Aviation to place Rockwall's airport in the State's Capital Improvement**  
725 **Program for possible future funding. He shared that he and the other board members**  
726 **understand that it could be a number of years before any funding might possibly become**  
727 **available. Also, he clarified his understanding that if funding does become available, the**  
728 **city will still have discretion to decide whether it wishes to move forward or not at that**  
729 **point in time.**

730  
731 In addition, he shared that the acquisition of some property located near the airport  
732 would be critical to the Airport Development Plan's implementation. He indicated that  
733 the Advisory Board strongly recommends that the city begin the process to acquire the  
734 property.

735  
736 Informal direction was given by Council to staff to go ahead and submit the suggested  
737 letter of intent. Councilmember White clarified that acquiring the property does not have  
738 anything to do with lengthening the airport, but, instead, widening it. Essentially,  
739 everything that is there now would need to be moved over (hangars, the runway itself,  
740 etc.).

741  
742 The Council took no formal action concerning this agenda item.

743  
744 Mayor Pruitt then addressed Action Item #2 on the agenda.

745  
746 **XII. ACTION ITEMS**

- 747  
748 1. Discuss and consider approval of an ordinance amending the Code of  
749 Ordinances in Chapter 22. Miscellaneous Offenses; Article I. In General  
750 by adding Section 22-5 to regulate public restroom/bathroom and  
751 changing facilities, and take any action necessary. (1st reading)

752 **At 9:05 p.m., Mayor Pruitt closed Open Forum and indicated the Council would then**  
753 **address this Action Item. Mayor Pruitt began council discussion of this item by stating**  
754 **the following:**

755 ***My comments will be brief. First I do not know why we are having to have***  
756 ***this conversation about public restrooms. But we are, because evidently***  
757 ***someone decided they were going to make a policy to allow men unfettered***

758 *access to women's restrooms and changing rooms and vice versa. We*  
759 *have never had a law against this because common sense has prevailed*  
760 *and folks used the appropriate facilities.*

761 *Our local and national building codes set out what is required as to*  
762 *restroom facilities as we discussed in the earlier workshop session on*  
763 *adoption of new building codes. The one sure solution to this problem is*  
764 *individual unisex restrooms that have a lock on the door.*

765 *This is purely a security issue to me. I have been a criminal court judge*  
766 *and practiced criminal law as both a prosecutor and defense lawyer for*  
767 *over 30 years. I have seen many cases involving sexual predators in that*  
768 *time and cases where these predators look for opportunities to abuse*  
769 *children. These policies say that a man can go into a women's restroom or*  
770 *dressing room without challenge is a ridiculous and dangerous opportunity*  
771 *to give a predator.*

772 *I do not feel comfortable sending my 9 year old daughter into a public*  
773 *restroom if there is the possibility that a man may be in the restroom or can*  
774 *enter into that restroom unchallenged. These kids don't have a choice*  
775 *when they have to go they have to go. This is for our children's security*  
776 *and frankly I don't think children should be subjected to seeing another's*  
777 *genitalia when they are alone in a public restroom.*

778 *Officers have the discretion to issue tickets when they believe there is a*  
779 *real problem. I don't believe we'll see issues like those described by the*  
780 *naysayers of people being harassed. Like jaywalking ... people do it every*  
781 *day and don't get into trouble because officers use their discretion on*  
782 *when to issue ticket or get involved. Citizens use their discretion on when*  
783 *to call the police. But people also know jaywalking is discouraged in that*  
784 *community because there is an ordinance against it. Based on the number*  
785 *of people that I have heard from over the last week, this community wants*  
786 *to discourage men from going into women's restrooms and dressing*  
787 *rooms and vice versa there are obvious exceptions to that which are*  
788 *covered in the ordinance.*

789 *If this ordinance saves one child from being molested because a*  
790 *concerned citizen reported a predator lurking in the restroom then our*  
791 *efforts are life changing for that child or woman. This is about nothing*  
792 *more than the safety of our community and we as councilmen have a duty*  
793 *to do everything we can to keep our community safe.*

794 *I just can't believe that we really have to spend time debating this.*

795 **Councilmember Townsend indicated he has spent some time doing some research, and**  
796 **he believes that this ordinance is not about "transgender." However, it is based on a**  
797 **company – Target – that recently went out and made a policy that anyone can go into any**  
798 **of their public restrooms. The intent of this ordinance is to protect people that cannot be**  
799 **protected – not to exclude people. However, he expressed that he has a problem with**  
800 **the ordinance as it is presented because he believes it will not accomplish what it is**  
801 **intended to accomplish. He requested that this item either be tabled and further**  
802 **researched for consideration later on, or find something else to effectively solve the**  
803 **potential problem. He believes that parenting is a person's individual problem and issue**  
804 **to handle, especially related to protecting children and ensuring their security.**

805 Mayor Pro Tem Lewis indicated that he was originally 100% behind this ordinance  
806 because he believes its intent in bringing it forth was to protect; however, he has since  
807 done some research and has arrived at a differing opinion. He pointed out that he has a  
808 wife, and he has grandchildren, ages one and five. He does not believe that government  
809 should be involved in private business matters, and he has to weigh these beliefs against  
810 "safety." He is not sure that this particular ordinance accomplishes what it is intended to  
811 do. Mr. Garza, City Attorney, clarified, at Lewis' request, that birth certificates are  
812 confidential records. Lewis then shared that businesses have a right to make policies,  
813 and members of the public have the right to choose to not patron those businesses. He  
814 generally expressed concerns about this ordinance as it is presented this evening.

815 Councilmember Milder shared that Mayor Pruitt has done a lot of good in the community,  
816 and he believes that the mayor had the best of intentions when putting forth this  
817 ordinance. He indicated that initially he was in favor of the ordinance, and he spent a lot  
818 of time doing research over the weekend and reading emails he received over the  
819 weekend from members of the public. However, the issue at hand is not related to what  
820 he personally believes or feels. What is most important, however, is what is appropriate  
821 for the Council, and he believes that this ordinance is not enforceable. For that reason,  
822 he does not believe this ordinance is relevant.

823 Councilmember White indicated that when he first read the ordinance, he was against it.  
824 Then, when he read it again later on, he was still against it. He believes this is a property  
825 rights-related issue pertaining to a private business making its own, private rules which  
826 will apply to their customers. He shared that the public speaker from earlier, Mr. Ben  
827 Weible, is his brother-in-law, and Mr. John White, the older gentleman that spoke earlier  
828 at the meeting, is his father. He expressed that if a parent or a person feels unsafe in a  
829 certain place, such as Target, for example, they should not go there. He does not believe  
830 that a person should run to the government in order for the government to help them feel  
831 safe. He does not believe this was very well thought out, although he does believe it was  
832 well intentioned. He believes it is 100% unenforceable without intrusion into people's  
833 personal lives. He believes that adults have the right to live their lives as they choose so  
834 long as it does not interfere with his own rights to live his life as he chooses.

835 Councilmember Fowler indicated that, at first, he seemed to be in favor of it. However,  
836 when he really stopped and thought through it more extensively, he decided he is not in  
837 favor of it. He believes it is unenforceable. He does have a desire to protect women and  
838 children, and even some men, but he is not sure this ordinance accomplishes this. He  
839 would like to see a different ordinance of some sort for consideration.

840 Mayor Pruitt indicated that this is not just a property rights issue. It is also a city-related  
841 concern and issue, as the city has some public restrooms too, including those that will  
842 be offered and available at the city's upcoming Founder's Day festival.

843 Townsend indicated that he has no problem with the city setting rules associated with  
844 use of its own public restrooms. However, he does not believe the city should be setting  
845 restroom rules for private businesses and places like Target.

846 Councilmember White indicated that he disagrees with some of the sentiments being  
847 expressed during this council discussion. He reiterated the use of "common sense"  
848 related to people using public restrooms. He pointed out that laws do not stop crimes  
849 from being committed. He believes laws should not be in place to control someone's life.  
850 He also pointed out that "city owned restrooms" are not owned by the city but, rather, by  
851 the citizens. He reiterated that he does not believe the city should be telling the public  
852 where to use the restroom.

853 Mayor Pruitt asked if the Council is against regulating use of public restrooms located on  
854 city property. Fowler indicated that he would need to see an ordinance like that so he  
855 could read through it and think about it.

856 Mayor Pruitt made a motion to approve the ordinance. The motion died for lack of a  
857 second. Therefore, no action was taken on the part of the City Council concerning this  
858 proposed ordinance.

859 2. **Z2016-009** - Discuss and consider a request by Mohamed Taha for the  
860 approval of an **ordinance** for a Specific Use Permit (SUP) to allow a  
861 minor auto repair garage to be established in conjunction with an existing  
862 oil/lube change facility located on a 0.2755-acre parcel of land identified  
863 as Lot 3, Block B, Rockwall High School Addition, City of Rockwall,  
864 Rockwall County, Texas, zoned Commercial (C) District, situated within  
865 the Scenic Overlay (SOV) District, addressed as 2225 Ridge Road, and  
866 take any action necessary **[2nd Reading]**.

867 Ryan Miller, the city's Planning Director, provided brief background information related  
868 to this agenda item.

869 The applicant came forth and expressed that the business operator would just like a few  
870 more parking spaces. He generally and respectfully requested approval of this  
871 ordinance for second reading.

872 Councilmember White made a motion to approve Z2016-009. Councilmember Milder  
873 seconded the motion, but pointed out a concern that the ordinance which was included  
874 in council members' meeting packet does not reflect the seven parking spaces with  
875 allowance that four of them be permissible for overnight use. City Attorney, Frank Garza,  
876 indicated that reading the ordinance for "second reading" tonight is ok, and staff can  
877 make those changes prior to the mayor signing the ordinance.

878 The motion to approve this item/ordinance passed by a vote of four in favor, two against  
879 (Fowler and Pruitt), and 1 absent (Hohenshelt).

880 3. **Z2016-010** - Discuss and consider a request by Grey Stogner of  
881 Crestview Real Estate on behalf of the owner Tom R. Briscoe of Briscoe  
882 Oil, Inc. for the approval of an **ordinance** for a PD Development Plan  
883 abandoning Hill Top Lane to establish an urgent care facility on a 1.042-  
884 acre tract of land identified as Lots 1 & 2, Block A, Briscoe/Hillcrest  
885 Addition and Tract 41-2 of the E. Teal Survey, Abstract No. 207, City of  
886 Rockwall, Rockwall County, Texas, zoned Planned Development District  
887 32 (PD-32), situated within the Summit Office Subdistrict and the IH-30  
888 Overlay (IH-30 OV) District, located at the southwest corner of Horizon  
889 Road [FM3097] and the IH-30 frontage road, and take any action  
890 necessary **[2nd Reading]**.

891 Councilmember White made a motion to approve Z2016-010. Mayor Pro Tem Lewis  
892 seconded the motion, which passed by a vote of 5 in favor, 1 against (Milder) and 1  
893 absent (Hohenshelt).

894 4. Discuss and consider a request for supplemental hotel occupancy tax  
895 funding for the 2016 Duck Regatta, and take any action necessary.

896 Councilmember David White and Mayor Pro Tem Dennis Lewis recused themselves from  
897 the discussion and associated vote pertaining to this item. Mayor Pruitt indicated that  
898 they have each filed the appropriate paperwork with the city secretary.

899 **Mary Smith, Assistant City Manager, provided brief comments related to this item,**  
900 **explaining that the local Meals on Wheels and Boys and Girls Club benefit from this**  
901 **annual (rubber) Duck Regatta. She explained that they are requesting \$30,000 and a**  
902 **waiver of any Harbor-related rental fees.**

903 **Councilmember Milder stated that these are two prominent, local charities, and this event**  
904 **has been very successful. After his comments, Milder made a motion to grant \$25,000**  
905 **for this organization/event. Councilmember Townsend seconded the motion. Townsend**  
906 **reminded the city council that the city has moved away from waiving fees associated**  
907 **with rental of the Harbor in favor of covering 'waived fees' in the amount granted**  
908 **associated with a request. After Townsend's comments, the motion passed by a vote of**  
909 **4 in favor with 2 abstentions (White and Lewis) and 1 absent (Hohenshelt).**

910 **5. Discuss and consider approval of an ordinance amending the Code of**  
911 **Ordinances in Chapter 36, Article IV. Art in Public Places Master Plan,**  
912 **Sections 36-56, 36-57, 36-59 and 36-136, to approve certain**  
913 **amendments as recommended by the city's Art Review Team (ART)**  
914 **Commission, and take any action necessary. (1st reading)**

915 **David Sweet came forth and introduced himself as the current chair of the city's ART**  
916 **Commission. He thanked his fellow board members for their service on the board and**  
917 **work on this agenda item and associated revisions to this ordinance. He then briefed the**  
918 **Council on the proposed changes. Following brief dialogue, Mayor Pruitt made a motion**  
919 **to approve the ordinance and associated recommendations from the city's ART**  
920 **Commission. Mayor Pro Tem Lewis seconded the motion. The ordinance was then read**  
921 **as follows:**

922 **CITY OF ROCKWALL**  
923 **ORDINANCE NO. 16-\_\_**

924 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER**  
925 **36, ARTICLE IV, ART IN PUBLIC PLACES MASTER PLAN, IN SECTIONS 36-56,**  
926 **36-57, 36-59 and 36-136 OF THE CODE OF ORDINANCES, TO AMEND THE ART**  
927 **IN PUBLIC PLACES MASTER PLAN AS RECOMMENDED BY THE ART REVIEW**  
928 **TEAM (ART) COMMISSION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING**  
929 **AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.**  
930

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

932 **6. Discuss and consider an ordinance adopting Chapter 10 Buildings and**  
933 **Building Regulations, Articles III, IV, V, VI, VII, VIII, IX AND X of the Code**  
934 **of Ordinances regarding the 2015 International Building Code, Residential**  
935 **Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Energy**  
936 **Conservation Code, Existing Building Code and the 2011 National**  
937 **Electric Code with certain local amendments and exceptions and take any**  
938 **action necessary. (1st reading)**

939 **7.**

940 **Brad Griggs, Assistant City (Acting) Manager, provided brief comments. Councilmember**  
941 **Milder made a motion to approve this ordinance. Councilmember Fowler seconded the**  
942 **motion. The ordinance was read as follows:**

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CITY OF ROCKWALL  
ORDINANCE NO. 16-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, IX AND X OF THE CODE OF ORDINANCES; REPEALING ARTICLES III, IV, V, VI, VII, VIII, IX AND X; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

959 **The motion passed by a vote of 5 in favor, 1 against (White) and 1 absent (Hohenshelt).**

- 960 **8.** Discuss and consider an **ordinance** repealing the 2009 International Fire
- 961 Code with certain local amendments and adopting the 2015 International
- 962 Fire Codes with certain local amendments and exceptions in Chapter 18
- 963 Fire Prevention and Protection, Article II Fire Code Standards, Sec. 18-32
- 964 and Sec. 18-33 of the Code of Ordinances, and take any action
- 965 necessary. **(1st Reading)**

966 **Councilmember Townsend made a motion to approve the ordinance. Mayor Pro**  
967 **Tem Lewis seconded the motion. The ordinance was read as follows:**

CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 16-

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II. FIRE CODE STANDARDS, SEC. 18-32 AND SEC. 18-33; REPEALING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II, SEC. 18-32 AND SEC. 18-33 AMENDMENTS WITH THE EXCEPTION OF SUBSECTION (41) (2006 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24); PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

984 **The motion passed by a vote of 5 in favor, 1 against (White) and 1 absent**  
985 **(Hohenshelt).**

- 986 **9.** Discuss and consider granting permissions for the City's May 21, 2016
- 987 Founders Day Festival at Harry Myers Park related to Chapter 30, Article
- 988 I, Sec. 30-2, Regulated Activities in Parks of the Code of Ordinances, and
- 989 take any action necessary.

990 **Assistant City (Acting) Manager, Brad Griggs, provided brief comments related to this**  
991 **item, indicating that it is related to possession and consumption of alcoholic beverages**  
992 **on city owned property, specifically at Harry Myers Park on the specific day of the event.**

993 Mayor Pro Tem Lewis made a motion to grant permission for the city's May 21<sup>st</sup> Founders  
994 Day Festival pertaining to Ch. 30, Article I, Sec. 30-2, Regulated Activities in Parks of the  
995 Code of Ordinances. Councilmember White seconded the motion, which passed by a  
996 vote of 5 in favor, 1 against (Pruitt) and 1 absent (Hohenshelt). Mayor Pruitt let the public  
997 know that Stoney LaRue and Diamond Rio will be the headlining bands at this event.

998 10. Discuss and consider a request from Meals on Wheels of Rockwall  
999 County regarding nominations associated with their May 26th "Older  
1000 Americans Month" celebration, and take any action necessary.

1001 City Secretary Kristy Cole provided brief background information regarding this agenda  
1002 item. Mayor Pro Tem Lewis indicated he would like to nominate Anita Massey for the  
1003 Older Americans Month celebration. Mayor Pruitt indicated he would like to nominate  
1004 Nell Welborn and Bob Cotti. No formal action on the part of Council took place  
1005 concerning this agenda item.

1006  
1007 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
1008 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

1009  
1010 1. Departmental Reports  
1011 Building Inspections Monthly Report - March 2016  
1012 Fire Dept. Monthly Reports and 16 in 16 Recruiting Update - March 2016  
1013 GIS Department Monthly Report - March 2016  
1014 Harbor PD Monthly Report - March 2016  
1015 Internal Operations Department Monthly Report - March 2016  
1016 Meals on Wheels Senior Services Quarterly Report  
1017 Police Department Monthly Report - March 2016  
1018 Recreation Monthly Report - March 2016  
1019 Rockwall Animal Adoption Center Monthly Report - March 2016

1020 2. City Manager's Report

1021 Assistant City Manager Brad Griggs reminded the council and the public about the  
1022 upcoming National Day of Prayer and Founders Day Festival events.

1023 Mayor Pruitt congratulated the city on a \$5,000 grant for the Old Towne Rockwall Historic  
1024 District update from the Texas Historical Commission's Certified Local Government  
1025 Program. He thanked the Planning Director for his work to obtain this grant.

1026 \_\_\_\_\_  
1027 Mayor Pruitt called for a break at 8:07 p.m. Pruitt then reconvened the public meeting at  
1028 8:18 p.m. with all councilmembers except Hohenshelt present. He then readdressed  
1029 those wishing to speak during Open Forum (see \* above on line 462) as well as Action  
1030 Item #1 (line 748).

1031  
1032 **XIV. EXECUTIVE SESSION**  
1033

1034 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
1035 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
1036 CODE:

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1. Discussion regarding the status of negotiations for an ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding legal options available to the City pertaining to possible violations of erosion control and drainage development standards pursuant to Section §551.071 (Consultation with Attorney)

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

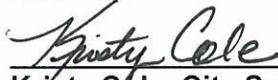
**Council did not reconvene in Executive Session following the conclusion of the public meeting agenda.**

**XVI. ADJOURNMENT**

**The meeting was adjourned at 9:40 p.m.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 16<sup>th</sup> day of May, 2016.**

**ATTEST:**

  
\_\_\_\_\_  
**Kristy Cole, City Secretary**

  
\_\_\_\_\_  
**Jim Pruitt, Mayor**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, May 16, 2016**  
**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 Pruitt,  
10 Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend,  
11 John Hohenshelt, Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City  
12 Manager Rick Crowley, Assistant City Manager Mary Smith, and City Attorney Frank  
13 Garza. Assistant City Manager Brad Griggs was absent from the meeting.  
14

15 **II. WORK SESSION**

16  
17 **1. HOLD WORK SESSION TO DISCUSS AND CONSIDER STRATEGIC PLANS FOR THE**  
18 **FOLLOWING CITY DEPARTMENTS:**

19  
20 a) Parks and Recreation

21 Parks & Recreation Manager, Andy Hesser, provided a briefing to Council concerning  
22 some modifications that have been made to his department's strategic plan since he  
23 appeared before Council last month. He then went on to brief the Council on his  
24 strategic plan beginning with Park Development initiatives, which include the following:

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- A. Resolve Baseball/Softball Field Space Issues
  - B. Develop existing neighborhood parks to full development as needed.
  - C. Develop South Community Park
  - D. Lakeside Park Development Process
  - E. Develop Alma Williams Howard Park
  - F. Develop the Lakes of Squabble Creek

32 He also discussed "Non-Resident Sales Tax Revenue" as related to the following:

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39
- Utilize tourism to help maintain \$340 per capita sales tax revenue through the promotion of conventions and other professional trade organization functions.
  - Work with hotel operators to attract business meetings and conventions to increase hotel/motel tax and non-resident sales tax.
  - Endeavor to host sporting events that lead to "heads in beds" and have a positive financial impact on the community.

40 Mr. Hesser then briefly touched on his department's plans pertaining to Operational  
41 Excellence, including the following:

- 42  
43
- Validate department practices and procedures against prescribed industry best practices.

- 44 • **Develop Recreation Programming Criteria Policy.**
- 45 • **Achieve CAPRA (Commission for Accreditation of Parks and Recreation**
- 46 **Agencies) accreditation by June of 2018.**
- 47 • **Compete for state and national awards for facility design, programs and agency**
- 48 **management.**

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

50 b) Fire Marshal

51 **Fire Marshal Ariana Hargrove came forth and briefed the City Council on her division's**  
52 **strategic plan, touching on the following, main goals:**

- 53 • **Embrace an information-driven approach to identify community risks**
- 54 • **Implement policies that assist in minimizing community risks**
- 55 • **Engage the community in public outreach and partnership efforts to reduce the**
- 56 **risk fire and injuries within the community**
- 57 • **Ensure ordinances, policies, and practices remain relevant to community risks,**
- 58 **needs, and the department's mission**
- 59 • **Employ technology and communications solutions that provide efficiencies and**
- 60 **improve services**

61 **Following brief discussion, the Council took no formal action concerning Mrs.**  
62 **Hargrove's presentation.**

63  
64 **Mayor Pruitt then read the below listed items into the record before recessing the public**  
65 **meeting into Executive Session at 4:23 p.m.**

66 **III. EXECUTIVE SESSION.**

67  
68 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
69 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
70 **CODE:**

- 71
- 72 1. Discussion regarding legal options available to the City pertaining to
- 73 possible violations of drainage and detention development standards
- 74 pursuant to Section §551.071 (Consultation with Attorney)
- 75 2. Discussion regarding a facility agreement for a property adjacent to Ridge
- 76 Road pursuant to Section §551.072 (Real Property) and Section
- 77 §551.071 (Consultation with Attorney).
- 78 3. Discussion regarding appointment of city council subcommittees, board
- 79 liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074
- 80 (Personnel Matters).

81  
82 **IV. ADJOURN EXECUTIVE SESSION**

83  
84 **Executive Session was adjourned at 4:50 p.m.**  
85

86 V. RECONVENE PUBLIC MEETING

87  
88 Mayor Pruitt called the public meeting back to order at 6:00 p.m. with all seven city  
89 council members being present.

90  
91 VI. SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS

92  
93 City Secretary, Kristy Cole, administered the Oath of Office to each of the following newly  
94 elected (unopposed) city council members:

95  
96 John Hohenshelt, Place 2;  
97 Dennis Lewis, Place 4; and  
98 Mike Townsend, Place 6.

99  
100 VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

101  
102 Councilmember Lewis made a motion to name Councilman Mike Townsend as the new  
103 Mayor Pro Tem. Councilmember White seconded the motion, which passed unanimously  
104 of Council present.

105  
106 VIII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

107  
108 Councilmember Fowler delivered the invocation and led the Pledge of Allegiance.

109  
110 Councilmember Milder left the meeting following this agenda item (6:09 p.m.)

111  
112 IX. PROCLAMATIONS / AWARDS

113  
114 1. Police Week

115  
116 Mayor Pruitt called Rockwall Police Assistant Chief Kirk Aldridge forward. He and a few  
117 of the city's police officers came forth. Chief Aldridge thanked his staff for the work they  
118 do and the sacrifices they make to keep the public safe. Mayor Pruitt then read and  
119 presented them with a proclamation declaring it to be "Police Week" in the City of  
120 Rockwall, thanking each of them for their dedication and service to our citizens.

121  
122 2. Safe Boating Week

123  
124 Fire Chief Mark Poindexter was called forth for this proclamation. He shared that the U.S.  
125 Coast Guard Auxiliary representatives could not be present this evening, so he will stand  
126 in. He shared some statistics about the importance of wearing life jackets while in and  
127 around the lake. He also provided additional information about the U.S. Coast Guard  
128 Auxiliary, indicating that they are a group of volunteers who utilize their own, personal  
129 watercraft to patrol the lake and provide public service in the form of performing safety  
130 inspections on boats. Mayor Pruitt then read and presented the proclamation for Safe  
131 Boating Week.

132  
133 X. OPEN FORUM

134  
135 Paul Jacobs  
136 2831 Wild Oak Lane

137 Rockwall, TX 75032

138  
139 **Mr. Jacobs** came forth and indicated that he has been a citizen of the city for the last  
140 fourteen years. He shared that he would like to reflect on the events of last week  
141 (concerning previous consideration of an ordinance regulating the use of bathrooms in  
142 the city). He encouraged elected officials to recognize that sometimes taking action on  
143 an issue comes at a price; however, he pointed out that it is inherent upon city officials  
144 to be prepared to pay such price, sharing that sometimes the price may be a lawsuit. He  
145 encouraged the city to not be dissuaded by lawsuits. He believes that sometimes the  
146 price of taking no action at all is far greater than actually taking action. He shared that he  
147 has a twelve year old daughter, indicating that she has an expectation of privacy and  
148 security when using local public bathrooms.

149  
150 **Jaenette Keaton**  
151 1727 Lakebreeze Drive  
152 Rockwall, TX 75087

153  
154 **Mrs. Keaton** came forth and indicated she has lived here for twenty-two years, is a  
155 member of First United Methodist Church, and has held many leadership positions there.  
156 She shared that she has a friend who was recently sharing with her that she wished  
157 Rockwall had a hike and bike trail similar to the Katy Trail in Dallas. She shared with her  
158 friend that Rockwall actually does have some great hike and bike trails. She thanked the  
159 Council for providing these types of amenities. She also thanked the Council for sticking  
160 to its "less government" philosophy regarding last meeting's bathroom ordinance. She  
161 generally expressed her belief that the Council did the right thing at the last meeting by  
162 not taking action on the proposed ordinance, and she prefers that the Council focus on  
163 real issues that threaten our families, such as crime, sex trafficking, and accidental  
164 injuries, which kill a lot of young people less than 24 years of age. She pointed out that  
165 the first transgender surgery took place over sixty years ago, and she generally believes  
166 our society has survived okay since that time.

167  
168 **Karen Rogancamp**  
169 309 Star Street  
170 Rockwall, TX 75087

171  
172 **Mrs. Rogancamp** indicated that she came two weeks ago to express opposition to a then  
173 proposed ordinance related to regulation of bathrooms. She thanked the city council for  
174 not proceeding with approval of said bathroom-related ordinance. However, she pointed  
175 out that she has concerns about the mayor's recent "Open Letter" that was published  
176 concerning this topic after the last council meeting was held. She stated that his letter  
177 has factual errors in it, and she pointed out several specific issues she observed  
178 concerning said letter. She stated that the governor of North Carolina recently signed a  
179 House Bill into law, one that clearly discriminates against transgenders. She commented  
180 about the recent actions on the part of Target, pointing out that she does not believe  
181 these sorts of inclusionary policies result in unfettered access by men to women's  
182 restrooms. She shared that some of the stories the mayor cited are not true, even  
183 though several of them may be in general circulation on the internet, including on social  
184 media. She urged the mayor to step back and do some fact checking and avoid  
185 unsubstantiated information, such as that contained in his recent open letter.

188 **Jill Muncy**  
189 **1407 Willow Lane**  
190 **Rockwall, TX**

191  
192 **Mrs. Muncy came forth to speak regarding the last city council meeting when the mayor**  
193 **brought forth a proposed ‘bathroom-related ordinance.’ She expressed that she believes**  
194 **the council members failed to adhere to their mission by not voting to provide a safe**  
195 **environment for the citizens of Rockwall. She shared that the mayor is correct – it is not**  
196 **about discrimination, but, rather, it is about public safety. She asked several rhetorical**  
197 **questions, strongly questioning why the City Council members ultimately decided to not**  
198 **take action to pass the proposed ordinance. She reminded city council members that the**  
199 **City, the Council and these Chambers belong to the citizens of Rockwall, not the**  
200 **corporate offices of Target or The Hilton. She recounted that one council member had**  
201 **stated that people should not run to the government to protect them; however, she urged**  
202 **them to recognize that the U.S. has a standing army that is paid for by taxpayers and that**  
203 **is in fact in place for protection. Furthermore, she generally expressed that she and**  
204 **others pay taxes that go to things like law enforcement, resources that are put in place to**  
205 **protect citizens. She stressed that protection of citizens is absolutely a role that**  
206 **government should play. She pointed out that this bathroom issue is not a dead issue,**  
207 **suggesting that the issue can be brought up again at any time. She generally expressed**  
208 **very strong dissatisfaction with the city council members not taking action at the last**  
209 **meeting to address the bathroom related ordinance.**

210  
211 **Rita Flinchum**  
212 **305 Tyler**  
213 **Rockwall, TX 75087**

214  
215 **Mrs. Flinchum thanked the Rockwall City Council for not moving forward at the last city**  
216 **council meeting with approval of the then proposed bathroom-related ordinance. She**  
217 **believes the city received a lot of negative press concerning the matter. She expressed**  
218 **appreciation related to the council’s comments and use of common sense related to the**  
219 **proposed ordinance.**

220  
221 **Judith Matherne**  
222 **1115 Signal Ridge**  
223 **Rockwall, TX**

224  
225 **Mrs. Matherne shared that she took some time over the last two weeks to look into what**  
226 **it means to be ‘transgender.’ She searched for both a theological and scientific**  
227 **understanding regarding the issue. She found that we are born with our anatomy, our**  
228 **chromosomes, and our brains – all male and female based. In transgender people, she**  
229 **explained, these three things do not ‘line up.’ She shared that transvestites and**  
230 **pedophiles are not the same thing as transgenders. She explained that there is no link**  
231 **between transgenders and pedophilia. She shared that those in the transgender**  
232 **community do not like a lot of publicity – they would rather just be left alone. She shared**  
233 **she believes this is a pastoral issue that is being politicized. She thanked the city**  
234 **council for its lack of vote when the proposed ordinance was considered back on May**  
235 **2<sup>nd</sup>.**

236  
237 **Donna Doorman**  
238 **1093 Shady Lane Drive**

239 Rockwall, TX

240  
241 Mrs. Doorman expressed that she was out of town when the last council meeting was  
242 held and the bathroom issue was debated. She expressed thanks to everyone for  
243 debating the issue. She thanked Mayor Jim Pruitt, and indicated that she supports his  
244 drive to protect women and children. She does not believe the issue is 'dead.' She said  
245 she is appreciative of Mike Townsend, who expressed that he is open to looking for a  
246 solution to a problem that will be mindful of all Rockwall citizens – not just a segment.  
247 She encouraged the Council to continue pursuing a solution.  
248

249 There being no one else wishing to come forth and speak, Mayor Pruitt then closed Open  
250 Forum at 6:36 p.m.

251  
252 **XI. CONSENT AGENDA**

- 253  
254 1. Consider approval of the minutes from the May 2, 2016 regular city  
255 council meeting, and take any action necessary.
- 256 2. **A2016-001** – Consider a request by Pat Atkins on behalf of the owners  
257 Gwendolyn A. and Randall D. Reed for the approval of an **ordinance** for  
258 the annexation of an 11.275-acre tract of land identified as Tracts 1-5  
259 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas,  
260 situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ),  
261 and take any action necessary. **(2nd Reading)**
- 262 3. Consider approval of an **ordinance** amending the Code of Ordinances in  
263 Chapter 36, Article IV. Art in Public Places Master Plan, Sections 36-56,  
264 36-57, 36-59 and 36-136, to approve certain amendments as  
265 recommended by the city's Art Review Team (ART) Commission, and  
266 take any action necessary. **(2nd reading)**
- 267 4. Consider authorizing the City Manager to execute a Facilities Agreement  
268 with Meritage Homes of Texas, LLC, an Arizona Limited Liability  
269 Corporation, to extend/reconstruct Quail Run Road in front of Fire Station  
270 Number Three in an amount not to exceed \$245,147.45, with funding  
271 from the 2009 G.O. Bonds, and take any action necessary.
- 272 5. Consider authorizing the City Manager to execute a contract with Data  
273 Transfer Solutions, LLC in the amount of \$76,160 to perform a pavement  
274 assessment on streets, alleys and sidewalks in the City of Rockwall,  
275 funded by the Street Assessments operating budget, and take any action  
276 necessary.
- 277 6. Consider approval of an **ordinance** establishing the speed limit along FM  
278 552 at 45 mph between SH 205 and John King Boulevard and 50 mph  
279 between John King Boulevard to MP 002.709 (west of FM 1141) and take  
280 any action necessary. **(1st reading)**
- 281 7. Consider approval of an **ordinance** establishing the speed limits along  
282 the eastbound and westbound frontage roads of IH 30 from the west City  
283 Limits to SH 205 at 45 mph, and take any action necessary. (1st reading)

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322
8. Consider approval of an **ordinance** establishing the speed limit along FM 1141 to 50 mph between SH 66 and MP 2.980 (John King Boulevard), and take any action necessary. **(1st reading)**
  9. Consider approval of the Munson Street Improvements Sanitary Sewer and Water Line Replacement project and authorize the City Manager to execute a contract with Barson Utilities, Inc. in the amount of \$182,987 to be funded by the 2016 Water and Sewer Bonds, and take any action necessary.
  10. Consider approval of the Signal Ridge Sanitary Sewer Pipe Bursting project and authorize the City Manager to execute a contract with Barson Utilities, Inc. in the amount of \$399,948 to be funded by the 2016 Water and Sewer Bonds, and take any action necessary.
  11. Consider approval of the 16" Water Main Improvements project and the Harborview Drive Sanitary Sewer Relocation project and authorize the City Manager to execute a contract with Reytech Services, LLC. and in the amount of \$572,871.55 to be funded by the 2016 Water and Sewer Bonds, and take any action necessary.
  12. Consider approval of an **ordinance** approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation – Mid Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses and take any action necessary.
  13. Consider approval of a resolution abandoning the right-of-way for Rolling Meadows Drive and Rolling Meadows Circle and recognizing them as private streets to be maintained by the Rolling Meadows Homeowner's Association (HOA), and take any action necessary.
  14. **P2016-016** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of the owner Robert John Crowell of Crowell Development Corporation for the approval of a final plat for Wanda Ridge Estates, Phase 2 containing 45 single-family residential lots on 79.7111-acres identified as Tract 17-3 (4.679-acres), Tract 19 (61.658-acres), and Tract 42-01 (13.374-acres) of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, situated in the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located north of the intersection of Wanda Lane and FM-548, and take any action necessary.

323 **Regarding approval of the minutes form the May 2<sup>nd</sup> city council meeting, Mayor Pruitt**  
324 **wished to clarify that Councilman Hohenshelt had recently been misquoted by a media**  
325 **outlet. He clarified that Hohenshelt had indicated he has "libertarian" leanings, not**  
326 **"liberal" ones. Following this clarification, Councilman Lewis made a motion to approve**  
327 **the entire Consent Agenda (items #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14).**  
328 **Councilman White seconded the motion. The ordinances were read into the record as**  
329 **follows:**

330  
331

332 CITY OF ROCKWALL  
333 ORDINANCE NO. 16-30  
334

335 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
336 TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY  
337 LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF  
338 AN 11.275-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 1-5 OF THE P.  
339 B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS,  
340 WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE  
341 PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS;  
342 PROVIDING FOR AN EFFECTIVE DATE.  
343

344 CITY OF ROCKWALL  
345 ORDINANCE NO. 16-34  
346

347 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
348 CHAPTER 36, ARTICLE IV, ART IN PUBLIC PLACES MASTER PLAN, IN  
349 SECTIONS 36-56, 36-57, 36-59 and 36-136 OF THE CODE OF ORDINANCES,  
350 TO AMEND THE ART IN PUBLIC PLACES MASTER PLAN AS  
351 RECOMMENDED BY THE ART REVIEW TEAM (ART) COMMISSION;  
352 PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE  
353 AND PROVIDING FOR RELATED MATTERS.

354 CITY OF ROCKWALL, TEXAS  
355 ORDINANCE NO. 16-\_\_\_\_  
356

357 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
358 TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR  
359 VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE,  
360 SECTION 545.356 UPON FARM-TO-MARKET ROAD NO. 552 OR PARTS  
361 THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF  
362 ROCKWALL, TEXAS, AS SET FORTH IN THIS ORDINANCE; PROVIDING  
363 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$200.00 FOR  
364 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
365 FOR AN EFFECTIVE DATE.  
366

367 CITY OF ROCKWALL, TEXAS  
368 ORDINANCE NO. 16-\_\_\_\_  
369

370 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
371 TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR  
372 VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE,  
373 SECTION 545.356 UPON INTERSTATE HIGHWAY 30 OR PARTS THEREOF,  
374 WITHIN THE INCORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS,  
375 AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR A PENALTY OF A  
376 FINE NOT TO EXCEED THE SUM OF \$200.00 EACH OFFENSE; PROVIDING  
377 FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE  
378

379 CITY OF ROCKWALL, TEXAS  
380 ORDINANCE NO. 16-\_\_\_\_  
381

382 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
383 TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR  
384 VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE,

385 SECTION 545.356 UPON FARM-TO-MARKET ROAD 1141 OR PARTS  
386 THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF  
387 ROCKWALL, TEXAS, AS SET FORTH IN THIS ORDINANCE; PROVIDING  
388 FOR A PENALTY OF A FINE NOT TO EXCEED THE SUME OF \$200.00 FOR  
389 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
390 FOR AN EFFECTIVE DATE.  
391

392 The motion passed by a vote of 6 in favor with 1 absent (Milder)  
393

394 XII. APPOINTMENTS  
395

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

399 This item was skipped over by Mayor Pruitt, as the Chairman, Craig Renfro, could not be  
400 present at tonight's city council meeting.

- 401 2. Appointment with members of the Rockwall Youth Advisory Council  
402 (YAC) to hear year end program report and to recognize graduating high  
403 school seniors, and take any action necessary.

404 Isabella Burzair and Cate Ghormley came forth and gave the YAC's year-end report to the  
405 City Council. Mayor Pruitt, Councilman White and City Secretary Kristy Cole then  
406 recognized each of this year's graduating high school seniors. Councilman White  
407 pointed out that eight seniors are graduating, so there will be several openings for next  
408 school year. Mayor Pruitt encouraged anyone who will be a freshman thru senior next  
409 year to get in contact with Mrs. Cole, the City Secretary, regarding their interest in the  
410 program.  
411

412 It was noted that Councilmember Scott Milder returned to the meeting at 6:56 p.m. during  
413 the YAC presentation / recognitions.  
414

415 The Council took no formal action concerning this agenda item.  
416

- 417 3. Appointment with Frank Conroy of Fox, Byrd & Company PC to present  
418 the city's Fiscal Year 2015 Comprehensive Annual Financial Report, and  
419 take any action necessary.

420 Mr. Conroy came forth and indicated that he is a CPA and shareholder with Fox, Byrd  
421 and Company, PC. He thanked the City and the City Council for the opportunity to work  
422 with the city to perform this audit for the fiscal year ending September 30, 2015. He  
423 briefly called attention to the opinion being issued regarding the financial statements –  
424 an unqualified opinion – which he explained is a clean opinion. He explained that this  
425 means that the users of the financial statements can rely on it to be free of material  
426 misstatements when taken as a whole. He generally explained that the city has adopted  
427 and implemented a GASB (Gov't Accounting Standards Board) 68, which requires more  
428 details on the financial statements for the retirement plan. Previously, the pension was  
429 only a disclosure statement; however, going forward there will be an actual estimate of  
430 what is due related to the city's pension commitment. Following brief comments  
431 regarding the pension-related details contained in the audit, and there being no  
432 questions of Mr. Conroy, the Council took no formal action following this report.  
433

434 4. Appointment with Todd Parks, Fixed Base Operator at the Ralph M. Hall /  
435 Rockwall Municipal Airport, to hear annual report regarding Airport  
436 operations, and take any action necessary.

437 **Mr. Parks shared that he has been working with the city over the last year to try and get**  
438 **some ordinances passed by the city, however, he pointed out that not a lot of progress**  
439 **has been made in this regard. He indicated he would like to know that the city council**  
440 **members all have a very good understanding of the airport, what goes on out there, and**  
441 **the financials. He asked the Council to consider performing an audit on one of the**  
442 **ground lease operators out at the airport. He recognized the city for stepping up, when**  
443 **needed, regarding equipment and necessary improvements. He pointed out that the**  
444 **Airport Advisory Board recently encouraged the city council to proceed with trying to**  
445 **acquire the land located just to the east of the existing airport. He believes that this land**  
446 **purchase will help alleviate some of the problems, and then the runway issues can**  
447 **potentially be addressed. The Council took no action following Mr. Parks' remarks.**

448 5. Appointment with Patricia Davis, Chief Appraiser with the Rockwall  
449 Central Appraisal District, to hear explanation and discuss recent  
450 countywide increases in assessed property value appraisals, and take  
451 any action necessary.

452 **Mayor Pruitt introduced Ben Weible who was present in the audience, explaining that he**  
453 **is the current Chairman of the Rockwall Central Appraisal District (CAD) Board of**  
454 **Directors. He clarified that the board does not appraise property values – Mrs. Davis and**  
455 **her staff at the Central Appraisal District do so.**

456  
457 **Mrs. Davis explained that the state legislative session created the Appraisal District in**  
458 **1979. She explained that the CAD is required to appraise property at 100% of market**  
459 **value in order to see consistency from county-to-county across the state. She explained**  
460 **that the CAD is an arm of the State of Texas and is governed by a board of directors,**  
461 **usually 5 individuals, who are appointed by the taxing entities. She explained that these**  
462 **individuals are appointed to the board through a voting / calculation process. The board**  
463 **sets policies, approves the budget, as well as hire and fire the chief appraiser; however,**  
464 **the board is not allowed to touch property values.**

465  
466 **She explained that there was an abundance of property sales information, and it had to**  
467 **be analyzed to try and determine market value. She shared that property value analysis**  
468 **began in about March. She explained that residential properties are grouped together**  
469 **with other, similar properties and neighborhoods. She explained that, after all of the**  
470 **analysis and ratios were done, it was discovered that values, overall, were low in the**  
471 **County. She explained that land values were discovered to be especially low, and she**  
472 **provided additional commentary to this end.**

473  
474 **She shared that property owners are sent a notice of appraised value once a year, and**  
475 **property owners have 30 days to appeal their appraised values. This means that**  
476 **residents have until May 31 to protest. She explained that there is an initial, informal way**  
477 **that property owners may protest through making an appointment with one of the**  
478 **appraisers in her office. Then, if the property owner is not satisfied, they are able to go**  
479 **before the Appraisal Review Board in a hearing, which she explained is an independent**  
480 **board. Then, if they are still not satisfied, they may participate in a sort of mediation**  
481 **through the state, or they may file suit in court. She explained that the state comes in**  
482 **and audits the CAD biannually, and this is a year that they will be audited.**

483  
484 Mayor Pruitt asked for clarification regarding the limitations that Mrs. Davis' appraisers  
485 are under when meeting with property owners "informally." It was clarified that they do  
486 not have the authority to modify the values substantially; however, if they feel they need  
487 to change a value by more than 10%, the appraiser is asked to visit with Mrs. Davis first.  
488 Pruitt clarified that arbitration/mediation is not required – a property owner can go  
489 straight to district court. Also, they may be eligible to get some of their attorney fees  
490 refunded if it is found that the values assessed were inaccurate.

491  
492 Mayor commented that many property owners have seen a drastic increase in the portion  
493 of their appraisal related to the land value. Mayor Pruitt expressed concern regarding  
494 some property values that increased by, in some cases, up to 300% from one year to the  
495 next. He then went on to provide a sample property, displaying it on the overhead screen  
496 in the room, and asking several questions about its changes in assessed value. Mrs.  
497 Davis generally explained that a property owner may protest their assessed value each  
498 and every year if they so choose. She explained that a notice of appraised value does  
499 not necessary have to be sent every year, but, rather, only if the value increased by  
500 \$1000 or more. Mayor Pruitt clarified with Mrs. Davis that no notice would be sent to  
501 property owners if their values decreased; however, she indicated that they may make a  
502 change in policy and begin doing so in the future.

503  
504 Councilman Fowler asked where the market values / comps come from. Mrs. Davis  
505 shared that comps are derived from property owners, closing statements, fee appraisers  
506 as well as online websites, such as Zillow, some of which, she said, will show what the  
507 property actually sold for the last three times it sold. Fowler pointed out that "market  
508 value" is not publicly disclosed, so it is a nebulous term. He generally encouraged  
509 people buying or selling a home to not disclose the selling price.

510  
511 Councilmember White shared that, as best he can tell, appraisals are a scientific guess.  
512 He shared that he recently protest his appraised value online, and it took him about five  
513 minutes, explaining that protesting online was a fairly simple process. He shared that  
514 the Rockwall City Council appointed Mr. Weible to serve on the CAD Board because the  
515 council knew he would go in there and ask a lot of questions and dig deeper to see what  
516 issues may have existed that needed to be rectified. He pointed out that some  
517 improvements and changes have taken place and that Mrs. Davis did not inherit a perfect  
518 organization when she came on a few years ago. He pointed out that the city, county and  
519 / or school district's tax rates are most important. He shared that a local attorney, G.  
520 David Smith, will soon give a presentation to property owners in Lake Rockwall Estates  
521 to educate them how they can go about protesting their property values.

522  
523 Councilman Milder asked for clarification regarding land values not being properly  
524 assessed in ten years. Mrs. Davis shared that the CAD can only analyze the information  
525 it has one year at a time. She suggested that perhaps there was no information in recent  
526 past years because the economy was generally in a decline.

527  
528 Mayor Pruitt asked Mrs. Davis why land values were not properly assessed in the year  
529 2015, which, he pointed out was in fact a year when Mrs. Davis was here and was  
530 responsible for assessments. Mrs. Davis stated that "you know, you trust your  
531 employees," commenting that perhaps she should have dug into the issue more. She  
532 suggested that perhaps the CAD did not have the sales information at that time.

533

534 Mayor Pruitt asked how many fee appraisers were hired before these 2016 appraisals.  
535 Mrs. Davis shared that fee appraisers are brought to the CAD by property owners. She  
536 explained that if/when a fee appraiser shows that the appraised value is "off," the CAD  
537 changes it as soon as possible. Also, she clarified that an entire neighborhood could  
538 possibly have its assessed values adjusted/lowered if someone else within that  
539 neighborhood protests and it is found to be that the appraisals should be lowered. She  
540 said that this has already happened in some neighborhoods and that property owners  
541 can go online at any time and look to see what their current assessment is.  
542

543 Mayor Pruitt thanked Mrs. Davis for coming to speak, and he thanked Mr. Weible for his  
544 service on the CAB board of directors.  
545

546 **XIII. PUBLIC HEARING ITEMS**  
547

- 548 1. **Z2016-012** - Hold a public hearing to discuss and consider a request by  
549 Jim Evans of CEI Engineering Associates, inc. on behalf of Bob Hubbard  
550 of EZ Mart Stores, Inc. for the approval of an **ordinance** for a Specific  
551 Use Permit (SUP) to allow a retail store with more than two (2) gasoline  
552 dispensers on a 0.918-acre parcel of land identified as Lot 1, Block A, Mr.  
553 M Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
554 Development District 9 (PD-9) for General Retail (GR) District land uses,  
555 addressed as 2901 Ridge Road and take any action necessary. (1st  
556 Reading)

557 Planning Director Ryan Miller provided background information related to this agenda  
558 item. He generally explained that this existing gas station will be acquired by the Kroger  
559 company as a way to expand their existing gasoline sales. He stated that notices were  
560 sent out to property owners located within 500' of the subject property as well as to the  
561 Lago Vista HOA, but no notices have been received back by staff to date. He pointed out  
562 that the Planning & Zoning Commission has recommended approval of this request.

563 Councilmember White made a motion to approve Z2016-012. Councilmember Lewis  
564 seconded the motion.

565 After some brief clarification, the ordinance was read as follows:

566 CITY OF ROCKWALL  
567 ORDINANCE NO. 16-XX  
568 SPECIFIC USE PERMIT NO. S-1XX  
569

570 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
571 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
572 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
573 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL STORE WITH  
574 MORE THAN TWO (2) GASOLINE DISPENSERS AS SPECIFIED IN  
575 ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT  
576 CODE, FOR A 0.918 - ACRE TRACT OF LAND ZONED PLANNED  
577 DEVELOPMENT DISTRICT 9 (PD-9) FOR GENERAL RETAIL (GR)  
578 DISTRICT LAND USES, AND IDENTIFIED AS LOT 1, BLOCK A, MR. M  
579 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;  
580 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY  
581 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
582 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY  
583 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
584 EFFECTIVE DATE.

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

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2. **Z2016-013** - Hold a public hearing to discuss and consider a request by Garrett Lust of Pointe Land & Development, LLC on behalf of Marven Wu of West Union Investment, Co. for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 81.49-acre parcel of land identified as Tract 16 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on Rochell Road south of the intersection of Rochell Road and SH-276, and take any action necessary **(1st Reading)**.

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Mr. Miller explained that on May 10, 2016, the Planning and Zoning Commission approved a motion to continue the public hearing to the May 31, 2016 meeting. The purpose of the motion was to allow the applicant to make changes to the PD Ordinance to bring it into closer compliance with the Unified Development Code and the Comprehensive Plan. No action was taken at this time by the City Council concerning this agenda item.

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3. **Z2016-014** - Hold a public hearing to discuss and consider a request by Noah Flabiano of the Skorburg Company on behalf of the owner Lakeside Church of Christ of Rockwall for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses on a 29.541-acre parcel of land being a portion of Lot 1 and all of Lot 2, Block A, Rockwall Lakeside Church of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and located on the north side of Airport Road, west of the intersection of Airport Road and FM3549, and take any action necessary. **(1st Reading)**

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Mr. Miller provided background information on this agenda item, explaining that on April 15, 2016, the applicant submitted an application requesting to rezone a 29.541-acre tract of land from an Agricultural (AG) District to a Planned Development District for a single-family, residential subdivision that will consist of 45 single-family residential lots. The property -- which was annexed into the City on March 16, 1998 by Ordinance No. 98-10 -- is located on the north side of Airport Road, west of the intersection of Airport Road and FM-3549. According to the concept plan, the development will consist of 45, 80' x 100' lots (*i.e. a minimum of 15,000 SF*), and have a gross residential density of 1.52 units/acre. The subdivision will incorporate 7.42-acres of open space (*or ~25.11%*) that will be situated in the center of the development.

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Seventy-two notices were sent out to adjacent property owners as well as to the Rolling Meadows HOA. Staff also emailed notices to the Rolling Meadow Estates Homeowner's Associations (HOA), which is the only HOA located within 1,500 feet of the subject property. Additionally, staff posted a sign along Airport Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted, four (4) responses in favor of the request and four (4) responses against the request had been received by staff. On May 10, 2016, the Planning and Zoning Commission approved a motion to recommend approval of the zoning change by a vote of 7-0.

635  
636 **The applicant then came forth and introduced himself as follows:**  
637

638 **Noah Flabiano**  
639 **Skorburg Company**  
640 **ADDRESS**  
641 **Dallas, TX**  
642

643 **Mr. Flabiano came forth and provided a presentation to the city council. This will be a**  
644 **high quality development comparable to homes in the Stone Creek and Breezy Hill**  
645 **subdivisions.**  
646

647 **Mayor Pruitt opened up the public hearing, asking if anyone would like to come forth and**  
648 **speak at this time.**  
649

650 **Mike Singleton**  
651 **1445 Clubhill Drive**  
652 **Rockwall, TX**  
653

654 **Mr. Singleton came forth and indicated that he is an elder in the Eastridge Church of**  
655 **Christ, which is located adjacent to this proposed development. He generally spoke in**  
656 **favor of this particular development, as he believes it will attract good families. He**  
657 **indicated that he and the other elders in the church are in support of this proposed**  
658 **development.**  
659

660 **Harold Eavenson**  
661 **1330 Shores Circle**  
662 **Rockwall, TX 75087**  
663

664 **Eavenson came forth and indicated that he was recently elected to serve his last, final**  
665 **term as Sherriff of Rockwall County. He came forth and shared some information**  
666 **regarding the good things that the Eastridge Church of Christ has done for the**  
667 **community. He encouraged the city council to approve the church's request for this**  
668 **zoning change.**  
669

670 **Mr. Dwight Walker**  
671 **1832 East FM 552**  
672 **Rockwall, TX**  
673

674 **Mr. Walker came forth and indicated that he is a member of and elder in the Eastridge**  
675 **Church of Christ. He shared that he has over 250 signatures from people who have**  
676 **expressed support for approval of this zoning change request. He generally expressed**  
677 **support for approval of the request this evening.**  
678

679 **Quinn Johnson**  
680 **1109 Morning Star**  
681 **Rockwall, TX**  
682

683 **Mr. Johnson shared that he serves as an elder in the Eastridge Church of Christ, and he**  
684 **has lived at this address for about twenty years. He indicated that Boy Scout Troop 989,**  
685 **which is housed at the church, will benefit if this land is sold and this development**

686 subsequently comes to fruition. He generally expressed support for this zoning request  
687 and asked the city council to approve this zoning request.  
688

689 **Bob Carroll**  
690 **2065 Lake Forest Drive**  
691 **Rockwall, TX 75087**  
692

693 **Mr. Carroll thanked the mayor and various staff members for all of their recent assistance**  
694 **related to retaining walls which were recently causing him a lot of trouble. He thanked**  
695 **the city for making things right.**  
696

697 **He explained that he is a former elder in the East Ridge Church of Christ. He has lived**  
698 **here in Rockwall since the population was about 7,000, and he lives on the north side of**  
699 **town. He generally expressed the belief that allowing 45 new homes on this property will**  
700 **be a positive thing for the community.**  
701

702 **Harold Seay**  
703 **664 Equestrian Drive**  
704

705 **Mr. Seay indicated that he has a special needs son that is twenty-five years old, and**  
706 **Police Officer Bennett is his son's best friend. This is the kind of thing that he**  
707 **appreciates about living in Rockwall. He let the Council know that the men who are in**  
708 **leadership within the Eastridge Church of Christ are men of integrity who will be sure to**  
709 **do everything that is expected of them. He generally spoke in favor of this zoning**  
710 **change request.**  
711

712 **Mr. Donna Orr**  
713 **2625 Rolling Meadows Drive**  
714 **Rockwall, TX**  
715

716 **Mrs. Orr came forth and expressed concerns related to some aspects of this proposed**  
717 **development. She asked that the developer be sure to completely fill in the tree line so**  
718 **that it is in fact properly screened. Also, she would like to be sure that the ordinance**  
719 **specifies that the HOA will maintain the tree line, including planting new trees to replace**  
720 **any that die in the future. Finally, these homes are proposed to be \$300-350k. She wants**  
721 **to ensure that if there are additional home builders besides Windsor Homes, that those**  
722 **home builders be of equal value and quality to the type of home that Windsor would**  
723 **otherwise build.**  
724

725 **Mrs. Orr pointed out that Mr. Adam Buzcek of Skorborg recently met with home owners**  
726 **who were told there would be forty-two lots; however, at the Planning & Zoning meeting,**  
727 **the developer came forth with a proposed forty-five lots. She generally expressed the**  
728 **belief that the developer has done some deceptive things as this process has evolved.**  
729

730 **She asked that the lots located behind the Rolling Meadows subdivision be made larger.**  
731

732 **Kerry Prisock**  
733 **1720 Lake Forest**  
734 **Rockwall, TX**  
735

736 Mr. Prisock came forth and indicated that he is in the real estate business. He shared  
737 that he is speaking on behalf of Gary Evans, who resides at 2585 Rolling Meadows. He  
738 generally encouraged the city council to consider requiring the developer to have larger  
739 lots located at the back of the property. He questioned the ability of the proposed,  
740 natural (trees) screening to be effective. He generally would like a smoother transition  
741 from the Rolling Meadows subdivision across the screening area and to, what he hopes  
742 will be, larger estate lots.

743  
744 Mayor Pruitt called for a break and recessed the public meeting at 8:26 p.m.

745  
746 Roger Shank  
747 2625 Rolling Meadows Drive  
748 Rockwall, TX

749  
750 Mr. Shank shared that he has lived here at this address since about 1999. He generally  
751 expressed concerns that the trees that will be used for screening will not keep people off  
752 of his and his neighbor's lots. He suggested that the developer may need to install a  
753 fence in addition to the trees. He indicated that he and some of his neighbors have stock  
754 ponds that have catfish and bass, and he believes those ponds could be an enticement  
755 for people who might wish to wander over onto these properties. Mr. Shank shared a  
756 story about a break in / robbery that he experienced years ago that resulted in some  
757 valuables being stolen. He is generally concerned about privacy and security and would  
758 like better protection from this adjacent property if it is approved.

759  
760 Craig Zolkowski  
761 2660 Rolling Meadows  
762 Rockwall, TX

763  
764 Mr. Zolkowski is generally concerned about how the HOA would be able to access this  
765 proposed line of trees / screening. He questions if the cedars will truly remain, over time,  
766 if they are essentially located in people's back yards.

767  
768 Mayor Pruitt asked if anyone else would like to come forth and speak. There being no  
769 one indicating such, he then closed the public hearing.

770  
771 Adam Buzcek with Skorburg Company came forth and addressed the Council at this  
772 time. He explained that his arborist has recommended that trees be planted every 20';  
773 however, he is willing to plant them every 15' if that is the direction given by Council. He  
774 generally explained that the goal is to have a solid, living screen which will remain in  
775 perpetuity. He apologized to the homeowners who recently attended an HOA meeting  
776 where a proposed 42 lots were expressed, which was in error. He explained that there  
777 have been many versions of this proposal, and an incorrect version was inadvertently  
778 presented at that meeting. He apologized for that mistake. He went on to share that  
779 Windsor Homes will be one of the builders in this development, explaining that they may  
780 not be the only builder. He spoke some to the lot sizes, explaining that they want to  
781 provide large back yards for homeowners to enjoy.

782  
783 General discussion then took place between the Council and Mr. Buzcek related to the  
784 number and size of lots.

785  
786 Councilmember Milder thanked the church and the Skorburg Company for coming back  
787 with a proposal that has much less density and incorporates a quality builder.  
788

789 Councilmember Hohenshelt asked about the minimum square footage associated with  
790 this zoning being 1,800 square feet. Mr. Buzcek assured the Council that they do not  
791 plan to build any homes that small.  
792

793 It was pointed out that trees would have to be planted within 5' of the property line  
794 because there are limitations due to an existing, active sanitary sewer line.  
795

796 Councilmember Lewis made a motion to approve Z2016-014 with the following caveats:  
797 Regarding the screening – tree screening will be planted to fill in the gaps – staff will  
798 work with the developer and adjacent homeowners to come up with an appropriate plan  
799 in this regard; additionally, the HOA will be required to maintain the tree line area and a  
800 separate lot and block will be established for this tree line area. Councilmember White  
801 seconded the motion. The ordinance was read as follows:  
802

803 CITY OF ROCKWALL  
804 ORDINANCE NO. 16-XX  
805

806 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
807 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
808 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
809 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)  
810 DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR  
811 SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT  
812 PROPERTY, BEING A 29.541-ACRE TRACT OF LAND IDENTIFIED AS A  
813 PORTION OF LOT 1 AND ALL OF LOT 2, BLOCK A, ROCKWALL  
814 LAKESIDE CHURCH OF CHRIST ADDITION, CITY OF ROCKWALL,  
815 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN  
816 BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
817 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
818 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING  
819 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
820 PROVIDING FOR AN EFFECTIVE DATE.  
821

822 The motion passed by a vote of 7 in favor with 0 against.  
823

- 824 4. **Z2016-015** - Hold a public hearing to discuss and consider a request by  
825 Pat Atkins of the Saddle Star Land Development, LLC on behalf of the  
826 owners Gwen Reed and Randa Hance (R. & R. Hance Investments, LP)  
827 for the approval of an ordinance for a zoning amendment to Planned  
828 Development District 79 (PD-79) [Ordinance No. 16-07] for the purpose of  
829 amending the concept plan and incorporating 11.121-acres of land into  
830 the existing 44.292-acre development creating a 55.413-acre tract of land  
831 identified as Tracts 1, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract  
832 No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural  
833 (AG) District and Planned Development District 79 (PD-79) for Single-  
834 Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass  
835 Overlay (SH-205 BY-OV) District, located on the north side of John King

836 Boulevard south of Featherstone Drive, and take any action necessary.  
837 (1st Reading)

838 Planning Director Ryan Miller provided background information on this agenda item. He  
839 indicated that on January 4, 2016, the City Council approved Planned Development  
840 District 79 (PD-79) [Case No. Z2015-034], which rezoned the 45.292-acre subject property  
841 from an Agricultural (AG) District to a Planned Development District for a single-family,  
842 residential subdivision that consisted of 113 single family lots.  
843

844 At the May 10, 2016 Planning and Zoning Commission meeting, the applicant requested  
845 that the Planning and Zoning Commission consider changing the garage orientation  
846 stipulated by Planned Development District 79 (PD-79) [Ordinance No. 16-07] to allow  
847 50% of all homes to have a garage that is setback a minimum of 20-feet (i.e. allowing the  
848 garage to be flush with the front façade of the primary structure). The applicant stated  
849 that the remainder of the homes would incorporate a JSwing or Tradition Swing garage.  
850

851 Three notices were mailed out to property owners located within 500' of the subject  
852 property, and the Stoney Hollow HOA was also notified by email. However, staff has not  
853 received any notices back to date.  
854

855 Pat Atkins  
856 Saddle Star Development  
857 3076 Hays Lane  
858 Rockwall, TX  
859

860 Mr. Atkins provided brief comments and respectfully requested approval of this item this  
861 evening. Mayor Pruitt asked if the applicant is willing to notify the future homeowners  
862 that John King Boulevard may someday become a six-lane roadway in the future. Mr.  
863 Atkins indicated that he will put this on the plat, and he will ensure it is incorporated as  
864 part of the Deeds Covenants and Restrictions document(s).  
865

866 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
867 speak at this time. There being no one wishing to speak, Mayor Pruitt then closed the  
868 public hearing.  
869

870 Councilmembers Hohenshelt and Milder expressed some concern about the minimum  
871 square footage being 1,500 sq. feet for homes in the city's SF-10 zoning districts, a  
872 matter they explained they would like to address further with staff and Council at a later  
873 date.  
874

875 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
876 speak. There being none, he then closed the public hearing.  
877

878 Councilmember White made a motion to approve Z2016-015, including ensuring that  
879 language about the SH205 bypass/John King Boulevard is included in the deeds,  
880 covenants and restrictions and on the plat. Councilmember Hohenshelt seconded the  
881 motion.  
882

883 The ordinance was read as follows:  
884  
885

CITY OF ROCKWALL  
ORDINANCE NO. 16-XX

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 PLANNED DEVELOPMENT DISTRICT 79 (PD-79) [ORDINANCE NO. 16-07] FOR THE PURPOSE OF AMENDING THE CONCEPT PLAN AND INCORPORATING 11.121-ACRES OF LAND INTO THE EXISTING 44.292-ACRE DEVELOPMENT FOR A 55.413-ACRE TRACT OF LAND, ZONED AGRICULTURAL (AG) DISTRICT AND PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES, BEING IDENTIFIED AS TRACTS 1, 1-5 & 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2016-016** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an ordinance for a text amendment to Section 4, Southside Residential Neighborhood Overlay (SRO) District, of Article V, District Development Standards, of the Unified Development Code, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information related to this agenda item. On April 4, 2016, the City Council directed staff to initiate a text amendment to Section 4, Southside Residential Neighborhood Overlay (SRO) District, of Article V, District Development Standards, of the Unified Development Code (UDC) for the purpose of removing the City Council's ability to grant land use without a public process (i.e. zoning change). In addition, under the current ordinance any application for a special request must first be brought to the City Council to initiate the request, then to the Planning and Zoning Commission for a recommendation, and finally returning to the City Council for action. Typically, these requests would be taken directly to the Planning and Zoning Commission for recommendation -- first -- prior to being brought before the City Council. As was discussed in the Planning and Zoning Commission Work Session on April 26, 2016, staff has also taken this opportunity to update the purpose statement of the overlay district. These changes are target at better clarifying the purpose and intent of the district.

On May 10, 2016, the Planning and Zoning Commission approved a motion to recommend approval of the proposed text amendment by a vote of 7-0. In addition, staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, Authority and Administrative Procedures, of the UDC. This notice was published in the Rockwall Herald Banner on April 29, 2016.

Mayor Pruitt opened up the public hearing and asked if anyone would like to come forth and speak.

938  
939 Resident Judith Matherne came forth and was provided with some clarification regarding  
940 what this amendment will do and accomplish.

941  
942 Patrick Trowbridge  
943 601 Parks Avenue  
944

945 Mr. Trowbridge came forth and spoke in favor of this proposed amendment to the city's  
946 Unified Development Code. He believes it makes things more transparent and allows for  
947 public input, which essentially creates more public trust.

948  
949 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the  
950 public hearing.

951  
952 Councilmember Hohenshelt made a motion to approve this ordinance and associated  
953 change to the UDC. Councilmember Lewis seconded the motion.

954  
955 The ordinance was then read as follows:

956  
957 CITY OF ROCKWALL  
958 ORDINANCE NO. 16-XX  
959

960 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
961 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
962 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
963 BY AMENDING SECTION 6.4, SOUTHSIDE RESIDENTIAL  
964 NEIGHBORHOOD OVERLAY (SRO) DISTRICT, OF ARTICLE V, DISTRICT  
965 DEVELOPMENT STANDARDS; PROVIDING FOR A PENALTY OF FINE  
966 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)  
967 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
968 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE  
969 DATE.  
970

971 The motion passed unanimously (7 ayes to 0 nays).

- 972  
973 6. Z2016-017 - Hold a public hearing to discuss and consider a City initiated  
974 zoning request for the approval of an ordinance for a text amendment to  
975 Section 1, Land Use Schedule, and Section 2.1.8, Auto and Marine-  
976 Related Use Conditions, of Article IV, Permissible Uses, of the Unified  
977 Development Code for the purpose of changing the requirements for  
978 Used Motor Vehicle Dealerships, and take any action necessary (1st  
979 Reading).

980 Planning Director Ryan Miller provided brief background information on this agenda  
981 item. Mayor Pruitt opened the public hearing, asking if anyone wishes to come forth and  
982 speak.

983  
984 Maxwell Fisher  
985 900 Jackson Street  
986 Suite 640  
987 Dallas, TX 75202  
988

989 Mr. Fisher came forth, indicating that he would like to make a presentation to city council  
990 on behalf of Echo Automotive. He generally explained how he believes Echo Automotive  
991 is changing the pre-owned car sales industry. He spoke about the types of businesses  
992 that are already allowed, by right, along the IH-30 corridor with the current Light  
993 Industrial zoning. He generally spoke in favor of this code amendment.  
994

995 Patrick Trowbridge  
996 601 Parks Lane  
997 Rockwall, TX  
998

999 Planning & Zoning Commission Member, Patrick Trowbridge, came forth and indicated  
1000 that the P&Z Commission actually voted against this city initiated request for an  
1001 ordinance amendment. He pointed out that car sales dealerships do not pay local sales  
1002 tax. They only pay state sales tax. So, allowing this type of land use would essentially  
1003 rob the city of the types of business developments that would actually bring local  
1004 revenue to the city and be of financial benefit.  
1005

1006 Mayor Pruitt asked if anyone else would like to come forth and speak at this time. There  
1007 being no one indicating such, Mayor Pruitt then closed the public hearing.  
1008

1009 Councilmember White expressed that this is not what the Council asked staff to do. He  
1010 explained that he wanted staff to bring back an ordinance that would allow this type of  
1011 use, even in the IH-30 Overlay District, with the approval / granting of an SUP.  
1012

1013 Councilmember Lewis read a portion of the past city council minutes when this issue  
1014 was first addressed by the city council. He expressed large concern about the particular  
1015 ordinance before the Council for consideration this evening, generally expressing that it  
1016 is not at all in line with the previously expressed desire of the city council when this was  
1017 first discussed back in March. Planning Director Ryan Miller apologized for this not  
1018 being brought back before the Council at this time in a manner that was previously  
1019 requested by Council. City Manager Rick Crowley expressed that staff took the approach  
1020 that this particular ordinance would be more on a citywide basis versus strictly along the  
1021 IH-30 Corridor Overlay District. He too apologized for this not being brought forth in a  
1022 manner acceptable to Council's desires.  
1023

1024 After additional discussion, Councilmember Lewis made a motion to deny Z2016-017 and  
1025 instruct staff to come back with an ordinance that is in line with what the Council  
1026 expressed at the March 21<sup>st</sup> city council meeting. Councilmember White seconded the  
1027 motion, which passed by a vote of 6 in favor with 1 against (Pruitt).  
1028

#### 1029 XIV. ACTION ITEMS

- 1030
- 1031 1. Discuss and consider approval of an **ordinance** adopting Chapter 10  
1032 Buildings and Building Regulations, Articles III, IV, V, VI, VII, VIII, IX AND  
1033 X of the Code of Ordinances regarding the 2015 International Building  
1034 Code, Residential Code, Mechanical Code, Plumbing Code, Fuel Gas  
1035 Code, and Energy Conservation Code, Existing Building Code and the  
1036 2014 National Electric Code with certain local amendments and  
1037 exceptions and take any action necessary. **(2nd reading)**

1038 Mayor Pruitt made a motion to approve the ordinance, with the exception that the portion  
1039 of the Plumbing and Building Codes that pertain to public bathroom facilities associated  
1040 with new construction and remodeling construction. He explained that currently, a  
1041 certain number of men's and women's restrooms are required as well as a certain  
1042 number of toilets and urinals. He would like to have further discussion about this and  
1043 would also like to talk to the school district about this. Mayor Pruitt's motion to table  
1044 that part of the ordinance so that the city council can further consider these matters died  
1045 for lack of a second.

1046 Councilmember Milder made a motion to approve Action Item #1 as presented.  
1047 Councilmember Lewis seconded the motion. At Lewis' request, the city manager  
1048 clarified that the city council can make code amendments related to these various  
1049 building codes at any point in time that it so chooses. After brief comments, the  
1050 ordinance was read as follows:

1051 CITY OF ROCKWALL  
1052 ORDINANCE NO. 16-32

1053 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
1054 TEXAS, ADOPTING CHAPTER 10 BUILDINGS AND BUILDING  
1055 REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, IX AND X OF THE CODE OF  
1056 ORDINANCES; REPEALING ARTICLES III, IV, V, VI, VII, VIII, IX AND X;  
1057 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
1058 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE  
1059 OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON  
1060 WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;  
1061 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE  
1062 DATE.  
1063  
1064

1065 The motion passed by a vote of 5 in favor with 2 against (Pruitt and White).

1066 2. Discuss and consider an ordinance repealing the 2009 International Fire  
1067 Code with certain local amendments and adopting the 2015 International  
1068 Fire Codes with certain local amendments and exceptions in Chapter 18  
1069 Fire Prevention and Protection, Article II Fire Code Standards, Sec. 18-32  
1070 and Sec. 18-33 of the Code of Ordinances, and take any action  
1071 necessary. (2nd reading)

1072 Mayor Pruitt made a motion to approve the ordinance as presented. Councilmember  
1073 Hohenshelt seconded the motion. The ordinance was read as follows:

1074 CITY OF ROCKWALL, TEXAS  
1075 ORDINANCE NO. 16-31  
1076

1077 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
1078 TEXAS, ADOPTING CHAPTER 18 FIRE PREVENTION AND PROTECTION,  
1079 ARTICLE II. FIRE CODE STANDARDS, SEC. 18-32 AND SEC. 18-33;  
1080 REPEALING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE  
1081 II, SEC. 18-32 AND SEC. 18-33 AMENDMENTS WITH THE EXCEPTION OF  
1082 SUBSECTION (41) (2006 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24);  
1083 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
1084 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE  
1085 OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON  
1086 WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;  
1087

1088 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE  
1089 DATE.

1090  
1091 The motion passed by a vote of 6 in favor with 1 against (White).

- ~~1093~~  
1094 3. Discuss and consider a recommendation of the Park Board concerning  
1095 approval of an ordinance amending Chapter 30. Parks & Recreation;  
1096 Article V. Park Use & Rental Fee Guidelines; Section 30-131. Fees for  
1097 Facilities, and take any action necessary. (1st reading)

1098 Parks & Recreation Manager, Andy Hesser, provided brief background information  
1099 related to this agenda item. Councilmember Hohenshelt made a motion to approve the  
1100 ordinance as presented. Councilmember White seconded the motion. The ordinance  
1101 was read as follows:

1102 CITY OF ROCKWALL, TEXAS  
1103 ORDINANCE NO. 16-\_\_\_\_

1104  
1105 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING  
1106 CHAPTER 30. PARKS AND RECREATION OF THE CITY'S CODE OF  
1107 ORDINANCES IN ARTICLE V. PARK USE AND RENTAL FEES;  
1108 SECTION 30-131. FEES FOR FACILITIES; PROVIDING FOR  
1109 REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING  
1110 FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE  
1111

1112 The motion passed by a vote of 7 ayes to 0 nays.

- 1113 4. SP2016-008 - Discuss and consider a request by Vincent Jarrard of  
1114 Eurythmic Design Group Architects on behalf of the owner Cameron  
1115 Bagley of Racetrac Petroleum, Inc. for the approval of a variance to the  
1116 building orientation in conjunction with an approved site plan for a car  
1117 wash/auto detail facility (i.e. Carmel Carwash) on a 1.3-acre tract of land  
1118 identified as Lot 1, Block 1, Crossings Addition (i.e. 1.004-acres) and a  
1119 0.296-acre portion of Lot 1, Block 1, Rockwall Business Park Addition,  
1120 City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,  
1121 situated within the SH-205 Overlay (SH-205 OV) District, addressed as  
1122 2003 S. Goliad Street, and take any action necessary.

1123 Planning Director Ryan Miller provided background information related to this agenda  
1124 item. The applicant is requesting the approval of a variance in conjunction with an  
1125 approved site plan for the purpose of constructing a 7,355 sq. ft. Car Wash facility. The  
1126 property is zoned Commercial (C) District, is within the SH-205 Overlay (SH-205 OV)  
1127 District, and is located at 2003 N. Goliad Street, just north of the intersection of SH-205  
1128 and IH-30. The applicant's site plan request included a special exception to allow for  
1129 cultured stone in lieu of natural/quarried stone. The ARB reviewed a material sample of  
1130 the cultured stone and recommended approval of the special exception. This special  
1131 exception was also approved by the Planning and Zoning Commission at the May 10,  
1132 2016 Planning and Zoning Commission meeting. The applicant is requesting a variance  
1133 to allow the tunnels of the car wash to face SH-205. He explained that according to  
1134 Section 2.1.8, Auto and Marine-Related Use Conditions, of Article IV, Permissible Uses, of  
1135 the Unified Development Code (UDC) (e)nrances and exits to the car wash shall not  
1136 directly face any public street. To help mitigate for the requested variance the tunnels  
1137 will be shielded by the point of sale pavilion and landscaping will be added.

1138  
1139 After brief comments, Councilmember Lewis made a motion to approve the variance  
1140 request. Councilmember Milder seconded the motion, which passed by a vote of 7 ayes  
1141 to 0 nays.  
1142

1143 5. **SP2016-009** - Discuss and consider a request by Eric Morff of Cole on  
1144 behalf of the owner 2804 Ridge, LLC for the approval of variances  
1145 relating to the building articulation and roof design standards in  
1146 conjunction with an approved site plan for a restaurant with drive-through  
1147 (i.e. Panera Bread) on a 0.93-acre parcel of land identified as Lot 2 of the  
1148 Road Runner Addition, City of Rockwall, Rockwall County, Texas, zoned  
1149 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and  
1150 Scenic Overlay (SOV) Districts, addressed as 2804 S. Goliad Street, and  
1151 take any action necessary.

1152 Mr. Miller explained that the applicant is requesting approval of variances relating to the  
1153 building articulation and roof design standards in conjunction with an approved site plan  
1154 for the purpose of constructing a 4,300 sq. ft. restaurant with a drive-through facility (i.e.  
1155 Panera Bread). The 0.93-acre parcel of land is zoned Commercial (C) District, is within the  
1156 IH-30 Overlay (IH-30 OV) and the Scenic Overlay (SOV) Districts, and is generally located  
1157 on the southwest corner of IH-30 and Ridge Road and is addressed as 2804 S. Goliad  
1158 Street.

1159  
1160 The applicant is requesting variances to the *Unified Development Code* (UDC) essentially  
1161 related to the building articulation requirements as well as a variance pertaining to not  
1162 meeting the pitched roof standards. He explained that one of these two variances will  
1163 require a simple majority vote; however, the second variance request will require a  $\frac{3}{4}$   
1164 majority vote of Council in order for it to be approved.  
1165

1166 After brief comments, Councilmember Milder made a motion to approve SP2016-009 and  
1167 the associated variance request for the following:

1168 a) *Article V, Section 4.1 General Commercial District Standards – A variance to allow*  
1169 *for not meeting the Building Articulation requirements for vertical articulation as*  
1170 *established in Art. V, Sec. 4.1, C.1.b. of the Unified Development Code (UDC).*  
1171

1172 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

1173 Councilmember Milder subsequently made a motion to approve SP2016-009 and the  
1174 following variance request:

1175 b) *Article V, Section 6.1 General Overlay District Standards – A variance to*  
1176 *allow for not meeting the Pitched Roof standards for buildings less than*  
1177 *6,000 sq. ft. in area as established in Section 6.6, C.2 of the IH-30 OV*  
1178 *District and Section 6.8, D.2. of the SOV District of Art. V, of the Unified*  
1179 *Development Code (UDC).*

1180 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

1181 6. **SP2016-010** - Discuss and consider a request by Glen Cox for the  
1182 approval of shared parking agreement in conjunction with an approved  
1183 site plan for an office building on a 2.60-acre tract of land identified as Lot  
1184 1, Block A, Corrigan Law Office Addition [0.31-acres] and Lot 8, Block A,

1185 Municipal Industrial Park Addition [2.29-acres], City of Rockwall, Rockwall  
1186 County, Texas, zoned Light Industrial (LI) District, addressed as 805, 815  
1187 & 821 T. L. Townsend Drive, and take any action necessary.

1188 **Mr. Miller provided brief background information on this agenda item. He explained that**  
1189 **the Shared Parking Agreement will involve the existing office building located at 815 T. L.**  
1190 **Townsend Drive, the proposed office building, and a future building site and is located**  
1191 **on a 2.60-acre tract of land zoned Light Industrial (LI) District. The property is generally**  
1192 **located at the intersection of T. L. Townsend Drive and Whitmore Drive and is addressed**  
1193 **as 805, 815 & 821 T. L. Townsend Drive. It was explained that a Shared Parking**  
1194 **Agreement for the office complex will assure that adequate parking will be provided. If**  
1195 **approved, the office development will exceed the minimum standards for parking by 4**  
1196 **spaces.**

1197  
1198 **Councilmember White made a motion to approve SP2016-010. Councilmember**  
1199 **Townsend seconded the motion, which passed unanimously (7 ayes to 0 nays).**

- 1200 **7. SP2014-011 - Discuss and consider a request by Tom Pritchett on behalf**  
1201 **of Channell Commercial Corporation for the approval of alternate**  
1202 **landscape plan in conjunction with an approved site plan for an office and**  
1203 **industrial facility on an 18.763-acre parcel of land being identified as Lot**  
1204 **1, Block A, Channell Subdivision, City of Rockwall, Rockwall County,**  
1205 **Texas, being zoned Light Industrial (LI) District, situated within the SH-**  
1206 **205 By-Pass Corridor Overlay (205 BY-OV) District, addressed as 1700**  
1207 **John King Boulevard, and take any action necessary.**

1208 **On July 8, 2014, the Planning and Zoning Commission approved a site plan for a 295,910**  
1209 **SF office, manufacturing and warehouse facility identified as the future corporate**  
1210 **headquarters for the Channell Commercial Corporation. As part of this case, a landscape**  
1211 **plan conforming to the requirements for a property situated in the SH-205 By-Pass**  
1212 **Overlay (SH-205 BY OV) District and a Light Industrial (LI) District was approved. The**  
1213 **applicant has since requested to change the landscape plan on the grounds that the**  
1214 **previously approved plan does not scale well in relation to the building and the**  
1215 **intersection at Justin Road and John King Boulevard.**

1216  
1217 **Mayor Pruitt made a motion to approve SP2014-011. After brief comments,**  
1218 **Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 a yes to 0**  
1219 **nays.**

1220  
1221  
1222 **The Council did not convene in Executive Session following the close of the public**  
1223 **meeting agenda.**

1224  
1225  
1226 **XV. EXECUTIVE SESSION**  
1227

1228 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
1229 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
1230 **CODE:**  
1231

- 1232 1. Discussion regarding legal options available to the City pertaining to  
1233 possible violations of drainage and detention development standards  
1234 pursuant to Section §551.071 (Consultation with Attorney)
- 1235 2. Discussion regarding a facility agreement for a property adjacent to Ridge  
1236 Road pursuant to Section §551.072 (Real Property) and Section  
1237 §551.071 (Consultation with Attorney).
- 1238 3. Discussion regarding appointment of city council subcommittees, board  
1239 liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074  
1240 (Personnel Matters).

1241 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

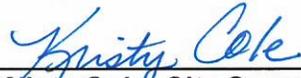
1242  
1243 **The Council did not convene in Executive Session following the close of the public**  
1244 **meeting agenda.**

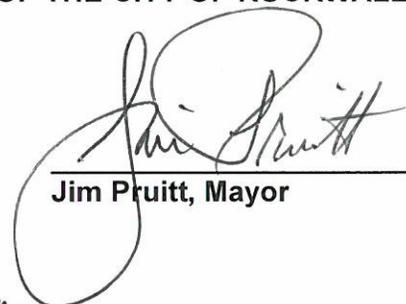
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1246 **XVII. ADJOURNMENT**

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1248 **Mayor Pruitt adjourned the meeting at 10:14 p.m.**

1249  
1250  
1251 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
1252 **THIS 6<sup>th</sup> day of June, 2016.**

1253  
1254  
1255  
1256 **ATTEST:**

1257   
1258 \_\_\_\_\_  
1259 **Kristy Cole, City Secretary**

  
\_\_\_\_\_  
**Jim Pruitt, Mayor**



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# MINUTES

## ROCKWALL CITY COUNCIL

Monday, June 06, 2016

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 and  
10 Councilmembers David White, John Hohenshelt, Scott Milder, Kevin Fowler and Dennis  
11 Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith  
12 and Brad Griggs and the city's legal counsel, Patrick Lindner (filling in for City Attorney  
13 Frank Garza who was absent). Councilmember Mike Townsend was absent from the  
14 meeting.

15  
16 II. WORK SESSION

17  
18 1. Hold work session to hear strategic plans for the following city departments:

19 a) Animal Services

20 Andy Hesser, manager of Animal Services, came forth and briefed the Council on the  
21 Animal Services strategic plan. Specifically, he spoke about the following, identified  
22 initiatives:

- 23  
24
- Increase public safety through increasing resident pet rabies vaccination and City pet registrations by 20%.
  - Reduce the number of pets dropped off at the shelter by 10% through a Return to Owner Initiative
  - Implement educational and recreation based programs to educate residents on how to minimize negative wildlife interactions.
  - Develop a policy for providing animal trap services on private property.
  - Amend ordinances pertaining to vicious and dangerous dog designations.
- 25  
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33 Brief dialogue took place related to requiring residents to register their pets. It was noted  
34 that pet registrations, overall, are quite low; however, Brad Griggs, Assistant City Manager,  
35 pointed out that requiring pet registrations does allow the city to have record of those pets  
36 within the city who have been vaccinated. In addition, Mr. Hesser, pointed out that pet  
37 registrations allow for a better chance for reuniting pets with their owner should they  
38 become lost and end up in the animal shelter.

39  
40 After brief dialogue, the Council took no action.

41  
42 b) Neighborhood Improvement Services & Building Inspections

43 Jeffrey Widmer, Manager over NIS and Building Inspections briefed the Council on the  
44 following items with regards to the proposed strategic plan for Neighborhood Improvement  
45 Services:

- 46
- Strategic Initiative 1: Public Education and Awareness
    - Goal: Increase voluntary compliance throughout the city
- 47

- 48 • **Strategic Initiative 2: Maintain a greater workload focus in areas with a higher**  
49 **level of violations**
  - 50 ○ **Goal: Focus efforts on specific neighborhood/area issues**
- 51 • **Strategic Initiative 3: Reduce number of complaints received**
  - 52 ○ **Goal: Focus efforts on case types that show a greater number of**  
53 **complaints received**
- 54 • **Strategic Initiative 4: Implement New Program**
  - 55 ○ **Goal: Build a productive and helpful resident assistance program**

57 **Regarding the Building Inspections Department, Mr. Widmer touched on the following**  
58 **strategic initiatives and goals:**

- 59 • **Strategic Initiative 1: Improve Public safety**
  - 60 ○ **Adopt the most advanced and current edition of construction codes**  
61 **(will increase design flexibility)**
  - 62 ○ **Refine the Building Inspection Department post disaster**  
63 **response/inspection program**
- 64 • **Strategic Initiative 2: Enhance Customer Satisfaction Experience**
  - 65 ○ **Improve plan review process**
  - 66 ○ **Offer a more convenient permit payment process**
  - 67 ○ **Reduce time and project costs for our residential customers**
  - 68 ○ **Offer express permit process to all of our customers**

70 **Council took no action following Mr. Widmer's presentations.**

71

72 **Mayor Pruitt then read the following discussion items into the public record before**  
73 **recessing the public meeting to go into Executive Session at 4:44 p.m.**

74

### 75 **III. EXECUTIVE SESSION.**

76

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

80

- 81 1. Discussion regarding the lease of land in the vicinity of the downtown area  
82 pursuant to Section §551.072 (Real Property).
- 83 2. Discussion regarding potential land acquisition and right-of-way along Ridge  
84 Road pursuant to Section §551.072 (Real Property).

85

### 86 **IV. ADJOURN EXECUTIVE SESSION**

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88 **Council adjourned from Executive Session at 5:25 p.m.**

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

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

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

**Indication was given that no action was needed as a result of Executive Session.**

**VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

**Councilman Lewis delivered the invocation and led the Pledge of Allegiance.**

**VIII. PROCLAMATIONS / AWARDS**

1. 25th Anniversary of NCTCOG's 9-1-1 Program

**Mayor Pruitt invited Fire Chief Mark Poindexter forward, explaining that 9-1-1 has now been in existence for 25 years. He then read the proclamation in recognition of this noteworthy anniversary. Chief Poindexter mentioned that there will be a celebration at the NCTCOG in Arlington on June 30<sup>th</sup> to commemorate this milestone.**

2. Asian Pacific Islander American Heritage Month

**Mayor Pruitt did not read this proclamation, as no one representing the organization that requested the proclamation was present in the audience.**

**Mayor Pruitt then called Mary Carter forth, explaining that he is presenting a proclamation as a surprise, in recognition of Mrs. Carter's upcoming birthday as well as her recent assistance to the city concerning its Monarch Butterfly initiatives (to help preserve this near endangered species). He then read and presented a proclamation to Mrs. Carter declaring it Monarch Butterfly Day and wishing her a very happy birthday.**

**IX. OPEN FORUM**

**Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to address Council at this time. There being no one wishing to come forth and speak, Mayor Pruitt then closed Open Forum.**

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the May 16, 2016 regular City Council meeting, and take any action necessary.
2. Consider approval of the Traffic Signal Intersection Improvements at N. Lake Shore Drive and Masters Drive and authorize the City Manager to execute a contract with Durable Solutions in the Amount of \$180,000 with funding in the FY 2015-16 Street Department operating budget, and take any action necessary.
3. Consider approval of an **ordinance** establishing the speed limit along FM 552 at 45 mph between SH 205 and John King Boulevard and 50 mph

- 141 between John King Boulevard to MP 002.709 (west of FM 1141) and take  
142 any action necessary. **(2nd reading)**
- 143 4. Consider approval of an **ordinance** establishing the speed limits along the  
144 eastbound and westbound frontage roads of IH 30 from the west City Limits  
145 to SH 205 at 45 mph, and take any action necessary. **(2nd reading)**
- 146 5. Consider approval of an **ordinance** establishing the speed limit along FM  
147 1141 to 50 mph between SH 66 and MP 2.980 (John King Boulevard), and  
148 take any action necessary. **(2nd reading)**
- 149 6. **Z2016-012** - Consider a request by Jim Evans of CEI Engineering  
150 Associates, inc. on behalf of Bob Hubbard of EZ Mart Stores, Inc. for the  
151 approval of an **ordinance** for a Specific Use Permit (SUP) to allow a retail  
152 store with more than two (2) gasoline dispensers on a 0.918-acre parcel of  
153 land identified as Lot 1, Block A, Mr. M Addition, City of Rockwall, Rockwall  
154 County, Texas, zoned Planned Development District 9 (PD-9) for General  
155 Retail (GR) District land uses, addressed as 2901 Ridge Road and take any  
156 action necessary. **(2nd Reading)**
- 157 7. **Z2016-014** - Consider a request by Noah Flabiano of the Skorburg Company  
158 on behalf of the owner Lakeside Church of Christ of Rockwall for the  
159 approval of an **ordinance** for a zoning change from an Agricultural (AG)  
160 District to a Planned Development District for Single Family 10 (SF-10)  
161 District land uses on a 29.541-acre parcel of land being a portion of Lot 1  
162 and all of Lot 2, Block A, Rockwall Lakeside Church of Christ Addition, City  
163 of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and  
164 located on the north side of Airport Road, west of the intersection of Airport  
165 Road and FM3549, and take any action necessary. **(2nd reading)**
- 166 8. **Z2016-015** - Consider a request by Pat Atkins of the Saddle Star Land  
167 Development, LLC on behalf of the owners Gwen Reed and Randa Hance  
168 (R. & R. Hance Investments, LP) for the approval of an **ordinance** for a  
169 zoning amendment to Planned Development District 79 (PD-79) [Ordinance  
170 No. 16-07] for the purpose of amending the concept plan and incorporating  
171 11.121-acres of land into the existing 44.292-acre development creating a  
172 55.413-acre tract of land identified as Tracts 1, 1-5 & 2-03 of the P. B.  
173 Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas,  
174 zoned Agricultural (AG) District and Planned Development District 79 (PD-  
175 79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-  
176 205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of  
177 John King Boulevard south of Featherstone Drive, and take any action  
178 necessary. **(2nd reading)**
- 179 9. **Z2016-016** - Consider a City initiated zoning request for the approval of an  
180 **ordinance** for a text amendment to Section 4, Southside Residential  
181 Neighborhood Overlay (SRO) District, of Article V, District Development  
182 Standards, of the Unified Development Code, and take any action necessary  
183 **(2nd Reading)**.
- 184 10. Consider a recommendation of the Park Board concerning approval of an  
185 **ordinance** amending Chapter 30. Parks & Recreation; Article V. Park Use &  
186 Rental Fee Guidelines; Section 30-131. Fees for Facilities, and take any  
187 action necessary. **(2nd reading)**

- 188 11. Consider approval of a resolution allowing a temporary partial closure of FM  
189 740 from Summer Lee Drive to the south City limits to facilitate the U.S.  
190 Open Triathlon on Sunday, October 16, 2016 from 6:00 AM to 1:00 PM, and  
191 take any action necessary.
  
- 192 12. **P2016-026** - Consider a request by Debra Cox of JDJR Engineers &  
193 Consultants, Inc. on behalf of Don French of the First Baptist Church of  
194 Rockwall for the approval of a replat for Lot 6, Block M, Sanger Brothers  
195 Addition being a 1.8046-acre tract of land identified as Lots 1-5, Block M,  
196 Sanger Brothers Addition, City of Rockwall, Rockwall County, Texas, zoned  
197 General Retail (GR) District, located at the southwest corner of the  
198 intersection of W. Ross Street and S. Goliad Street [SH-205], and take any  
199 action necessary.
  
- 200 13. **P2016-021** - Consider a request by Robert A. Howman of Glenn Engineering  
201 on behalf of James Watson of the Rockwall Independent School District for  
202 the approval of a preliminary plat for Lot 1, Block A, Rockwall – CCA  
203 Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H.  
204 Baird Survey, Abstract No. 25, City of Rockwall, Rockwall County, Texas,  
205 zoned Agricultural (AG) District, situated within the SH-205 By Pass Corridor  
206 (SH-205 BY OV) District, situated south of the intersection of SH-276 and  
207 John King Boulevard, and take any action necessary.
  
- 208 14. **P2016-022** - Consider a request by Rick Bates of RLK Engineering, Inc. on  
209 behalf of James Watson of the Rockwall Independent School District for the  
210 approval of a preliminary plat for Lot 1, Block 1, Dobbs Elementary Addition  
211 being a 17.464-acre tract of land identified as a portion of Rockwall School  
212 Addition No. 1, City of Rockwall, Rockwall County, Texas, zoned Single  
213 Family 7 (SF-7) District, situated at the northeast corner of the intersection of  
214 E. Washington Street and S. Clark Street, and take any action necessary.

215 **Mayor Pruitt pulled item #1 for discussion. Councilmember Lewis made a motion to**  
216 **approve the remaining Consent Agenda items (#2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14).**  
217 **Councilmember Hohenshelt seconded the motion. The ordinances were read as follows:**

218  
219  
220 **CITY OF ROCKWALL, TEXAS**  
221 **ORDINANCE NO. 16-35**

222 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS**  
223 **ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES**  
224 **UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON**  
225 **FARM-TO-MARKET ROAD NO. 552 OR PARTS THEREOF, WITHIN THE**  
226 **CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET FORTH IN**  
227 **THIS ORDINANCE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE**  
228 **SUM OF \$200.00 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**  
229 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

230  
231 **CITY OF ROCKWALL, TEXAS**  
232 **ORDINANCE NO. 16-36**

233  
234 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS**  
235 **ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES**  
236 **UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON**  
237 **INTERSTATE HIGHWAY 30 OR PARTS THEREOF, WITHIN THE CORPORATE**  
238 **LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET FORTH IN THIS**

348 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed the  
349 city council on recommendations of the Commission relative to items on tonight's council  
350 meeting agenda. After brief comments, the Council took no action pertaining to this item.  
351

352 **XII. PUBLIC HEARING ITEMS**  
353

- 354 1. **Z2016-013** - Hold a public hearing to discuss and consider a request by  
355 Garrett Lust of Pointe Land & Development, LLC on behalf of Marvin Wu of  
356 West Union Investment, Co. for the approval of an **ordinance** for a zoning  
357 change from an Agricultural (AG) District to a Planned Development District  
358 for Single-Family 10 (SF-10) District land uses on a 81.49-acre parcel of land  
359 identified as Tract 16 of the J. A. Ramsey Survey, Abstract No. 186, City of  
360 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located  
361 on Rochelle Road south of the intersection of Rochelle Road the SH-276,  
362 and take any action necessary (**1st Reading**).

363 Planning Director Ryan Miller provided background information related to this agenda item,  
364 explaining that this property is located south of the intersection of Rochelle Road and SH-  
365 276, adjacent to Timber Creek Estates Subdivision. He explained that according to the  
366 concept plan, it is the intent of the development to provide 204 single-family residential lots  
367 that are to be a minimum of 8,125 sq. ft. (*i.e. 65' x 125' lots*) in area. In addition, the  
368 development will provide an approximately nine (9)-acre public park located at the southern  
369 portion of the development. Furthermore, the *Concept Plan* shows the inclusion of 18.97-  
370 acres of net open space (*or 23.3%*) exceeding the minimum 20% requirement.  
371

372 In addition, the applicant has also indicated that a minimum of a 15-foot landscape buffer  
373 will be provided along Rochelle Road. A minimum 10-ft landscape buffer along the  
374 proposed minor collector street (Street H) is required, with large canopy trees planted along  
375 the perimeter of each roadway at 50-ft intervals. However, the applicant is seeking a waiver  
376 to this requirement for Street H due to the amenities provided for in the 9-acre public park  
377 (reflected on Park Concept Plan). The applicant will also include a minimum of a five (5) foot  
378 sidewalk that will be constructed within the rights-of-way.  
379

380 Mr. Miller then briefed the Council on several development standards contained within the  
381 draft PD Ordinance which deviate from the requirements of the Engineering Department's  
382 Standards of Design and Construction Manual and the Unified Development Code (UDC).  
383

384 He indicated that staff sent out notifications to all property owners located within 500'. Two  
385 notices were received back in opposition to the request. In addition, the Timber Creek and  
386 Fontanna Ranch Homeowners Associations were also notified. The Planning & Zoning  
387 Commission voted to unanimously recommend approval of this item, with one  
388 commissioner being absent.  
389

390 Mayor Pruitt opened the public hearing and invited the applicant forth. The applicant came  
391 forth and indicated that Mr. Miller has provided an ample briefing, so he is just here to  
392 answer questions of Council. Brief dialogue took place related to improvements to  
393 Rochelle Road and the traffic on SH-276. There being no one else wishing to come forth  
394 and speak, Mayor Pruitt then closed the public hearing.  
395

396 Councilman Lewis made a motion to approve the request (ordinance), including all of the  
397 requested variances. Councilman Milder seconded the motion. The ordinance was read as  
398 follows:

CITY OF ROCKWALL  
ORDINANCE NO. 16-XX

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING AN 81.49-ACRE TRACT OF LAND IDENTIFIED AS TRACT 16 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XIII. ACTION ITEMS

1. **SP2016-006** - Discuss and consider a request by Matt Moore of Claymoore Engineering, Inc. on behalf of Michael James of U. V. Real Estate, LP for the approval of variances to Article V, District Development Standards, of the Unified Development Code in conjunction with an approved site plan for an Auto Body Shop (i.e. Service King Collision Repair) on a 3.2039-acre tract of land described as Tract 7-01 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, located at 1780 E IH-30, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary.

Mr. Miller provided background information related to this agenda item. He explained that the applicant is requesting that the City Council approve variances to the screening standards, building material and four (4) sided architecture requirements stipulated for properties within the IH-30 Overlay (IH-30 OV) District. He explained that the approved *major automotive repair facility (i.e. Service King: Automotive Collision Repair Center)* will be situated within an 18,475 SF building that will be accessible via an access drive located off of the IH-30 Frontage Road. The requested land use (i.e. *Auto Repair Garage, Major -- Sec. 1.1; Art. IV; UDC*) is permitted *by-right* within the Light Industrial (LI) District, and -- *after the approval of S-148 for outside storage on March 7, 2016* -- does not require any additional approvals by the Planning and Zoning Commission or City Council. Mr. Miller went on to explain several variances which will be required for the approval of the proposed building. Indication was given that on April 26, 2016, the Architectural Review Board (ARB) reviewed the proposed site plan and building elevations. The ARB requested that the applicant provide a mansard roof structure extending from the mid-point of the building (denoted by a tower element on the East and West Building Elevations) to the front canopies adjacent to IH-30. The purpose of this request was to provide balance to the building while breaking up the monotony of the roofline. The applicant has stated that due to the cost of the requested improvements, they will not be able to accommodate the ARB's recommendation. On May 31, 2016, the ARB presented a recommendation to the Planning and Zoning Commission and stated that they did not support approval of the requested variances.

452 **Jeff Carroll**  
453 **Carroll Architects**  
454 **750 E. IH-30**  
455 **Rockwall, TX**

456  
457 **Mr. Carroll came forth (on behalf of the applicant) and explained the building elevations,**  
458 **including proposed materials and the proposed plan for how each side of the building will**  
459 **visually look. He generally explained that this location poses some challenges related to**  
460 **grading, so the proposed facility is actually smaller than that which might otherwise be**  
461 **proposed.**

462  
463 **After brief dialogue, Councilmember Milder made a motion to approve SP2016-006,**  
464 **including granting of all requested variances. Councilmember White seconded the motion.**  
465 **The motion passed by a vote of 6 in favor with 1 absent (Townsend).**

466  
467 **2. Discuss and consider a request from Mr. Jeff Gibbens with The Sign Doc**  
468 **representing Goliad Dental for a height and setback variance for a**  
469 **monument sign located at 703 S. Goliad, and take any action necessary.**

470 **Jeffrey Widmer, Building Official, came forth and briefed the Council on this agenda item.**  
471 **After brief dialogue, Councilmember Lewis made a motion to approve the height and**  
472 **setback related variances being requested. Mayor Pruitt seconded the motion, which**  
473 **passed by a vote of 6 ayes with 1 absent (Townsend).**

474 **3. Discuss and consider a request for supplemental hotel occupancy tax (HOT)**  
475 **funding for the Colbert Project, and take any action necessary.**

476 **Councilmember Scott Milder indicated that he will be recusing himself from this agenda**  
477 **item because his wife serves on the board for the Colbert Project.**

478 **Assistant City Manager, Mary Smith, provided background information regarding this**  
479 **agenda item. She explained that the City received a supplemental funding request for hotel**  
480 **occupancy tax revenues from The Colbert Project. She shared that the request totals**  
481 **\$49,564 and, according to the applicant, would be used for promotion of their annual**  
482 **Firefighters Ball to be held at the Hilton on August 27th. She indicated that the City Council**  
483 **Subcommittee has reviewed the application and request and is recommending funding in**  
484 **the amount of \$12,500 for the event.**

485 **Mayor Pruitt provided comments, indicating that the future of the city's HOT funding may**  
486 **very well be changed over the next couple of years since some of the concessions the city**  
487 **has had in place will soon be expiring, and those funds will be coming back into the city. At**  
488 **that time, the city will need to decide if it wants to move forward with establishing a**  
489 **Convention Visitors Bureau (CVB), either in house or perhaps through the Chamber. So, he**  
490 **encouraged all requesting organizations to begin weaning themselves off of city-provided**  
491 **HOT funding because it may very likely go away within the next couple of years.**

492 **Mayor Pruitt made a motion to approve the supplemental funding request (as recommended**  
493 **by the Council Subcommittee - an allocation of \$12,500). Councilmember Lewis seconded**  
494 **the motion, which passed by a vote of 5 in favor, 1 recusal (Milder), and 1 absent**  
495 **(Townsend).**

496 **4. Discuss and consider authorizing the City Manager to negotiate a contract**  
497 **with Terracare Associates LP for municipal landscape maintenance services**  
498 **in an amount not to exceed \$104,000 to be funded from the FY16 Parks &**  
499 **Rec Operating Budget, and take any action necessary.**

500 Assistant City Manager, Brad Griggs, provided background information concerning this  
501 agenda item. He generally explained that the city had experienced some difficulties with  
502 the low bidder who had previously been awarded the contract and had been performing  
503 landscape maintenance services on behalf of the city. As a result, the city terminated the  
504 contract, essentially for non-performance, and an interim contractor was brought in. Now,  
505 the Council is being asked to consider authorizing the City Manager to negotiate a contract  
506 with Terracare Associates LP for provision of these services.

507 Councilmember Lewis made a motion to authorize the City Manager to negotiate a contract  
508 with Terracare Associates LP for municipal landscape maintenance services in an amount  
509 not to exceed \$104,000. Councilmember Hohenshelt seconded the motion, which passed  
510 unanimously of those present (6 ayes with 1 absent (Townsend)).

511  
512 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
513 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
514

515 **1. Departmental Reports**

- 516 Building Inspections Monthly Report - April 2016
- 517 Fire Dept. Monthly Reports - April 2016
- 518 Fire Marshal Division Monthly Report - April 2016
- 519 GIS Division Monthly Report - April 2016
- 520 Harbor PD Report - April 2016
- 521 Internal Operations Department Monthly Report - April 2016
- 522 Police Department Monthly Report - April 2016
- 523 Recreation Monthly Report - April 2016
- 524 Rockwall Animal Adoption Center Monthly Report - April 2016

525 **2. City Manager's Report**

526 City Manager Rick Crowley pointed out that work continues on improvements to FM-3549.  
527 On the next meeting agenda, an item will be included for the Council to consider the curb  
528 and median cut plan for this roadway. Between now and then, staff will be visiting with the  
529 property owners along the roadway. He pointed out that a portion of this roadway is shared  
530 by the City of Fate. Also, discussions will be taking place regarding whether or not the two  
531 cities (Rockwall and Fate) might want to partner on some landscape enhancements along  
532 FM-3549, similar to those on FM-740 and SH-205. He indicated that some state funding is  
533 available to assist with this.

534 Mayor Pruitt briefly indicated that the Rockwall County Emergency Services Corporation  
535 (ESC) is still negotiating an ambulance service contract. He shared that if negotiations do  
536 not result in agreed upon terms, the ES Corp. may begin discussing going out for bid.

537 Mayor Pruitt announced that on July 7 at 7:00 p.m. at Uteley Middle School, TXDOT will hold  
538 a public meeting to give a presentation concerning the various route options for SH-205 all  
539 the way from Terrell to Lavon. He shared that another meeting will be held on July 12 in  
540 Terrell. He shared that no public input will be accepted, as it is an opportunity to provide  
541 public information only.

542 Mayor Pruitt then congratulated the Parks Department, thanking them for all of their hard  
543 work on recent events, such as Founders Day and the Butterfly Garden dedication. He  
544 pointed out that the Butterfly Garden is located at Harry Myers Park, and a local Eagle Scout  
545 took the lead on its construction. He thanked Tropical Johns for helping with donated  
546 supplies for the garden project.

547 He thanked the Soroptimist Group for its recent Country Fair event, which he indicated was  
548 a success. He also thanked staff member, Joey Boyd, for a recent luncheon that was  
549 hosted over the weekend at the Ralph M. Hall Municipal Airport.

550 There being no further items to discuss, Mayor Pruitt adjourned the meeting at 7:01 p.m.

551  
552 **XV. EXECUTIVE SESSION**

553  
554 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
555 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
556 CODE:  
557

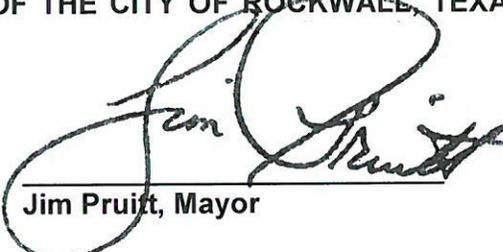
- 558 1. Discussion regarding the lease of land in the vicinity of the downtown area  
559 pursuant to Section §551.072 (Real Property).  
560 2. Discussion regarding potential land acquisition and right-of-way along Ridge  
561 Road pursuant to Section §551.072 (Real Property).

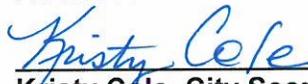
562 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

563  
564 **XVII. ADJOURNMENT**

565  
566 The Council did not reconvene in Executive Session at the close of the public meeting  
567 agenda. The meeting was adjourned at 7:01 p.m.  
568

569  
570 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
571 **THIS 20<sup>th</sup> day of June, 2016.**

572  
573  
574  
575 **ATTEST:**   
576  
577 **Jim Pruitt, Mayor**

578   
**Kristy Cole, City Secretary**



1  
2  
3  
4  
5  
6

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, June 20, 2016**  
**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 Townsend called the meeting to order at 4:00 p.m. Present were Mayor  
10 Pro Tem Mike Townsend and Council Members David White, Scott Milder, Kevin Fowler  
11 and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City  
12 Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Councilmember  
13 John Hohenshelt and Mayor Jim Pruitt were absent from the meeting.  
14

15 II. WORK SESSIONS

- 16  
17 1. Hold a work session to discuss and consider the minimum square footage  
18 required for residential dwelling units in various zoning districts as stipulated by  
19 Article V, "District Development Standards" of the Unified Development Code

20 Planning Director Ryan Miller provided information concerning this item, indicating that  
21 at the May 16 meeting, Council expressed interest in looking at square footage  
22 associated with, for example, SF-10 zoning districts. As a result, staff has performed a  
23 survey of comparable cities regarding their residential zoning districts. This information  
24 has been compared to the City of Rockwall's residential zoning districts by lot size to  
25 assess the required minimum square footage for dwelling units. A copy of this analysis  
26 has been included in the meeting packet for the City Council's review. Based on the  
27 analysis there is some evidence indicating that the Single Family 10 (SF- 10) and Single  
28 Family 16 (SF-16) Districts minimum square footage for dwelling units could be  
29 increased. If the City Council chooses to direct staff to make changes to this section of  
30 the code, staff would suggest that the City Council also consider setting a minimum  
31 square footage for dwelling units in an Agricultural (AG) District. Currently, no minimum  
32 exists.

33 It was clarified that the smallest that is currently allowable is a zero lot line property,  
34 which would essentially have a 5,000 square foot lot with a minimum 1,000 square foot  
35 home. General discussion took place regarding the standards that other cities have in  
36 place. Price points and property values were discussed as well.

37 Councilmember Milder suggested that there should perhaps be a minimum square  
38 footage of 1,800 for homes within Rockwall; however, he is open to further discussion  
39 regarding what other cities do in this regard (if they do at all).

40 Based on the discussions, staff clarified that it will return to the council with proposed  
41 modifications to the city's current development standards, specifically regarding  
42 minimum square footage (including within AG zoning) for further discussion and  
43 consideration.

- 44 2. Hold a work session to hear a project status on the engineering design for the  
45 East Boydston Avenue (South Goliad to Clark Street) and Throckmorton Street  
46 (East Boydston Avenue to East Bourn Street) Paving Improvement Projects

47 City Engineer Tim Tumulty came forth and indicated that Jeremy White, one of the city's  
48 engineers, has been serving as the project manager on these projects, so he will be  
49 speaking to the Council this afternoon. Mr. White then came forth and provided an  
50 update concerning details associated with these projects.

51 East Boydston Avenue is currently an existing 37 foot wide curb and gutter roadway  
52 approximately 1,800 linear feet from South Goliad to Clark Street. Throckmorton Street is  
53 currently an existing two lane asphalt roadway from East Boydston Avenue to East  
54 Bourn Street. Both East Boydston Avenue and Throckmorton Street are two of four  
55 Roadway Capital Improvement Projects passed in the 2012 Bond Election.

56  
57 East Boydston Avenue will be reconstructed to a 41 foot concrete curb and gutter  
58 roadway with a 5-foot concrete sidewalk on each side. The reconstruction will also  
59 include re-configuring of the South Goliad/East Boydston Avenue intersection to  
60 enhance the northbound South Goliad to eastbound East Boydston Avenue turning  
61 movement. Additional improvements for the project will include improved storm sewer  
62 capacity along with the replacement of the existing sanitary sewer and water lines. The  
63 City hired EJES, Inc. to provide the engineering design and specifications for the East  
64 Boydston Avenue project.

65  
66 Throckmorton Street will be reconstructed to a two lane, 29 foot concrete curb and gutter  
67 roadway with a 5-foot concrete sidewalk on each side. These improvements will be  
68 placed within the existing 50' right of way. Additional improvements for the project will  
69 include improved storm sewer capacity along with the replacement of the existing  
70 sanitary sewer and water lines. The City hired Cobb, Fendley & Associates, Inc. to  
71 provide the engineering design and specifications for the Throckmorton Street project.

72  
73 Both projects are currently at the 60% engineering design stage. City Staff and the  
74 engineering design consultants plan to hold a public meeting on June 29, 2016 at 6:00pm  
75 at City Hall Council Chambers for the residents and businesses along and adjacent to  
76 East Boydston Avenue and Throckmorton Street. Public input will be received at this  
77 meeting and taken into consideration as the engineering design is completed.

78  
79 The Council took no action following this work session item.  
80

81                   3. Hold a work session to hear update regarding the South Lakeshore Drive/Summit  
82                   Ridge Reconstruction Project

83 Mr. White came forth and briefed the Council on this project as well.  
84

85 It was explained that staff is working with the engineering consultant (Kimley Horne) on  
86 the design for the reconstruction of South Lakeshore Drive/Summit Ridge from SH 66 to  
87 FM 740 (Ridge Road). The existing concrete pavement section along South Lakeshore  
88 (SH 66 to Summit Ridge) is wider than the section along Summit Ridge from South  
89 Lakeshore to FM 740. Both sections of roadway do not provide a walkway for pedestrian  
90 other than in the street.

91  
92 Staff hosted a neighborhood meeting on December 9, 2015 with the residents living  
93 along both roadways allowing residents to express their concerns regarding the existing  
94 roadway and the proposed improvements. About thirty residents / property owners were  
95 in attendance. The main concerns expressed by the public at that time were speeding

96 and 'cut through' traffic. Staff and the consultant have utilized that information to move  
97 forward on the design of the reconstructed roadway.

98  
99 Staff intends to host a second meeting with these residents along with residents living  
100 within four blocks of South Lakeshore Drive/Summit Ridge. The meeting is scheduled for  
101 July 20, 2016.

102  
103 The Council took no action following discussion of this work session item.

104  
105 Mayor Pro Tem Townsend read the below listed discussion items into the public record  
106 before recessing the meeting into Executive Session at 4:43 p.m.

107  
108 **III. EXECUTIVE SESSION.**

109  
110 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
111 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
112 CODE:

- 113  
114 1. Discussion regarding proposed renegotiation of City v. Primary Media  
115 settlement agreement pursuant to Section §551.071 (Consultation with  
116 Attorney)
- 117 2. Discussion regarding contract with Holmes Murphy & Associates and  
118 HIPPA Information pursuant to Section §551.071 (Consultation with  
119 Attorney)
- 120 3. Discussion regarding purchase or lease of real property / land acquisition  
121 in the vicinity of FM-3549 and SH-66 pursuant to Section § 551.072 (Real  
122 Property).

123 **IV. ADJOURN EXECUTIVE SESSION**

124  
125 Council adjourned Executive Session at 5:25 p.m.

126  
127 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

128  
129 Mayor Pro Tem Townsend reconvened the public meeting at 6:00 p.m. with five of the  
130 seven council members being present (Hohenshelt and Pruitt were absent).

131  
132 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

133  
134 Councilmember Milder made a motion to accept the offer from TXDOT associated with  
135 Parcels 48 and 49 on the FM-3549 (roadway improvements) project. Councilmember  
136 White seconded the motion, which passed by a vote of 5 in favor with 2 absent  
137 (Hohenshelt and Pruitt).

138  
139 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

140  
141 Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance.

145 **VIII. OPEN FORUM**

146

147 **Mayor Pro Tem Townsend explained how Open Forum is conducted and asked if anyone**  
148 **would like to speak. There being no one indicating such, he then closed Open Forum.**

149

150 **IX. CONSENT AGENDA**

151

152 1. Consider approval of the minutes from the June 6, 2016 regular city  
153 council meeting, and take any action necessary.

154

155 2. **Z2016-013** - Consider a request by Garrett Lust of Pointe Land &  
156 Development, LLC on behalf of Marven Wu of West Union Investment,  
157 Co. for the approval of an **ordinance** for a zoning change from an  
158 Agricultural (AG) District to a Planned Development District for Single-  
159 Family 10 (SF-10) District land uses on a 81.49-acre parcel of land  
160 identified as Tract 16 of the J. A. Ramsey Survey, Abstract No. 186, City  
161 of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,  
162 located on Rochell Road south of the intersection of Rochell Road the  
SH-276, and take any action necessary. **(2nd Reading)**

163

164 3. **P2016-020** - Consider a request by Cameron Slown of FC Cuny  
165 Corporation on behalf of Randal Currington of Fontanna Ranch Phase II,  
166 LP for the approval of a final plat for Phase II of the Fontanna Ranch  
167 Subdivision containing 49 single-family residential lots on a 19.167-acre  
168 tract of land identified as Tract 5 of the J. A. Ramsey Survey, Abstract No.  
169 186, City of Rockwall, Rockwall County, Texas, zoned Planned  
170 Development District 64 (PD-64) for Single Family 16 (SF-16) land uses,  
171 generally located east of FM-549 and south of SH-276, and take any  
action necessary.

172

173 4. **P2016-028** - Consider a request by Noah Flabiano of the Skorburg  
174 Company on behalf of the owner Lakeside Church of Christ of Rockwall  
175 for the approval of a master plan/ open space plan for the Ridgecrest  
176 Subdivision containing 45 single-family residential lots on a 29.541-acre  
177 parcel of land being a portion of Lot 1 and all of Lot 2, Block A, Rockwall  
178 Lakeside Church of Christ Addition, City of Rockwall, Rockwall County,  
179 Texas, zoned Planned Development District 81 (PD-81), located on the  
180 north side of Airport Road, west of the intersection of Airport Road and  
FM-3549, and take any action necessary.

181

182 5. **P2016-029** - Consider a request by Noah Flabiano of the Skorburg  
183 Company on behalf of the owner Lakeside Church of Christ of Rockwall  
184 for the approval of a preliminary plat for the Ridgecrest Subdivision  
185 containing 45 single-family residential lots on a 29.541-acre parcel of land  
186 being a portion of Lot 1 and all of Lot 2, Block A, Rockwall Lakeside  
187 Church of Christ Addition, City of Rockwall, Rockwall County, Texas,  
188 zoned Planned Development District 81 (PD-81), located on the north  
189 side of Airport Road, west of the intersection of Airport Road and FM-  
3549, and take any action necessary.

190

191 6. Consider approval of the North Water Improvements Project and  
authorize the City Manager to execute a contract with Reytech Services,

192 LLC. in an amount of \$746,704.61 to be funded by 2016 Water & Sewer  
193 Bonds, and take any action necessary.

194 **Mayor Pro Tem Townsend pulled item #6 for further discussion.**

195  
196 **Councilmember Milder made a motion to approve the remaining Consent Agenda Items**  
197 **(#1, 2, 3, 4, and 5). Councilmember White seconded the motion. The ordinance was read**  
198 **as follows:**

199  
200 **CITY OF ROCKWALL**  
201 **ORDINANCE NO. 16-43**  
202

203 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
204 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**  
205 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,**  
206 **SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)**  
207 **DISTRICT TO PLANNED DEVELOPMENT DISTRICT 82 (PD-82) FOR**  
208 **SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT**  
209 **PROPERTY, BEING AN 81.49-ACRE TRACT OF LAND IDENTIFIED AS**  
210 **TRACT 16 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF**  
211 **ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY**  
212 **DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL**  
213 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED**  
214 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**  
215 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**  
216 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

217  
218 **The motion passed by a vote of 5 in favor with 2 absent (Pruitt and Hohenshelt).**  
219

220 **Townsend asked for clarification as to what we are spending and what areas will be**  
221 **included in this project. Mr. Tumulty indicated that this is a water main replacement**  
222 **project, and some of the following streets will be included:**  
223

- 224 • **Jackson St. From Fannin to Nash**
- 225 • **Clark St. from SH-66 to Heath**
- 226 • **Lilian St. from Fannin to Clark**
- 227 • **Kernoodle from Margaret to Heath**

228  
229 **He explained that some of these water lines have been in the ground since the 1960's or**  
230 **before. So, this replacement project will bring the lines up to today's standards and cut**  
231 **down on ongoing, needed repairs.**  
232

233 **Mayor Pro Tem Townsend then made a motion to approve Consent Agenda item #6.**  
234 **Councilman Milder seconded the motion, which passed unanimously of those present**  
235 **(Pruitt and Hohenshelt absent).**  
236

237 **X. APPOINTMENTS**  
238

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

242 Chairman Craig Renfro came forth and briefed the City Council on recommendations of  
243 the Commission relative to items on tonight's meeting agenda. The Council took no  
244 action following Mr. Renfro's briefing.

245  
246 **XI. PUBLIC HEARING ITEMS**

247  
248 **1. Z2016-017** - Hold a public hearing to discuss and consider a City initiated  
249 zoning request for the approval of an **ordinance** for a text amendment to  
250 Section 1, Land Use Schedule, and Section 2.1.8, Auto and Marine-  
251 Related Use Conditions, of Article IV, Permissible Uses, of the Unified  
252 Development Code for the purpose of changing the requirements for  
253 Used Motor Vehicle Dealerships, and take any action necessary [**1st**  
254 **Reading**].

255 **Planning Director Ryan Miller briefed the Council on this agenda item. On May 16, 2016,**  
256 **staff brought forward an ordinance to the City Council proposing to allow the Motor**  
257 **Vehicle Dealership, Used (Cars and Light Trucks) use by Specific Use Permit (SUP) in the**  
258 **Light Industrial (LI) District and by-right in the Heavy Industrial (HI) District; however, the**  
259 **ordinance also restricted the use in certain overlay districts within the City. This**  
260 **ordinance was denied by the City Council by a vote of 6-1, with Mayor Pruitt dissenting.**  
261 **As part of this motion, staff was directed to draft and bring back for consideration an**  
262 **ordinance that conforms to the motion made by the City Council on March 21, 2016. This**  
263 **motion was to allow a Motor Vehicle Dealership, Used (Cars and Light Trucks) in a Light**  
264 **Industrial (LI) District by a Specific Use Permit (SUP).**

265  
266 **Mayor Pro Tem Townsend opened the public hearing and asked if anyone would like to**  
267 **come forward and speak at this time.**

268  
269 **Maxwell Fisher**  
270 **Echo Park**  
271 **900 Jackson Street, Ste. 640**  
272 **(No city or state provided with address)**

273  
274 **Mr. Fisher came forth and indicated that he has previously come before the city council**  
275 **on two, separate occasions had has made presentations regarding "Echo Park," which**  
276 **he describes as a high-end, pre-owned car dealership. He generally expressed that he**  
277 **believes the Council potentially allowing high end, used car dealerships on a case-by-**  
278 **case basis is a good idea.**

279  
280 **There being no one else wishing to come forth to speak, Townsend then closed the**  
281 **public hearing.**

282  
283 **Councilman Lewis moved to approve Z2016-017. Councilman White seconded the**  
284 **motion. The ordinance was read as follows:**

285  
286 **CITY OF ROCKWALL**  
287 **ORDINANCE NO. 16-XX**

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, AS HERETOFORE AMENDED,**  
292 **BY AMENDING SECTIONS 1.1 & 2.1.8 OF ARTICLE IV, **PERMISSIBLE****

293 USES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
294 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
295 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
296 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
297

298 The motion passed by a vote of 3 in favor, 2 against (Milder and Fowler), and 2 absent  
299 (Pruitt and Hohenshelt).  
300

- 301 2. **Z2016-018** - Hold a public hearing to discuss and consider a request by  
302 Jeff Parker of the Skorburg Company on behalf of BH Balance IV, LLC for  
303 the approval of an **ordinance** for a zoning amendment to Planned  
304 Development District 74 (PD-74) to amend the concept plan to allow for  
305 additional single-family residential lots and for the purpose of  
306 incorporating changes to the development standards contained in Exhibit  
307 'C' of Ordinance 14-26 for a 405.184-acre tract of land identified as the  
308 Breezy Hill Subdivision and situated within the J. Strickland Survey,  
309 Abstract No. 187, Rockwall, Rockwall County, Texas, generally located  
310 north of FM-552 and west of Breezy Hill Road, and take any action  
311 necessary [1st Reading].

312 Mr. Miller, Planning Director, provided background information concerning this agenda  
313 item. He explained that the property was annexed in 2008 after three (3) years of  
314 litigation that lead to the execution of a Chapter 212 Development Agreement. In  
315 accordance with this agreement, the property was zoned to Planned Development  
316 District 74 (PD-74) on April 20, 2009 with the intention of being a master planned,  
317 residential community that offered tracts of land designated for retail/office, residential,  
318 and institutional land uses. The approval of this zoning change altered the existing 212  
319 Development Agreement -- which originally permitted 810 single-family residential lots  
320 and did not contain any retail acreage -- to include 658 single-family residential lots and a  
321 59-acre tract of land designated for general retail land uses. The retail tract of land is  
322 located at the northeast corner of the intersection of FM-552 and John King Boulevard.  
323

324 Mr. Miller explained that on October 1, 2012 the City Council approved an amendment to  
325 Planned Development District 74 (PD-74) modifying the concept plan to remove the  
326 school sites that were originally required by the Facilities Agreement and adjust the lot  
327 mix accordingly [i.e. increasing the number of lots from 658 to 691]. The lot mix was  
328 again increased on July 7, 2014 from 691 lots to 742 lots for the purpose of incorporating  
329 two (2) additional phases (i.e. Phases IXA & IXB) and to reduce the land designated as  
330 commercial/retail from 59.4-acres to 33.7-acres. On March 13, 2015, the applicant  
331 submitted an alternate concept plan depicting a reduction in the number of acres  
332 designated for retail land uses from 33.7-acres to 19.49-acres for the purpose of  
333 amending Planned Development District 74 (PD-74) to include an additional residential  
334 phase of 50' x 120' lots (i.e. *minimum of 6,000 SF*). In addition, this case proposed raising  
335 the number of lots from 742 to 762, but maintain a density of 2.0-units/acre. This case  
336 [Case No. Z2015-013] was denied by the City Council on May 4, 2015.  
337

338 Mr. Miller explained that the applicant has now submitted an application requesting to  
339 amend Planned Development District 74 (PD-74) [Ordinance No. 14-26] to approve an  
340 alternate concept plan and development standards. Specifically, the applicant is  
341 requesting to reduce the number of acres designated for retail land uses from 33.7-acres  
342 to 19.49-acres for the purpose incorporating an additional residential phase that will be  
343 composed of 50' x 120' lots (i.e. *minimum of 6,000 SF*).

344  
345 He shared that 364 notices were mailed out to property owners located within 500' of the  
346 subject property. In addition, the Stoney Hollow and Breezy Hill Homeowners  
347 Associations were also sent notifications. Initially, nineteen responses were received  
348 back in opposition of this zoning change request; however, additional replies have  
349 subsequently been received back, resulting in 31 total responses expressing opposition.  
350

351 On June 14, 2016, the Planning and Zoning Commission approved a motion  
352 recommending that the proposed residential phase -- *identified as Phase X on the*  
353 *concept plan* -- consist of 60-foot lots (*i.e. Lot Type 'A'*) in lieu of the proposed 50-foot  
354 lots (*i.e. Lot Type 'E'*). This motion passed by a vote of 6-0, with Commissioner  
355 Trowbridge absent.  
356

357 Adam Buczek  
358 Skorburg Co.  
359 8214 Westchester Drive, Suite 710  
360 Dallas, TX 75225  
361

362 Mr. Buczek came forth and briefed the city council on what his company is proposing  
363 with regards to this request.  
364

365 General discussion took place regarding how this particular proposal differs from the  
366 previous proposal last year. Councilman Lewis expressed concern regarding the  
367 additional decrease in the retail/commercial portion. He is also concerned about the  
368 developer wanting to put in additional smaller lots, thus increasing the density. He  
369 shared that he has received a lot of emails from homeowners who have expressed that  
370 this current proposal may reduce their property values, and they are opposed to the  
371 council approving this request.  
372

373 Mayor Pro Tem Townsend opened the public hearing and asked if anyone would like to  
374 come forth and speak at this time.  
375

376 David Parks  
377 3718 Drewsbury  
378 Rockwall, TX  
379

380 Mr. Parks expressed that he decided to build in this subdivision because of the larger  
381 lots and larger homes. He acknowledged that the quality of the builders will likely be  
382 good; however, the smaller lot sizes and the smaller square footages proposed to be  
383 built will drive down the home values of other, existing homes. He is opposed to  
384 approval of this request.  
385

386 Mrs. Parks  
387 3718 Drewsbury  
388 Rockwall, TX  
389

390 Mrs. Parks came forth and indicated that she and her husband moved here from New  
391 York, and they have really enjoyed the community. She explained that she is a realtor.  
392 She shared that she and her husband paid more to be in the Breezy Hill subdivision  
393 because of things like the higher valued homes, the larger square footages, and the extra

394 amenities in the homes. She and her husband are generally opposed to the Council  
395 approving this request.

396  
397 **Amanda Warner**  
398 **890 Pleasant View Drive**  
399 **Rockwall, TX**

400  
401 **Mrs. Warner came forth and generally expressed opposition to this request. She**  
402 **explained that she and her husband intentionally chose to build in Breezy Hill instead of**  
403 **Stone Creek because of the bigger lots. She explained that she and her husband paid**  
404 **more for their larger lot. She moved from Dallas to get away from higher density area.**

405  
406 **Lee Nori**  
407 **4189 Lorion Drive**  
408 **Rockwall, TX**

409  
410 **Mr. Nori explained that he purchased a lot and built in this subdivision in particular**  
411 **because of the larger lots and larger homes. He believes this proposal is in opposition of**  
412 **what he was told when he was purchasing his home. He is not in favor of the Council**  
413 **approving this request.**

414  
415 **Mrs. Kelli Nori**  
416 **4189 Lorion Drive**  
417 **Rockwall, TX**

418  
419 **Mrs. Nori expressed opposition to this current proposal, especially pertaining to**  
420 **allowance of 50' lots. She explained her belief that it will lower property values for**  
421 **homeowners that bought and built in this neighborhood based on neighborhood**  
422 **minimum standards expressed at that time (which did not include 50' lots). She believes**  
423 **allowing these would affect the aesthetics of the neighborhood too. She is against the**  
424 **Council approving this item.**

425  
426 **David Cavalli**  
427 **721 Calmcrest Drive**  
428 **Rockwall, TX**

429  
430 **Mr. Cavalli expressed that he chose to build in Breezy Hill because of the larger lots. He**  
431 **believes this proposal would significantly change the dynamics of his community, and**  
432 **he is opposed to the Council approving this request. He also pointed out that the**  
433 **developer is now proposing to not include what was originally planned to be included as**  
434 **far as the commercial / retail area. He does not believe the developer's arguments for**  
435 **wanting 50' lots are valid. He suggested that this and other developers should be**  
436 **required to publicly post and commit to what a subdivision is proposed to be comprised**  
437 **of and then stick with it to fruition. He understands that some minor changes may be**  
438 **necessary, but he does not like a developer making major changes that are different than**  
439 **what home buyers were first "sold on" when purchasing their homes. He strongly**  
440 **encouraged the Council to vote in opposition of this request.**

441  
442  
443  
444

445 **Kristy Dent (unsure of spelling)**  
446 **601 Limmerhill Drive**

447  
448 **Mrs. Dent explained that her home is not quite built yet; however, her and her husband**  
449 **have been shopping around in Breezy Hill for more than two months now, and they have**  
450 **contracted on a home. They used to live in Stoney Hollow, and they selected this**  
451 **community because of the oversized lots. She believes these two subdivisions are**  
452 **intended to be two, different products. She shared that the builders are ‘selling’ them as**  
453 **such, and the consumers are buying them that way. She indicated that a lot of**  
454 **homeowners and potential buyers are watching this discussion closely.**

455  
456 **There being no one else wishing to come forth and speak, Mayor Pro Tem Townsend**  
457 **then closed the public hearing.**

458  
459 **Councilmember Fowler shared that he believes when a developer is telling homebuyers**  
460 **that the future development will include larger lots and larger homes, and then they**  
461 **change what they’ve told people, it is essentially morally and ethically questionable and**  
462 **reprehensible.**

463  
464 **Councilman Milder generally indicated that he does not believe the developer has really**  
465 **been listening to the city council’s past comments or the desires of the residents. He is**  
466 **generally not in favor of supporting this request.**

467  
468 **Mr. Buczek came forth and indicated that he does wish to take into account the desires**  
469 **and opinions of both the city council and the homeowners. His company is putting forth**  
470 **a proposal in accordance with what it believes is the best use of the remaining land;**  
471 **however, he knows that the city council ultimately has the decision making authority.**  
472 **After additional commentary, Mr. Buczek expressed that he would like to now have the**  
473 **City Council consider allowing him to withdraw the case. Some discussion took place**  
474 **regarding ‘withdrawal’ versus ‘denial’ of this proposed case.**

475  
476 **Councilman Milder and Councilman Fowler expressed appreciation to Skorburg Co. for**  
477 **the good things it has done in our community within the existing subdivisions. Fowler**  
478 **asked staff for clarification on the timeframes associated with allowing the applicant to**  
479 **withdraw versus the Council denying the request. General indication was given that if**  
480 **the applicant withdraws, he could come back next month, for example; however, if**  
481 **Council denies the request, the applicant would have to wait at least one year before**  
482 **coming back with a subsequent proposal unless he were to bring it back in a way that it**  
483 **reflects a substantive change(s).**

484  
485 **Councilman Fowler made a motion to deny Z2016-018. Councilman White seconded the**  
486 **motion. Councilmember White then made a suggestion about approving this request by**  
487 **generally following the recommendation of the Planning & Zoning Commission**  
488 **(approving it but with 60’ lots, not 50’ ones). After some additional discussion,**  
489 **Councilman Fowler amended his original motion to instead move to approve Z2016-018,**  
490 **stipulating a requirement of 60’ lots as recommended by the Planning & Zoning**  
491 **Commission (with no 50’ lots). Councilman White seconded the motion. The ordinance**  
492 **was read as follows:**

493  
494  
495

CITY OF ROCKWALL  
ORDINANCE NO. 16-XX

496  
497  
498  
499 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
500 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74)  
501 [ORDINANCE NO. 14-26] AND THE UNIFIED DEVELOPMENT CODE  
502 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE  
503 AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT  
504 PLAN AND THE DEVELOPMENT STANDARDS APPROVED WITH  
505 ORDINANCE NO. 14-26, BEING A 405.184-ACRE TRACT OF LAND  
506 SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R.  
507 BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY,  
508 ABSTRACT NO. 190, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS  
509 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR  
510 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
511 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
512 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
513 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
514

515 The motion passed by a vote of 4 in favor, 1 against (Lewis), and 2 absent (Pruitt and  
516 Hohenshelt).  
517

518 XII. ACTION ITEMS  
519

- 520 1. Discuss and consider a request from Melanie Hancock with the Hancock  
521 Sign Company representing Fenton Nissan for an approval of a sign plan  
522 located at 1700 IH 30, and take any action necessary.

523 Jeffrey Widmer, Building Official, came forth and briefed the Council on this agenda item.  
524 The applicant is requesting two pole signs, with one being 636 square feet in size and  
525 42.5 feet in height and the other being 200 square feet in size and 50 feet in height. The  
526 applicant has indicated that the increased height is necessary to provide needed  
527 visibility on IH 30 due to the John King overpass being located directly in front of their  
528 property. He explained that the city's current sign ordinance allows a maximum height of  
529 30 feet and a maximum size of 200 square feet for pole signage.  
530

531 Melanie Hancock  
532 Hancock Signs  
533 745 109<sup>th</sup> Street  
534 Arlington, TX 76011  
535

536 Mrs. Hancock came forth and explained that when the applicant built the facility,  
537 they expected they would be able to come forth to seek approval of a sign  
538 variance request associated with signage. The intent is to allow their dealership  
539 signage to be visible to traffic headed both ways up and down IH-30. She  
540 explained that they believed that this sort of request would be granted since other  
541 signs along this same IH-30 corridor have been approved to be higher and larger  
542 in the past.

543 Councilmember Lewis made a motion to approve the sign plan as presented.  
544 Councilmember White seconded the motion. Councilmember White generally  
545 commented that when the existing sign ordinance height regulations were  
546 adopted, IH-30 was very different, as that was back in the late 80's or early 90's.

547 At that time IH-30 was at a lower elevation, and the John King Boulevard did not  
548 even exist. After brief, additional comments, the motion passed by a vote of 5 in  
549 favor with 2 absent (Pruitt and Hohenshelt).

550 2. MIS2016-008 - Discuss and consider a request by Theresa and Ronald  
551 Briones for the approval of an exception to the minimum masonry  
552 requirements stipulated in Section 3.1, General Residential District  
553 Standards, of Article V, District Development Standards, of the Unified  
554 Development Code, for a 0.248-acre parcel of land identified as part of  
555 Lot 7, Block 5, Garner Addition, City of Rockwall, Rockwall County,  
556 Texas, zoned Single Family 10 (SF-10) District, addressed as 905 N.  
557 Alamo Street/906 N. West Street, and take any action necessary.

558 Planning Director, Ryan Miller, provided brief comments related to this agenda item. The  
559 applicant not wishing to come forth and speak, Councilmember White then made a  
560 motion to approve MIS2016-008. Councilmember Lewis seconded the motion, which  
561 passed by a vote of 5 in favor with 2 absent (Pruitt and Hohenshelt).  
562

563 3. Discuss and consider a request from Rod Holland with KW-Rockwall for  
564 the approval of a variance to Section 3.5, Alcoholic Beverage Sales, of  
565 Article IV, Permissible Uses, of the Unified Development Code to allow a  
566 restaurant establishment (Texas Road House) that does not meet the  
567 minimum distance requirements for alcoholic beverage sales on a 1.90-  
568 acre tract of land identified as a portion of Tract 4 of the J. D. McFarland  
569 Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas,  
570 zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30  
571 OV) District, located on the north side of IH-30 east of Greencrest  
572 Boulevard, and take any action necessary.

573 Ryan Miller, Planning Director, provided background information related to this agenda  
574 item. He generally indicated that the applicant is seeking a variance to the proximity  
575 requirements for the sale of alcoholic beverages for on-site consumption associated with  
576 a restaurant (i.e. Texas Roadhouse). He explained that, in accordance with the Texas  
577 Alcoholic Beverage Code, the City of Rockwall has adopted distance requirements that  
578 stipulate a minimum separation between businesses that sell alcohol -- for on-site or off-  
579 site consumption -- and schools, churches and hospitals. However, he explained, the  
580 Council may grant a variance to these requirements in certain circumstances.  
581

582 Mr. Crowley indicated that the school district has been notified that this item will be on  
583 tonight's agenda and will be considered by Council. Also, the applicant has indicated  
584 that they have spoken to the school district. He went on to indicate that it is his  
585 understanding that the school district will not be submitting any commentary, either in  
586 opposition or in favor, regarding this request.  
587

588 Rod Holland  
589 2701 Sunset Hill  
590 Rockwall, TX  
591

592 Mr. Holland came forth to answer any questions the Council may have.  
593

594 Milder asked for more details regarding the topography of this location. Mr. Miller  
595 indicated that there is a slope and some trees and vegetation behind this location.

596  
597 Councilman White made a motion to approve the variance request. Councilmember  
598 Lewis seconded the motion, which passed by a vote of 5 in favor with 2 absent (Pruitt  
599 and Hohenshelt).

600  
601 4. **SP2016-012** - Discuss and consider a request by Chet Leugers, PE of  
602 Pacheco Koch on behalf of Michael Hampton of the Rockwall Economic  
603 Development Corporation for the approval of variances and an exception  
604 to the material, parking, articulation screening and landscaping  
605 requirements stipulated by the Unified Development Code in conjunction  
606 with an approved site plan for a warehouse/manufacturing facility on a  
607 30.6-acre portion of a larger 86.806-acre tract of land identified as Tract 1  
608 of the H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall  
609 County, Texas, zoned Light Industrial (LI) District, located at the  
610 northwest corner of Discovery Boulevard and Data Drive, and take any  
611 action necessary.

612 Councilman Lewis indicated that he will be recusing himself from this agenda item (he  
613 filed an affidavit with the City Secretary, as required).

614  
615 Mr. Miller provided background information concerning this agenda item. The applicant,  
616 Pratt Industries, which is a Georgia-based packaging company, is requesting approval of  
617 variances relating to the parking, building materials, articulation, screening, and  
618 landscaping requirements in conjunction with an approved site plan for a 389,500 SF  
619 warehouse/manufacturing facility. He indicated that the subject property is a 30.6-acre  
620 tract of land, located in the REDC Technology Park, and is zoned Light Industrial (LI)  
621 District.

622  
623 He went on to brief the Council on the variance requests, which are related to parking, tilt  
624 wall, building materials, articulation, screening requirements, and detention basin  
625 landscaping. He explained that the Planning & Zoning Commission has recommended  
626 approval of these variances by a vote of 6-0.

627  
628 **Michael Hampton**  
629 **Rockwall Economic Development Corporation (REDC)**  
630 **Rockwall, Texas**

631  
632 Mr. Hampton came forth and shared with the Council some more details related to this  
633 company, sharing that there will be 140 jobs created on each of the three, separate shifts  
634 (it will be a 24 hour operation). He then went on to go into a bit more detail concerning  
635 each of the variances that the applicant is asking the Council to consider this evening.

636  
637 Councilmember Milder welcomed Pratt Industries to Rockwall. He asked for some  
638 clarification related to the tilt wall variance request and articulation variance request. Mr.  
639 Miller indicated that many variances, especially in the Tech Park, have been previously  
640 granted.

641  
642 Councilmember White made a motion to approve SP2016-012, including all of the  
643 requested variances. Mayor Pro Tem Townsend seconded the motion, which passed by  
644 a vote of 4 in favor, 1 abstention (Lewis) and 2 absent (Pruitt and Hohenshelt).  
645

646 5. **SP2016-013** - Discuss and consider a request by Clay Cristy of  
647 ClayMoore Engineering on behalf of the owner Tom R. Briscoe of Briscoe  
648 Oil, Inc. for the approval of a variance to the natural stone requirements  
649 stipulated by Section 6.6, IH-30 Overlay (IH-30 OV) District, of the Unified  
650 Development Code in conjunction with an approved PD Site Plan for an  
651 urgent care facility on a 1.042-acre tract of land identified as Lots 1 & 2,  
652 Block A, Briscoe/Hillcrest Addition and Tract 41-2 of the E. Teal Survey,  
653 Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned  
654 Planned Development District 32 (PD-32), situated within the Summit  
655 Office Subdistrict and the IH-30 Overlay (IH-30 OV) District, located at the  
656 southwest corner of Horizon Road [FM3097] and the IH-30 frontage road,  
657 and take any action necessary.

658 **Planning Director, Ryan Miller, provided background information concerning this agenda**  
659 **item. The applicant is requesting approval of a variance to the stone requirements in**  
660 **conjunction with an approved PD Site Plan for a 6,235 SF urgent care facility (CareNow).**  
661 **The 1.042-acre subject property is located directly east of Trend Tower -- adjacent to the**  
662 **IH-30 Frontage Road and Horizon Road --, and is zoned Planned Development District 32**  
663 **(PD-32) [Ordinance No. 10-21]. It should be noted that a PD Development Plan [Ordinance**  
664 **No. 16-28] was approved in May of this year. The variance request is summarized as**  
665 **follows:**

666  
667 **Regarding the city's masonry requirements, according to Section 6.6, C. Architectural**  
668 **Standards, of Article V, District Development Standards, of the UDC, each exterior wall is**  
669 **required to be constructed of 90% masonry materials (i.e. brick, stone, etc.) on walls**  
670 **visible from a public street or open space, including a minimum of 20% being natural or**  
671 **quarried stone. In this case, the proposed building will be comprised of 100% masonry**  
672 **materials with two (2) of the facades incorporating a minimum of 35% natural chopped**  
673 **stone. The two (2) remaining facades (north and west elevations) do not meet the**  
674 **minimum 20% standard for stone.**

675  
676 **Gray Stogner**  
677 **12720 Hillcrest, Suite 650**  
678 **Dallas, TX**

679  
680 **Mr. Miller indicated that the city's Architectural Review Board has recommended**  
681 **approval of the elevations. On June 14, 2016, the Planning and Zoning Commission's**  
682 **motion to approve the site plan with staff conditions passed by a vote of 6 to 0, with**  
683 **Commissioner Trowbridge being absent. In the same motion, the Planning and Zoning**  
684 **Commission's recommendation to approve the variance as requested also passed by a**  
685 **vote of 6 to 0, with Commission Trowbridge being absent. He also pointed out that**  
686 **approval of a variance request to the IH-30 OV requires passage of a 3/4 majority vote of**  
687 **City Council.**

688  
689 **Councilman Lewis made a motion to approve SP2016-013. Councilmember White**  
690 **seconded the motion, which passed unanimously of those present (Pruitt and**  
691 **Hohenshelt absent).**

692  
693 6. **SP2015-018** - Discuss and consider a request by Brad Williams of  
694 Winstead PC on behalf of RaceTrac for the approval of a variance to the  
695 secondary material requirements as stipulated by Section 6.8, Scenic

696 Overlay (SOV) District, of the Unified Development Code in conjunction  
697 with an approved site plan for a retail store with gasoline sales on a 2.46-  
698 acre parcel of land identified as Lots 1R & 2R of the Woods at Rockwall  
699 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial  
700 (C) District, situated within the Scenic Overlay (SOV) District, located at  
701 the southeast corner of the intersection of Ridge Road and Yellow Jacket  
702 Lane, and take any action necessary.

703 **Planning Director, Ryan Miller, provided information on this item as follows:**

704  
705 **On December 10, 2013, the Planning and Zoning Commission approved a site plan (Case**  
706 **No. SP2013-002) for a RaceTrac Gas Station on the subject property at the southeast**  
707 **corner of the intersection of Ridge Road and Yellow Jacket Lane. This site plan was**  
708 **amended on December 21, 2015 by the City Council after the then applicant -- Dimension**  
709 **Group -- requested that a variance to the secondary materials be approved allowing the**  
710 **building to exceed the 10% secondary material requirement for the purpose of allowing**  
711 **EIFS and TrexBoard®. At the time of approval, the applicant submitted elevations**  
712 **showing approximately 14% secondary materials overall (18% as calculated by the**  
713 **ordinance -- i.e. excluding doors and windows). Since this approval, RaceTrac has**  
714 **amended their use of TrexBoard® in favor of a composite/compressed board (i.e.**  
715 **Compact Wood) and altered their prototypical building elevations to incorporate an**  
716 **enclosed dining area. Typically, these changes can be handled administratively;**  
717 **however, in making the changes the applicant, Brad Williams of Winstead PC, is**  
718 **requesting permission to increase the amount of secondary materials for the purpose of**  
719 **accommodating the enclosed dining space (i.e. adding five [5] additional pillars --**  
720 **indicated on the attached elevations). These changes increase the amount of secondary**  
721 **materials from 18% to an average of 21% (i.e. 10.11% to 29.40% per façade -- see attached**  
722 **spreadsheet), thus increasing the non-conformity of the variance. Due to this change and**  
723 **since the applicant is proposing a new material (i.e. Compact Wood) staff has taken the**  
724 **changes back to the Architectural Review Board (ARB) and the Planning and Zoning**  
725 **Commission (P&Z). On June 14, 2016, the ARB reviewed the proposed changes and**  
726 **approved a motion to recommend approval of the proposed building elevations**  
727 **(including the change in materials) by a vote of 4 to 0, with Board Members Strohmeyer,**  
728 **Neill, and Meyrat absent. In addition, on June 14, 2016, the P&Z approved the amended**  
729 **site plan request and recommended approval of the variance request by a vote of 6 to 0,**  
730 **with Commissioner Trowbridge absent. It should be noted that for council to approve**  
731 **this variance it will require a ¾-majority vote as it is a requirement of the Scenic Overlay**  
732 **(SOV) District.**

733  
734 **Brad Williams**  
735 **2728 North Harwood**

736  
737 **Mr. Williams indicated he his representing the applicant. He shared that Mr. Miller has**  
738 **explained the nature of this request quite well, and he pointed out that the ARB and P&Z**  
739 **have both unanimously recommended its approval.**

740  
741 **Councilmember Lewis asked how long it may be before this project actually gets started.**  
742 **Mr. Williams indicated that the first or second quarter of 2017 is the projected start time,**  
743 **and it is listed as a priority project at the corporate level.**

744

745 Councilmember Lewis made a motion to approve SP2015-018. Councilmember White  
746 seconded the motion, which, after brief comments, passed by a vote of 5 in favor with 2  
747 absent (Pruitt and Hohenshelt).  
748

749 7. Discuss and consider a proposal from Primary Media regarding a  
750 billboard generally located just east of the intersection of Horizon Road  
751 and Ridge Road, and take any action necessary.

752 Mayor Pro Tem Townsend indicated that he has received a request for this item to be  
753 pulled and delayed until the next meeting when a full city council is present to address it.  
754 Mr. Garza, City Attorney, has advised that this is allowable. So, the Council did not  
755 discuss this item during the meeting, and no action was taken at this time.

756 8. Discuss and consider improvements to Chandlers Marina and possible  
757 lease extension with Suntex Marina Investors LLC, and take any action  
758 necessary.

759 Assistant City Manager Brad Griggs provided background information concerning this  
760 agenda item. Fire Chief Mark Poindexter provided various comments pertaining to the  
761 existing fire boat that is located at the marina and is currently owned/maintained by  
762 Suntex. He pointed out that the timeframe associated with this possible lease renewal is  
763 much longer than the anticipated lifespan of the current fire boat.

764 Two representatives from Suntex (no names provided) then came forth and spoke to the  
765 city council concerning this potential lease extension. The main speaker indicated that  
766 his company has been working with lenders to try and finance a portion of the  
767 improvements. His company has become self-proclaimed experts in dredging,  
768 elsewhere and at Chandlers. They are seeking approval of a lease extension that would  
769 add an additional nine-and-a-half years on to the current interlocal agreement. This  
770 would result in a 25 year lease, which they have learned is the minimum timeframe that is  
771 required in order for lenders to work with them on funding. He indicated a willingness to  
772 work with staff, including anything related to the fire boat.

773 Chief Poindexter indicated that in 2012, the agreement that the city did with Suntex  
774 included extending the cover on one of the docks in order to house a fire boat. He  
775 explained that this was done so that Suntex did not have to put in a fire suppression  
776 system. Also, the company agreed to purchase the boat and cover all of the  
777 maintenance expenses and upkeep associated with the boat, including a certain amount  
778 of fuel annually. He generally explained that the extension of this lease will likely  
779 'outlive' the existing fire boat. So, the company will need to either agree to purchase a  
780 new fire boat once the lifespan of the existing one has expired; or, they would need to  
781 install a fire suppression system that meets the current code requirements. The speaker  
782 from Suntex indicated that his company is willing to agree to purchase another fire boat  
783 in the future once the lifespan of the current one is exhausted.

784 Mr. Griggs pointed out that extending this lease agreement until 2041 is the longest that  
785 it could be extended at this time since that is the same year that the city's current lease  
786 with the City of Dallas expires.

787 In summary, the discussions centered around strengthening language regarding fire  
788 boat replacement, which is possibly a separate agreement that needs to be referenced.  
789 This language needs to ensure that 1500 gallons-per-minute (GPM) is maintained and  
790 that the fire boat will be replaced by Suntex at the end of its useful life if it is unable to be

791 repaired. Language to address any substantial dock additions that require fire coverage  
792 via boat or sprinklers should also be included.

793  
794 The city manager expressed a desire to include language regarding reasonable efforts on  
795 the part of Suntex to control odor of dredge spoils. Also, spoils that are shipped off site  
796 must be dewatered and not leak out in city roadways. Also, discussion took place  
797 regarding including language associated with construction time frame - if not started and  
798 completed with a certain time frame the extension becomes void and reverts back to  
799 original date.

800  
801 Councilmember Lewis made a motion to authorize the city manager to negotiate the  
802 lease agreement extension with Suntex Marina, LLC for Chandlers Landing, taking into  
803 consideration all of the comments collectively provided by Council and discussed  
804 tonight. Councilmember White seconded the motion, which passed by a vote of 5 in  
805 favor with 2 absent (Pruitt and Hohenshelt).

- 806 9. Discuss and consider a median cut plan associated with improvements to  
807 FM-3549 (generally between IH-30 and just past SH-66), and take any  
808 action necessary.

809 City Manager Rick Crowley provided brief comments to Council concerning this agenda  
810 item. This will be upgraded to a four-lane, divided, concrete roadway in accordance with  
811 TXDOT requirements. One median cut has been added at the north entrance of the  
812 church, which is in our city's jurisdiction. Mr. Crowley indicated that between now and  
813 the next council meeting, staff will proceed notifying property owners, having dialogue  
814 with those owners, and will return to the Council for further discussion in two weeks.  
815 The Council took no action concerning this agenda item at this time.

- 816 10. Discuss and consider improving the reliability of Oncor within the city, and  
817 take any action necessary.

818 Councilmember Milder thanked Mrs. Tayem of Oncor for sitting through the meeting up  
819 until this point. He reminded Council that several conversations have taken place in the  
820 past related to concerns about the reliability of electric power and improvements to the  
821 related infrastructure.

822  
823 Cindy Tayem with Oncor came forth and indicated that there has been a lot of rain, and  
824 the storm season, thus far, has been very interesting. She shared that a very intense  
825 lightning storm occurred a couple of Sundays ago, and it knocked out two feeders. She  
826 indicated that technicians are assigned to the various feeders, and they monitor them,  
827 making recommendations concerning anything that may need to be addressed (either  
828 upgraded, or addressed before or after a storm / loss of power). She shared that a lot of  
829 things can cause power outages, not just storms (i.e. wildlife, including birds, squirrels,  
830 rats and snakes). Also, vehicles can hit the power infrastructure and knock out power.  
831 She shared that scheduled and regularly performed tree and vegetation trimming occurs.  
832 Also, switch gears are regularly inspected, including using infrared technology to bring  
833 to light any hot spot type problems. She also pointed out that Oncor has a Planning  
834 Department, and all they do is plan for future growth, both residentially and  
835 commercially. These plans are made five years in advance, taking into consideration  
836 growth projections. So, she explained, Oncor is constantly planning and looking ahead.

837  
838 Following discussion of this item, the Council took no action.  
839

840 **XIII. EXECUTIVE SESSION**

841  
842 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
843 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
844 **CODE:**

- 845  
846 1. Discussion regarding proposed renegotiation of City v. Primary Media  
847 settlement agreement pursuant to Section §551.071 (Consultation with  
848 Attorney)
- 849 2. Discussion regarding contract with Holmes Murphy & Associates and  
850 HIPPA Information pursuant to Section §551.071 (Consultation with  
851 Attorney)
- 852 3. Discussion regarding purchase or lease of real property / land acquisition  
853 in the vicinity of FM-3549 and SH-66 pursuant to Section § 551.072 (Real  
854 Property).

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

856  
857 **The Council did not convene in Executive Session following the close of the public**  
858 **meeting agenda. (See start of public meeting (“VI” above) for action taken as a result of**  
859 **the first Executive Session).**

860  
861 **XV. ADJOURNMENT**

862  
863 **The meeting was adjourned at 8:40 p.m.**

864  
865  
866  
867 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
868 **THIS 5<sup>th</sup> day of July, 2016.**

869  
870  
871  
872 **ATTEST:**

873 *Kristy Cole*  
874 \_\_\_\_\_  
875 **Kristy Cole, City Secretary**



*Jim Pruitt*  
\_\_\_\_\_  
**Jim Pruitt, Mayor**

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# MINUTES

## ROCKWALL CITY COUNCIL

Tuesday, July 05, 2016  
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 Mike Townsend, and Councilmembers David White, John Hohenshelt, Scott Milder, Kevin Fowler and Dennis Lewis. 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 a work session to hear presentation from TxDOT's engineer (Halff Associates, Inc.) regarding the various TxDOT alternate alignments for SH-205 through the City of Rockwall and provide an opportunity for City Council to give input and direction prior to the Public Meetings scheduled for July 7, 2016 and July 12, 2016

Mayor Pruitt opened discussion of this item, pointing out that there will be two, upcoming public meetings held on July 7 and July 12. He clarified that these are not public hearings. Instead, they will be an opportunity for members of the public to attend, ask questions, view maps and provide written comments to TXDOT. Mayor Pruitt then introduced Stan Hall, Manager for Advanced Planning at TXDOT. Mr. Hall came forth and introduced the Nancy Parone, Project Manager with TXDOT, and Jeremy McGahan from Halff Associates. Ms. Parone indicated that Mr. McGahan will be giving a presentation this evening, and this will be the same presentation / information that will be presented at the upcoming public meetings.

Jeremy McGahan with Halff Associates, Inc. came forth and gave a presentation to the City Council. Mr. McGahan indicated that a public hearing will be held at some point, but it will be later on (not on July 7 or July 12 public meetings). He shared that this project is been going on for a little over a year now, and five previous stakeholder meetings have been held. Other entities, including Terrell, McLendon Chisholm, Lavon, Kaufman, County, Rockwall County, Collin Counties, the North Central TX Council of Governments, and DWU (has control over Lake Ray Hubbard, and a small section goes over the lake) have all been involved in those stakeholder meetings.

Mr. McGahan then briefed the council on the SH-205 project, which will essentially address the northern portion of design and reconstruction of SH-205 (north of the existing downtown couplet).

During the presentation Mayor Pruitt asked Mr. McGahan to speak a little more in depth regarding the John King Boulevard route possibility. Mr. McGahan indicated that John King is twice as long, so it basically represents phase 5 and Phase 6. He explained that it is anticipated to be more expensive because of costs that will be associated with things like overlaying the pavement, adding sidewalks, widening the right-of-way by about 5-6' on either side, and putting in a grade separation at the railroad crossing near Airport Road (the road would actually end up going underneath the existing railroad line). He indicated that if John King is selected, it would be done, moving forward, in a phased manner (not all at

51 once). He clarified that all of these things would need to be done to JKB in order to bring it  
52 up to today's (current) TxDOT roadway standards.

53  
54 Councilmember Fowler commented that he has received several comments from other  
55 people suggesting that an impact study, traffic analysis, population growth and long range  
56 planning studies need to be conducted. He asked what informational sources are  
57 referenced in order to determine, for example, how wide a roadway needs to be or what  
58 capacity it needs to accommodate in order to meet future growth. Mr. McGahan indicated  
59 that when planning for future growth and deciding how wide a roadway needs to be, two  
60 sources are utilized – (1) The NCTCOG's (North Central TX Council of Governments)  
61 regional traffic model that addresses a long range plan (through the year 2040) for future  
62 growth and traffic; and (2) information from TxDOT's Transportation, Planning and  
63 Programming Division (which he explained develops traffic-related information that is used  
64 on the project itself. He indicated that TxDOT uses a steady growth type model, and the  
65 NCTCOG's information is regional). Mr. McGahan explained that the COG's "2040 traffic  
66 model" has led the planners to evaluate two other revised concepts utilizing a computer  
67 model. He shared that by the year 2040, John King Blvd. needs to be six lanes, and the  
68 existing SH-205 needs to be four lanes. Additional discussion took place related to  
69 sidewalks, bike lanes, number of lanes, curbs, traffic signals and other design  
70 characteristics of John King Boulevard if it is selected by the state. He generally explained  
71 that it would be curbed, there would be traffic signals at some intersections, and it would  
72 have a modern, urban feel.

73  
74 Councilmember Milder asked what year John King Boulevard was built. Mr. Tumulty  
75 indicated that it was built around 2007 – 2008. Mr. Crowley indicated that by the time it was  
76 constructed, it did not meet TxDOT's standards since the design criteria had changed by  
77 the time it was actually constructed (compared to the standards that were in place when it  
78 was in the conceptual and planning stages). Milder clarified the understanding that the  
79 original intent of the roadway was that it would be designed to TxDOT standards so that  
80 there could be a swap and it could be designated as a bypass for SH-205. Mr. Crowley  
81 concurred with this clarification. Some additional, clarifying comments were then provided  
82 by Mr. McGahan related to the various roadway alternatives / options and associated,  
83 potential impacts. Mr. Crowley asked for clarification regarding TxDOT's storm water-  
84 related studies. He asked if they look at a "25 year storm" as part of the design for drainage  
85 facilities and also if they look upstream and downstream when evaluating the 100 year  
86 flood. Mr. McGahan indicated that, yes, these things are evaluated to check for  
87 'overtopping' on the roadway, generally indicating that additional study will ensue as the  
88 process continues.

89  
90 Mr. McGahan indicated that, while this project is not yet funded, it is included in the long  
91 range Metropolitan Transportation Plan (MTP) and the state's Transportation Improvement.  
92 So, what that means is that it is anticipated to be funded prior to construction, but there is  
93 no allocated funding (yet) at this time.

94  
95 Mayor Pruitt pointed out that citizens will have an opportunity to come talk to Half  
96 Associates and TxDOT during the public meetings on July 7 and July 12. Staff has made  
97 TxDOT comment forms available online, and forms will also be available at each of the  
98 upcoming meetings. Mr. McGahan indicated that written public comment (via these forms)  
99 will be accepted up until 10 days after the second meeting, which is slated for July 12. He  
100 shared that residents can even mail them in for up to 10 days following the last (July 12)  
101 meeting.

102

- 103 2. Hold a work session to hear proposed strategic plan for the Internal Operations  
104 Department.

105 **Joey Boyd, Director of Internal Operations, came forth and briefed the Council on his**  
106 **proposed strategic plan.**

107  
108 **1. City Facilities Initiatives**

109 *Develop Comprehensive Facilities Evaluation & Maintenance Plan - The*  
110 *Department has conducted an initial evaluation of current facility capacity levels,*  
111 *HVAC, flooring, and roof systems.*

112  
113 *Implement Facilities Maintenance work order / work flow system that allows the*  
114 *department to better track what maintenance issues more significantly impact the staff*  
115 *and the budget.*

116  
117 **2. Information Technology Initiatives**

118 *Review the current configuration, sizing, capabilities, tools, and support structure of*  
119 *the IT Department.*

120  
121 **3. Public Safety Radio System Initiatives**

122 *Prepare for and acquire equipment and services necessary for transition to the new*  
123 *County-wide system.*

124  
125 **4. Public Information / Marketing Initiatives**

126 *Increase Citizen Interaction Through Multiple Media Opportunities: press releases,*  
127 *social media, partnerships with local media, electronic and print marketing, and live*  
128 *streaming of meetings. FY 2017*

129  
130 *Develop plan to provide video streaming of public meeting upon reaching 50,000 in*  
131 *Population*

132  
133 *Support leadership team in defining City's role in retail recruitment FY 2017*

134  
135 **5. Ralph M. Hall / Rockwall Municipal Airport Initiatives**

136 *Implement the adopted Airport Development Plan by working with the Airport Advisory*  
137 *Board to recommend a plan for land acquisition, expansion, and funding in 3 Phases*

138  
139 *Identify and Implement Best Practices related to airport operations - FY 2017*

140 *Develop plan to address future operational challenges - FY 2017*

141  
142 **Councilmember Lewis pointed out his observation that most IT-related requests seem to**  
143 **come from the Police Department. Mr. Boyd pointed out that the Police Department already**  
144 **has two IT-related personnel, and his staff works very closely with those individuals.**

145  
146 **Councilmember Hohenshelt expressed a need to more concretely identify what the Public**  
147 **Information/Marketing Initiatives will be focusing on moving forward. Mr. Boyd shared that**  
148 **providing information to citizens on a day-to-day basis, coupled with some more strategic**  
149 **initiatives (i.e. encouraging external visitors to come to our city and spend money, including**  
150 **promoting and encouraging attendance at Concerts by the Lake as well as downtown-**  
151 **related events) are likely both valid things for the new PIO to be focusing on. Mr. Crowley**  
152 **generally indicated that more information about this topic will be forthcoming when the**  
153 **Administration Department presents its strategic plan at the next city council meeting.**

155 Councilmember Townsend suggested that perhaps Mr. Boyd could develop a few specific  
156 strategic goals associated with each of the five initiatives he has identified. This would help  
157 budget requests and potential approval of budget requests to be aligned with pre-identified  
158 goals.

159  
160 Councilmember Milder thanked Mr. Boyd for helping to get a new, full-time staff person  
161 hired to fill the role of Public Information Officer (PIO) for the city. He agreed that there  
162 does need to be a good action plan in place that identifies how this role will begin to be  
163 proactive, rather than reactive, when it comes to creating and disseminating public  
164 information on behalf of the city.

165  
166 Mayor Pruitt expressed that he tends to work a little more closely with Joey and the new  
167 PIO, Laurie. He asked if council members have any specific input regarding how they think  
168 things are going with the new PIO, including what they might feel about information that has  
169 been being conveyed. Councilman Milder suggested that the Council should consider  
170 letting the PIO's roles and responsibilities evolve, moving forward, utilizing Laurie Dodd's  
171 (new PIO) expertise to help during this evolution process.

172  
173 Mayor Pruitt then read the below listed discussion items into the record before recessing  
174 the public meeting into Executive Session at 4:51 p.m.

175  
176 **III. EXECUTIVE SESSION.**

177  
178 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
179 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
180 CODE:

- 181  
182 1. Discussion regarding Economic Development incentives, procedures and possible  
183 projects pursuant to Section 551.087 (Economic Development)
- 184 2. Discussion regarding proposed renegotiation of City v. Primary Media settlement  
185 agreement pursuant to Section §551.071 (Consultation with Attorney)
- 186 3. Discussion regarding the lease of land in the vicinity of the downtown area pursuant  
187 to Section §551.072 (Real Property).
- 188 4. Discussion regarding the status of negotiations for an ambulance services contract  
189 pursuant to Section §551.071 (Consultation with Attorney)
- 190 5. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's Trust  
191 FBO Jason Manley v. the City of Rockwall, Texas and Board of Adjustments of the  
192 City of Rockwall, Texas (Cause No. 1-16-0580, 382nd District Court) pursuant to  
193 Section §551.071 (Consultation with Attorney)
- 194 6. Discussion regarding legal options available to the City pertaining to possible  
195 violations of drainage and detention development standards pursuant to Section  
196 §551.071 (Consultation with Attorney)

197  
198 **IV. ADJOURN EXECUTIVE SESSION**

199  
200 **Executive Session was adjourned at 5:51 p.m.**

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**V. RECONVENE PUBLIC MEETING**

Mayor Pruitt reconvened the public meeting at 6:00 p.m. All seven city council members were 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 WHITE**

Councilmember White delivered the invocation and led the Pledge of Allegiance.

**VIII. PROCLAMATIONS / AWARDS**

**1. Parks and Recreation Month**

Mayor Pruitt called forth Andy Hesser, Parks and Rec. Manager, Andrew Ainsworth, Recreation Coordinator, and Mike Carmack, Parks Superintendent. Mayor Pruitt thanked these gentlemen and their staff for all of the work they do on the city’s special events and programs, including the 4<sup>th</sup> of July fireworks show that was held yesterday. He then read and presented staff with a proclamation, naming July as “Parks and Recreation Month” in the City of Rockwall.

**IX. OPEN FORUM**

**Donna Dorman  
1093 Shady Lane  
Rockwall, TX 75087**

Mrs. Dorman urged the city council to leave John King Boulevard ‘as is’ and find another option for the realignment of SH-205. She also asked the Council to consider incorporating into its “best practices” more communication with its citizens, including quarterly town hall meetings, especially to focus on major proposals such as the one pertaining to the future of John King Boulevard. Mrs. Dorman went on to share several thoughts related to her desire for the Council to consider another option related to John King Boulevard. She urged the Council to have the proposed town hall meetings consist of two-way, open dialogue and communication.

**Mr. Mark Fake  
1403 White Water Lane  
(Caruth Lakes subdivision)  
Rockwall, TX 75087**

Mr. Fake came forth and spoke regarding the proposals concerning SH-205 / John King Boulevard and a possible “swap” of these roadways with TxDOT. He indicated that he is not in favor of any of the proposed routes for SH-205. He then shared a map showing subdivisions that might be affected associated with the various route proposals. He indicated that, if he had to choose one of these proposed routes, he would choose the current route where SH-205 is already located. He pointed out that it is already heavily commercialized, so for this reason, he believes it would make the most sense out of the

255 possible options. He then shared comments related to the various commercial businesses  
256 and schools that are currently located along the existing SH-205 and along the current John  
257 King Boulevard. He went on to share with the Council an image from Google Earth,  
258 pointing out his observations pertaining to the rights-of-ways, including drainage culverts,  
259 located along the existing SH-205. He went on to comment on the numbers of property  
260 owners who would potentially be impacted if the route stayed at its current location  
261 compared to those who would potentially be impacted if the route were to change to John  
262 King Boulevard. He thanked the Council for hearing his comments and allowing him to go  
263 over the three minute time limit.

264  
265 **Mr. David Cavalli**  
266 **721 Calm Crest Drive**  
267 **Rockwall, TX 75087**  
268

269 **Mr. Cavalli indicated that he lives in a subdivision that backs up to John King Boulevard**  
270 **(JKB). He shared that he moved into his home last April, and he acknowledged that**  
271 **discussion of this roadway have been taking place long before that time. Therefore, he**  
272 **clarified that his comments are directed to this current city council as well as past city**  
273 **councils. He explained that he did not purchase his home with the understanding that JKB**  
274 **would be a future state highway, but, rather, a bypass. He indicated that he is strongly**  
275 **against JKB being turned into the future SH-205 in the upcoming realignment. He pointed**  
276 **out that the city's 2012 Master Plan spelled out that John King is a four-lane with the**  
277 **possibility of becoming a six-lane road someday. However, he indicated that the 2012 plan**  
278 **did not identify JKB as a future state highway. He commented about the walking, biking,**  
279 **and running along this roadway that takes place daily. He believes that his quality of life**  
280 **and his property values will be adversely affected if the JKB does become SH-205 in the**  
281 **future. He believes that if it were going to be turned into a state highway, then the city**  
282 **should have encouraged commercial development along this thoroughfare rather than**  
283 **housing developments. He suggested that city should make some strong**  
284 **recommendations to TxDOT related to the Wylie Intermodal, encouraging that fees be**  
285 **waived for drivers who want to exit and go East on IH-30.**

286  
287 **Amanda Warner**  
288 **890 Pleasant View Drive**  
289 **Rockwall, TX**  
290

291 **Mrs. Warner indicated that she moved to Rockwall from Dallas to get away from the hustle**  
292 **and bustle. She purchased a home in Breezy Hill because it was set back and quiet,**  
293 **although they knew that it would grow as residents moved in. She acknowledged knowing**  
294 **that there was a nearby bypass (John King Boulevard); however, she indicated she did not**  
295 **realize that it would be considered as a future SH-205 route. She indicated that there is not**  
296 **near enough of an easement present to allow for a significant enough division between the**  
297 **subdivisions and the roadway. In addition, she questioned where the money to do this**  
298 **potential "swap" may be coming from. She generally urged the Council to consider all**  
299 **factors when evaluating this potential 'road swap.'**

300  
301 **Linda Shindoll**  
302 **1415 Crescent Cove Drive**  
303 **Rockwall, TX**  
304

305 **Mrs. Shindoll came forth and indicated that she lives in a subdivision along John King as**  
306 **well. She wanted to 'echo' a lot of what everyone else has already come forward to say.**

307 She is concerned about the quality of life and home values if more traffic (especially  
308 truckers) begins traversing this roadway. She wanted to know what citizens can do to work  
309 with the city council to encourage working with Wylie to find an alternate route for SH-205.  
310

311 Patrick Trowbridge  
312 601 Parks Avenue  
313 Rockwall, TX 75087  
314

315 Mr. Trowbridge came forth to speak about Z2016-017 (re: zoning requirements related to  
316 used car dealerships in the city's Unified Development Code (UDC))). He pointed out that  
317 the city's Planning & Zoning Commission voted against these proposed changes to the  
318 city's UDC. He pointed out that there is very limited availability of land that fronts IH-30  
319 within the city. He shared that car dealerships take up an exorbitant amount of commercial  
320 real estate space, and he believes that space should be preserved for other commercial  
321 uses that contribute more to the city's tax base, thus lessening the tax burden for residents.  
322 He generally urged the Council to consider voting against approval of this item upon  
323 second reading.  
324

325 Kim Fake  
326 1403 White Water Lane  
327 Rockwall, TX 75087  
328

329 Mrs. Fake came forth and indicated that she would like to restate what others have said in  
330 that she is against John King Boulevard being named the future SH-205 preferred route.  
331 She urged the Council to ensure it considers the effects on property values, quality of life,  
332 and the environment. She wants to be sure the city has really and truly studied future  
333 growth, including where that growth is projected to take place, before making a decision on  
334 this topic.  
335

336 X. CONSENT AGENDA  
337

- 338 1. Consider approval of the minutes from the June 20, 2016 regular city council  
339 meeting, and take any action necessary.
- 340 2. **Z2016-018** - Consider a request by Jeff Parker of the Skorburg Company on  
341 behalf of BH Balance IV, LLC for the approval of an **ordinance** for a zoning  
342 amendment to Planned Development District 74 (PD-74) to amend the  
343 concept plan to allow for additional single-family residential lots and for the  
344 purpose of incorporating changes to the development standards contained in  
345 Exhibit 'C' of Ordinance 14-26 for a 405.184-acre tract of land identified as  
346 the Breezy Hill Subdivision and situated within the J. Strickland Survey,  
347 Abstract No. 187, Rockwall, Rockwall County, Texas, generally located north  
348 of FM-552 and west of Breezy Hill Road, and take any action necessary  
349 **[2nd Reading]**.

350 Mayor Pruitt pulled item #2 for further discussion.  
351

352 Councilmember Lewis made a motion to approve Consent Agenda item #1 (approval of the  
353 minutes). Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 7  
354 ayes to 0 nays.  
355  
356

357 Mayor Pruitt indicated that Consent Agenda item #2 was actually not approved unanimously  
358 at the last council meeting. Therefore, this should have been put on the agenda as an  
359 Action Item. Mr. Crowley indicated that the applicant has asked the Council to consider  
360 allowing this request to be withdrawn at this time. Councilman Lewis indicated that he  
361 voted against this item last time, mainly, because he did not agree with the reduction in the  
362 proposed amount of commercial area.  
363

364 The City Attorney, Frank Garza, advised the Council concerning the various options that it  
365 has with regards to handling either approval or denial of this case, as well as potentially  
366 allowing the applicant to withdraw.  
367

368 Councilmember Fowler made a motion to deny the ordinance as written (with the 60' lots  
369 having been reflected/incorporated). Councilmember Milder seconded the motion.  
370 Councilmember Lewis clarified that if this particular motion is approved tonight, the Council  
371 will basically be denying a proposed 50' or 60' lots. Mr. Garza clarified that if the applicant  
372 comes back, he would have to bring back a proposal that reflects a substantive change  
373 from that which he originally proposed (he clarified that the applicant could come back with,  
374 for example, 60' lots, since that was not what he proposed...he had proposed 50' lots, but  
375 the Council changed it and approved 60' lots). Councilman White indicated that he believes  
376 the Council should consider allowing the applicant to withdraw the case so that he (the  
377 developer) does not have to wait a year before coming back with a proposal. He believes it  
378 would be most fair to allow the applicant to withdraw so that he can come back sooner.  
379

380 The motion to deny approval of the ordinance passed by a vote of 4 in favor with 3 against  
381 (Pruitt, Townsend, and White).  
382

## 383 XI. APPOINTMENTS

- 384
- 385 1. Appointment with the Planning and Zoning Chairman to discuss and answer  
386 any questions regarding cases on the agenda and related issues and take  
387 any action necessary.

388 Patrick Trowbridge from the city's Planning & Zoning Commission came forth and provided  
389 brief comments to Council on this agenda item. Chairman Craig Renfro was not present at  
390 the meeting to address the Council on this topic. The Council took no action concerning  
391 this agenda item.

- 392 2. Appointment with Rockwall County Emergency Management Coordinator,  
393 Joe DeLane, to hear overview of the countywide draft Hazard Mitigation Plan  
394 and associated process, and take any action necessary.

395 Joe DeLane, Rockwall County EMC, came forth and briefed the Council on a Hazard  
396 Mitigation Plan that has been in the works for about a year now.

397 He indicated that in the summer of 2015, Rockwall County received word that its grant  
398 application had been approved, which allowed the County the opportunity to hire a  
399 consultant to assist in developing a countywide Hazard Mitigation Plan. He then went on to  
400 share with the Council details about the planning efforts and team members who have  
401 assisted in development of the plan thus far. He pointed out that a public survey and past  
402 public meetings have taken place, and input from these sources has been taken into  
403 consideration during the development of the draft plan. He indicated that Kristy Cole had  
404 sent out eleven proposed Mitigation Actions to the city council, via email, and that those  
405 actions are really the only substantive things that the city council might wish to submit  
406 input regarding. Mr. DeLane went on to express that a draft of the mitigation plan will be

407 placed on various countywide websites soon for public comment and that any staff  
408 members or council members are also welcome to and encouraged to submit commentary.  
409 Thereafter, the plan will be sent to the State and FEMA for review/input/approval, with all of  
410 the entities and the county itself being asked to formally approve the plan thereafter.

411 There being no questions, the Council took no action following Mr. DeLane's presentation.

412 **XII. ACTION ITEMS**

- 413  
414 1. **Z2016-017** - Discuss and consider a City initiated zoning request for the  
415 approval of an **ordinance** for a text amendment to Section 1, Land Use  
416 Schedule, and Section 2.1.8, Auto and Marine-Related Use Conditions, of  
417 Article IV, Permissible Uses, of the Unified Development Code for the  
418 purpose of changing the requirements for Used Motor Vehicle Dealerships,  
419 and take any action necessary **[2nd Reading]**.

420 **Planning Director Ryan Miller provided brief comments related to this agenda item,**  
421 **indicating that at the last meeting, approval of this item reflected a 3-2 vote.**

422  
423 **Councilmember Lewis made a motion to approve Z2016-017. Councilmember White**  
424 **seconded the motion.**

425  
426 **Mayor Pro Tem Townsend pointed out that approval of this ordinance would give the**  
427 **Council the option of evaluating future zoning cases / applicants and utilizing its discretion**  
428 **when deciding on potentially granting a Specific Use Permit (SUP) to those future**  
429 **applicants/cases. He knows that Echo Park came to the Council and talked to members;**  
430 **however, he is not even sure that approval for Echo Park would be granted if it came forth**  
431 **formally. Mayor Pruitt indicated that he cannot think of a scenario when he would be in**  
432 **favor of a used car dealership along IH-30. He indicated that he agrees with Mr. Trowbridge**  
433 **and the Planning & Zoning Commission. Councilmember White commented that Echo Park,**  
434 **whose representatives previously came before the Council, likely still would not meet the**  
435 **desired aesthetic standards; however, he believes that passage of this ordinance would at**  
436 **least give an applicant, such as Echo Park, an opportunity to try and secure Council**  
437 **approval of an SUP if they wanted to open up a pre-owned car dealership. Councilmember**  
438 **Fowler pointed out that the Council already establishes zoning regulations for other types**  
439 **of businesses that it, generally, feels are undesirable, and he does not see how this**  
440 **particular topic differs.**

441  
442 **After additional, brief comments, the ordinance was read as follows:**

443  
444 **CITY OF ROCKWALL**  
445 **ORDINANCE NO. 16-44**

446  
447 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
448 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.***  
449 ***04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY**  
450 **AMENDING SECTIONS 1.1 & 2.1.8 OF ARTICLE IV, *PERMISSIBLE USES*;**  
451 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
452 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
453 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**  
454 **PROVIDING FOR AN EFFECTIVE DATE.**

455  
456 **The motion failed by a vote of three (3) in favor with four (4) against (Hohenshelt, Pruitt,**  
457 **Milder and Fowler).**

459           2.     Discuss and consider a request from Ms. Julia Dowdy for a special permit on  
460           a front yard fence to be located at 1200 Bayshore Dr., and take any action  
461           necessary.

462     **Building Official, Jeffrey Widmer, came forth and briefed the Council on this agenda item.**  
463     **He indicated that Ms. Dowdy would like to build a 42" wood split rail fence within the front**  
464     **yard of the property and plant landscaping parallel to it to act as a sound barrier to reduce**  
465     **the amount of traffic noise heard along Lakeshore Drive. He pointed out that any front yard**  
466     **fence in a residentially zoned area requires City Council approval.**

467     **Mr. and Mrs. Dowdy came forth and provided comments to the Council concerning this**  
468     **proposed front yard fence. They indicated that they would like to plant vegetation in order**  
469     **to provide a sound buffer related to the noise along Lakeshore. They shared that they plan**  
470     **to put three gates in, including one that would allow visitors to the front of their home.**

471     **Mayor Pruitt suggested that the Council might want to consider having staff notify**  
472     **neighbors in the future if / when a homeowner is approaching the city to request approval**  
473     **of a front yard fence.**

474     **Councilmember White made a motion to approve this proposed front yard fence. Mayor Pro**  
475     **Tem Townsend seconded the motion. Councilmember White generally spoke in opposition**  
476     **of the city requiring that neighbors be notified if/when the city is approached by a**  
477     **homeowner who would like to build a font yard fence. He pointed out that he has never**  
478     **been contacted in the past by any disappointed neighbors if/when Council has granted**  
479     **approval for construction of a front yard fence in the past.**

480     **After the comments, the motion to approve passed by a vote of 7 ayes to 0 nays.**

481           3.     Discuss and consider a request from Ms. Debbie Coffey for a special permit  
482           on a front yard fence to be located at 319 Portview Place, and take any  
483           action necessary.

484     **Jeffrey Widmer, Building Official, provided brief comments related to this proposed front**  
485     **yard fence.**

486  
487     **The applicant, Mr. Coffey, came forth and indicated that this fence would be wrought iron,**  
488     **and their dog would be able to go out front and utilize the front yard. Mr. Coffey indicated**  
489     **that the Homeowner's Association has been notified of this proposed front yard fence, and**  
490     **it is his understanding that the HOA would like to see what the City Council is going to do**  
491     **prior to deciding whether or not it will allow construction of the fence. Councilmember**  
492     **White shared that the HOA has made the City Council aware that it does not plan to grant**  
493     **approval of construction of this front yard fence, and it will be formally making that**  
494     **decision tomorrow.**

495     **Councilmember Lewis indicated that the Chandler's Landing subdivision does not**  
496     **traditionally grant front yard fences, and the City Council received emails from all five**  
497     **members of the HOA's Environmental Committee members indicating that they plan to vote**  
498     **against approval of this proposed fence. Councilmember Lewis indicated that he**  
499     **personally is opposed to a front yard fence in Chandler's Landing.**

500     **Councilmember Lewis made a motion to deny approval of this front yard fence.**  
501     **Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 in favor with**  
502     **2 against (White and Townsend).**

503

- 504 4. Discuss and consider a proposal from Primary Media regarding a billboard  
505 generally located just east of the intersection of Horizon Road and Ridge  
506 Road, and take any action necessary.

507 **Richard Martin**  
508 **Primary Media**

509  
510 **Mr. Martin came forth and indicated that his company has several billboard signs located**  
511 **within Rockwall. His company would like the Council to consider entering into negotiations**  
512 **with Primary Media for either 30, 60 or 90 days regarding possibly allowing Primary Media to**  
513 **upgrade an existing billboard sign to a digital sign instead. He offered that his company is**  
514 **willing to donate 'time' to the city so that it too may advertise on the digital sign.**

515  
516 **Mayor Pruitt pointed out that there was a lawsuit, and there was previously a settlement**  
517 **agreement put into place that called for this billboard sign to ultimately be removed / come**  
518 **down.**

519  
520 **Mr. Martin asked the Council to consider suspending removal of the sign for a period of 30,**  
521 **60 or 90 days in order to allow time for the two parties to renegotiate the settlement**  
522 **agreement.**

523  
524 **Councilman White pointed out that Primary Media was supposed to approach the city**  
525 **on/before April 15, 2016 with a plan for removing the sign in accordance with the settlement**  
526 **agreement. However, that did not happen. Therefore, two weeks thereafter, the City of**  
527 **Rockwall sent a letter to Primary Media notifying the company that it was supposed to have**  
528 **contacted the city with a plan for removing the sign and that the sign needs to come down.**  
529 **Councilmember White indicated that Primary Media did not hold up its end of the bargain.**  
530 **Therefore, he personally, is not in favor of granting Primary Media its request for any sort of**  
531 **negotiations. White expressed general dissatisfaction with associated with the Primary**  
532 **Media lawsuit costing taxpayers a lot of money in legal fees, to which Mr. Martin generally**  
533 **replied that Primary Media may be willing to reimburse the city the cost of those legal fees**  
534 **during the requested negotiations, if granted.**

535  
536 **After additional, brief comments, Councilmember White made a motion to deny this request**  
537 **(to re-enter into negotiations with Primary Media and instead move forward with the terms**  
538 **outlined in the original settlement agreement). Councilmember Fowler seconded the**  
539 **motion. The motion passed by a vote of 7 ayes to 0 nays.**

540  
541 **Mayor Pruitt called for a brief break at this point (at 7:31 p.m.).**

542  
543 **Mayor Pruitt called the meeting back to order at 7:42 p.m.**

- 544  
545 5. **SP2016-014 - Discuss and consider a request by Ron Valk of Platinum**  
546 **Storage Rockwall, LLC on behalf of Shawn Valk of Platinum Construction for**  
547 **the approval of variances to the four (4) sided architecture and secondary**  
548 **materials requirements stipulated by Article V, District Development**  
549 **Standards of the Unified Development Code in conjunction with an approved**  
550 **site plan for a multi-tenant office/warehouse facility on a 2.692-acre parcel of**  
551 **land identified as Lot 3, Block A, Platinum Storage Addition, City of Rockwall,**  
552 **Rockwall County, Texas, zoned Commercial (C) District, situated within the**  
553 **IH-30 Overlay (IH-30 OV) District, located on the west side of T. L.**

554 Townsend Drive, south of the intersection of T. L. Townsend Drive and IH-  
555 30, and take any action necessary.

556 **Planning Director, Ryan Miller, provided brief background information regarding this**  
557 **agenda item. He generally explained that the applicant is requesting approval of a variance**  
558 **in conjunction with an approved site plan for the purpose of constructing two (2)**  
559 **office/warehouses (one ~ 9,180 sq. ft. and the other 11,300 sq. ft.). The 2.692-acre parcel is**  
560 **zoned Commercial (C) District, is within the IH-30 Overlay (IH-30 OV) District, and is**  
561 **generally located on the west side of T. L. Townsend Drive, south of the intersection of T. L.**  
562 **Townsend Drive and IH-30. A summary of the density and dimensional requirements for the**  
563 **subject property and the approved site plan's conformance to these requirements was**  
564 **provided to the Council in its informational meeting packet. These are truck docks and will**  
565 **not be visible from any public rights-of-way. Mr. Miller indicated that approval of this item**  
566 **and the associated variance requests will require a ¾ majority vote of Council. The**  
567 **Architectural Review Board and Planning & Zoning Commission did review this case and**  
568 **have recommended approval to the Council by a vote of 6-0.**

569  
570 **Paul Craigan**  
571 **2080 N. Hwy 360**  
572 **Grand Prairie, TX**

573  
574 **Mr. Craigan indicated that due to the topography, this location sits lower than Shenaniganz**  
575 **and the nearby car dealership, so visibility from IH-30 or the frontage road will very minimal.**

576  
577 **Mayor Pro Tem Townsend made a motion to approve SP2016-014. Councilmember**  
578 **Hohenshelt seconded the motion, which passed unanimously of those present (7 ayes to 0**  
579 **nays).**

580  
581 **6. Discuss and consider the minimum square footage required for residential**  
582 **dwelling units in various zoning districts as stipulated by Article V, "District**  
583 **Development Standards" of the Unified Development Code, and take any**  
584 **action necessary.**

585 **Planning Director, Ryan Miller, provided brief background information concerning this**  
586 **agenda item. At the work session meeting on June 20, 2016, the City Council directed staff**  
587 **to return with proposed modifications to the minimum square footage requirements for**  
588 **dwelling units in the Single Family 10 (SF-10), Single Family 16 (SF-16) and Agricultural (AG)**  
589 **Districts. In accordance with this direction staff proposes the following minimum square**  
590 **footage requirements:**

- 591 **• Single Family 16 (SF-16) District: 2,000 SF (currently 1,800)**
- 592 **• Single Family 10 (SF-10) District: 1,800 SF (currently 1,500)**
- 593 **• Agricultural (AG) District: 1,600 SF (currently no minimum)**

594 **Mr. Miller explained that these square footages were derived from a comparison of other**  
595 **city's square footage requirements in similar zoning districts. He indicated that staff is open**  
596 **to any further direction or clarification by the City Council at this time. A comparable cities**  
597 **analysis and a simplified chart of the current density and dimensional requirements for the**  
598 **City's residential zoning districts have been provided to the City Council for review and**  
599 **consideration.**

600  
601 **Councilmember Milder indicated that he would like to speak on this, as he is the one who**  
602 **originally brought this item forth for discussion. He suggested the Council consider**

603 increasing the minimum square footages even more. He then suggested the following  
604 minimums:

- 605 • SF10: 2,200 square feet
- 606 • SF 16: 2,400 square feet
- 607 • AG at 1,600 square feet

608  
609  
610 Councilmember Hohenshelt commented that the Council may wish to use caution and keep  
611 in mind older residents who may wish to downsize their homes as they age.

612  
613 Councilmember Milder made a motion to move forward with the following, minimum square  
614 footages for the following zoning designations:

- 615 • SF10: 2,200 square feet
- 616 • SF 16: 2,400 square feet
- 617 • AG at the 1,600 square feet

618  
619  
620 Mayor Pruitt seconded the motion, which passed by a vote of 5 ayes to 2 nays (White and  
621 Lewis).

- 622
- 623 7. Discuss and consider approval of a resolution regarding the median  
624 openings/left turn lane locations for the FM-3549 (IH-30 to SH-66) Project,  
625 and take any action necessary.

626 Mr. Crowley, City Manager, provide background information concerning this agenda item.  
627 He explained that Rockwall County and the Texas Department of Transportation (TxDOT)  
628 are currently performing the engineering design to improve FM 3549 from IH 30 to SH 66  
629 from a two-lane asphalt roadway to a four lane, divided, concrete roadway. The City of  
630 Rockwall's responsibilities associated with the project are related to cost of relocation of  
631 City utilities to avoid any conflicts with the proposed construction. Over the past year,  
632 TxDOT provided a Public Meeting and a Public Hearing to obtain public input from the  
633 adjacent property owners. During the engineering design, median openings/left turn lanes  
634 must be established along the entire limits of the roadway. TxDOT's first priority is to  
635 provide median breaks for public roads and streets. Then, where space allows, median  
636 breaks that serve multiple developments or residential areas will be allowed. It was pointed  
637 out that the costs to provide median breaks/left turn lanes to commercial developments  
638 cannot be funded by TxDOT. The proposed layout of the median openings/left turn lanes  
639 for FM 3549 Roadway and Drainage Improvements were provided to the Council for review.  
640 Indication was given that the median opening/left turn lane to the Eastridge Church of  
641 Christ has been established and will be constructed as part of the project and that there are  
642 two remaining locations that will accommodate potential median openings/left turn lanes.

643  
644 Mr. Crowley stated that notifications were sent out to property owners located along this  
645 roadway. He suggested that if the Council is not comfortable moving forward at this time, it  
646 may wish to consider postponing approval of this resolution for a period of two weeks (until  
647 the next city council meeting) to allow any affected property owners a little more time to  
648 approach the city with comments.

649  
650 Mayor Pruitt made a motion to approve the resolution. Councilmember Lewis seconded the  
651 motion, which passed by a vote of 7 ayes to 0 nays.

- 652
- 653 8. Discuss and consider a resolution requesting financial assistance from the  
654 Texas Department of Transportation related to drainage and asphalt repairs

655 at the Ralph M. Hall / Rockwall Municipal Airport and naming the Texas  
656 Department of Transportation Aviation Division as its agent for the purposes  
657 of applying for, receiving and disbursing all funds for these improvements  
658 and for the administration of contracts necessary for the implementation of  
659 these improvements, and take any action necessary.

660 **Joey Boyd, Director of Internal Operations, provided brief background information**  
661 **concerning this agenda item which is related to a matching grant funds application. Mayor**  
662 **Pro Tem Townsend made a motion to approve the resolution. Councilmember White**  
663 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**  
664

665 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
666 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
667

- 668 1. Departmental Reports  
669 Building Inspections Monthly Report - May 2016  
670 Fire Dept. Monthly Reports - May 2016  
671 Harbor PD Monthly Report - May 2016  
672 Fire Marshal's Division Monthly Report - May 2016  
673 GIS Department Monthly Report - May 2016  
674 Internal Operations Department Monthly Report - May 2016  
675 Meals on Wheels Senior Services Quarterly Report  
676 Police Department Monthly Report - May 2016  
677 Recreation Monthly Report - May 2016  
678 Rockwall Animal Adoption Center Monthly Report - May 2016

679 2. City Manager's Report  
680

681 **City Manager Rick Crowley pointed out that departmental reports have been provided, and**  
682 **staff is prepared to answer any questions the Council may have at this time. He went on to**  
683 **point out that there may have been as many as 20,000 people in attendance at last night's**  
684 **city-sponsored 4<sup>th</sup> of July fireworks display. Mr. Crowley provided additional comments,**  
685 **indicating that staff had ordered a plaque for the downtown improvements project;**  
686 **however, the vendor inadvertently sent (and staff subsequently installed) a version of the**  
687 **plaque that contained incorrect information. Therefore, the vendor will be sending the city a**  
688 **replacement plaque containing the correct information at no cost to the city since this**  
689 **mistake was their error.**  
690

691 **He pointed out that Jim Rosenberg has provided some preliminary information to the**  
692 **Council concerning a letter he plans to send out to residents and property owners located**  
693 **around and nearby this proposed marina. He would like any feedback from the City Council**  
694 **prior to Mr. Rosenberg sending out a letter to neighboring residents. Said feedback was**  
695 **requested to be sent to the City Manager or to Mr. Rosenberg directly on/before this Friday.**  
696 **Mayor Pruitt suggested that Mr. Rosenberg make clear in this letter that he has not yet**  
697 **approached the city with a formal proposal and that, prior to him doing so, he would like to**  
698 **inform residents and obtain their feedback in advance. Councilmember White asked if Mr.**  
699 **Rosenberg will be including the overhead plan that he previously provided to the city**  
700 **council within the mailing he plans to send out. Mr. Crowley indicated that, yes, it is his**  
701 **understanding that it will be included along with a comment card. Councilmember Lewis**  
702 **pointed out that an initial list of those to whom Mr. Rosenberg planned to mail a letter did**  
703 **not include Chandlers Landing; however, that may have changed since he saw the list. Mr.**  
704 **Crowley indicated that it Mr. Rosenberg's mailer should include Chandlers as well as its**  
705 **HOA.**

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Mr. Crowley indicated that an examination of all of the city's streets and sidewalks has begun to evaluate their condition.

No further discussion took place, and no action was taken concerning departmental and city manager reports.

**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 proposed renegotiation of City v. Primary Media settlement agreement pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding the lease of land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property).
4. Discussion regarding the status of negotiations for an ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
5. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's Trust FBO Jason Manley v. the City of Rockwall, Texas and Board of Adjustments of the City of Rockwall, Texas (Cause No. 1-16-0580, 382nd District Court) pursuant to Section §551.071 (Consultation with Attorney)
6. Discussion regarding legal options available to the City pertaining to possible violations of drainage and detention development standards pursuant to Section §551.071 (Consultation with Attorney)

**XV. 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.

**XVI. ADJOURNMENT**

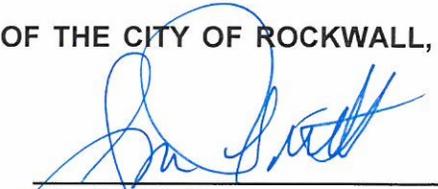
The meeting was adjourned at 8:06 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18<sup>th</sup> day of July, 2016.**

ATTEST:

  
\_\_\_\_\_  
Kristy Cole, City Secretary



  
\_\_\_\_\_  
Jim Pruitt, Mayor

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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, July 18, 2016**  
**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, Mayor  
10 Pro Tem Mike Townsend, and Council Members David White, John Hohenshelt, Scott  
11 Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley,  
12 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza.  
13

14 II. WORK SESSION

- 15  
16 1. Hold a work session to hear an update regarding the maintenance and condition  
17 assessment for sidewalks constructed in City right-of-way

18 Councilmember Milder indicated that he requested this work session item. He shared that  
19 he walks outdoors a lot, especially in the north part of the city. He has observed that some  
20 sidewalks are in great shape, but some of them are in disrepair. He is wondering what the  
21 city is doing, on an annual basis, to address repairing of sidewalks.  
22

23 City Engineer Tim Tumulty and Streets Superintendent Billy Chaffin came forth and  
24 addressed the city council concerning this work session item. Mr. Tumulty indicated that  
25 several years ago, the city evaluated the condition of its streets, sidewalks and barrier free  
26 ramps. He generally explained that both prolonged drought and periods of extensive rain  
27 have caused settling and sinking of homes, yards, sidewalks and mailboxes. Mr. Chaffin  
28 expressed that the city has generally made some repairs, specifically to sidewalks that pose  
29 a trip hazard.  
30

31 General discussion took place related to how the city goes about making some of the  
32 sidewalk-related repairs. Mr. Tumulty explained that about \$40,000 was spent out of the city  
33 budget last year for sidewalk repairs, and this year about \$90,000 will be spent. He  
34 explained that this is out of about a \$1 million budget that goes to overall street repairs  
35 throughout the city as well.  
36

37 Councilman Hohenshelt shared that he has personally experienced a lot of problems with a  
38 residential property on which the dirt and earth was not properly compacted, so he is in  
39 favor of potentially requiring the city to establish and/or enforce standards related to  
40 compacting the ground in advance of pouring sidewalks.  
41

42 Mayor Pruitt would also like to evaluate adopting standards related to compacting prior to  
43 concrete pours as well as the possibility of having homeowner's associations be  
44 responsible for maintaining sidewalks in the future.  
45

46 Following the discussions, the Council took no formal action concerning this agenda item.  
47

- 48 2. Hold a work session to hear proposed strategic plans for the following departments:

49 a) Administration

- 50 b) Finance
- 51 c) Administrative Services/HR Department
- 52 d) Engineering/Public Works

53 **a) Administration**

54  
55 **City Manager Rick Crowley began discussion of this item by sharing comments related to**  
56 **the following, broad strategic initiatives for the Administration Department:**

- 57 • **Retail Development and Recruitment Strategy**
- 58 • **5-Year Plan Capital Improvement Strategy**
- 59 • **Near and Long-Term Use of Hotel Occupancy Tax (HOT) Revenue**
- 60 • **Boundary Planning/Future Annexation/ Water and Waste Water Service Options**
- 61 **Strategy**
- 62 • **Outer Loop Planning Strategy**
- 63 • **Expansion of Area and Term of Dallas Takeline Lease Interlocal Agreement**

64  
65 **Mayor Pruitt indicated that he would like the council and staff, perhaps in work sessions, to**  
66 **begin proactively discussing the idea of a Convention Visitor's Bureau and/or related**  
67 **services.**

68  
69 **b) Finance**

70  
71 **Mary Smith, Finance Director (and Assistant City Manager) came forth and briefed the**  
72 **Council on the Finance Department's proposed strategic initiatives, including the following:**

- 73 • **Initiate a CCN acquisition process for the "Right to Serve" the 23 unique areas of the**
- 74 **City which are served by rural Water Supply Corporations (WSC).**
- 75 • **Develop a fleet management program which addresses the long range needs of the**
- 76 **City with regards to fleet replacement and routine maintenance programs. The City**
- 77 **has a current fleet with a replacement value in excess of \$8.5 million dollars (not**
- 78 **including fire apparatus)**
- 79 • **Working with Administration and departments develop long-range funding model for**
- 80 **infrastructure improvements including facilities, street, alleys, sidewalks, drainage,**
- 81 **water and wastewater.**

82  
83 **c) Administrative Services/HR Department**

84  
85 **Mrs. Smith then briefed the Council on the following strategic initiatives for the**  
86 **Administrative Services/HR Department:**

- 87 • **Recruitment: The single biggest recruitment / retention issue the City faces is in**
- 88 **Police Dispatch positions with a 22% turnover rate and 4 current long-term**
- 89 **vacancies. The goal related to this issue is to reduce the turnover rate to**
- 90 **approximate the City's average turnover of 8%**
- 91 • **Talent Development: The City needs to develop a comprehensive program for**
- 92 **professional development of the unskilled entry level positions and produce a more**
- 93 **developed plan for skilled positions.**
- 94 • **Benefits Analysis: Complete an overall employee benefits analysis including**
- 95 **benchmarking for**
  - 96 a) **current employees and recruitment of future employees;**
  - 97 b) **Cost effectiveness of health insurance for retirement eligible employees.**

- 98 • **Volunteer Firefighter Recruitment & Retention Program:** The Volunteer Firefighters/  
99 Part-Time Drivers are included in a state-wide emergency services pension system  
100 (TESRS) which, through rule changes, will cause the City to be unable to staff driver  
101 shifts due to salary limitations and causes an immediate need to escalate this issue.  
102 (Q4/FY-2016)  
103

104 **d) Engineering/Public Works**  
105

106 City Engineer, Tim Tumulty, came forth and briefed the Council on the following strategic  
107 initiatives that have been identified for his department:

- 108 • **Develop an Infrastructure Life Cycle Management Program that provides a**  
109 **comprehensive review of the investments needed to sustain service through the**  
110 **operations, maintenance and renewal of existing infrastructure (related to: Streets,**  
111 **Alleys and Sidewalks; Water; Sanitary Sewer; Storm Sewer Pipe and related Capital**  
112 **Improvement plans)**
- 113 • **Assist the development community in better understanding of the infrastructure**  
114 **requirements and provide decision makers with the tools to allow for optimal**  
115 **selection of developments options. (Re-assess the drainage and floodways as**  
116 **shown in the current Master Drainage Study; Present revised Standards of Design**  
117 **and Construction Manual to City Council for adoption)**  
118

119 City Manager Rick Crowley thanked Councilmember Hohenshelt for his assistance related  
120 to development and review of these departmental plans. He indicated that he will be taking  
121 these strategic plans into consideration as he proceeds with the city's budget process,  
122 even though he acknowledged that the City Council has not formally approved these plans.  
123

124 Mayor Pruitt read the following discussion items into the record before recessing the public  
125 meeting to go into Executive Session at 5:00 p.m.  
126

127 **III. EXECUTIVE SESSION.**  
128

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

- 132 1. Discussion regarding lawsuit: Jason Manley and the Manley  
133 Grandchildren's Trust FBO Jason Manley v. the City of Rockwall, Texas and  
134 Board of Adjustments of the City of Rockwall, Texas (Cause No. 1-16-0580,  
135 382nd District Court) pursuant to Section §551.071 (Consultation with  
136 Attorney)
- 137 2. Discussion regarding City v. Primary Media settlement agreement pursuant  
138 to Section §551.071 (Consultation with Attorney)
- 139 3. Discussion regarding the status of negotiations for an ambulance services  
140 contract pursuant to Section §551.071 (Consultation with Attorney)
- 141 4. Discussion regarding (re)appointments to city regulatory boards,  
142 commissions, and committees including the Building and Standards  
143 Commission, Planning & Zoning Commission, and Board of Adjustments  
144 pursuant to Section 551.074 (personnel matters)  
145

146 **IV. ADJOURN EXECUTIVE SESSION**

147  
148 **Executive Session was adjourned at 5:40 p.m.**

149  
150 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

151  
152 **Mayor Pruitt reconvened the Public Meeting at 6:00 p.m. with all seven council members**  
153 **being present.**

154  
155 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

156  
157 **Mayor Pro Tem Townsend made a motion to authorize the City Attorney to enter into**  
158 **negotiations to settle the lawsuit regarding the Manley Grandchildren Trust in accordance**  
159 **with the Council's direction (as discussed in Ex. Session). Councilmember White seconded**  
160 **the motion, which passed by a vote of 7 ayes to 0 nays.**

161  
162 **Councilmember Townsend made a motion to make the following board member**  
163 **reappointments to city regulatory boards:**

- 164  
165
  - **Patrick Trowbridge and Johnny Lyons to the Planning & Zoning Commission (new**  
166 **terms will expire in Aug. of 2019)**
  - **Jim Turner, Eric Chodun, and Bryan Oney to the Building & Standards Commission**  
167 **(new terms will expire in Aug. of 2018)**
  - **G. David Smith, Todd White and Peter Flores (alternate) to the Board of Adjustments**  
168 **(new terms will expire in Aug. of 2018)**

169  
170  
171  
172 **Councilmember White seconded the motion, which passed unanimously of Council (7 ayes**  
173 **to 0 nays).**

174  
175 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM TOWNSEND**

176  
177 **Mayor Pro Tem Townsend delivered the invocation and led the Pledge of Allegiance.**

178  
179 **Mayor Pruitt recognized County Commissioner Dennis Bailey and thanked him for being**  
180 **present at today's meeting.**

181  
182 **Mayor Pruitt went on to indicate that he recently had the honor to represent the City of**  
183 **Rockwall at the recent national day of mourning in the City of Dallas at the invitation of**  
184 **(Dallas) Mayor Rawlings through the National Conference of Mayors. He shared that there**  
185 **were many different groups present that day. He explained that the National Conference of**  
186 **Mayors, even though it is not supposed to be political, it is in fact a very political**  
187 **organization made up of various and differing political leanings. However, he shared that**  
188 **they all came together to say that this country is better than that, and we are all going to**  
189 **come together to make this country work without having all of this division. He announced**  
190 **that, sometime within the next two weeks, the City of Rockwall will hold a town hall meeting**  
191 **in the Council Chambers. He shared that anybody will be able to come and discuss any of**  
192 **those types of issues. He explained that, although he does not believe we have problems**  
193 **here, if we do, we need to know about them. He explained that this will be a forum in which**  
194 **the subject of racial politics may be discussed in the context of how they relate to the Police**  
195 **Department. It will be an opportunity for attendees to speak their minds. He shared that a**  
196 **list of dates will be discussed, and a date when most everyone is able to attend will try to be**  
197 **chosen.**

198

199 VIII. OPEN FORUM

200

201 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
202 come forth and speak at this time.

203

204 Priscylla Bento  
205 2002 Lakeshore Drive  
206 Rockwall, TX 75087

207

208 Mrs. Bento came forth and indicated that she has been a citizen here since 2002. She  
209 recently reached out on social media. She thanked the Council for being proactive in  
210 moving forward with holding a town hall meeting to discuss the tension. She explained that  
211 it can be very intimidating to talk about such issues; however, she would like to praise the  
212 Council for creating a forum in which these issues may be discussed. She explained that  
213 she is a professor, and she teaches Texas and Federal Government at Dallas County  
214 Community College. She explained that in her college classes, when this topic is  
215 discussed, the tension can be felt. She hears, at times, that her town is brought up in a  
216 negative way at times, specifically concerning the racial composition and the mannerisms  
217 by which some view there to be disparity or lack thereof. She pointed out that there is only  
218 one other person in the room this evening that is of another race. She believes it is great to  
219 come together and talk about these sorts of issues and topics, especially because we are all  
220 Texans, and we are all Americans. She feels that minority groups in Rockwall tend to feel  
221 intimidated and are not always comfortable talking about these sorts of issues. She  
222 explained that she grew up here starting with her middle school years, and Rockwall has  
223 supported her through her upper education, including her current pursuit of a PhD. If it  
224 were not for the support of her community, including donations and scholarships, she  
225 would not be where she is today.

226

227 Mayor Pruitt thanked Ms. Bento for her comments and encouraged her to go online to fill  
228 out an application to serve on some of our city boards and commissions.

229

230 Mr. Nicholas Grant  
231 1565 East Old Quail Run Rd. (just off John King Boulevard)  
232 Rockwall, TX 75087

233

234 Mr. Grant came forth and expressed his concern related to safety along John King  
235 Boulevard, especially related to the lack of street lights and especially at intersections. He  
236 referenced that it was built with a complete infrastructure package for street lights along its  
237 entirety. Sadly, neither street lights, traffic lights, stop signs and line-of-sight studies were  
238 adequate when the roadway opened in 2012. He referenced a tragic traffic accident that  
239 occurred in December 12, 2012 that left a Garland firefighter and Rockwall resident, Devon  
240 Colbert, paralyzed for life. He pointed out that that, following this accident, safety actions  
241 were fast tracked, including placement of some street lighting at key intersections by both  
242 the city and by TXDOT. However, he went on to share that only eleven out of the 30  
243 intersections along this roadway have street lights. Some key intersections, such as  
244 Airport Road, which is a four lane road crossing a four lane road, do not have street lights.  
245 Others include Hayes and the Justin Road intersection. He understands there is a study;  
246 however, it needs to be fast tracked. He explained that this is dangerous, and he believes  
247 the lights need to be put up as they were designed to be put in place back in 2009.

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249 Mayor Pruitt thanked Mr. Grant for his comments.

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**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the July 5, 2016 regular city council meeting, and take any action necessary.
2. Consider approval of final payment to TxDOT in the amount of \$47,096.42 for utility and bridge construction for the SH 205 Paving and Drainage Project from IH 30 to SH 66 (completed 2010), to be funded by General Obligation Bonds, and take any action necessary.
3. Consider approval of a request regarding a \$94,000.00 expenditure to purchase protective gear for all police officers, to be funded out of the Police Department's seized funds account, and take any action necessary.
4. Consider approval of a budget amendment in The Harbor Operating Budget in the amount of \$11,500 and authorize the City Manager to execute a purchase order for a 2016 truck to replace one that was recently totaled, and take any action necessary.

266 **Mayor Pruitt pulled item #3 for further discussion.**

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**Councilman Milder made a motion to approve the remaining Consent Agenda items (#s 1, 2, and 4). Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

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**Mayor Pruitt commented regarding item #3. He generally expressed the belief that, if purchase of this protective gear for our Police Department is truly a necessity, then he does not believe the purchase needs to be funded through seized funds, but, rather, through the city's general fund reserves. Mayor Pruitt then made a motion to proceed with approval of the \$94,000 expenditure out of general fund reserves (rather than seized funds). Councilman Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

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**X. ACTION ITEMS**

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1. **A2016-002** - Discuss and consider the expiration of an existing 212 Development Agreement for a 4.264-acre tract of land identified as Lot 1, Block 1, Valk Rockwall Addition, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4028 N. SH-205, and take any action necessary.

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**In August of 2013, the City Council approved a 212 Development Agreement [Case No. A2013-002] for the 4.264-acre subject property, which is located north of the intersection of FM-552 and SH-205, in the City's Extraterritorial Jurisdiction (ETJ). According to the memorandums provided to the City Council (see Exhibit 'A' & 'B') the 212 Development Agreement would extend for a period of three (3) years, and upon expiration the owner shall be deemed to have filed a petition for voluntary annexation and annexation procedures would commence. With this being said Section 12, *Terms and Extension*, of the agreement permits the City Council to grant a subsequent term of one (1) year; however, the *Texas Local Government Code* allows the City Council to extend a 212 Development Agreement for successive time periods not to exceed a period of 15 years, with the total duration of the contract (i.e. the initial time period plus each successive time period) not to exceed 45 years. In accordance with the agreement staff has notified the current property owner Rick Jones of ADV Rockwall Platinum Property Owner, LLC of the pending expiration. In**

299 response to staff's notice, Mr. Jones has submitted a letter requesting the City Council  
300 extend the agreement for a subsequent term of one (1) year.

301  
302 Councilman Milder made a motion to extend the 212 Development Agreement for a period of  
303 one (1) year. Councilman White seconded the motion.

304  
305 Councilman Hohenshelt asked why the applicant wants to extend the agreement.  
306 Councilmember White generally indicated that the metal storage buildings started going up  
307 just before the City was going to annex this property. He shared that from his own,  
308 personal experience, he can generally relate to someone not wanting to be annexed. After  
309 brief discussion, the motion passed by a vote of 6 ayes to 1 nay (Fowler).

310  
311 2. Discuss and consider an overview from Bobby Jones of Black & Veatch,  
312 Consultant for Rockwall County, regarding status of countywide radio  
313 interoperability network project, and consider authorizing the City Manager to  
314 execute an Interlocal Agreement between the City of Rockwall and Rockwall  
315 County for participation in the Rockwall County Interoperability Radio  
316 Network, and take any action necessary.

317 Mr. Jones came forth and indicated that he has been working on this project for more than  
318 two years now. He then went on to brief the Council on various aspects of the project,  
319 indicating that the goal is to get to a point where everyone countywide can communicate  
320 with each other. He generally indicated that there has been a great deal of interest and  
321 participation from the various entities in the county, including the county commissioners,  
322 county judge, police chiefs, and fire chiefs. A contract with Harris was signed in December  
323 of 2015 after a "request for proposals (RFP)" process took place. He indicated that this new  
324 radio communication system will allow for communication with all agencies in Rockwall  
325 County, Garland/Mesquite, Kaufman County, Collin County and all their agencies, City of  
326 Dallas, and Dallas County. Indication was given that both the city and the county will have  
327 personnel (1/each) who will be thoroughly trained to run the radio system. The scheduled  
328 "cut over" date will be in the 4<sup>th</sup> quarter of 2017.

329  
330 Mayor Pruitt asked if negotiations are still ongoing with McLendon Chisholm to secure the  
331 5<sup>th</sup> site. County Commissioner Bailey indicated that this issue is still being worked out, and  
332 an answer should be forthcoming before the end of this month. Mayor Pruitt generally  
333 indicated that he was unaware, prior to this presentation, that the Fire and Police  
334 Departments have had issues with having adequate "in building" radio coverage. He then  
335 went on to ask some clarifying questions concerning the proposed interlocal agreement  
336 that is being considered by Council this evening.

337  
338 Mayor Pruitt thanked city staff and Commissioner Bailey for all of their work on this project  
339 over time. He expressed that he would like to have some additional conversations with city  
340 staff concerning the needs of our public works-related employees and associated radio  
341 counts / needs before proceeding forth with approval of the interlocal agreement.

342  
343 Mayor Pruitt made a motion to table consideration of the interlocal agreement until the next,  
344 regular council meeting. Councilman Lewis seconded the motion, which passed by a vote  
345 of 7 ayes to 0 nays.

346  
347 3. Discuss and consider a budget planning overview associated with the Fiscal  
348 Year 2017 budget, and take any action necessary.

349 City Manager Rick Crowley provided comments concerning this agenda item. He briefed  
350 the Council on the figures below, explaining that all of these calculations are based on  
351 estimates as we know them now. He indicated that final figures from the Central Appraisal  
352 District are still forthcoming later this month.

353		
354	<b>Assessed Value</b>	<b>\$ 4,542,412,909</b>
355	<b>Senior Property Values</b>	<b>430,257,002</b>
356	<b>New Values</b>	<b>104,000,000 (New Construction)</b>
357	<b>Percentage Increase:</b>	
358	<b>From New Values</b>	<b>2.4%</b>
359	<b>From Existing Properties</b>	<b>5.2% (estimated with protest hearings still underway)</b>
360	<b>Overall</b>	<b>7.6%</b>
361		
362	<b>Effective Tax Rate Estimate</b>	<b>45.84 cents per hundred</b>
363	<b>Current FY16 Tax Rate</b>	<b>47.55 cents per hundred</b>
364		
365	<b>Estimated Debt Service</b>	
366	<b>Tax Rate</b>	<b>22.63 cents per hundred (current rate is 24.13 cents)</b>
367		
368	<b>Rollback Rate Estimate</b>	<b>46.79 cents per hundred</b>

369 Mr. Crowley indicated that our current tax rate will be higher than the effective rate that will  
370 be calculated for the upcoming year. The effective rate is the rate that will essentially allow  
371 the city to collect the same amount of taxes as it did last year for Maintenance and  
372 Operation purposes. In our debt service fund, there will be a reduction from about .25 cents  
373 to about .22 cents, due to paying off some debt. He explained that, based on current  
374 estimates with information known up to this point, unless he hears otherwise from Council,  
375 he anticipates proceeding with presenting a budget to Council for consideration based  
376 upon the effective tax rate estimate. He explained that the existing tax rate or anything  
377 above that would trigger the need for the city to advertise an increase in the tax rate in  
378 accordance with the law. So, he will prepare a budget document for presentation and  
379 consideration to the Council based on the effective rate; however, he understands that the  
380 Council will have full authority to make adjustments to either remove or add things to the  
381 budget as the process proceeds. He generally indicated that the Council may wish to take  
382 in to consideration some of the things discussed within the departmental strategic plans  
383 when contemplating budget decisions. Regarding the water/sewer fund, although it is in  
384 significantly better shape than it was this time last year, water sales are still down,  
385 especially due to periods of heavy rainfall. Mr. Crowley explained that a 10.4% increase in  
386 the rate charged by the North Texas Municipal Water District (NTMWD) is expected to be  
387 forthcoming soon (about one month sooner than the city finalizes its budget). Mayor Pruitt  
388 pointed out that the NTMWD plans to increase employees by 23 staff, spend \$246 million in  
389 capital purchases and selling over a half a billion dollars of new debt. Mr. Crowley stated  
390 that that they are building a new lake (water supply reservoir) and a few other, major capital  
391 improvements, plus some additional staff positions. Based on this increase, the budget will  
392 very likely need to include an increase in water rates, even though he is really disappointed  
393 in this necessity. Mr. Crowley then asked the Council to let him know if he is or is not on  
394 the right track with the upcoming budget proposal.

395 Councilman Milder indicated that he would like to see the budget presented with notations  
396 that show, if the city were to adopt the rollback rate, these are the items he would  
397 recommend be funded. He understands this would only occur if the citizens participated in

398 a rollback election; however, he would still like to see this information when considering the  
399 budget.

400 Councilmember Lewis pointed out that the North TX Municipal Water District is again  
401 proposing to add additional staff as part of the upcoming 10.4% increase. He shared that  
402 seventy-eight new positions were added last year, and now, essentially, over 100 employees  
403 will be added in a little more than a year. He pointed out that the City of Rockwall still has  
404 open positions that it has been unable to fill in the Water Department.

405 4. Discuss and consider (re)appointments to the city's advisory boards and  
406 commissions, including the Park Board, Historic Preservation Advisory  
407 Board, ART Commission, and the Architectural Review Board, and take any  
408 action necessary.

409  
410 Councilmember White made a motion to reappoint Betty Hougland and Doug Agee to the  
411 ART Review Team (ART Commission) (to serve an additional, two-year term to expire in  
412 August of 2018). Mayor Pruitt seconded the motion. Mayor Pruitt asked if Councilman  
413 White has heard back from Mr. Agee with regards to his willingness to continue serving.  
414 White indicated that, no, he has not yet heard back, explaining he has heard that Mr. Agee  
415 would perhaps not mind serving for another few months or so but that, beyond that  
416 timeframe, he may not prefer to continue serving. White generally indicated that he would  
417 like to reappoint Mr. Agee, and then if he wishes to resign, he may do so. After the  
418 comments, the motion passed by a vote of 7 ayes to 0 nays.

419  
420 Mayor Pro Tem Townsend made a motion to reappoint Charles Johnson, Wayne Larson and  
421 Brad Bassett to the Park Board (to serve an additional, two-year term to expire in August of  
422 2018). He also recommended a new appointee, Jeremy Standifer, to serve on the Park  
423 Board (replacing Kevin Moffatt, for a two-year term expiring in August of 2018).  
424 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

425  
426 Regarding the Historic Preservation Advisory Board, Mayor Pruitt made a motion to  
427 reappoint Dick Clark and Beverly Bowlin to serve an additional term (expiring in August of  
428 2018), and to newly appoint Maurice Thompson to fill a vacancy left by Tina Rowe (to expire  
429 in August of 2018). Councilmember Lewis seconded the motion, which passed by a vote of  
430 7 ayes to 0 nays.

431  
432 Councilmember Fowler made a motion to reappoint Kristi Mase and Adan Tovar to serve an  
433 additional term on the Architectural Review Board (expiring in August of 2018) and to newly  
434 appoint Phillip Craddock (replacing Julien Meyrat, expiring August 2018) and Jerry Welch  
435 (replacing Enid Reyes, expiring August 2017). Councilmember White seconded the motion,  
436 which passed unanimously of Council present (7 - 0).

437  
438 Mayor Pruitt made some announcements before the close of the meeting. He indicated that  
439 on Wednesday, July 20<sup>th</sup> at 7:00 p.m. a town hall meeting will be held in the City Hall Council  
440 Chambers to discuss the bond project involving Summit Ridge and Lakeshore. Information  
441 provided by the design engineers will be discussed, and he encouraged residents who live  
442 along and near the roadway to come, receive the information, and provide input.

443 The mayor reminded residents that the City will begin spraying for mosquitos tonight. One  
444 of the city's traps recently resulted in a positive case of a mosquito infected with West Nile  
445 Virus, and the City of Heath recently had a positive test as well. Although no human cases

446 have been reported in our community, the city wants to be proactive in spraying. He  
447 pointed out that a schedule is posted on our city website.

448  
449 **XI. EXECUTIVE SESSION**

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

- 452  
453  
454 1. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's Trust FBO  
455 Jason Manley v. the City of Rockwall, Texas and Board of Adjustments of the City of  
456 Rockwall, Texas (Cause No. 1-16-0580, 382nd District Court) pursuant to Section §551.071  
457 (Consultation with Attorney)
- 458 2. Discussion regarding City v. Primary Media settlement agreement pursuant to Section  
459 §551.071 (Consultation with Attorney)
- 460 3. Discussion regarding the status of negotiations for an ambulance services contract  
461 pursuant to Section §551.071 (Consultation with Attorney)
- 462 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
463 committees including the Building and Standards Commission, Planning & Zoning  
464 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

466  
467 **The Council did not reconvene in Executive Session following the close of the public**  
468 **meeting agenda. See the start of the 6:00 p.m. public meeting for actions taken as a result**  
469 **of the first Executive Session agenda items.**

470  
471 **XIII. ADJOURNMENT**

472  
473 **Mayor Pruitt adjourned the meeting at 7:03 p.m.**

474  
475 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
476 **THIS 1<sup>st</sup> day of August, 2016.**

477  
478  
479 **ATTEST:**

480 *Kristy Cole*  
481 \_\_\_\_\_  
482 **Kristy Cole, City Secretary**



*Jim Pruitt*  
\_\_\_\_\_  
**Jim Pruitt, Mayor**

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, August 01, 2016  
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 5:01 p.m. Present were Mayor Jim Pruitt and Council Members David White, Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Lea Ream. Councilmember John Hohenshelt, Mayor Pro Tem Mike Townsend, and City Attorney Frank Garza were absent from this meeting.

Mayor Pruitt read the following discussion items into the record before recessing the public meeting to go into Executive Session (5:02 p.m.).

**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 negotiations pertaining to an interlocal agreement with Rockwall County regarding participation in regional transportation services, pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's Trust FBO Jason Manley v. the City of Rockwall, Texas and Board of Adjustments of the City of Rockwall, Texas (Cause No. 1-16-0580, 382nd District Court) pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding legal options available to the City pertaining to possible violations of drainage and detention development standards pursuant to Section §551.071 (Consultation with Attorney)
5. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Planning & Zoning Commission pursuant to Section 551.074 (personnel matters)
6. Discussion regarding the status of negotiations for an ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
7. Discussion regarding contract with Holmes Murphy & Associates and HIPPA Information pursuant to Section §551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

The Council adjourned Executive Session at 5:52 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. Present were Mayor Jim Pruitt and Council Members David White, Scott Milder, Kevin Fowler and Dennis Lewis. Mayor Pro Tem Mike Townsend and City Councilmember John Hohenshelt were absent from the meeting.

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

Councilmember White made a motion to reappoint Toby Kernan to serve on the city's Building and Standards Commission (new term will run through August of 2018). Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt, Townsend).

Councilmember White made a motion to appoint Mark Moeller to serve on the city's Planning & Zoning Commission (replacing former member John McCutcheon, with a term to run through August of 2019). Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt, Townsend).

**VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

Councilmember Hohenshelt was absent, so Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

**VII. PROCLAMATIONS / AWARDS**

1. Memorial Day Concert Appreciation Proclamations
  - Chris Kosterman - Concert Director
  - The Rockwall Community Band
  - Mike McGill - Conductor, Rockwall Community Band
  - Gary Freedman - Concert Narrator

Mayor Pruitt called forth Mr. Tom Galli as well as the aforementioned individuals and members of the Rockwall Community Band. Each person introduced themselves and mentioned what instrument or role they played in the Memorial Day Concert. The mayor then read and presented each of the proclamations.

**VIII. OPEN FORUM**

Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time.

John White  
1929 S. Lakeshore Drive  
Rockwall, TX 75087

Mr. White came forth and provided some comments related to the reconstruction project involving S. Lakeshore / Summit Ridge. He generally expressed concerns about reducing the street width to 22', as he feels it is dangerous and will pose several hazards, including causing complications for fire and police vehicles. Regarding sidewalks in this

99 area, he feels installing them would pose a large problem. He indicated that he does not  
100 want S. Lakeshore to be like Clark Street, where there are obstacles built into the  
101 roadway in order to slow traffic down. He suggested that the city and the consultant  
102 think a little more about options that may be viable. He suggested that a portion of  
103 Summit Ridge might be reconfigured to make it a cul-de-sac in order to keep “through  
104 traffic” off of it. He also suggested a gate that the fire and police departments could  
105 easily get through to access the neighborhoods.

106  
107 Mayor Pruitt pointed out that this roadway improvement project is entirely a city project,  
108 so the city has the freedom to design the roadways however it so chooses. He generally  
109 expressed gratitude to Mr. White for sharing his thoughts.

110  
111 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the  
112 Open Forum.

113  
114 **IX. CONSENT AGENDA**

- 115  
116 1. Consider approval of the minutes from the July 18, 2016 regular city  
117 council meeting, and take any action necessary.
- 118 2. **P2016-030** - Consider a request by Clint Groomer of CBG Surveying, Inc.  
119 on behalf of Anusha Malineni of Sriven Vista, LLC for the approval of a  
120 replat for Lots 5 & 6, Block C, Sanger Bros. Addition being a 0.23-acre  
121 parcel of land currently identified as a portion of Lots 1 & 2, Block C,  
122 Sanger Bros. Addition, City of Rockwall, Rockwall County, Texas, zoned  
123 Single Family 7 (SF-7) District, situated within the Southside Residential  
124 Neighborhood Overlay (SRO) District, addressed as 703 Sam Houston  
125 Street, and take any action necessary.
- 126 3. **P2016-031** - Consider a request by Randy Helmberger of Our Lady of the  
127 Lake Catholic Church on behalf of Dr. Brad Helmer of Heritage Christian  
128 Academy for the approval of a replat for Lots 2 & 3, Block A, Heritage  
129 Christian Academy, Phase 2 being a 8.83-acre tract of land currently  
130 identified as Lot 1, Block A, Heritage Christian Academy, Phase 2, City of  
131 Rockwall, Rockwall County, Texas, zoned Planned Development District  
132 27 (PD-27) for Multi-Family 14 (MF-14) District, located west of the  
133 intersection of Damascus Road and SH-205 [S. Goliad Street], and take  
134 any action necessary.
- 135 4. **P2016-032** - Consider a request by Chet Leugers, PE of Pacheco Koch  
136 on behalf of Michael Hampton of the Rockwall Economic Development  
137 Corporation (REDC) for the approval of a final plat of Lot 1, Block B,  
138 Rockwall Technology Park, Phase IV being an 8.761-acre portion of a  
139 larger 9.73-acre tract of land identified as Tract 2-01-1 of the J. H. B.  
140 Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County,  
141 Texas, zoned Light Industrial (LI) District, situated within the FM-549  
142 Overlay (FM-549 OV) District, located at the northeast corner of the  
143 intersection of Corporate Crossing and Capital Boulevard, and take any  
144 action necessary.
- 145 5. **P2016-033** - Consider a request by Chet Leugers, PE of Pacheco Koch  
146 on behalf of Michael Hampton of the Rockwall Economic Development  
147 Corporation (REDC) for the approval of a final plat of Lot 1, Block A,

148 Rockwall Technology Park, Phase IV being an 30.035-acre portion of a  
149 larger 49.85-acre tract of land identified as Tract 1, J. H. B. Jones Survey,  
150 Abstract 125, City of Rockwall, Rockwall County, Texas, zoned Light  
151 Industrial (LI) District, located at the northeast corner of the intersection of  
152 Discovery Boulevard and Data Drive, and take any action necessary.

153 6. **P2016-034** - Consider a request by Jay Holman & Don Silverman of  
154 Rockwall 205-552, LLC for the approval of final plat for Lots 1-3, Block A,  
155 Dalton Goliad Addition being a 9.232-acre tract of land identified as Tract  
156 4-1 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall,  
157 Rockwall County, Texas, zoned General Retail (GR) District, situated  
158 within the North SH-205 Overlay (N. SH-205 OV) District, located at the  
159 northwest corner of the intersection of SH-205 [N. Goliad Street] and FM-  
160 552, and take any action necessary.

161 7. Consider awarding a bid to Waukesha-Pearce Industries and authorizing  
162 the City Manager to execute a Purchase Order for onsite generators  
163 installed at Lakeside Village and Chandlers Marina Lift Stations in the  
164 amount of \$144,985 to be funded out of the Water and Sewer Fund,  
165 Sewer Operations Budget, and take any action necessary.

166 **Councilmember Milder pulled item #6 for further discussion.**

167  
168 **Councilmember Lewis made a motion to approve the remaining Consent Agenda Items**  
169 **(#1, 2, 3, 4, 5, and 7). Councilman Milder seconded the motion, which passed by a vote of**  
170 **5 ayes with 2 absent (Hohenshelt and Townsend).**

171  
172 **Councilmember Milder indicated that he cannot support anything related to having an**  
173 **Aldi located in the north part of town, so he will not be in favor of Consent Agenda item**  
174 **#6. Councilmember White made a motion to approve P2016-034. Councilmember Lewis**  
175 **seconded the motion, which passed by a vote of 4 ayes with 1 against (Milder) and 2**  
176 **absent (Hohenshelt and Townsend).**

177  
178 **X. APPOINTMENTS**

179  
180 1. Appointment with the Planning and Zoning Chairman to discuss and  
181 answer any questions regarding cases on the agenda and related issues  
182 and take any action necessary.

183  
184 **Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed**  
185 **the Council on recommendations of the Commission relative to items on tonight's city**  
186 **council meeting agenda. The Council took no action concerning this agenda item.**

187  
188 **XI. PUBLIC HEARING ITEMS**

189  
190 1. **Z2016-020** - Hold a public hearing to discuss and consider a request by  
191 Sandra Peterson for the approval of an **ordinance** for a Specific Use  
192 Permit (SUP) to allow for a carport that does not meet the minimum  
193 setback requirements stipulated by Section 2.1.2, Residential and  
194 Lodging Use Conditions, of Article IV, Permissible Uses, of the Unified  
195 Development Code [Ordinance No. 04-38] for a 0.231-acre parcel of land  
196 identified as Lot 10, Block D of Northshore, Phase 2A Addition, City of

197 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10)  
198 District, addressed as 509 Sunset Hill Drive, and take any action  
199 necessary. (1st reading)

200 Planning Director, Ryan Miller, provided background information concerning this agenda  
201 item.

202 The applicant, Sandra Peterson is requesting a Specific Use Permit (SUP) to allow for a  
203 carport that does not meet the minimum rear yard setback requirements stipulated by  
204 the city's regulations. According to the Code, the minimum depth of rear yard setback is  
205 ten (10) feet for properties located in a Single Family 10 (SF-10) District. The  
206 applicant is proposing to construct the carport 8-feet from the street. According to  
207 Section 2.1.2, *Residential and Lodging Use Conditions*, of Article IV, *Permissible Uses*,  
208 of the Unified Development Code, (UDC), carports that do not meet the minimum rear  
209 yard setbacks can apply for an SUP to be approved by the City Council. Mr. Miller  
210 explained that the proposed carport will stand approximately ten (10) feet in height and  
211 will have a building footprint of approximately 24-feet x 22-feet or 530 square feet. It will  
212 be located behind the main residential structure and attach to the existing home where  
213 the garage is located. In addition, the carport will be constructed of metal and will not  
214 visible from the street.

215  
216 Mr. Miller explained that staff mailed 25 notices to property owners and occupants  
217 within 500-feet of the subject property. Staff also notified the Preserve HOA, which is  
218 the only HOA/Neighborhood Organization that is within 1,500-feet and participating in  
219 the notification program. Additionally, staff posted a sign on the subject property as  
220 required by the Unified Development Code (UDC). At the time this report was drafted,  
221 staff had received five (5) notices returned in favor of the carport. Additionally, the  
222 Planning & Zoning Commission has recommended approval of this request.

223  
224 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth to  
225 speak. There being no one indicating such, he then closed the public hearing.

226  
227 Councilmember White made a motion to approve Z2016-020. Councilmember Lewis  
228 seconded the motion.

229  
230 Councilmember Milder asked if there are any other carports located along this alleyway.  
231 Mr. Peterson, the applicant, came forth and clarified that there are some other carports  
232 located on both his alleyway and a nearby alleyway.

233  
234 The ordinance was read as follows:

235  
236 CITY OF ROCKWALL  
237 ORDINANCE NO. 16-  
238 SPECIFIC USE PERMIT NO. S-  
239

240 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
241 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE 04-38] OF THE CITY  
242 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
243 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CARPORT THAT DOES NOT  
244 CONFORM TO THE REQUIREMENTS AS STIPULATED BY SECTION 2.1.2,  
245 RESIDENTIAL AND LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE  
246 USES, OF THE UNIFIED DEVELOPMENT CODE, BEING A 0.231-ACRE TRACT OF  
247 LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, AND  
248 ADDRESSED AS 509 SUNSET HILL DRIVE, AND IDENTIFIED AS LOT 10, BLOCK D  
249 OF NORTSHORE, PHASE 2A ADDITION, CITY OF ROCKWALL, ROCKWALL  
250 COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A' OF THIS*

251 **ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A**  
252 **PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**  
253 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**  
254 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
255

256 **The motion passed by a vote of 5 in favor with 2 absent (Townsend and Hohenshelt).**  
257

- 258 **2. Z2016-021 - Hold a public hearing to discuss and consider a request by**  
259 **Mike Hogue for the approval of an ordinance for a zoning amendment to**  
260 **Planned Development District 52 (PD-52) for the purpose of allowing**  
261 **townhomes on a 2.17-acre tract of land identified as Lot 1, Block 1, Allen**  
262 **Hogue Subdivision (0.7910-acres) and Lots 67 & 68, Block B, B. F.**  
263 **Boydston Addition (1.257-acres), City of Rockwall, Rockwall County,**  
264 **Texas, zoned Planned Development District 52 (PD-52) for Heavy**  
265 **Commercial (HC) District land uses, being addressed as 703, 705 & 709**  
266 **E. Boydston Avenue, and take any action necessary. (1st reading)**

267 **Ryan Miller, Planning Director, explained that the applicant, Mike Hogue, has**  
268 **submitted an application requesting a zoning amendment to Planned Development**  
269 **District 52 (PD-52) [Ordinance No. 02-14] for the purpose of allowing Townhomes on a**  
270 **2.048-acre tract of land. The development will consist of eleven (11) single-family**  
271 **(attached) townhomes. The property has an underlying zoning of Heavy Commercial**  
272 **(HC) District, is located at the intersection of E. Boydston Avenue and S. Clark Street,**  
273 **and is addressed as 703, 705, & 709 E. Boydston Avenue.**

274 **The applicant intends to build three (3) story, two (2) bedroom townhomes consisting of**  
275 **2,258 sq.-ft. of air conditioned space on each lot. These are proposed to be traditional**  
276 **attached three (3) story home site that will incorporate a mixture of flat and pitched roofs**  
277 **with gabled elements, articulated entry features, and balconies. Each townhome will be**  
278 **identified as a separate unit.**

279  
280 **The overall minimum masonry requirement for this development will be calculated at**  
281 **90% masonry material(s), excluding windows and doors. Hardy Plank or a similar**  
282 **cementaceous material may be used up to 70 percent of the masonry requirement on**  
283 **units that do not have a cementaceous material on the adjoining property façade.**  
284 **This will help maintain the traditional design and style the applicant is attempting to**  
285 **create. Each townhome will also have a two (2) car garage located to the rear of each**  
286 **property.**

287  
288 **In addition, the applicant will provide a minimum of a 10-foot landscape buffer along S.**  
289 **Clark Street and Boydston Avenue with large canopy trees planted at 50-ft intervals. It**  
290 **should be pointed out that according to the Comprehensive Plan the applicant is not**  
291 **required to provide 20% open space since the site is less than five (5) acres in total area;**  
292 **however, the concept plan indicates that an 1.64-acre park and open space area will be**  
293 **provided in the northern portions of the property adjacent to the flood plain area.**

294 **On July 1, 2016, staff mailed 250 notices to property owners and residents within 500-feet**  
295 **of the subject property. Staff also emailed a notice to the Park Place Homeowner's**  
296 **Associations (HOA), which is the only HOA located within 1,500 feet of the subject**  
297 **property. Additionally, staff posted a sign adjacent to the subject property along**  
298 **Boydston Avenue and advertised the public hearings in the city's newspaper of record**  
299 **as required by the Unified Development Code (UDC). At the time this case memo was**  
300 **drafted, staff had received six (6) notices "in favor of" and four (4) notices "opposed to"**  
301 **the request.**  
302

303 **Greg Wallace**  
304 **Marshawn Architects**  
305 **(no address provided)**  
306

307 **Mr. Wallace came forth and provided additional comments pertaining to this proposed**  
308 **townhome development. After Mr. Wallace's comments, Mayor Pruitt opened the public**  
309 **hearing and asked if anyone would like to come forth and speak. There being no one**  
310 **indicating such, the public hearing was closed.**  
311

312 **Mayor Pruitt asked Mr. Miller for some clarification regarding past requests which have**  
313 **come forth to Council related to townhomes. Councilmember White asked for**  
314 **clarification regarding what uses would be allowed with the "heavy commercial," which**  
315 **is the existing underlying zoning. He generally indicated that with this particular set of**  
316 **circumstances, he believes this is a good use of the property, especially since something**  
317 **far less attractive (for example, a concrete plant) could be built here 'by right.'**  
318 **Councilmember Lewis clarified that there will be an HOA established just for these**  
319 **townhomes. Mr. Miller explained that, yes, there will be, and it will maintain the open**  
320 **space and landscaping areas. It was clarified that there will not be street parking out**  
321 **front; however, there are parking niches behind the properties that will allow for guest**  
322 **parking. Lewis commented that this rendering is very attractive, and he really hopes that**  
323 **the applicant does not proceed to come forth with variance requests in the future. He**  
324 **hopes that the look and feel will remain the same.**  
325

326 **Additional clarification was sought by Mayor Pruitt concerning parking niches that were**  
327 **shown on the rendering and were depicted in the front of the properties. Mr. Miller**  
328 **assured that there would actually not be any parking niches located in the front of the**  
329 **property. Pruitt expressed concern related to a traffic hazard being created on Boydston**  
330 **if no parking niches are present. Or, he suggested, perhaps "no parking" signs could be**  
331 **installed in order to dissuade residents and visitors from parking out front. Mr. Miller**  
332 **explained that he has not discussed with the applicant the thought of placing parking**  
333 **niches out front, and pointed out that there is a sidewalk out front already.**  
334 **Councilmember White suggested that "no parking" signs be installed in front of the**  
335 **townhomes instead so that residents and visitors are forced to park in the parking niches**  
336 **located in the rear of the property. Mr. Wallace explained that each unit will have a two-**  
337 **car garage with two, additional parking spots located behind each garage (essentially**  
338 **driveway parking), plus some parking niche areas in the rear of the properties.**  
339

340 **Councilmember Milder expressed that townhomes and multifamily proposals have**  
341 **traditionally been "shot down" by Council, but he does feel like this particular proposal**  
342 **does make a lot of sense. Milder asked if these will be owner-occupied townhomes or**  
343 **rentals. Mr. Wallace indicated that there are currently no plans to put restrictions in**  
344 **place that would limit these units to be "owner occupied" through deed restrictions or**  
345 **otherwise. The price point will be \$250,000 to \$300,000. Milder asked Fire Chief Mark**  
346 **Poindexter if he has any concerns. Poindexter generally indicated that there are no**  
347 **concerns, explaining that the ladder truck from Fire District 1 is able to service the three-**  
348 **story development.**  
349

350 **Councilmember White again commented that with this particular request, the underlying**  
351 **zoning is heavy commercial, so a development could come forth that is much, much**  
352 **worse.**  
353

354 General discussion took place related to increasing parking accommodations.

355  
356 Councilmember Lewis made a motion to approve Z2016-021 with the understanding that  
357 a “no parking” restriction will be put into place in the front of the units along Boydston.  
358 Councilmember White seconded the motion.

359  
360 Mayor Pruitt asked for clarification on nearby property owners potentially wanting to do  
361 other, similar townhome developments. Mr. Miller clarified that there are no other  
362 properties in this general area that would allow for this type of development. At Pruitt’s  
363 request, Mr. Miller explained that if Mr. Bricker (Park Place) would like to do transitional  
364 townhomes, he would need to come forth and have his PD amended, as it is currently  
365 restricted to single family residential.

366  
367 After various comments, the ordinance was read as follows:

368  
369 CITY OF ROCKWALL  
370 ORDINANCE NO. 16-XX

371  
372 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS  
373 AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 02-  
374 14] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE  
375 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE  
376 IN ZONING BY AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) TO  
377 ALLOW TOWNHOMES ON A 2.048-ACRE TRACT OF LAND IDENTIFIED AS LOT 1,  
378 BLOCK 1, ALLEN HOGUE SUBDIVISION (0.791-ACRES) AND LOTS 67 & 68, BLOCK  
379 B, B. F. BOYDSTUN ADDITION (1.257-ACRES), CITY OF ROCKWALL, ROCKWALL  
380 COUNTY, TEXAS BEING A PORTION OF A LARGER ~24.17-ACRE ZONING  
381 DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 52 (PD-52) WHICH  
382 IS MORE FULLY DESCRIBED HEREIN BY EXHIBIT ‘A’ OF THIS ORDINANCE;  
383 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE  
384 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
385 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
386 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

387  
388 The motion passed by a vote of 4 in favor, 1 against (Pruitt), and 2 absent (Hohenshelt  
389 and Townsend).

390  
391 XII. ACTION ITEMS

- 392  
393 1. Discuss and consider authorizing the City Manager to execute an  
394 Interlocal Agreement between the City of Rockwall and Rockwall County  
395 for participation in the Rockwall County Interoperability Radio Network,  
396 and take any action necessary.

397 Joey Boyd, Director of Internal Operations, provided brief background information  
398 concerning this agenda item, indicating that the Council discussed this interlocal  
399 agreement at its last meeting and requested that it be brought back for this meeting.

400  
401 Mayor Pruitt made a motion to authorize the City Manager to execute an Interlocal  
402 Agreement between the City of Rockwall and Rockwall County for participation in the  
403 Rockwall County Interoperability Radio Network. Councilmember White seconded the  
404 motion.

405

406 Councilman Lewis provided brief comments, generally related to the city's existing radio  
407 system soon reaching the end of its life cycle and the inability to get replacement parts  
408 for our current system. He commented that the City of Rockwall will bear the brunt of  
409 maintenance costs because it is the largest user of the system. Councilmember White  
410 commented that when the idea of this joint project was first brought forth a few years  
411 ago, it was not incredibly desirable; however, it has been worked on by staff and other  
412 officials in the county, and it is now proving to be a good arrangement.

413  
414 After additional, brief comments, the motion passed by a vote of 5 in favor with 2 absent  
415 (Townsend and Hohenshelt).

- 416  
417 2. Discuss and consider a request from Richard Fabian of Pier 101 for the  
418 approval of a variance to Section 3.5, Alcoholic Beverage Sales, of Article  
419 IV, Permissible Uses, of the Unified Development Code to allow a  
420 restaurant establishment (Pier 101) that does not meet the minimum  
421 distance requirements for alcoholic beverage sales on a 0.36-acre parcel  
422 of land identified as Lot A, Block 1, Griffith Addition, City of Rockwall,  
423 Rockwall County, Texas, zoned Downtown (DT) District, addressed as  
424 101 S. Fannin Street, and take any action necessary.

425 Planning Director Ryan Miller provided background information related to this agenda  
426 item. He indicated that this location is currently located too close (less than 300' as  
427 measured by front door to front door) to a nearby church. He clarified that it is only 254'  
428 from the front door of the church. However, he explained that the applicant has reached  
429 out to the Rockwall Presbyterian Church, and the church has submitted a letter  
430 expressing that they are okay with Pier 101 selling alcohol and generally do not pose any  
431 opposition.

432  
433 Mayor Pruitt asked for some clarification concerning another, nearby building, asking if it  
434 too is considered a church and asking if it does or does not meet the specified distance  
435 requirements. Council took a brief break from further discussing this item so that staff  
436 could further evaluate these questions. In the meantime, Council went on to address  
437 Action Items #3 and #4 on the agenda.

438  
439  
440 This item was revisited following the close of discussions pertaining to Action Items #3  
441 and #4.

442  
443 Mr. Crowley clarified that the building in question (the Covenant Church) does not have a  
444 tax exempt status associated with it through the Appraisal District. Mrs. Ream, the city's  
445 legal counsel, has suggested that the Council may wish to defer this item to allow time  
446 for additional research to determine if the distance requirements would or would not  
447 pertain to that particular property.

448  
449 Councilman White pointed out that he believes that the building in question houses a  
450 series of shops, including one that sells cigars. He pointed out that, either way, the city  
451 council is generally allowed to grant a variance. After additional, brief comments,  
452 Councilmember White made a motion to approve the variance request to allow for the  
453 sale of alcohol at the new Pier 101 restaurant. Councilmember Fowler seconded the  
454 motion, which passed by a vote of 5 in favor with 2 absent (Townsend and Hohenshelt).

456 3. Discuss and consider a variance request from Jour Salon and Spa  
457 associated with the City's Standards of Design and Construction related  
458 to standards for design of developments, specifically pertaining to  
459 construction of a parking lot for this facility, and take any action  
460 necessary.

461 City Engineer Tim Tumulty explained that staff received this request from Ms. Shannon  
462 Riddell, owner of Jour Salon and Spa. The business is located at 501 South Goliad in the  
463 southeast corner of South Goliad and Storrs Street. The owner is requesting a variance  
464 from the city's Standards of Design and Construction Ordinance related to the  
465 construction of parking lot materials. He explained that the existing facility has gravel  
466 parking located in the rear of the lot. This lot is currently used for Jour Salon and Spa  
467 staff parking and any overflow parking created by the business. During rain events,  
468 runoff flowing across the lot washes the gravel off the parking lot down into Storrs  
469 Street, according to the owner. The owner has looked at placing concrete over the gravel  
470 area but felt that costs were too high. As such, Mrs. Riddell is requesting deviation  
471 from the city's Standards of Design which would require concrete materials to be  
472 used. Instead, she is asking to be allowed to use asphaltic material.

473  
474 Shannon Riddell  
475 501 S. Goliad  
476 Rockwall, TX

477  
478 The applicant, Mrs. Riddell, came forth and further explained the nature of her request.  
479 She generally expressed concerns related to ongoing drainage related issues that she  
480 has been experiencing on and near the property. She explained that installing concrete  
481 is too expensive for her at the present time. She has consulted with a contractor who  
482 has advised her on overlaying asphalt. She generally expressed that she is seeking  
483 permission from the Council to do so.

484  
485 Councilmember Lewis provided various comments pertaining to the existing, cracked  
486 concrete, commenting that overlaying asphalt over cracked concrete would not be a  
487 good idea because it too will eventually crack. He explained that even if Council grants a  
488 variance to allow asphalt, it will not cure her problems, as she will still have drainage-  
489 related concerns.

490  
491 Councilmember Milder expressed that, as a fellow small business owner in Rockwall, he  
492 sympathizes with her parking-related challenges. He expressed that he is inclined to  
493 support her request for asphalt, especially since it is located behind her property, is on  
494 private land, and no one is really going to see it.

495  
496 Dialogue took place related to the city's use of asphalt to make temporary roadway  
497 patches.

498  
499 Councilmember Milder made a motion to approve the variance request, including  
500 allowing asphalt overlay over the existing concrete area and over the gravel area on the  
501 back side of the property (that faces Storrs Street). Councilmember White seconded the  
502 motion.

503  
504 When asked, the applicant clarified that the asphalt will be visible from Storrs Street but  
505 not from Goliad Street.

506  
507 Councilman Fowler provided additional comments related to the applicant possibly  
508 spending additional money to “do it right” rather than putting in asphalt, which he views  
509 to be a temporary fix that will eventually result in buckling and cracking over time.  
510

511 After additional comments, the motion passed by a vote of 3 in favor, 2 against (Lewis  
512 and Fowler) and 2 absent (Hohenshelt and Townsend).  
513

514 4. Hear and discuss update from Mayor Pruitt concerning a public meeting  
515 scheduled for August 16, 2016 at 7:00 p.m. at The Center pertaining to  
516 enhancing dialogue between the City of Rockwall and its residents, and  
517 take any action necessary.

518 Mayor Pruitt indicated that this meeting has been scheduled and is in response to  
519 conversations the mayor has had with other area mayors and in response to things that  
520 have been happening all over the country. It will pertain to dialogue related to first  
521 responders – the police and fire departments, including dispatchers - and various  
522 minorities within our city, both citizens and officers who are of varying races. He  
523 generally expressed a desire to evaluate if racial-related disconnect does or does not  
524 exist in our city. He explained that he plans to invite the HOAs from around town as well  
525 as all of the local churches, and he would like to keep these conversations limited to  
526 local residents. He asked for the council members to let him know if they have others  
527 that they feel should be invited to the meeting. Councilmember Milder thanked Mayor  
528 Pruitt for scheduling this sort of meeting which will help enhance dialogue with residents  
529 of our city.  
530

531 City Manager Rick Crowley expressed that he has a desire for representatives from all  
532 city departments to be present at the meeting, as he feels like opening up dialogue  
533 between residents and all city departments is important. Mayor Pruitt generally  
534 concurred.  
535

536 When asked by Mayor Pruitt if he has any comments, Assistant Police Chief Kirk  
537 Aldridge expressed that he is happy to participate in this meeting and have additional  
538 dialogue with citizens to hear what they have to say.  
539

540 XIII. CITY MANAGER’S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
541 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.  
542

- 543 1. Departmental Reports  
544 Building Inspections Monthly Report - June 2015  
545 Fire Dept. Monthly Reports - June 2016  
546 Fire Marshal's Monthly Report - June 2016  
547 GIS Division Monthly Report - June 2016  
548 Harbor PD Monthly Report - June 2016  
549 Internal Operations Department Report - June 2016  
550 Police Department Monthly Report - June 2016  
551 Recreation Monthly Report - June 2016  
552 Rockwall Animal Adoption Center Monthly Report - June 2016  
553  
553 2. City Manager's Report

554 City Manager Rick Crowley stated that he is happy to answer any questions Council may  
555 have related to monthly reports. There being no questions asked, no further discussion  
556 took place.

557  
558 **XIV. EXECUTIVE SESSION**

559  
560 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
561 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
562 CODE:

- 563  
564 1. Discussion regarding negotiations pertaining to an interlocal agreement with  
565 Rockwall County regarding participation in regional transportation services,  
566 pursuant to Section §551.071 (Consultation with Attorney)
- 567 2. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's  
568 Trust FBO Jason Manley v. the City of Rockwall, Texas and Board of  
569 Adjustments of the City of Rockwall, Texas (Cause No. 1-16-0580, 382nd District  
570 Court) pursuant to Section §551.071 (Consultation with Attorney)
- 571 3. Discussion regarding claim for reimbursement by developer for lift station  
572 improvements pursuant to Section §551.071 (Consultation with Attorney)
- 573 4. Discussion regarding legal options available to the City pertaining to possible  
574 violations of drainage and detention development standards pursuant to Section  
575 §551.071 (Consultation with Attorney)
- 576 5. Discussion regarding (re)appointments to city regulatory boards, commissions,  
577 and committees including the Building and Standards Commission and Planning  
578 & Zoning Commission pursuant to Section 551.074 (personnel matters)
- 579 6. Discussion regarding the status of negotiations for an ambulance services  
580 contract pursuant to Section §551.071 (Consultation with Attorney)
- 581 7. Discussion regarding contract with Holmes Murphy & Associates and HIPPA  
582 Information pursuant to Section §551.071 (Consultation with Attorney)

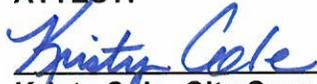
583 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

584  
585 The Council did not reconvene in Executive Session following the close of the public  
586 meeting agenda.

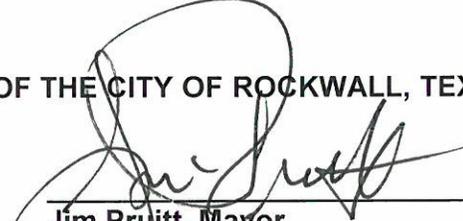
587  
588 **XVI. ADJOURNMENT**

589  
590 The meeting was adjourned at 7:36 p.m.

591  
592  
593 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
594 THIS 15<sup>th</sup> day of August, 2016.

595  
596 ATTEST:  
597   
598 Kristy Cole, City Secretary  
599



  
Jim Pruitt, Mayor

1  
2  
3  
4  
5  
6

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, August 15, 2016**  
**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**  
10 **Pruitt, Mayor Pro Tem Mike Townsend and Council Members David White, John**  
11 **Hohenshelt, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick**  
12 **Crowley, Assistant City Manager Mary Smith and City Attorney Frank Garza. Council**  
13 **Member Scott Milder was absent from the meeting.**

14  
15 **II. WORK SESSION**

- 16  
17 1. Hold work session to discuss report from the Fire Department Strategic  
18 Planning Subcommittee regarding development of strategic direction /  
19 initiatives for the department.

20 **Item #2 was addressed first, with this agenda item being addressed thereafter.**  
21 **Regarding this item, Councilmember Hohenshelt briefed the Council on the work of the**  
22 **subcommittee and the conclusions that have been arrived at based on data that was**  
23 **studied as part of the process. He explained that input from the full council is needed on**  
24 **some of the issues at hand. He indicated that the subcommittee has no disagreement**  
25 **about keeping a mixed fire department (partially volunteers and partially full-time staff).**  
26 **In addition, maintaining an ISO rating of 2 is also agreeable to the subcommittee;**  
27 **however, there is a possibility that the criteria for an ISO 2 rating may change, so some**  
28 **adjustments may be warranted in the future. Regarding "first responder" type**  
29 **(paramedic) activities, Hohenshelt indicated that Councilmember Milder wanted to be**  
30 **present to talk about this matter further, so it is unfortunate he is not present to be able**  
31 **to do so today. He indicated that the goals of the fire department are to protect lives,**  
32 **prevent collateral damage and put out fires.**

33 **He went on to explain that they evaluated driving distance from fire stations. As of right**  
34 **now, 95% of residential structures are within a 4 minute drive time of any fire station (it**  
35 **was clarified that this is within the city but does not include the ETJ areas (extra**  
36 **territorial jurisdiction). He stated that 90% of commercial, non-sprinklered buildings are**  
37 **within 4 minute drive from any station. Also, Hohenshelt indicated that the**  
38 **subcommittee has no problem rolling out two fire stations for any structure fire.**

39 **He went on to explain that the "man power per station" is still something that needs to be**  
40 **discussed. For example, right now, there is only one full-time person at Station 3. This**  
41 **means the person responding has the responsibility for driving and navigating**  
42 **simultaneously. So, there is some concern about this. To summarize, the subcommittee**  
43 **would like input from the full council regarding relative criteria associated with**  
44 **determining: (1) distance from each fire station; (2) man power; and (3) first responder /**  
45 **EMS responsibilities.**

46 **Councilmember Lewis asked Fire Chief Mark Poindexter if our personnel have the**  
47 **capability to perform "first responder" type of services. Poindexter indicated that all**

48 personnel currently have the proper training to do this; however, some minimal costs  
49 would be associated with purchasing needed equipment (i.e. AEDs, bandaging, etc.). He  
50 went on to provide some additional, clarifying comments pertaining to the city Fire  
51 Department possibly providing “first responder” services and working in conjunction  
52 with the local ambulance service provider to coordinate doing so. He believes that the  
53 EMS company would likely be open to the Fire Department doing so, as they had  
54 previously seemed receptive to this. Dialogue then took place related to response times.

55 Mr. Crowley indicated that the local professional firefighters association recently made a  
56 presentation to some members of the Council subcommittee, the city manager, assistant  
57 city manager and the fire chief. Mr. Crowley indicated that Councilmember Milder has  
58 requested that an agenda item be placed on the next regular city council meeting agenda  
59 in order for this group to make the same presentation before the full Council.

60 After lengthy discussions related to “first responder” and what all it would entail,  
61 Councilmember Hohenshelt spoke about manpower and potential budgetary costs  
62 associated with modifying this. He generally suggested that perhaps the city may want  
63 to consider hiring a part time person for Fire Station 3 to be on duty during the peak call  
64 volume days/hours. General indication was given that criteria should be established and  
65 evaluated for all current fire stations and any future stations that may be built to help  
66 determine true manpower and other needs.

67 The Council took no action following its discussion of this item.

68           2. Hold work session with the Fire Marshal and Building Official to discuss  
69           corrugated stainless steel tubing (CSST).

70 City Manager Rick Crowley provided brief comments related to this work session item,  
71 indicating that both the city’s Building Official, Jeffrey Widmer, and the Fire Marshal,  
72 Ariana Hargrove, will be speaking to the Council concerning this item. In addition, Mr.  
73 Craig Castleberry who represents the National Association of State Fire Marshals  
74 (NASFM) will also be speaking. He pointed out that Mrs. Teel from the Brennen Teel  
75 Foundation is also present for this work session item today.

76  
77 Mrs. Hargrove came forth and played an informational video for the Council to educate  
78 them on CSST, including what it is, where it is used, and the nature of the potential  
79 dangers. Mrs. Hargrove explained that lightning as a heat source is a top reason for  
80 home fires here locally in Rockwall. She then went on to share real life examples of  
81 lightning strikes in Rockwall homes that were found to have caused punctures in CSST  
82 within the homes.

83  
84 Mr. Widmer came forth and provided the Council with additional information on the CSST  
85 product itself, including talking points such as where/why it began being used,  
86 installation guidelines, the International Building Code, and “bonding” of the product  
87 (when it does exist in a home) in order to minimize potential dangers.

88  
89 Mr. Craig Castleberry who represents the National Association of State Fire Marshals  
90 (NASFM) then came forth and provided comments to the City Council. He requested that  
91 the Council consider elevating the city’s standards related to CSST. He generally  
92 stressed the importance of safety, not only related to bonding and grounding CSST, but  
93 also regarding ensuring a higher level of testing and/or some product prohibitions in  
94 order to ensure homeowners’ safety.

95

96 **Mr. Widmer again came forth and provided closing comments to the Council, explaining**  
97 **various options that the city council here in Rockwall may wish to consider (i.e. possible**  
98 **building code amendments and/or implementation of an educational program for**  
99 **citizens).**

100  
101 **Mayor Pruitt asked for some clarification related to builders currently using this product.**  
102 **Mr. Widmer indicated that, in general, the city has not seen builders utilizing CSST in**  
103 **several years now.**

104  
105 **Councilmember Lewis then spoke, indicating that Brennen Teel, who lost his life in a**  
106 **home fire following a lightning strike in a home that had CSST, grew up with his kids.**  
107 **So, this issue is personal for him. He went on to share some thoughts and observations,**  
108 **and he generally indicated a desire for the Rockwall City Council to pass an ordinance**  
109 **banning the use of CSST in our city.**

110  
111 **Councilmember White then asked several clarifying questions related to the bonding of**  
112 **the product and the manufacturing of the product. Mrs. Hargrove and Mr. Widmer**  
113 **answered each of his questions.**

114  
115 **The Council took no formal action concerning this work session item. At 5:19 p.m., the**  
116 **Mayor read the below listed items into the record before recessing the public meeting go**  
117 **to into Executive Session.**

118  
119 **III. EXECUTIVE SESSION.**

120  
121 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
122 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
123 **CODE:**

- 124  
125 1. Discussion regarding claim for reimbursement by developer for lift station  
126 improvements pursuant to Section §551.071 (Consultation with Attorney)
- 127 2. Discussion regarding legal options available to the City pertaining to possible  
128 violations of drainage and detention development standards pursuant to Section  
129 §551.071 (Consultation with Attorney)
- 130 3. Discussion regarding the city's existing Fixed Based Operator airport agreement with  
131 Texas Air Center, LLC pursuant to Section 551.071 (Consultation with Attorney)
- 132 4. Discussion regarding legal advice associated with homeowners association (HOA)  
133 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

134  
135 **IV. ADJOURN EXECUTIVE SESSION**

136  
137 **The Council adjourned from Executive Session at 5:58 p.m.**

138  
139 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

140  
141 **Mayor Pruitt called the public meeting back to order at 6:00 p.m.**  
142  
143  
144

145 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

146  
147 The Council took no action as a result of Executive Session.

148  
149 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

150  
151 Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.

152  
153 VIII. OPEN FORUM

154  
155 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
156 come forth and speak at this time.

157  
158 Glen Turbyfill  
159 1455 Memorial Drive  
160 Rockwall, TX 75087

161  
162 Mr. Turbyfill came forth and expressed concern regarding excessive traffic currently  
163 taking place on Memorial Drive because drivers are using it as an alternative route to  
164 avoid construction and/or the nearby traffic light. He would like more information on  
165 possible installation of road humps. He is also curious about the plans pertaining to the  
166 four lane extension of Quail Run Road from SH-205 to John King Boulevard. Mayor  
167 Pruitt stated that the roadway extension will be done in time, after those properties  
168 develop. With regards to road humps, Mayor Pruitt asked for Mr. Crowley to get with Mr.  
169 Turbyfill to discuss this topic.

170  
171 Mayor Pruitt reminded the audience about a public town hall meeting that will be held at  
172 7:00 p.m. tomorrow evening at The Center. It will focus on public safety. He invited  
173 everyone to attend and indicated that it will be finished by 9:00 p.m.

174  
175 He then recognized a boy scout in attendance in the audience. The boy scout (guest)  
176 indicated he is working on his Citizenship in the Community merit badge.

177  
178 Ronnie Weigant  
179 3714 Huntcliffe Drive  
180 Rockwall, TX 75087

181  
182 Mr. Weigant came forth and indicated that his property taxes have generally gone up  
183 notably over the last several years (anywhere from 9.5% to 28%). He went on to explain  
184 his interactions with the Central Appraisal District as he has protested his taxes on  
185 various occasions. He explained that his attempts at having his assessed values  
186 lowered have been unsuccessful. He shared that he is retired; however, he has had to  
187 submit various employment applications in an effort to secure a job to help supplement  
188 his income in order to afford his increased taxes.

189  
190 IX. CONSENT AGENDA

191  
192 1. Consider approval of the minutes from the August 1, 2016 regular city  
193 council meeting, and take any action necessary.

- 194 2. **Z2016-020** - Consider a request by Sandra Peterson for the approval of  
 195 an **ordinance** for a Specific Use Permit (SUP) to allow for a carport that  
 196 does not meet the minimum setback requirements stipulated by Section  
 197 2.1.2, Residential and Lodging Use Conditions, of Article IV, Permissible  
 198 Uses, of the Unified Development Code [Ordinance No. 04-38] for a  
 199 0.231-acre parcel of land identified as Lot 10, Block D of Northshore,  
 200 Phase 2A Addition, City of Rockwall, Rockwall County, Texas, zoned  
 201 Single Family 10 (SF-10) District, addressed as 509 Sunset Hill Drive,  
 202 and take any action necessary. **(2nd reading)**
- 203 3. Consider awarding a bid to North Texas Lawn & Landscape and  
 204 authorizing the City Manager to execute a contract to remove 80  
 205 dead/diseased trees and replace them with new trees in the amount of  
 206 \$56,845 to be funded with tree mitigation funds, and take any action  
 207 necessary.
- 208 4. Consider authorizing the City Manager to enter into an agreement with  
 209 MHS Planning and Design to update the Parks, Recreation and Open  
 210 Space Master Plan in the amount of \$20,000 as was approved in the FY  
 211 2015/2016 budget, and take any action necessary.
- 212 5. Consider authorizing the City Manager to enter into an agreement with  
 213 Mingling Mouth LLC for the purposes of providing food concession  
 214 services at the Leon Tuttle Athletic Complex, and take any action  
 215 necessary.
- 216 6. Consider approval of an interlocal agreement between the City of  
 217 Rockwall and the Rockwall Independent School District for School  
 218 Resource Officer services for the 2016-2017 school year, and take any  
 219 action necessary.
- 220 7. **P2016-023** - Consider a request by Pat Atkins of the Saddle Star Land  
 221 Development, LLC on behalf of the owners Gwen Reed and Randa  
 222 Hance (R. & R. Hance Investments, LP) for the approval of a master  
 223 plat/open space plan for the Saddle Star South Subdivision containing  
 224 138 single-family residential lots on a 55.413-acre tract of land identified  
 225 as Tracts 1, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City  
 226 of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and  
 227 Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4)  
 228 District land uses, situated within the SH-205 By-Pass Overlay (SH-205  
 229 BY-OV) District, located on the north side of John King Boulevard east of  
 230 the intersection of Featherstone Drive John King Boulevard, and take any  
 231 action necessary.
- 232 8. **P2016-024** - Consider a request by Pat Atkins of the Saddle Star Land  
 233 Development, LLC on behalf of the owners Gwen Reed and Randa  
 234 Hance (R. & R. Hance Investments, LP) for the approval of a preliminary  
 235 plat for the Saddle Star South Subdivision containing 138 single-family  
 236 residential lots on a 55.413-acre tract of land identified as Tracts 1, 1-5 &  
 237 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall,  
 238 Rockwall County, Texas, zoned Agricultural (AG) District and Planned  
 239 Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District  
 240 land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV)  
 241 District, located on the north side of John King Boulevard east of the

242 intersection of Featherstone Drive John King Boulevard, and take any  
243 action necessary.

244 9. **P2016-035** - Consider a request by Matt Hibbitt of Spry Surveyors on  
245 behalf of the owner Racetrac Petroleum, Inc. for the approval of a final  
246 plat for Lot 1, Block 1, Carmel Carwash Addition being a 2.059-acre tract  
247 of land currently identified as Lot 1, Block 1, Crossings Addition (i.e.  
248 1.004-acres) and a 1.052-acre portion of Lot 1, Block 1, Rockwall  
249 Business Park Addition, City of Rockwall, Rockwall County, Texas, zoned  
250 Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV)  
251 District, addressed as 2003 S. Goliad Street, and take any action  
252 necessary.

253 **Councilmember Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4,**  
254 **5, 6, 7, 8, and 9). Councilmember White seconded the motion.**

255  
256 **The ordinance caption (for #2) was read into the public record as follows:**

257  
258 **CITY OF ROCKWALL**  
259 **ORDINANCE NO. 16-44**  
260 **SPECIFIC USE PERMIT NO. S-154**

261  
262 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
263 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**  
264 **04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**  
265 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW**  
266 **FOR A CARPORT THAT DOES NOT CONFORM TO THE REQUIREMENTS**  
267 **AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND LODGING USE**  
268 **CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED**  
269 **DEVELOPMENT CODE, BEING A 0.231-ACRE TRACT OF LAND, ZONED**  
270 **SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, AND ADDRESSED AS**  
271 **509 SUNSET HILL DRIVE, AND IDENTIFIED AS LOT 10, BLOCK D OF**  
272 **NORTHSHORE, PHASE 2A ADDITION, CITY OF ROCKWALL, ROCKWALL**  
273 **COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'***  
274 **OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;**  
275 **PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF**  
276 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**  
277 **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 ayes with 1 absent (Milder).**

281  
282 **X. APPOINTMENTS**

283  
284 1. Appointment with the Planning and Zoning Chairman to discuss and  
285 answer any questions regarding cases on the agenda and related issues  
286 and take any action necessary.

287 **Chairman Craig Renfro was unable to be present. In his absence, Commissioner Patrick**  
288 **Trowbridge came forth and briefed the council on recommendations of the Commission**  
289 **relative to P&Z related items on tonight's agenda.**

290 2. Appointment with Mr. Leon Tuttle to hear comments pertaining to the  
291 city's tax rate and the route for SH-205 / John King Boulevard, and take  
292 any action necessary.

293 Mayor Pruitt called forth former mayor, Leon Tuttle, to address the Council concerning  
294 this agenda item. Mr. Tuttle indicated that he spoke with Mayor Pruitt over the weekend  
295 and learned that the city council has been discussing the possibility of adopting a lower  
296 tax rate. He generally indicated that he was encouraged to hear this may be the case.  
297

298 Mr. Tuttle went on to discuss the roadway route associated with the SH-205 / John King  
299 Boulevard. He shared comments related to conversations that had taken place years ago  
300 with the city and with TXDOT (in the year 1983), indicating that he and others were told  
301 that there would not be a state bypass built around / in Rockwall. The next year, the city  
302 hired a consultant to create a new thoroughfare plan, and a lot of public hearings were  
303 held. He explained that this topic was very controversial, and the TXDOT district  
304 engineer at that time attended all of the meetings, still indicating that TXDOT would never  
305 build a state bypass. He understands, however, that former Mayor Bill Cecil ran for office  
306 in 2005, in part, indicating that he would like to have a state bypass constructed around  
307 Rockwall, and he would like to expand Goliad to four-lanes. However, TXDOT had not  
308 agreed to this. Mr. Tuttle indicated that he had a conversation with Cecil some time  
309 thereafter, and Cecil acknowledged that a bypass would not come to pass, so, instead,  
310 John King Boulevard was constructed as a locally-owned street. He generally has  
311 concerns about John King Boulevard potentially being turned into a state bypass. He  
312 understands that expanding / widening the existing SH-205 north of the downtown area  
313 will result in displacing some properties and impacting many property owners; however,  
314 he believes that future widening of that area of roadway is inevitable. He went on to  
315 provide various comments pertaining to future growth, especially in the north and  
316 eastern parts of the city, as well as truck and other traffic. He pointed out that if tourists  
317 visiting Rockwall begin taking John King Boulevard, it may result in a negative impact to  
318 the local economy because they will miss out on visiting most all of the restaurants and  
319 businesses.  
320

321 Mr. Tuttle believes Rockwall has developed into a really nice city, and he would like to  
322 keep it that way. He expressed appreciation to all past and current leadership in the city  
323 who have all worked to make the city great. He then went on to share some very  
324 complimentary thoughts concerning Mr. Rick Crowley, Rockwall's City Manager,  
325 generally expressing that he is a great city manager.  
326

327 Mayor Pruitt indicated that all public meetings regarding the proposed route options for  
328 the future SH-205 bypass have already been held, and the time period for submitting  
329 public comments has passed. Mayor Pruitt explained that the city will receive from  
330 TXDOT the results of that public comment sometime, likely, within the next couple of  
331 weeks. Also, on Monday there is a stakeholders meeting that will be held concerning IH-  
332 30. He explained that at some point in the future, TXDOT will be evaluating installing  
333 service roads on that cross the lake (on IH-30).  
334

## 335 XI. PUBLIC HEARING ITEMS 336

- 337 1. Z2016-019 - Hold a public hearing to discuss and consider a request by  
338 Miller Sylvan of JPI on behalf of the owner Gene Lambreth of Pneuma  
339 Ventures, LTD for the approval of an ordinance for a zoning change from  
340 a Light Industrial (LI) District to a Planned Development District for a  
341 multi-family apartment complex on a 42.50-acre tract of land identified as  
342 Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall,  
343 Rockwall County, Texas, zoned Light Industrial (LI) District, situated

344 within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of  
345 the intersection of Discovery Boulevard and John King Boulevard, and  
346 take any action necessary (1st Reading).

347 Mr. Ryan Miller, Planning Director for the city, briefed the Council on this agenda item.  
348 He indicated that it is related to the Council considering approval of a zoning change  
349 from a Light Industrial (LI) District to a Planned Development District for a multi-family  
350 apartment complex on a 42.50-acre tract of land. On July 15, 2016, the applicant  
351 submitted an application requesting to rezone a 42.50-acre tract of land from a Light  
352 Industrial (LI) District to a Planned Development District for a multi-family apartment  
353 complex that will consist of a maximum of 750 units (17.5 units / acre is the  
354 approximate density being proposed). The subject property, which was annexed into  
355 the City on December 3, 1985 by *Ordinance No. 85-69*, is located on the north side of  
356 Discovery Boulevard -- *east of the intersection of Discovery Boulevard and John King*  
357 *Boulevard* -- and is currently a vacant tract of land. The Council has the right to adjust the  
358 proposed density as it sees fit. Mr. Miller mentioned that while the unit composition  
359 above does indicate an average net unit area of 1,000 SF, the applicant has requested  
360 that language allowing this to be reduced to 950 SF be included in the *PD Ordinance*.  
361 The conceptual building renderings submitted by the applicant appear to be comprised  
362 of a mixture of stucco and stone and will be subject to the architectural requirements  
363 stipulated for the SH-205 By-Pass Corridor Overlay (205 BY-OV) District. The Future  
364 Land Use Map, contained within the Comprehensive Plan, designates the subject  
365 property for *Technology/Light Industrial* land uses, which "...may include technology,  
366 research and development, office, and light industrial uses which may include light  
367 manufacturing and/or light assembly ..." The proposed development would require this  
368 designation to be changed to a *High Density Residential* designation, which according to  
369 the Comprehensive Plan, is defined as any use that exceeds three (3) units per acre.

370  
371 Mr. Miller went on to share that on July 22, 2016, staff mailed 26 notices to property  
372 owners and residents located within 500-feet of the subject property. Staff also emailed  
373 notices to the Lofland Farms and Meadow Creek Estates Homeowner's Associations  
374 (HOA), which are the only HOA's located within 1,500 feet of the subject property.  
375 Additionally, staff posted a sign on the subject property along Discovery Boulevard as  
376 required by the Unified Development Code (UDC). At the time this case memo was  
377 drafted, no responses were received by staff.

378  
379 **Matt Brendel**  
380 **JPI**  
381 **600 E. Los Colinas Blvd.**  
382 **Irving, TX 75039**  
383

384 Mr. Brendel came forth and briefed the Council on his company, indicating that his  
385 company is a privately held company that is local owned (in the DFW area) and has been  
386 in existence for more than thirty years. He went on to explain that his company has an  
387 in-house general contractor, which allows them to have control over the quality of the  
388 communities that they build. He explained that they have completed over 300 projects  
389 with about 4,000 homes in some stage of development, with about half of them being in  
390 the DFW area. In total, his company has built 50 apartment communities and 18,000  
391 homes in the DFW area. He explained some of the high-quality finishes, services and  
392 space that are included in his company's apartment communities. He shared some  
393 details concerning other apartment communities that his company has built in

394 neighboring cities. Mr. Brendel went on to share his reasoning for why his company  
395 would like to move forward with building in Rockwall, generally explaining that the  
396 demographics of the city line up well with the type of city in which his company likes to  
397 build. He explained that the rent for these units will be between \$1,500 - \$1,600 / month  
398 and went on to share some statistics related to average age and median incomes,  
399 explaining that only 3-5% of the residents are typically school-aged children. Also, on  
400 average, his properties are, on average, about \$500 more than other, nearby apartment  
401 communities. He generally believes that there is a great demand for this type of housing  
402 product in the Rockwall community, and he believes this is the right location.  
403

404 **Miller Sylvan**  
405 **JPI (Irving, TX)**  
406

407 Mr. Sylvan came forth and shared a picture of the proposed site plan with the council,  
408 briefly explaining what type of properties currently surround the location. He explained  
409 that he believes this is an appropriate land use / transition for the area. He shared that  
410 they are proposing to do this development in two phases. Buildings will be focused  
411 along the green space with interconnected hike and bike trails. Also, the units will have  
412 garages tucked in underneath them. He spoke a bit about parking and the overall  
413 environment that would be present should these apartments be built. He spoke about  
414 the amenities that would be included in the units, indicating that they would be top-of-  
415 the-line, first class, and they would be unlike anything else in the market in Rockwall  
416 today. He explained that the unit mix would be 55% one bedroom, 35% two bedrooms,  
417 and 10% three bedrooms with an average unit size of 980 square feet. He explained that  
418 Austin stone and stucco with a traditional yet modern look is being proposed.  
419

420 After additional comments from Mr. Sylvan, Mayor Pruitt opened the public hearing and  
421 asked if anyone would like to come forth and speak at this time. There being no one  
422 indicating such, he then closed the public hearing.  
423

424 Councilmember Lewis shared that he recently stopped by one of this company's  
425 properties that is located near where he works. He expressed that he was very  
426 pleasantly surprised and very impressed with the quality of everything he saw (from the  
427 units to the finish outs to the amenities, etc.). He believes this is a good transitional  
428 development for this area. He also spoke to some of the tenants where he visited, and  
429 they all had very good feedback and positive comments about their apartment complex.  
430

431 Councilmember Lewis made a motion to approve Z2016-019. Councilmember White  
432 seconded the motion. Councilmember Fowler asked some questions of the applicant  
433 pertaining to the density. He generally wanted to know if having a lower density in order  
434 to meet the city's current standards would be possible. Mr. Sylvan explained various  
435 reasons why they would generally rather not lower the density. Mr. Sylvan expressed  
436 that he expects about 1,000 residents with about 3% - 5% being school aged children.  
437 Mr. Fowler commented that he does not believe that would adversely affect the school  
438 system.  
439

440 Mayor Pruitt shared that he believes that a lot of people may in fact move to Rockwall  
441 primarily so their kids can attend our schools. So, he is not sure that 3-5% is a feasible  
442 estimate as it pertains to Rockwall. He expressed that he cannot and will not support a  
443 multifamily housing development in any area of the city where the zoning does not  
444 already allow for it.

445  
446 Councilmember Hohenshelt generally expressed concern to the city council regarding  
447 proposed densities and associated square footages. He believes the Council needs to  
448 determine the direction it would like to go in, overall, with regards to these topics,  
449 especially pertaining to making exceptions to these standards.

450  
451 Mr. Miller, at the request of Mr. Crowley, provided some brief explanation pertaining to  
452 the Architectural Review Board's involvement in a project like this as well as the  
453 involvement of the City Council.

454  
455 Councilmember Townsend generally expressed concern regarding the proposed  
456 minimum square footage requirements. He does not like the idea of allowing the  
457 applicant to have 980 square feet with the possibility of making them even smaller at 950  
458 square feet in the future. He prefers that the higher square footage be adhered to.

459  
460 Councilmember Hohenshelt shared that if the city is going to 'take away' about 45 acres  
461 of "light industrially-zoned" property, he would like to know where else in the city land  
462 might be located that could be (re)zoned LI in order to ensure that the overall  
463 composition of the property tax base remains unchanged.

464  
465 After the council members' comments, the ordinance was read as follows:

466  
467 CITY OF ROCKWALL  
468 ORDINANCE NO. 16-XX

469  
470 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
471 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
472 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
473 SO AS TO CHANGE THE ZONING FROM A LIGHT INDUSTRIAL (LI)  
474 DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR A  
475 MULTI-FAMILY APARTMENT COMPLEX ON THE SUBJECT PROPERTY,  
476 BEING A 42.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-4 OF  
477 THE J. M. ALLEN SURVEY, ABSTRACT NO. 2, CITY OF ROCKWALL,  
478 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN  
479 BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
480 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
481 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING  
482 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
483 PROVIDING FOR AN EFFECTIVE DATE.

484  
485 The motion to approve failed by a vote of 3 in favor with 3 against (Townsend,  
486 Hohenshelt, and Pruitt) and one (1) absent (Milder).

- 487  
488 2. Z2016-022 - Hold a public hearing to discuss and consider a request by  
489 Mark W. Pross of Pross Design Group, Inc. on behalf of Robert Reece of  
490 SPR Packaging, LLC for the approval of an ordinance for a Specific Use  
491 Permit (SUP) to allow for a structure that exceeds 60-feet in height in a  
492 Light Industrial (LI) District in conjunction with an existing manufacturing  
493 facility situated on 10.1893-acre parcel of land identified as Lot 2, Block  
494 A, SPR Packaging Addition, City of Rockwall, Rockwall County, Texas,  
495 zoned Light Industrial (LI) District, addressed as 1480 Justin Road, and  
496 take any action necessary (1st Reading).

497  
498 **Mr. Miller provided background information pertaining to this agenda item. The applicant**  
499 **is requesting a Specific Use Permit (SUP) to allow for a structure that exceeds the**  
500 **maximum height requirements within a Light Industrial (LI) District for an existing**  
501 **manufacturing facility. The property is located at the intersection of Justin Road and**  
502 **Industrial Blvd. and is addressed as 1480 Justin Road.**

503 **The applicant plans to install three (3) new high-bays for the purpose of placing new**  
504 **equipment (extruders) to meet its future manufacturing capabilities. Based on the site**  
505 **plan and the building elevations submitted, the extruders will be placed adjacent to the**  
506 **existing (60-ft height) high-bay area, which is located on the north (rear) side of the**  
507 **building. The vertical expansion will be incorporated on top of the existing**  
508 **manufacturing facility, and will increase the height of this portion of the facility by**  
509 **approximately 35-ft. The newly constructed high-bay area will have an overall height of**  
510 **71-ft. from grade, which will be approximately ten (10) feet higher than the existing,**  
511 **adjacent metal high-bays. It was noted that the facilities' existing roof structure was**  
512 **designed to extend upward to allow for the requested expansion.**

513  
514 **Mayor Pruitt asked if the applicant would like to speak. Him not wishing to do so, Mayor**  
515 **Pruitt then opened the Public Hearing and asked if anyone would like to come forth and**  
516 **speak at this time. There being no one to come forth, he then closed the public hearing.**

517  
518 **Councilmember White made a motion to approve Z2016-022. Councilmember Townsend**  
519 **seconded the motion. The ordinance was read as follows:**

520 **CITY OF ROCKWALL**  
521 **ORDINANCE NO. 16-**  
522 **SPECIFIC USE PERMIT NO. S-155**  
523

524 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
525 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**  
526 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**  
527 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)**  
528 **ALLOWING FOR A STRUCTURE TO EXCEED THE MAXIMUM HEIGHT**  
529 **REQUIREMENT WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT, BEING A**  
530 **10.1893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK A, SPR**  
531 **PACKAGING ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,**  
532 **TEXAS, ADDRESSED AS 1480 JUSTIN ROAD, AND MORE SPECIFICALLY**  
533 **DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B'; PROVIDING**  
534 **FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT**  
535 **TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR**  
536 **EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**  
537 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE**  
538 **DATE.**

539  
540 **The motion passed by a vote of 6 in favor with 1 absent (Milder).**

- 541  
542 **3. Z2016-025 - Hold a public hearing to discuss and consider a request by**  
543 **Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for**  
544 **a PD Development Plan establishing a 245 unit, condo development**  
545 **situated on a 3.453-acre portion of a larger 6.915-acre tract of land**  
546 **identified as Lots 3A, 4A & 5A, Isaac Brown Addition, City of Rockwall,**  
547 **Rockwall County, Texas, zoned Planned Development District 32 (PD-**

548 32), situated within the Interior Subdistrict, located adjacent to Summer  
549 Lee Drive southwest of the intersection of Horizon Road [FM-3097] and  
550 Summer Lee Drive, and take any action necessary **(1st Reading)**  
551 **[Case postponed to the (Tues.) Sept. 6, 2016 City Council Meeting].**

552 **Mayor Pruitt announced that this Public Hearing has been postponed until the Tues.,**  
553 **September 6<sup>th</sup> city council meeting. So it was not discussed and no action was taken at**  
554 **this meeting.**

555  
556 4. **Z2016-026 - Hold a public hearing to discuss and consider a request by**  
557 **Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for**  
558 **a PD Development Plan establishing 36 townhomes on a 3.462-acre**  
559 **portion of a larger 6.915-acre tract of land identified as Lots 3A, 4A & 5A,**  
560 **Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, zoned**  
561 **Planned Development District 32 (PD-32), situated within the Residential**  
562 **Subdistrict and within the Scenic Overlay (SOV) District, located north of**  
563 **the intersection of Ridge Road [FM-740] and Glen Hill Way, and take any**  
564 **action necessary (1st Reading) [Case postponed to the (Tues.) Sept.**  
565 **6, 2016 City Council Meeting].**

566 **Mayor Pruitt announced that this Public Hearing has been postponed until the Tues.,**  
567 **September 6<sup>th</sup> city council meeting. So it was not discussed and no action was taken at**  
568 **this meeting.**

569  
570 5. **Z2016-027 - Hold a public hearing to discuss and consider a City initiated**  
571 **zoning request for the approval of an ordinance for a text amendment to**  
572 **Section 2.1, Agriculture (AG) District; Section 3.3, Single-Family**  
573 **Residential (SF-16) District; and Section 3.4, Single-Family Residential**  
574 **(SF-10) District, of Article V, District Development Standards, of the**  
575 **Unified Development Code for the purpose of increasing the minimum**  
576 **square footage per dwelling unit in these zoning districts, and take any**  
577 **action necessary (1st Reading).**

578 **Planning Director, Ryan Miller, explained that on July 5, 2016, the City Council directed**  
579 **staff to prepare a text amendment increasing the minimum square footage**  
580 **requirements for dwelling units in the Single Family 10 (SF-10) and Single Family 16**  
581 **(SF-16) Districts. In addition, the Council directed staff to establish a minimum square**  
582 **footage requirement for dwelling units in the Agriculture (AG) District. Specifically, the**  
583 **motion by the City Council directed staff to establish the following:**

- 584  **Single Family 16 (SF-16) District: 2,400 SF**  
585  **Single Family 10 (SF-10) District: 2,200 SF**  
586  **Agricultural (AG) District: 1,600 SF**

587  
588 **As part of this case, the Planning and Zoning Commission requested staff compile a**  
589 **summary of previously approved building permit information for their review. Staff has**  
590 **put together a summary of all building permits issued for a period starting on January 1,**  
591 **2011 and ending July 27, 2016. This has been placed in the attached packet. It should be**  
592 **noted that the square footages contained in this study include non-air-conditioned**  
593 **spaces (e.g. covered porches, garages, roof overhangs, and etcetera), and that the UDC**  
594 **requirement is for air-conditioned space only. This means these numbers could vary by**  
595 **an estimated 200 SF – 600 SF. With that being said there is some evidence that the**  
596 **proposed changes would not have an effect on the vast majority of the City's current**

597 single-family, building permits. In addition, staff has included the comparison of  
598 comparable city's square footage requirements in similar zoning districts that was  
599 provided to the City Council at the July 5, 2016 meeting. Staff has also included a  
600 summary of all residential zoning districts' density and dimensional requirements (*with*  
601 *the proposed modifications*), and a copy of the proposed draft ordinance for the City  
602 Council's review.  
603

604 Mayor Pruitt opened the Public Hearing and asked if anyone would like to come forth and  
605 speak. There being no one, he then closed the public hearing.  
606

607 Councilmember Hohenshelt made a motion to approve Z2016-027. Mayor Pruitt  
608 seconded the motion. The ordinance was read as follows:  
609

610 CITY OF ROCKWALL  
611 ORDINANCE NO. 16-XX  
612

613 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
614 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
615 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
616 BY AMENDING SECTION 2.1, AGRICULTURE (AG) DISTRICT; SECTION  
617 3.3, SINGLE-FAMILY RESIDENTIAL (SF-16) DISTRICT; AND SECTION 3.4,  
618 SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, OF ARTICLE V,  
619 DISTRICT DEVELOPMENT STANDARDS, FOR THE PURPOSE OF  
620 INCREASING THE MINIMUM SQUARE FOOTAGE PER DWELLING UNIT IN  
621 THE SINGLE FAMILY 10 (SF-10) & SINGLE FAMILY 16 (SF-16) DISTRICTS  
622 AND ESTABLISHING A MINIMUM SQUARE FOOTAGE PER DWELLING  
623 UNIT IN THE AGRICULTURE (AG) DISTRICT; PROVIDING FOR A  
624 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
625 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
626 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
627 PROVIDING FOR AN EFFECTIVE DATE.  
628

629 The motion passed by a vote of 4 in favor, two against (Lewis and White), and 1 absent  
630 (Milder).  
631

632 XII. ACTION ITEMS  
633

- 634 1. Z2016-021 - Discuss and consider a request by Mike Hogue for the  
635 approval of an ordinance for a zoning amendment to Planned  
636 Development District 52 (PD-52) for the purpose of allowing townhomes  
637 on a 2.17-acre tract of land identified as Lot 1, Block 1, Allen Hogue  
638 Subdivision (0.7910-acres) and Lots 67 & 68, Block B, B. F. Boydston  
639 Addition (1.257-acres), City of Rockwall, Rockwall County, Texas, zoned  
640 Planned Development District 52 (PD-52) for Heavy Commercial (HC)  
641 District land uses, being addressed as 703, 705 & 709 E. Boydston  
642 Avenue, and take any action necessary. (2nd reading)

643 Mr. Miller indicated that this item has been placed on Action Items for second reading  
644 since the vote for its approval was not unanimous at the last city council meeting.  
645 Councilmember White made a motion to approve Z2016-021. Councilmember Lewis  
646 seconded the motion. The ordinance was read as follows:  
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CITY OF ROCKWALL  
ORDINANCE NO. 16-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [~~ORDINANCE NO. 02-14~~] AND THE UNIFIED DEVELOPMENT CODE [~~ORDINANCE NO. 04-38~~] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING BY AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) TO ALLOW TOWNHOMES ON A 2.048-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, ALLEN HOGUE SUBDIVISION (0.791-ACRES) AND LOTS 67 & 68, BLOCK B, B. F. BOYDSTUN ADDITION (1.257-ACRES), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS BEING A PORTION OF A LARGER ~24.17-ACRE ZONING DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 52 (PD-52) WHICH IS MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 5 in favor, 1 against (Pruitt) and 1 absent (Milder).

2. **SP2016-015** - Discuss and consider a request by Jerry Monk of Monk Consulting on behalf of Dr. Steve Arze of Zaph & Ath Properties, LLC for the approval of exceptions to the masonry requirements in conjunction with an approved site plan for an indoor recreation facility on a 4.88-acre tract of land identified as Tract 4-01 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located north of the intersection of Industrial Boulevard and Airport Road, and take any action necessary.

Mr. Miller explained that the applicant is requesting approval of exceptions to the masonry requirements as depicted in the building elevations submitted and in conjunction with an approved site plan for the purpose of constructing a 12,500 sq. ft. indoor recreation facility (*i.e. Adventure Sports*). The 4.88-acre parcel of land has a total of three (3) lots scheduled to be developed, with two (2) of the lots set for future development. The applicant is proposing the indoor recreation facility on Lot 2 (*i.e. the center lot*). It should be pointed out that the lot configuration depicted on the site plan will need to meet the minimum standards of the Commercial (C) District at the time of platting. This has been added as a condition of approval. The property is zoned Commercial (C) District and is generally located north of the intersection of Industrial Boulevard and Airport Road and is addressed as 1505 Airport Road.

Steve Arze, the applicant, came forth and addressed the Council concerning his request. He shared that, even with the metal portions of the building, the architect has worked diligently to ensure that it is visually pleasing.

697 **Councilmember White made a motion to approve SP2016-015. Councilmember Lewis**  
698 **seconded the motion, which passed unanimously of council present (6 ayes with 1**  
699 **(Milder) being absent).**  
700

701 3. Discuss and consider a request from Mr. Bret Skirvin with Site  
702 Enhancement Services representing Advanced Auto Parts for a height,  
703 size, and setback variance for a new monument sign located at 1415 S.  
704 Goliad, and take any action necessary.

705 **Building Official, Jeffrey Widmer, came forth and briefed the Council on this agenda item.**  
706

707 **After brief discussion, Councilmember White made a motion to approve the height, size,**  
708 **and setback variances associated with this new monument sign. Mayor Pro Tem**  
709 **Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).**  
710

711 4. Discuss and consider a request from Mr. Dean Kraus with Comet Signs  
712 representing Kroger's for a height and size variance for a new monument  
713 sign located at 1950 N. Goliad, and take any action necessary.

714 **Building Official, Jeffrey Widmer, came forth and briefed the Council on this agenda item.**  
715 **After a few, brief comments, Councilmember White made a motion to approve this**  
716 **variance request. Mayor Pro Tem Townsend seconded the motion, which passed by a**  
717 **vote of 6 ayes with 1 absent (Milder).**  
718

719 5. Discuss and consider a request by Channel Corporation for a variance to  
720 the International Fire Code and the International Building Code, and take  
721 any action necessary.

722 **Mayor Pruitt indicated that he is pulling this item off the agenda. So, this item was not**  
723 **discussed, and no action was taken pertaining to it.**

724  
725 **XIII. EXECUTIVE SESSION**  
726

727 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
728 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
729 **CODE:**  
730

731 1. Discussion regarding claim for reimbursement by developer for lift station improvements  
732 pursuant to Section §551.071 (Consultation with Attorney)

733 2. Discussion regarding legal options available to the City pertaining to possible violations  
734 of drainage and detention development standards pursuant to Section §551.071  
735 (Consultation with Attorney)

736 3. Discussion regarding the city's existing Fixed Based Operator airport agreement with  
737 Texas Air Center, LLC pursuant to Section 551.071 (Consultation with Attorney)

738 4. Discussion regarding legal advice associated with homeowners association (HOA)  
739 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

740

741

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

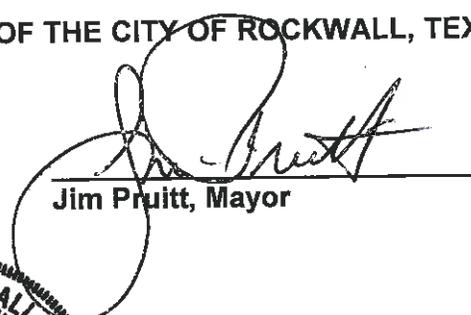
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744 **The Council did not reconvene in Executive Session following the close of the 6PM**  
745 **public meeting agenda.**

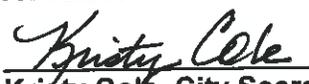
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747 **XV. ADJOURNMENT**

748  
749 **Mayor Pruitt adjourned the meeting at 7:31 p.m.**

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751  
752 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

753 **THIS 6<sup>th</sup> day of September, 2016.**

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757 **Jim Pruitt, Mayor**

758 **ATTEST:**  
759   
760 **Kristy Cole, City Secretary**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**TOWN HALL MEETING**  
**TUESDAY, AUGUST 16, 2016 - 7:00 PM**  
**108 East Washington Street (The Center)**

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I. Invocation and Pledge of Allegiance - Mayor Jim Pruitt

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Mayor Pruitt called the meeting to order. He then asked Father George Monaghan from Our Lady of the Lake Catholic Church to come forth and deliver the invocation. Mayor Pruitt then led the Pledge of Allegiance.

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Present at the meeting were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend, and Council Members Dennis Lewis and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and various city staff, including Police Chief Kirk Riggs, Assistant Police Chief Kirk Aldridge, Fire Chief Mark Poindexter, Battalion Fire Chief Brett Merritt, and Fire Marshal Ariana Hargrove. Council Members David White, John Hohenshelt and Scott Milder were not in attendance.

21  
22

II. Welcome by Mayor and City Council

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Mayor Pruitt welcomed guests and explained that he has called this meeting in order to encourage open lines of communication between the city and its citizens. He indicated that this meeting will focus only on public safety, not other topics such as trash service, for example. He introduced City Manager Rick Crowley and the public safety staff members. He then called forth Police Chief Kirk Riggs to provide a presentation.

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30

III. Discussion regarding Public Safety in the Community

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- A. Police Department - Welcome and overview of community involvement and outreach.
- Communications Division
  - Patrol Division
  - School resource
  - Citizens on Patrol
  - Citizens Police Academy

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Chief Riggs addressed the audience on the above listed topics, sharing, in part, that regarding 'best practices' in general, Rockwall the 48<sup>th</sup> out of 2,800 police departments in the State of Texas to achieve recognized status (a voluntary accreditation program). Chief Riggs went on to explain a little about the structure of the each division within the Police Department (PD) and about some of the programs that the PD hosts, including "Park Talk and Walk," "Smart 9-1-1," "Citizens on Patrol" (which currently has over 40 volunteers), "Rockwall Clergy and Police Partnership," (which is new), and the "Citizens Police Academy." He indicated that a full time detective and full time prosecutor at the County focus on family violence-related crimes. In addition, there will soon be a Rockwall Child Advocacy Center (CAC) to serve as a resource to the community without users of these types of services having to drive to Collin County. Chief Riggs thanked the Rockwall County District Attorney, Kenda Culpepper, for all of her work towards spearheading the efforts involved in establishing a CAC here locally. Chie Riggs went on to explain a little about 9-1-1 dispatching services, indicating that the Rockwall PD Dispatch services the City of Rockwall, Fate and Heath.

53 He also explained that the PD participates in social media, including Facebook and Twitter in an  
54 effort to expand communication efforts with the community.

- 55
- 56 B. Fire Department - Welcome and overview of community involvement and outreach.
- 57 • Inspections
  - 58 • Volunteer Recruitment
  - 59 • CERT
  - 60 • Citizens Fire Academy
- 61

62 Ariana Hargrove, City of Rockwall Fire Marshal, came forth and introduced herself and her staff.  
63 She then went on to explain the various functions of her division, generally explaining that it  
64 focuses on promoting fire safety, both for commercial developments and residents. She  
65 explained that a large focus of the division is fire-related plan reviews associated with new,  
66 commercial development (buildings) in the city. Also, her inspectors perform fire-related safety  
67 inspections, including fire sprinklers and fire alarms. She went on to share some about the  
68 community outreach programs that fall under her division, such as "CERT" (Community  
69 Emergency Response Team), Citizens Fire Academy, Juvenile Fire Setter Intervention Program,  
70 an Arson Hotline, an Annual Open House, educational school programs within the Rockwall  
71 Independent School District (RISD), an Inflatable Fire Safety House, and a Fire Safety Trailer.  
72 The trailer, she explained, has a demo room and a mock home to help simulate a fire and a  
73 tornado in order to train children on what to do and how to react in these situations. She also  
74 briefly touched on an elderly program called "Remember When," a Sesame Street (daycare)  
75 curriculum, social media outreach, fire extinguisher training, and partnerships with other  
76 organizations in the community (i.e. Meals on Wheels, Boys and Girls Club). She spoke briefly  
77 about a new program that will focus on community risk reduction for both businesses and  
78 residents. She went on to explain that her division may be contacted online via the city's  
79 website, by phone or by email. She also pointed out that any complaints or concerns may be  
80 submitted anonymously online or by email.

81

82 Fire Chief Mark Poindexter came forward next and introduced himself, explaining, in part, that  
83 he has lived in the community his whole life, including attending high school here. He then  
84 went on to explain the FD's vision, mission and goals. He pointed out that most of the  
85 firefighters in our city are volunteers, and supplement by limited, paid FD staff. He shared that  
86 there are currently four fire stations located within the City of Rockwall. Chief Poindexter then  
87 went on to explain a little about the various functions of the department. He shared details  
88 pertaining to some of the functions of the Operations Division, such as Fire suppression,  
89 extrication rescue, high angle rescue, below grade rescue, swift water rescue, rescue/recovery  
90 scuba diving, hazmat response, emergency management assistance, Citizens Fire Academy, a  
91 home smoke alarm battery replacement program, etc. He spoke some about the various special  
92 events in which the FD annually participates (i.e. Founders Day, 4<sup>th</sup> of July, Concerts by the  
93 Lake, Chamber of Commerce events, fire station tours, TX Night Out, CASA car show, local  
94 parades, RISD events, etc.). He then went on to share some details related to personnel,  
95 including the city's 18 full time fire staff, 19 part time staff, and 29 volunteers. Of the 48 part-  
96 time / volunteers, 24 are paid, full-time career firefighters in other, neighboring cities.

97

98 He explained that the FD does not run its own ambulance (EMS) calls, but it does work closely  
99 with the current, countywide provider (Rockwall County EMS). Based on 2015 personnel costs  
100 and budget, he explained that volunteer firefighters help save tax payers within the city over  
101 \$5,963,227.16 / annually (which equates to 15.45 cents per \$100 of assessed value. On a  
102 \$200,000 piece of property, this equates to a savings of more than \$309.01 / year to tax payer.  
103 Chief Poindexter explained that, with a full time fire department, the operating budget would be  
104 \$9,085,263.16. He went on to thank the FD staff and volunteers for all they do. He also thanked

105 the Police Department for the 9-1-1 dispatching services it provides to the FD and to the  
106 community.

107  
18 **IV. Hold round table discussions with the community regarding Public Safety.**

109  
110 **Mayor Pruitt came forth and asked the chiefs and the fire marshal to come to the front of the**  
111 **room and prepare to hear and respond to comments from members of the public in the**  
112 **audience this evening.**

113  
114 **Richard Taylor**  
115 **2559 Abbey Court**  
116 **Rockwall, TX**

117  
118 **Mr. Taylor indicated that he is a retired Houston Fire Investigator. Mr. Taylor, after introducing**  
119 **himself and sharing some of his fire-related credentials, he shared that several years ago he**  
120 **approached the City Council encouraging the city to consider at least staffing one, full-time fire**  
121 **company in each station within the city. He also shared his perspectives regarding the**  
122 **importance of having “first responders” staffed and available to the public for dispatch and use**  
123 **in emergency situations. He indicated that he would gladly pay the \$300 extra dollars / year to**  
124 **have proper staffing and ensure a first responder is there, on scene, if / when they are truly**  
125 **needed.**

126  
127 **Chief Poindexter shared that the city is looking into the possibility of providing limited “first**  
128 **responder” capabilities / response moving forward. He explained some details pertaining to**  
129 **ambulance services**

130  
131 **Beau Jackson**  
132 **1277 Waters Edge Drive (Caruth Lakes)**  
133 **Rockwall, TX**

134  
135 **Mr. Jackson explained that he is a firefighter in another city within the City of Lancaster, but he**  
136 **lives in the City of Rockwall. He indicated that he is a concerned citizen, especially pertaining**  
137 **to the fire department. Mr. Jackson explained that there is a \$10 million dollar operational**  
138 **budget for the police department, but there is only a \$3 million dollar budget for the city’s fire**  
139 **department. He explained the importance of paid firefighters, including training together and**  
140 **ensuring proper and expedient responses to fire calls within the city. He also suggested that**  
141 **the City of Rockwall should be working in conjunction with the EMS company to provide “first**  
142 **responder” type services. Mr. Jackson provided various compliments to the city staff, the city**  
143 **council and city departments, including the Police and Fire Departments. Mr. Jackson**  
144 **generally and strongly encouraged the city to take a very close and serious look at adding**  
145 **additional, paid fire staff. Mr. Jackson also encouraged the city to look into the SAFER Grant.**  
146 **He pointed out that the Fire Marshal has indicated that fires are occurring in restaurants and**  
147 **commercial establishments within the city. He believes it would be difficult for seven**  
148 **firefighters to work a residential structure fire, and he does not even want to think about the**  
149 **difficulty that they might have fighting a fire at a restaurant or other commercial building.**  
150 **Although he understands that those types of buildings have fire suppression systems, fires**  
151 **there could still pose major challenges. Mr. Jackson went on to suggest that the Fire**  
152 **Department should be brought “up to par” and have funding that matches that of the city’s**  
153 **Police Department.**

154  
155 **Matt Ward**  
156 **327 Shepherds Hill Drive**  
157 **(No city name provided)**

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**Mr. Ward asked Rockwall County EMS (co)owner, Mitch Ownby, who was present at the meeting in the audience, for more information regarding how many ambulances are fully staffed within the city, 24 hours per day, 7 days a week, 365 days a year. He wanted to know information on the average response times. Mayor Pruitt indicated that he serves on the board of the Emergency Services Corporation, and there are different response times, per contract, that are “urban” and “rural.” Mr. Ownby indicated that the EMS company currently has three stations that are staffed 24 hours/day. The City of Rockwall has an average response time of 4:30 minutes. Furthermore, Mr. Ownby shared that they are 95%, on average, below the 8:00 minute response time standard within the city.**

**Robert Hurd  
2908 Panhandle Drive  
Rockwall, TX**

**Mr. Hurd stated that he has been a Rockwall resident for about eight years. He indicated that he is very thankful for those who serve our community and understands that they make very difficult, sometimes life or death decisions, on a daily basis. He shared that he used to serve in the military. He is here to talk about a traffic stop that his young son was recently involved in because he does not want this city to become like a lot of things elsewhere that he sees on TV. He explained that he is a person of color, and so are his boys. He shared that his son was pulled over about a month ago because he did not use a turn signal. He and his vehicle were then searched (by a dog and by staff), and an hour-and-a-half later, he was let go. He generally felt that this one interaction that his son had with the police department may have reversed twenty or so years of a viewpoint he described as a “love of the law and of police” that his son may have held regarding the police department prior to the traffic stop having happened. He is encouraged by the outreach programs already in place but expressed he would love to see the city consider more programs, specifically for high school students and young adults, related to the police department. He would also like to learn what he can do to better support law enforcement and the community.**

**Dennis Hillary  
143 Pelican Cove Drive  
Rockwall, TX**

**Mr. Hillary explained they he has been pulled over probably five times over the years. He explained that each time he was pulled over, he had done something wrong, he deserved it, and he did not complain about it.**

**Patrice Kapur  
1835 Bayhill Drive  
Rockwall, TX**

**Mrs. Kapur explained that her youngest child had a previous interaction with the Police Department about seven years ago. She indicated that she is married to a South Asian man, but most people mistakenly assume her children are Hispanic. She went on to share a story about her son having been in a park, at night, in a car, with his Hispanic girlfriend. The police came and saw them in the car, mentioning they were probably making out, but her son relayed that he felt as though he was treated like a criminal, even though he was not really doing anything wrong. She explained that her son was 17 years old at the time and had felt like what happened with the interaction with police that night was “out of proportion” based on what the situation was at the time. Mrs. Kapur explained that her son’s car was searched, and he had relayed to her that he had not consented to his car being searched. Mrs. Kapur explained that**

211 her son, at the time, relayed that he felt that part of the reason why he was treated the way that  
212 he was is because of his skin color; however, she acknowledged the understanding that  
213 sometimes things get "over dramatized" when coming from a 17 year old. So, she is not really  
214 sure if it truly was such a big deal at the time. She went on to share that her son has now gone  
215 through college and is getting a degree in Criminal Justice because he wants to be a police  
216 officer. She explained that now that her son is grown, she recently asked him about his  
217 perspective now, inquiring as to if it is any different than it was at the time it had occurred  
218 years ago, and he said, "no." Mrs. Kapur asked for more information regarding what, if  
219 anything, the Rockwall Police Department is doing to reach the Hispanic population within the  
220 community.

221  
222 Police Chief Riggs came forth and indicated that the city police department has made various  
223 efforts to reach out to the Hispanic community, especially in the Lake Rockwall Estates  
224 subdivision; however, doing so, he explained, has been met with difficulty.

225  
226 Mrs. Kapur vocalized an encouragement to members of that community, suggesting they  
227 provide feedback to the Police Department on how it is doing. She asked for more information  
228 regarding police-related training, specifically regarding racial sensitivity.

229  
230 Riggs explained that Rockwall officers get cultural diversity training on a bi-annual basis. He  
231 went on to explain that our department has received a B+ rating on an internal audit that  
232 focused on racial profiling. It was suggested, through that independent audit, that the  
233 department increase its education. So, some brochures were drafted, and those are available  
234 on the department's website. In addition, he explained that the department has received 2  
235 racial profiling complaints in recent years, and both claims were found to be "unfounded" after  
236 they were investigated. He shared that if/when a complaint is ever received, the video is pulled  
237 and reviewed, and the complaint is investigated. Chief Riggs generally encouraged any  
238 member of the public to contact him personally if / when anyone feels they have been  
239 mistreated by one of his officers. He explained that his officers are held to a very high  
240 standard, and he takes citizen's complaints very seriously.

241  
242 **Richard Patrick**  
243 **1525 Richfield Court**  
244 **Rockwall, TX**

245  
246 Mr. Patrick shared a story about him and his daughter working in the front yard in the past, and  
247 his daughter waved at a police officer that was driving by. The officer then turned around,  
248 came back, engaged his daughter in a brief conversation and gave her a gift certificate for a  
249 free slushy to Sonic. He explained that the officer having done this made a really big, positive  
250 impression on his daughter. Regarding exclusivity, Mr. Patrick asked if Rockwall County EMS  
251 currently has the exclusive rights to transport patients out of local hospitals. Chief Poindexter  
252 replied that, no, the city council recently revoked its "exclusivity" ordinance. Mr. Patrick  
253 encouraged the city to consider moving to "first responders" because sometimes they can  
254 arrive sooner than the ambulance company is able to arrive. He believes this could possibly  
255 save lives.

256  
257 **Ryan Clark**  
258 **982 Chad Way**  
259 **Rockwall, TX**

260  
261 Mr. Clark explained that he would like to hear an answer from the City Manager, Assistant City  
262 Manager or some of the council members. He explained that he is not against volunteer  
263 firefighters, and he has no problem with supplementing paid staff with volunteers. He feels this

264 sort of arrangement was ok and made sense, say, 20 years ago; however, he does not believe  
265 this makes sense currently today. He explained that he is a member of the Rockwall Fire  
266 Department and is a paid career firefighter for the City of Plano. He generally explained that he  
267 would like to know how it is ok and justifiable for only one fireman to be in a fire station with  
268 major apparatus, ready to respond to a fire emergency in a given part of the city. He generally  
269 expressed a serious concern with relying so heavily upon volunteers, explaining that he wants  
270 to ensure the safety of both his family and of the firefighters responding to emergencies. He  
271 expressed a desire to be in line with the standards set across the country and in neighboring  
272 cities. He knows that positions have been asked for, but they have been denied. He does not  
273 understand this, especially since the city is growing, and new homes and businesses are going  
274 in.

275  
276 City Manager Rick Crowley explained that growth and number of calls are taken into account  
277 when evaluating FD staffing. He indicated that the city has been looking at fire personnel in  
278 each annual budget, and it will again look at this in the upcoming year's budget discussions as  
279 well.

280  
281 **Ben Weible**  
282 **215 Trout**  
283 **Rockwall, TX**

284  
285 Mr. Weible shared that he lives in Lake Rockwall Estates. He feels the city, in general, has great  
286 leadership, especially Chief Poindexter and Chief Riggs. Mr. Weible shared that there may not  
287 be an issue with professionalism of the police officers; however, maybe departmental policies  
288 perpetuate some of the problems (i.e. state grants that provide incentives; DWI arrest related  
289 incentives, etc.). He questions why searching a vehicle would be part of a turn signal-related  
290 traffic stop. He encouraged the city council to evaluate how the city is setting policies,  
291 especially related to the police department. He generally does not like the idea of the city  
292 policies leading to the creation of more criminals. Mr. Weible shared that he has not been aware  
293 of LRE related outreach in his neighborhood; however, he is generally encouraged by it, and he  
294 is more than happy to be involved in these sorts of outreach efforts.

295  
296 Mr. Weible asked how many calls the Fire Department runs / month. Chief Poindexter shared  
297 that it is about 100 - 110 calls / month. Mr. Weible asked how long it has been since there has  
298 been a fire-related death in the city. Poindexter indicated that it has been about 10 years since  
299 the city has had any fire-related deaths.

300  
301 **Tom Galli**  
302 **645 Stafford Circle**  
303 **Rockwall, TX**

304  
305 Mr. Galli shared that he has a military background, and he comes from a military family. Two of  
306 his brothers are retired officers in the military. He shared that he and his family are pretty in  
307 tune with the Constitution and laws of the U.S. They believe that all citizens should be treated  
308 equally with regards to the applicability of laws. He and his brothers have bene recently  
309 discussing that there, perhaps, have been some dissolution of trust with regards to police  
310 officers in the country in general. Also, there seems to be some distrust with our criminal  
311 justice system with regards to its assurances to treat every person fairly and equitably. Mr.  
312 Galli shared that, here in Rockwall, he does not believe we experience these sorts of distrust  
313 issues, and he hopes that it stays this way

314  
315 **Judith Matherne**  
316 **1115 Signal Ridge**

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**Mrs. Matherene asked for clarification on the interoperability radio system project that is underway and is forthcoming soon. Chief Poindexter explained that every agency (fire, police, EMS and public works) will be able to talk on the same system within the County, which is something that these departments countywide have never been able to do. He explained that it will have five transmission sites, and the city will be picking up some costs associated with maintenance and ongoing costs. October of 2017 is the estimated timeframe for having the new radio system "up and running." This project was spearheaded by Rockwall County.**

**Mayor Pruitt provided comments related to the positive collaboration that occurs on an ongoing basis within the county, between and among all of the cities and with Rockwall County itself. He thanked Rockwall County for spearheading and/or supporting many of the collaborative efforts and projects within the county.**

**Matt Murphy  
120 Crestbrook  
Rockwall, TX**

**Mr. Murphy explained that he is a member of the Rockwall Fire Department, and he serves as a police officer in the City of Garland. He encouraged people in the community to consider participating in ride outs with the Police Department, because it will yield a much different perspective than that which may be seen, for example, on TV. Mr. Murphy asked Chief Poindexter what sort of FD he would like to see, budget constraints aside.**

**Chief Poindexter went on to generally explain the city's annual process for addressing budgetary needs, citywide. Chief Poindexter explained that the FD, city manager and city council must all consider needs for all city departments. For example, the Streets Department has not added any new staff in many, many years. So, all needs have to be carefully evaluated, and the city and city council must adopt a balanced budget. Mr. Murphy asked for Poindexter's perspective on "first responders." Poindexter, under certain circumstances, does not have a problem with doing "first responding" on major medical calls.**

**Sol Villasana  
(No address was provided)**

**Mr. Villasana thanked the staff and chiefs for all they do. He explained that he is an attorney and has, at various points in time, represented both citizens and police officers. He asked for feedback on the percentage of Rockwall police officers are currently minorities (Hispanic in particular), and how many currently speak Spanish. Chief Riggs explained that the department does focus on minority recruiting; however, there is a need for additional Spanish-speaking officers, as it currently only has three. He explained that he is open to any ideas that the public has with regards to recruiting good minority officers, especially those who speak the Spanish language.**

**Randolph Chappell  
303 E. Rusk**

**Mr. Chappell is the pastor at the church located at 303 E. Rusk. He explained that he was delighted to receive an invitation to this public meeting. He knows that the community is growing, and the night life is getting more active, especially related to alcohol. He encouraged the city to not 'give up' on pastors and not exclude them from community partnerships and events. He shared a bit about a program that he used to be a part of in Memphis that generally**

369 allowed the community an opportunity to learn more about local police officers on a more  
370 personal level.

371  
372 **Russell Phelps**  
373 **(No address given)**

374  
375 **Mr. Phelps pointed out that he has been a member of the community for many, many years, and**  
376 **a lot of police officers have given him and members of his family many tickets over the years.**  
377 **He thanked them for their service and for all they do for the community.**

378  
379 **Councilmember Lewis indicated that the comments related to the Fire Department are received,**  
380 **and the city has been and will continue to evaluate the FD's needs. Lewis thanked the fire and**  
381 **police personnel for their service, and he assured them that he and his family are praying for**  
382 **them each and every day. He is also sure that many thousands of people are praying for fire,**  
383 **police and military personnel each and every day across our nation. He expressed that he**  
384 **believes people 'targeting police' is wrong, as is using the media to do so. He indicated that**  
385 **the comments tonight are well received. To fire and police personnel, he stated that, at the**  
386 **Lewis household, "we've got your back."**

387  
388 **V. Adjournment**

389  
390 **Mayor Pruitt thanked everyone for coming and adjourned the meeting at 8:42 p.m.**

391  
392  
393 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6<sup>th</sup>**  
394 **day of September, 2016.**

395  
396  
397 **ATTEST:**

398 *Kristy Cole*  
399 \_\_\_\_\_  
400 **Kristy Cole, City Secretary**

*Jim Pruitt*  
\_\_\_\_\_  
**Jim Pruitt, Mayor**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Thursday, August 25, 2016**  
**10:00 a.m. Budget Work Session**  
**Municipal Court Building, 2860 SH-66 Rockwall, TX 75087**

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1. Call to Order

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Mayor Pro Tem Mike Townsend called the meeting to order at 10:05 a.m. Present were Mayor Pro Tem Mike Townsend and Council Members David White, John Hohenshelt, Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith, and all department directors. Mayor Jim Pruitt arrived to the meeting at 10:20 p.m.

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2. Hold budget work session to discuss and consider the City of Rockwall's fiscal year 2017 budget.

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Mr. Crowley began the discussions, providing an overview of the proposed budget as a whole and various, more specific aspects of the budget (i.e. the water/sewer fund). Over the course of the day, general discussion took place regarding various aspects of the budget, including topics such as roadway projects, employee compensation market adjustments, staffing levels within the Fire Department, vehicle and other equipment-related requests, strategic planning, public swimming pools, increased water rates being assessed by the North TX Municipal Water District, the municipal airport and worker's compensation claims.

The Council took no action as a result of the budget discussions.

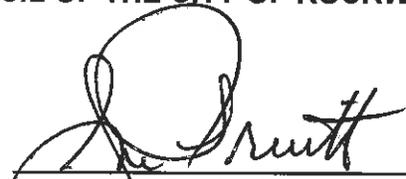
3. Adjournment

The meeting was adjourned at 1:37 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
**THIS 6<sup>th</sup> day of September, 2016.**

ATTEST:

  
\_\_\_\_\_  
Kristy Cole, City Secretary

  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Tuesday, September 06, 2016  
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 Mike Townsend, and City Council Members David White, John Hohenshelt, Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Council Member Dennis Lewis was absent from the meeting.

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II. WORK SESSION

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1. Hold work session with representative(s) of the Rockwall Professional Firefighters Association to hear presentation regarding emergency medical services ("first responder") related duties.

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Mike Caffey, Rockwall firefighter and current President of the Rockwall Professional Firefighters Association, came forth and introduced himself and Adam Honea, current Vice President of the RPPFA. Mr. Caffey then provided a lengthy presentation to the city council regarding the possibility of the Rockwall Fire Department potentially beginning to provide "first responder" type services when emergency medical calls (EMS calls) come in within the city. Dialogue ensued among council members and Mr. Caffey pertaining to things like the EMS system in Rockwall (including the current ambulance service provider), response times, and potential fire department assistance with regards to being dispatched to assist with administering basic life support ("first responder"). Mitch Ownby of Medic Rescue (Rockwall County EMS) came forth and provided input during the work session as well, generally indicating that he believes having assistance from FD first responders would be beneficial, especially on certain calls (depending on the acuteness of the patient's circumstances and the situation overall).

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Mayor Pruitt read the below listed Executive Session discussion items into the public record as well as Z2016-026 and Z2016-025 before recessing the meeting to go into Executive Session (at 5:08 p.m.).

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III. EXECUTIVE SESSION.

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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:

- 44  
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49
1. Discussion regarding legal options available to the City pertaining to possible violations of drainage and detention development standards pursuant to Section §551.071 (Consultation with Attorney)
  2. Discussion regarding proposed sale of city land for a possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development Negotiations).

- 50 3. Discussion regarding negotiations of an Access Agreement generally located along Ridge  
51 Road south of Summit Ridge, pursuant to Section 551.071 (Consultation with Attorney).

52  
53 **IV. ADJOURN EXECUTIVE SESSION**

54  
55 **Council adjourned from Executive Session at 5:35 p.m.**

56  
57 **V. RECONVENE PUBLIC MEETING**

58  
59 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members except**  
60 **Councilman Lewis being present.**

61  
62 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

63  
64 **Mayor Pro Tem Townsend moved to authorize the City Manager to finalize a settlement with**  
65 **Skorburg Development Corporation regarding the detention pond development.**  
66 **Councilmember White seconded the motion, which passed unanimously of those present**  
67 **(Lewis absent).**

68  
69 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT**

70  
71 **Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.**

72  
73 **VIII. PROCLAMATIONS / AWARDS**

74  
75 1. **Constitution Week**

76  
77 **Mayor Pruitt recognized several members of the “Daughters of the American**  
78 **Revolution” who were present to say a few words about the U.S. Constitution hand**  
79 **out small American flags and encourage everyone to take about forty-five minutes to**  
80 **read the U.S. Constitution. He then read this proclamation into the public record.**

81  
82 2. **National Preparedness Month**

83  
84 **Mayor Pruitt called forth Police Chief Kirk Riggs and Fire Chief Mark Poindexter. He shared**  
85 **a few words, acknowledging the training and work that our first responders participate in,**  
86 **year round, to help prepare and keep our citizens safe. He then read a proclamation**  
87 **declaring the month of September as “National Preparedness Month.”**

88  
89 **Chief Riggs of the Rockwall Police Department provided brief comments, expressing that**  
90 **his staff is well trained and prepared to any sort of tactical or other event. He generally**  
91 **thanked the city council for approving appropriate budgetary items that allow his staff to be**  
92 **ready. He thanked the community for its outpouring of support, especially following the**  
93 **tragic events that recently affected the Dallas PD.**

94  
95 **Chief Poindexter shared that most people do not typically think about making an emergency**  
96 **supply kit to allow them to sustain themselves for a period of 72 hours or keep important**  
97 **documents in two, separate places (i.e. social security card, driver’s license, birth**  
98 **certificate) in case they are needed following a disaster like the tornado that affected**  
99 **Rowlett and Garland. He encouraged citizens to take personal emergency preparedness to**  
100 **heart and to handle it with a proper level of seriousness, especially in light of the tornado**

101 that hit our neighboring cities this past December. He thanked his staff and the city's CERT  
102 Team for their work.

103  
104 IX. OPEN FORUM

105  
106 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
107 come forth and speak at this time. There being no one indicating such, he then closed the  
108 Open Forum.

109  
110 X. CONSENT AGENDA

- 111  
112 1. Consider approval of the minutes from the August 15, 2016 regular City  
113 Council Meeting, and take any action necessary.
- 114 2. Consider approval of the minutes from the August 16, 2016 Town Hall  
115 Meeting, and take any action necessary.
- 116 3. Consider approval of the minutes from the August 25, 2016 Budget Work  
117 Session, and take any action necessary.
- 118 4. **Z2016-022** - Consider a request by Mark W. Pross of Pross Design Group,  
119 Inc. on behalf of Robert Reece of SPR Packaging, LLC for the approval of  
120 an **ordinance** for a Specific Use Permit (SUP) to allow for a structure that  
121 exceeds 60-feet in height in a Light Industrial (LI) District in conjunction with  
122 an existing manufacturing facility situated on 10.1893-acre parcel of land  
123 identified as Lot 2, Block A, SPR Packaging Addition, City of Rockwall,  
124 Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as  
25 1480 Justin Road, and take any action necessary. **(2nd Reading)**
- 26 5. Consider authorizing the City Manager to execute a Memorandum of  
127 Understanding with surrounding agencies to form the Northeast Texas Child  
128 Abduction Team (CART) for the purpose of providing additional resources to  
129 law enforcement agencies during missing children situations, and take any  
130 action necessary.
- 131 6. Consider approval of an expenditure to Double R Utilities, Inc. for the  
132 emergency repair/relocation of a 20-inch water main at the northwest corner  
133 of John King Boulevard and SH 276 in the amount of \$28,630.00 to be paid  
134 from the water operating budget, and take any action necessary.
- 135 7. Consider approval of a resolution authorizing the City Manager to execute an  
136 Interlocal and Cooperative Purchasing Program Contract between the Harris  
137 County Department of Education and the City of Rockwall, and take any  
138 action necessary.
- 139 8. Consider awarding a bid to ICOR Technology and authorizing the City  
140 Manager to execute a Purchase Order for the purchase of a SWAT Robot in  
141 the amount of \$48,498.11 with \$20,000 to be funded from a grant through  
142 the Texas Governor's Office, and \$28,498.11 to be funded from Seized  
143 Funds, and take any action necessary.
- 144 9. **P2016-036** - Consider a request by Matt Moore of Claymoore Engineering,  
145 Inc. on behalf of Saint George Partners, LTD for the approval of a final plat  
46 for Lot 1, Block A, Service King IH-30 Addition being a 3.293-acre tract of  
47 land currently described as Tract 7-01 of the J. Lockhart Survey, Abstract  
148 No. 134, City of Rockwall, Rockwall County, Texas, located at 1780 E IH-30,

149 zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30  
150 OV) District, and take any action necessary.

151 **10. P2016-037** - Consider a request by Dub Douphrate of Douphrate &  
152 Associates, Inc. on behalf of D. R. Horton for the approval of an amending  
153 plat Lakeview Summit, Phase IV for the purpose of adding utility easements  
154 to the 93 residential lots proposed for the 38.056-acre subdivision situated  
155 within the J. H. B. Jones Survey, Abstract No. 124 and the Nathan Butler  
156 Survey, Abstract No. 21, City of Rockwall, Rockwall County, Texas, zoned  
157 Planned Development District 29 (PD-29) for Single-Family 10 (SF-10)  
158 District land uses, located north of the intersection of Petaluma Drive and N.  
159 Lakeshore Drive, and take any action necessary.

160 **Councilman Milder made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6,**  
161 **7, 8, 9, and 10). Councilmember White seconded the motion. The ordinance (for #4) was**  
162 **read as follows:**

163 **CITY OF ROCKWALL**  
164 **ORDINANCE NO. 16-46**  
165 **SPECIFIC USE PERMIT NO. S-155**  
166

167 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
168 **AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE**  
169 **CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**  
170 **SPECIFIC USE PERMIT (SUP) ALLOWING FOR A STRUCTURE TO EXCEED THE**  
171 **MAXIMUM HEIGHT REQUIREMENT WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT,**  
172 **BEING A 10.1893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK A, SPR**  
173 **PACKAGING ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS,**  
174 **ADDRESSED AS 1480 JUSTIN ROAD, AND MORE SPECIFICALLY DESCRIBED IN**  
175 **EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS;**  
176 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
177 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**  
178 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR**  
179 **AN EFFECTIVE DATE.**

180  
181 **The motion passed unanimously of those present (1 (Lewis) absent).**  
182

183 **XI. APPOINTMENTS**  
184

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

188 **Craig Renfro, Chairman of the Planning & Zoning Commission, came forth and briefed the**  
189 **city council members on recommendations of the Commission relative to planning-related**  
190 **items on tonight's meeting agenda. Brief dialogue ensued; however, the Council took no**  
191 **action as a result of this Appointment Item.**  
192

193 **2. Appointment with Jerry Welch, on behalf of Allegiance Title, to hear request**  
194 **concerning waiver of facility rental fees at The Center associated with a Chili**  
195 **Cook-off to be held on October 7th to benefit local Rockwall charities, and**  
196 **take any action necessary.**

197 **Mr. Welch came forth and explained that this Chili Cook-off has been done for a couple of**  
198 **years in a row, and Allegiance Title heads it up. They have averaged about \$2,000 / year in**  
199 **fundraising, and they are looking at holding it at The Center this year. The fees will likely**

200 run between \$800-1,000, and they would like the Council to consider a waiver of sorts so  
201 that this money can be given to the charities instead of being spent on rental fees.

202 Mayor Pro Tem Townsend asked if Mr. Welch has considered applying for Hotel/Motel Tax  
203 funding. Mr. Welch indicated that he has not done so because he did not feel like this  
204 would be an event that would necessarily qualify for that type of funding. Councilmember  
205 White suggested that Mr. Welch visit with Assistant City Manager Mary Smith to discuss  
206 how this may be able to be worked out.

207 The Council took no formal action following its discussion.

208 **XII. PUBLIC HEARING ITEMS**

- 209
- 210 1. Hold a public hearing to receive comments regarding the proposed FY 2017  
211 City of Rockwall budget and tax rate, and take any action necessary.

212 Mayor Pruitt opened the public hearing and called upon the city manager, Rick Crowley, to  
213 provide brief comments. The Proposed budget includes, in part, the following items:

- 214 • Six additional personnel including three Fire Drivers, a Police Captain, a Patrol  
215 Officer and a Streets Field Supervisor;
- 216 • \$1 million dollars in street repair materials;
- 217 • Increase in Street Maintenance of \$400,000;
- 218 • Numerous repair projects in the Parks Department budget.

219

220 He explained that the proposed tax rate is just slightly under the 'effective rate,' which is the  
221 rate that will result in collecting essentially the same amount of revenue (taxes) as was  
222 collected last year. He explained that there was about \$100 million in new, taxable value  
223 added within the city. Also, sales tax revenue within the city has been healthy and very  
224 positive as well. In addition, refinancing on some of the debt that had been previously  
225 issued has also freed up money that has allowed the tax rate to be kept down.  
226 Councilmember White also pointed out that appraisals, on average, recently went up about  
227 8%.

228 There being no one wishing to come forth and speak during the Public Hearing, Mayor  
229 Pruitt then closed the public hearing.

230 Mr. Crowley explained that since the city will not be exceeding the effective tax rate,  
231 tonight's public hearing on the budget is the only one that is required to be held (by City  
232 Charter).

233 No formal action was taken following discussion of this Public Hearing item.

- 234 2. **Z2016-026** - Hold a public hearing to discuss and consider a request by  
235 Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for a  
236 PD Development Plan establishing 36 townhouses on a 3.462-acre portion  
237 of a larger 6.915-acre tract of land identified as Lots 3A, 4A & 5A, Isaac  
238 Brown Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
239 Development District 32 (PD-32), situated within the Residential Subdistrict  
240 and within the Scenic Overlay (SOV) District, located north of the  
241 intersection of Ridge Road [FM-740] and Glen Hill Way, and take any action  
242 necessary (**1st Reading**).

243 Mayor Pruitt clarified that this development is located within PD-32, which is in The Harbor  
244 District. Planning Director, Ryan Miller, then provided background information pertaining to  
245 this agenda item, indicating that this property is located in between Summer Lee Drive and  
246 Ridge Road, just south of Horizon. It is a residential sub-district that allows for 49 single-

247 family zero lot line homes. The applicant's request is for a PD development plan to allow for  
248 36 townhomes. According to our ordinance, the townhouse use requires an SUP in a  
249 residential sub-district; however, after reviewing the concept plan and the intent of the sub-  
250 district, staff felt like a PD development plan was the best option. The townhomes will have  
251 front entries and range from 1,600 to 2,100 square feet with one to three bedroom units. Mr.  
252 Miller went on to explain several factors, including the alignment of roadways. The  
253 development will be accessible from two (2) main points of entry, the first from a public  
254 roadway that will be constructed (*if approved*) with the Harbor Urban Center Condominiums  
255 [Case No. Z2016-026] and a future roadway that will connect the Harbor District to Ridge  
256 Road [FM-740].  
257

258 On July 22, 2016, staff mailed 52 notices to property owners and residents within 500-feet of  
259 the subject property. Staff also emailed notices to the Lago Vista Homeowner's  
260 Associations (HOA), which is the only HOA's located within 1,500-feet of the subject  
261 property. Additionally, staff posted a sign on the subject property along Summer Lee Drive  
262 as required. At the time, this case memo was drafted three (3) responses in favor of the  
263 request and one (1) response opposed to the request were received by staff. In addition,  
264 the city's Planning & Zoning Commission has reviewed this case and has recommended its  
265 approval by a vote of 4 to 2 (with Renfro and Lyons dissenting and Commissioner Fishman  
266 absent).  
267

268 **Bruce Meyers**  
269 **Atticus Real Estate Development**  
270 **5339 Alpha Road (Ste. 300)**  
271 **Dallas, TX**  
272

273 Mr. Meyers came forth and explained that his company purchased this piece of property (a  
274 two acre tract of land off of Summer Lee about nine years ago) because it is so beautiful  
275 (has views of the lake) and because it is in close proximity to nearby retail and restaurant  
276 opportunities. However, this site poses some challenges from a development standpoint,  
277 specifically the creek or "dry gully" that runs straight through the property as a whole. Mr.  
278 Meyers went on to share some information about his privately-held real estate company,  
279 including information about Atticus' past projects, examples of project design styles,  
280 project benefits, etc. He went on to speak about the various tracts of land that will be  
281 combined in order to create this new development as a whole. He believes that zero-lot line  
282 homes are not very attractive, and they looked "stacked" from the street. Also, the open  
283 areas get utilized in 10' strips. So, for these reasons, they have moved forward with asking  
284 for "townhomes" instead of "zero lot line" homes at this point. He went on to explain the  
285 proposed layout on the tract(s) of land, including the open space and the goal of creating a  
286 sense of "community" within this development. He shared that these townhomes will be a  
287 "for sale" product that will hopefully be occupied by families. Therefore, eliminating the  
288 alleyways will allow for more green, open space for kids and pets to play in the rear of the  
289 homes.  
290

291 Following Mr. Meyers' presentation, Mayor Pruitt opened the public hearing and asked if  
292 anyone in the audience would like to come forth and speak at this time.  
293

294 **Russell Phillips**  
295 **Sterling One Properties**  
296

297 Mr. Phillips came forth and explained that he owns the adjacent property to the west of this  
298 location. He generally expressed concern related to the proposed roads that would run

299 throughout the property. He is not opposed to townhomes (instead of “zero lot line”  
300 homes). He believes the proposed design looks great. He has concerns about the  
301 proposed roadway not meeting the requirements of PD-32. He wants to be sure that the  
302 road(s) will be properly planned, especially in light of the proposed 30+ houses and the  
303 condominiums that will be located in this general area. He also wants to be sure that the  
304 traffic flow will be proper. He expressed that he is willing to meet with Atticus to ensure the  
305 road is properly planned, and he is willing to pay for his portion of the roadway too.  
306

307 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the  
308 public hearing.  
309

310 Councilmember White made a motion to approve Z2016-026. Councilmember Milder  
311 seconded the motion.  
312

313 The ordinance was read as follows:

314 CITY OF ROCKWALL  
315 ORDINANCE NO. 16-XX  
316

317 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
318 AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21]  
319 AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF  
320 ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT  
321 PLAN FOR A 3.462-ACRE PORTION OF A LARGER 6.915-ACRE TRACT OF LAND  
322 IDENTIFIED AS LOTS 3A, 4A & 5A, ISAAC BROWN ADDITION, CITY OF ROCKWALL,  
323 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT  
324 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE  
325 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
326 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
327 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
328

329 The motion passed unanimously of those present (6 ayes with 1 absent (Lewis)).  
330

- 331 3. Z2016-025 - Hold a public hearing to discuss and consider a request by  
332 Jason Lentz of Atticus Rockwall, LLC for the approval of an ordinance for a  
333 PD Development Plan establishing a 228 unit, condo development situated  
334 on a 3.453-acre portion of a larger 6.915-acre tract of land identified as Lots  
335 3A, 4A & 5A, Isaac Brown Addition, City of Rockwall, Rockwall County,  
336 Texas, zoned Planned Development District 32 (PD-32), situated within the  
337 Interior Subdistrict, located adjacent to Summer Lee Drive southwest of the  
338 intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take  
339 any action necessary (1st Reading).

340 Planning Director, Ryan Miller, provided background information concerning this agenda  
341 item. Currently, the proposed land use (i.e. Condominiums) and the number of units being  
342 requested (i.e. 228) are considered to be allowed by-right for the subject property, which is  
343 located within the Interior Subdistrict of PD-32; however, he explained, the requested  
344 changes to the street cross section -- outlined in the proposed PD Development Plan -- is a  
345 discretionary decision for the City Council. In addition, the applicant is requesting a minor  
346 waiver to the building placement. Specifically, they will be encroaching into the required  
347 building setback in a few places along the modified roadway. Typically, this is handled at  
348 the time of site plan, however since staff is requiring general conformance to the PD  
349 Development Plan, this request has been included with the proposed, draft ordinance. The  
350 approval of this minor waiver is also considered to be a discretionary decision for the City

351 Council. Staff should note that the applicant has adjusted the concept plan to show the  
352 proposed roadway alignment extending south of the alignment. The purpose of this  
353 adjustment is to prevent conflict with the adjacent property owner's project (i.e. Summer  
354 Lee Condominiums) that is currently in the engineering phases of the development process.  
355 Mr. Miller explained that, when potentially granting a *PD Development Plan* within Planned  
356 Development District 32 (PD-32), the City Council needs to decide if the proposed  
357 development -- *while not meeting the intent of the subdistrict* -- meets the following criteria:  
358

- 359 a) Meets the general intent of the PD District; and,
- 360 b) Will result in an improved project which will be an attractive contribution to the PD  
361 District; and,
- 362 c) Will not prevent the implementation of the intent of this PD District.

363  
364 He explained that a *PD Development Plan* is a discretionary approval for the City Council,  
365 and, should the City Council choose to grant this request, the applicant will still need to  
366 submit a site plan that will be reviewed by the Architectural Review Board (ARB) and the  
367 Planning and Zoning Commission.  
368

369 Notices were sent to adjacent property owners located within 500' of the subject property  
370 (84 total). In addition, the Lakeside Village, Lago Vista and Signal Ridge HOA's were also  
371 sent notifications. Two notices in favor and four notices against were received back by  
372 staff. The Planning & Zoning Commission recommended denial of this case. As such,  
373 approval of this item tonight will require a  $\frac{3}{4}$  majority vote of those present.  
374

375 Bruce Meyers  
376 Atticus Real Estate Development  
377 5339 Alpha Road (Ste. 300)  
378 Dallas, TX  
379

380 Mr. Meyers explained that they are trying to bring a very nice development into a market  
381 (Rockwall) that has shown a strong need for this type of housing product. He then went on  
382 to explain in more detail the complications posed by the creek that runs, generally, on the  
383 east side of the proposed project and the terrain in general. He went on to speak about how  
384 those complications influence the proposed position and alignment of the needed roadway.  
385 He explained that he absolutely wants to comply with the requirements within PD-32 as  
386 much as possible, so a lot of people on his team have been evaluating the roadway  
387 alignment in order to put forth what they believe is the best proposal in this regard (re: how  
388 best to tie Summer Lee into Ridge Road). He then went on to explain in greater detail the  
389 roadway alignment proposal that went before the city's P&Z Commission versus what is  
390 being proposed now.  
391

392 Mayor Pruitt asked if anyone would like to come forth and speak during this time. There  
393 being no one indicating a desire to do so, the mayor then closed the public hearing.  
394

395 Mayor Pro Tem Townsend sought clarification on the right-of-way as it is being proposed  
396 now. It was clarified that an eight foot sidewalk on both sides is being proposed at this  
397 time (which is different than that which was recommended as "disapproved" by the P&Z  
398 Commission).  
399

400 After additional comments, Councilmember Hohenshelt made a motion to remand this case  
401 back to the Planning & Zoning Commission for further review / evaluation since some  
402 changes were made to the proposal after the time the P&Z initially heard and issued its

403 recommendation on the case. Councilmember White seconded the motion, which passed  
404 by a vote of 6 ayes with 1 absent (Lewis).  
405

406 **XIII. ACTION ITEMS**

- 407
- 408 1. **Z2016-027** - Discuss and consider a City initiated zoning request for the  
409 approval of an **ordinance** for a text amendment to Section 2.1, Agriculture  
410 (AG) District; Section 3.3, Single-Family Residential (SF-16) District; and  
411 Section 3.4, Single-Family Residential (SF-10) District, of Article V, District  
412 Development Standards, of the Unified Development Code for the purpose  
413 of increasing the minimum square footage per dwelling unit in these zoning  
414 districts, and take any action necessary. **(2nd reading)**

415 **Planning Director Ryan Miller explained that this item did not result in a unanimous vote at**  
416 **the last city council meeting. Therefore, it has been placed under “Action Items” for**  
417 **consideration of second reading of the ordinance. Mayor Pruitt made a motion to approve**  
418 **Z2016-027. After brief clarification, Councilman Milder seconded the motion. The**  
419 **ordinance was read as follows:**

420 **CITY OF ROCKWALL**  
421 **ORDINANCE NO. 16-47**

422

423 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
424 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**  
425 **04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY**  
426 **AMENDING SECTION 2.1, AGRICULTURE (AG) DISTRICT; SECTION 3.3,**  
427 **SINGLE-FAMILY RESIDENTIAL (SF-16) DISTRICT; AND SECTION 3.4,**  
428 **SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, OF ARTICLE V, DISTRICT**  
429 **DEVELOPMENT STANDARDS, FOR THE PURPOSE OF INCREASING THE**  
430 **MINIMUM SQUARE FOOTAGE PER DWELLING UNIT IN THE SINGLE FAMILY**  
431 **10 (SF-10) & SINGLE FAMILY 16 (SF-16) DISTRICTS AND ESTABLISHING A**  
432 **MINIMUM SQUARE FOOTAGE PER DWELLING UNIT IN THE AGRICULTURE**  
433 **(AG) DISTRICT; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE**  
434 **SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**  
435 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**  
436 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
437

438 **The motion passed by a vote of 5 ayes, 1 against (White), and 1 absent (Lewis).**

- 439 2. Discuss and consider an agreement between the City of Rockwall and STAR  
440 Transit for transportation services for fiscal year 2017 in the amount of  
441 \$55,200 to be funded by the Administration operating budget, and take any  
442 action necessary.

443 **Mayor Pruitt clarified that the \$55,200 is the amount that is being budgeted by the city for**  
444 **the upcoming fiscal year.**

445

446 **Mike Simms, Executive Deputy Director, with STAR Transit came forth and addressed the**  
447 **Council. He introduced Omega Hawkins, Executive Director of the organization and Tommy**  
448 **Hendricks, Chief Financial Officer. Mr. Simms generally indicated that his company has**  
449 **worked with Mayor Pro Tem Townsend and staff to evaluate the desired level of service as**  
450 **well as available federal funding. He pointed out that the level of service (numbers of hours**  
451 **of service) will be changing compared to what is provided now. Right now, about 40 hours**  
452 **of service is collectively provided each day; however, this will change to about 27 overall**  
453 **hours of service, collectively and on average, per day in the upcoming fiscal year. He**

454 explained that his company will be evaluating some policy changes over the next three  
455 months or so, in order to make some policy and operational changes regarding service  
456 provision.

457  
458 Mayor Pruitt indicated that the city council and staff have had a lot of discussion over time  
459 about this funding decision. He shared his understanding that the County has indicated it  
460 will match the dollar amount that the City of Rockwall is committing to pay in the upcoming  
461 fiscal year. Joey Boyd, Internal Operations Director, clarified that in the upcoming fiscal  
462 year, there will be, on average, 27 hours of daily service, and the City will receive eleven (11)  
463 hours, per day, on average.

464  
465 Mayor Pruitt pointed out that, according to the contract provisions, by June 30<sup>th</sup> of next  
466 year, the City is committed to making its next commitment or else this contract will  
467 automatically renew. He went on to express that he is not in favor of approving the  
468 provisions expressed in Section 3.8 pertaining to future funding of capital expenditure  
469 costs that will be incurred by the city in the 3<sup>rd</sup> year. Mr. Simms generally expressed that  
470 STAR will consent to said language being struck from the contract.

471  
472 Mayor Pruitt made a motion to approve the contract with the understanding that, with the  
473 exception of the very first sentence in Section 3.8 (see below), the remaining language in  
474 Sec. 3.8 will be struck (eliminated) entirely as follows:

475  
476 3.8 Capital Cost Charge to CITY. ~~The Parties concur that the CITY will not participate~~  
477 ~~in capital expenditures. STAR Transit represents that local entities contracting with~~  
478 ~~STAR Transit are expected to support all or part of the costs of vehicle acquisition not~~  
479 ~~otherwise covered through grant funds as a primary capital cost of the service. Other~~  
480 ~~shared capital costs include buildings, parking facilities, vehicle wash bays, refueling~~  
481 ~~facilities and other capital improvements. Each entity served by STAR Transit is~~  
482 ~~expected to make a contribution to defray a share of capital expenditures not~~  
483 ~~otherwise covered through grant funds. STAR Transit represents that for the first two~~  
484 ~~(2) Fiscal Years of operation, no vehicle acquisition or replacement cost or other capital~~  
485 ~~expense item will be required from CITY. STAR Transit and CITY agree that if, after the~~  
486 ~~two (2) year period, a capital cost share is required for local partners within the STAR~~  
487 ~~Transit system, STAR Transit shall not request capital funding from the CITY~~  
488 ~~and shall instead provide notification of termination to CITY under Section 5.1 of this~~  
489 ~~Agreement.~~

490  
491 Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 5 in favor, 1  
492 against (White) and 1 absent (Lewis).

493  
494 Mayor Pruitt called for a brief break, recessing the meeting at 7:33 p.m.

495  
496 3. Discuss and consider a request by J.J. Smith and an associated  
497 recommendation from the Airport Advisory Board regarding holding a  
498 Balloon Festival at the Ralph M Hall / Rockwall Municipal Airport, and take  
499 any action necessary.

500 Mr. Smith came forth and provided brief comments to the Council regarding this proposed  
501 event, generally indicating that he has met with Plano Balloon Festival event planners as  
502 well as event planners for a similar festival held annually in the City of Celina. He believes  
503 the event may draw 10,000 - 20,000 people. Councilmember White had several questions  
504 pertaining to expected numbers of attendees, vendors, space, and parking.  
505

506 Mr. Smith indicated that, at this point, only two non-profits (The Rockwall County  
507 Republican Party and CERT (Community Emergency Response Team)) have expressed  
508 interest in participating.  
509

510 Councilmember White asked several questions pertaining to the organization's non-profit  
511 and/or "tax exempt" status (with the IRS). Mr. Smith clarified that he has secured a non-  
512 profit status through the Secretary of State's office, and he has currently applied for and is  
513 awaiting the disposition of his application to become a "501 c3" with the IRS.  
514

515 Mr. Smith explained that he has over twenty vendors lined up, and he has several sponsors,  
516 although no major ones, at this point. He expressed that he is essentially asking the city to  
517 consider sponsoring the event, and is, at this point, asking the city to consider doing so in  
518 the amount of \$15,000. He explained that this amount could be granted for the event in the  
519 form of "cash," or it could be granted in a way that it would cover costs on other things  
520 such as a stage rental, police/traffic control costs, etc.  
521

522 Councilmember White expressed concern about Mr. Smith not submitting a more formal  
523 budget / cost breakdown and associated "event plan" proposals prior to coming before the  
524 Council to request approval for the use of city property (at the airport). He generally has  
525 concerns about any costs (or no costs at all) being associated with loaning city land for the  
526 purpose of hosting this event.  
527

528 Mr. Smith expressed that the airport location is ideal because of several reasons, including  
529 that it is spacious, self-contained, easily accessible, and has plenty of concrete space and  
530 grassy space. He believes the "self-contained" aspect will make it very successful  
531 because, he explained, it will be a money making event, and this will make that aspect  
532 easier.  
533

534 Councilmember White expressed that he is not in favor of this proposal. He explained that  
535 past events that Mr. Smith has overseen have, in his opinion, not been run very well or very  
536 smoothly. For example, a lot of people who donated to the Memorial Day Concert that Mr.  
537 Smith oversaw a couple/few years back felt that they were deceived because they thought  
538 the funds they donated would have gone to veterans. Instead, however, (Mr. White  
539 explained) the money went to Mr. Smith as profit/revenue.  
540

541 Mayor Pro Tem Townsend expressed that he has some concerns with regards to sensitive  
542 equipment that may be housed at the airport or that is located on airport property. Mr. Boyd  
543 explained that there are runway lights on both sides of the runway for 3,300 feet. He shared  
544 that some pilots at the airport that attended a recent meeting at the airport did express  
545 concerns about security of their personal property located on airport property. They also  
546 have concerns about personal security and security of spectators. They also have  
547 concerns related to people who may fly without a flight plan and need to come in and land  
548 at the airport without prior notice. In addition to these concerns, Mayor Pro Tem Townsend  
549 pointed out that a lot of hangars out there are privately owned. So he would like Mr. Smith  
550 to be sure that he has spoken to each of the property and business owners at the airport in  
551 order to properly vet and adequately address any concerns they may have as well.  
552

553 Mayor Pruitt asked if Mr. Smith will have vendors selling alcohol at the event. Mr. Smith  
554 indicated that he will not have those types of vendors present. The mayor pointed out that  
555 several permits may need to be sought and granted from staff, regardless of the location  
556 that is ultimately chosen for this balloon festival, be it the airport or elsewhere. He  
557 generally expressed that he does not feel comfortable moving forward with granting

558 permission to use the airport property prior to Mr. Smith having his 501 c3 status fully  
559 approved and in place.

560  
561 Councilmember Milder expressed that he believes a balloon festival is a very good idea;  
562 however, he has some concerns that there may be a lot of pieces that Mr. Smith still does  
563 not have in place. He generally suggested that Mr. Smith may want to consider taking a few  
564 steps back to take some additional time to get the event better planned and organized, and  
565 then consider doing the event, perhaps next year.

566  
567 Councilmember White made a motion to deny the request to hold the balloon festival at the  
568 airport. Mayor Pro Tem Townsend seconded the motion, which failed by a vote of 3 in  
569 favor, 3 against (Pruitt, Milder and Fowler), and 1 absent (Lewis).

570  
571 Mayor Pruitt made a motion to approve the recommendation of the Airport Board to allow  
572 the balloon festival to take place with the stipulation that Mr. Smith first obtain his tax  
573 exempt status, that there be no alcohol served, and that all owners at the airport not be  
574 inconvenienced (that they will have access to their planes throughout the time of the event).  
575 Councilmember Hohenshelt seconded the motion; however, he would like to have a more  
576 comprehensive plan presented to the city council by the first city council meeting in  
577 October (an operational plan reflecting parking, number of people, pricing, budget, etc.).  
578 Mayor Pruitt amended his motion to reflect that the event is approved contingent upon a  
579 comprehensive event plan (as described by Hohenshelt) be presented at the Council's first  
580 meeting in October and that the plan ensure it addresses any concerns of property owners  
581 at the airport as well as city staff (fire, police, etc.), and insurance coverage.

582  
583 Councilman Milder explained that, although he just voted against denial of this request, he  
584 is also not in favor of it being approved at this point either. He generally feels that there are  
585 currently way too many unanswered questions. Also, he does not feel that there is enough  
586 time to get all concerns properly vetted and addressed before the event takes place in just  
587 over two months from now. Therefore, he does not believe it would be very responsible of  
588 the city to support this proposal at this time.

589  
590 The motion failed by a vote of 3 in favor, 3 against (White, Townsend, and Milder) and 1  
591 absent (Lewis).

592  
593 4. Discuss and consider the proposed City of Rockwall budget for Fiscal Year  
594 2017, and take any action necessary.

595 City Manager Rick Crowley provided various comments pertaining to the FY17 budget  
596 proposal. He briefed the council on the following budget-related items:

- 597 1. At the close of the budget work session, management staff was directed to include  
598 funding for overtime to increase minimum staffing at Station 3 from one to two  
599 firefighters per shift so \$57,000 has been added to the Fire Department OT line item;
- 600 2. A transfer to the Airport Fund to allow assistance to the FBO in the amount of  
601 \$25,000 has been added. There was a small reserve in the Airport fund so we are able  
602 to transfer only \$15,000 to meet this obligation in the coming year. A contract  
603 amendment will be required and is being worked out now;
- 604 3. The just announced grant award for boat ramp improvements has been worked into  
605 the Recreation Development fund as expenditure and associated grant proceeds. By  
606 discontinuing the annual transfer from this fund to cover baseball personnel costs

607 the fund balance will be sufficient to cover the match. The project itself will be  
608 \$524,325 and is 75% funded by the grant.

609 4. The mid-block crosswalk at San Jacinto Plaza has been added to the Street  
610 Improvement Fund that has an adequate fund balance to cover the added expense of  
611 \$16,000.

612 5. The Police Department's (partial) funding request to cover the cost of a Bear Cat (half  
613 of the cost, which is \$170,000 (with the other half being paid for out of "seized  
614 funds"))

615 Councilmember Hohenshelt made a motion to approve 1, 2, 3 and 4 outlined above.  
616 Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1  
617 absent (Lewis).

618 Police Chief Kirk Riggs clarified that he is asking for half of the vehicle (in the amount of  
619 \$170,000) to be paid for out of city funds with the other half being funded out of seized  
620 funds. Mayor Pruitt generally indicated that if the Police Department really needs a piece of  
621 equipment, he feels that seized funds should not have to be used, but, rather it should be  
622 funded out of the general fund. Councilmember White indicated that since the time the  
623 budget work session was held, he has come to have far fewer concerns and objections;  
624 however, if the purchase of the Bear Cat does get approved, he is asking that the  
625 department not parade it around too much.

626 Mayor Pro Tem Townsend made a motion to approve the city-funded portion of the vehicle  
627 (Bear Cat) being requested. Councilmember Fowler seconded the motion. Councilmember  
628 Fowler commented that the police chief has indicated that he truly feels this vehicle is  
629 needed. So, he trusts the chief's judgment when requesting the vehicle. Additional, brief  
630 dialogue took place related to the funding source ("seized" (drug) funds versus the "general  
631 fund"), and the expected life span of the vehicle. After additional, brief comments, the  
632 motion passed by a vote of 6 in favor with 1 absent (Lewis).

633 Assistant City Manager Mary Smith and Mayor Pruitt explained that the tax rate and the  
634 budget will be formally adopted, by ordinance, at the next, regular council meeting.

- 635 5. Discuss and consider approval of an ordinance amending Chapter 18. Fire  
636 Prevention and Protection, Article II. Fire Code Standards, Section 18-34.  
637 Plan Review Fee, authorizing the Office of the Fire Marshal to assess fees  
638 for fire permits, construction and operational services, inspections, third party  
639 reviews, and miscellaneous fees, and take any action necessary. (1st  
640 reading)

641 Fire Marshal Ariana Hargrove came forth to answer any questions the Council may have  
642 related to this agenda item. She explained that the city has already had some provisions in  
643 place pertaining to charging fees; however, this ordinance adds some provisions and  
644 expands to reflect the city's ability to utilize a third party to conduct fire-related plan reviews  
645 on behalf of the fire department/the city.

647 Mayor Pruitt made a motion to approve the ordinance. Councilman Milder seconded the  
648 motion. After brief comments, the ordinance was read as follows:

649  
650 CITY OF ROCKWALL, TEXAS  
651 ORDINANCE NO. \_\_\_\_\_

652  
653 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
654 AMENDING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II,  
655 SECTION 18-34 AUTHORIZING THE OFFICE OF THE FIRE MARSHAL TO ASSESS

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FEEES FOR FIRE PERMITS FOR CONSTRUCTION AND OPERATIONAL SERVICES, INSPECTIONS AND THIRD PARTY REVIEWS AND OTHER MISCELLANEOUS FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absent (Lewis).

**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 - July 2016
  - Fire Dept. Monthly Reports - July 2016
  - Fire Marshal Division Monthly Report - July 2016
  - GIS Division Monthly Report - July 2016
  - Harbor PD Monthly Report - July 2016
  - Internal Operations Department Monthly Report - July 2016
  - Police Department Monthly Report - July 2016
  - Recreation Monthly Report - July 2016
  - Rockwall Animal Adoption Center Monthly Report - July 2016
2. City Manager’s Report

Mayor Pruitt shared brief comments pertaining to upcoming events being held throughout the city, specifically those pertaining to 9/11-related and other events that will focus on honoring our first responders.

**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 legal options available to the City pertaining to possible violations of drainage and detention development standards pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding proposed sale of city land for a possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development Negotiations).
3. Discussion regarding negotiations of an Access Agreement generally located along Ridge Road south of Summit Ridge, pursuant to Section 551.071 (Consultation with Attorney).

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

The Council did not convene in Executive Session following the end of the public meeting agenda.

**XVII. ADJOURNMENT**

The meeting was adjourned at 8:33 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19<sup>th</sup> day of September, 2016.

ATTEST:

*Kristy Cole*  
\_\_\_\_\_  
Kristy Cole, City Secretary



*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor

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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, September 19, 2016**  
**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 public meeting to order at 5:00. Present were Mayor Jim Pruitt,  
10 Mayor Pro Tem Mike Townsend and City Council Members David White, John Hohenshelt,  
11 Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick  
12 Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank  
13 Garza.

14  
15 Mayor Pruitt read the below listed discussion items into the record before recessing the  
16 public meeting to go into Executive Session (at 5:02 p.m.).

17  
18 **II. EXECUTIVE SESSION.**

19  
20 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE  
21 FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:  
22

- 23 1. Discussion regarding the lease of land in the vicinity of the downtown area pursuant to  
24 Section §551.072 (Real Property)
- 25 2. Discussion regarding the status of ambulance services contract pursuant to Section  
26 §551.071 (Consultation with Attorney)
- 27 3. Discussion regarding terms and conditions of Zanata's Restaurant Agreement pursuant to  
28 Section §551.071 (Consultation with Attorney)
- 29 4. Discussion regarding Primary Media failure to comply with court order in City of Rockwall v.  
30 Primary Media pursuant to Section §551.071 (Consultation with Attorney)

31 **III. ADJOURN EXECUTIVE SESSION**

32  
33 The Council adjourned from Executive Session at 5:30 p.m.

34  
35 **IV. RECONVENE PUBLIC MEETING (6:00 P.M.)**

36  
37 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council  
38 members being present.

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

41  
42 Mayor Pro Tem Townsend announced that no action was needed as a result of Executive  
43 Session.

44  
45 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**

46  
47 Councilman Milder delivered the invocation and led the Pledge of Allegiance.  
48  
49

50 VII. PROCLAMATIONS / AWARDS

- 51  
52 1. Presentation of the Building Officials Association of Texas Award for Excellence in  
53 Code Enforcement

54  
55 **Mr. Mata, representing the Building Officials Association of Texas, came forward, along with**  
56 **the city's Building Official Jeffrey Widmer and the supervisor of Neighborhood**  
57 **Improvement Services (NIS), Tony Scorcio. Mr. Mata shared brief, positive comments**  
58 **related to Rockwall's Code Enforcement (NIS) Department, and then presented the city with**  
59 **the BOAT's Award for Excellence for 2016.**

60

61 VIII. OPEN FORUM

62

63 **Richard Archibald**  
64 **3313 Anna Cade Circle**  
65 **Rockwall, TX 75087**

66

67 **Mr. Archibald came forth and expressed thanks and gratitude to the city council and the**  
68 **entire Rockwall community for its support of the recent 2016 Hot Rocks Bike race, which**  
69 **was hosted by the Rockwall Noon Rotary.**

70

71 IX. CONSENT AGENDA

72

- 73 1. Consider approval of the minutes from the Tuesday, September 6, 2016 regular city council  
74 meeting, and take any action necessary.
- 75 2. Consider approval of the 16-inch Water line Relocation FM 3097 (Horizon Road) and  
76 authorize the City Manager to execute a contract with Four Star Excavating, Inc. of Dallas,  
77 Texas in the amount of \$80,916 to be reimbursed by TxDOT up to 90% and the remainder  
78 to be funded by the 2016 Water & Sewer Bonds, and take any action necessary.
- 79 3. **P2016-038** - Consider a request by Billy & Autumn Quinton for the approval of a final plat of  
80 Lots 1 & 2, Block A, Autumn Addition being a replat of a 0.35-acre tract of land identified as  
81 Lot 120, Block F of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas,  
82 zoned Single Family 7 (SF-7) District, addressed as 601 E. Rusk Street, and take any  
83 action necessary.
- 84 4. **P2016-039** - Consider a request by Jay Maddox of Maddox Survey on behalf of Casey &  
85 Andrea Burke for the approval of a final plat of Lots 1 & 2, Block A, Burke Addition being a  
86 2.970-acre tract of land identified as Tract 19 of the D. Atkins Survey, Abstract No. 1, City of  
87 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, situated within  
88 the Scenic Overlay (SOV) District, addressed as 1406 Ridge Road, and take any action  
89 necessary.
- 90 5. **Z2016-026** - Consider a request by Jason Lentz of Atticus Rockwall, LLC for the approval of  
91 an **ordinance** for a PD Development Plan establishing 36 townhouses on a 3.462-acre  
92 portion of a larger 6.915-acre tract of land identified as Lots 3A, 4A & 5A, Isaac Brown  
93 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District  
94 32 (PD-32), situated within the Residential Subdistrict and within the Scenic Overlay (SOV)  
95 District, located north of the intersection of Ridge Road [FM-740] and Glen Hill Way, and  
96 take any action necessary (**2nd Reading**).
- 97 6. Consider approval of an **ordinance** amending Chapter 18. Fire Prevention and Protection,  
98 Article II. Fire Code Standards, Section 18-34. Plan Review Fee, authorizing the Office of

99 the Fire Marshal to assess fees for fire permits, construction and operational services,  
100 inspections, third party reviews, and miscellaneous fees, and take any action necessary.  
101 **(2nd reading)**

- 102 7. Consider approval of the engineering services contract with Hydrological Support Services,  
103 LLC to perform flood study reviews for developments within the City in an amount not to  
104 exceed \$40,000. Funding provided from the FY 2016-17 Engineering Department  
105 Operations Budget and developer reimbursement and take any action necessary
- 106 8. Consider approval of one year renewal of Yellowjacket Ball fields Facility Use Agreement  
107 between Lake Pointe Church and The City and take any necessary.

108  
109 **Councilmember Milder made a motion to approve the entire Consent Agenda (#s 1 – 8).**  
110 **Councilman White seconded the motion. The two ordinances were read as follows:**

111  
112 **CITY OF ROCKWALL**  
113 **ORDINANCE NO. 16-48**

114  
115 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
116 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32)  
117 [ORDINANCE NO. 10-21] AND THE UNIFIED DEVELOPMENT CODE  
118 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE  
119 AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN FOR A 4.034-  
120 ACRE PORTION OF A LARGER 6.915-ACRE TRACT OF LAND IDENTIFIED AS  
121 LOTS 3A, 4A & 5A, ISAAC BROWN ADDITION, CITY OF ROCKWALL,  
122 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY  
123 EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
124 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
125 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
126 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
127 PROVIDING FOR AN EFFECTIVE DATE.

128  
129 **CITY OF ROCKWALL, TEXAS**  
130 **ORDINANCE NO. 16-49**

131  
132 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
133 AMENDING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II,  
134 SECTION 18-34 AUTHORIZING THE OFFICE OF THE FIRE MARSHAL TO  
135 ASSESS FEES FOR FIRE PERMITS FOR CONSTRUCTION AND OPERATIONAL  
136 SERVICES, INSPECTIONS AND THIRD PARTY REVIEWS AND OTHER  
137 MISCELLANEOUS FEES; PROVIDING FOR A SEVERABILITY CLAUSE;  
138 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE  
139 DATE.

140  
141 **The motion passed by a vote of 7 ayes to 0 nays.**

142  
143 **X. APPOINTMENTS**

- 144  
145 1. Appointment with the Planning and Zoning Chairman to discuss and answer  
146 any questions regarding cases on the agenda and related issues and take  
147 any action necessary.

148 **The Chairman was not present, so this item was not addressed.**  
149  
150

151 **XI. PUBLIC HEARING ITEMS**

- 152  
153 1. **Z2016-023** - Hold a public hearing to discuss and consider a request by  
154 Kevin Dale Wommack & Pamela McCollum for the approval of an **ordinance**  
155 amending Specific Use Permit (SUP) No. S-118 [Ordinance No. 14-02] to  
156 allow for an accessory building that exceeds the maximum size requirements  
157 as stipulated by Article IV, Permissible Uses, of the Unified Development  
158 Code for a 1.4952-acre tract of land identified as Lot 17, Block B, Sterling  
159 Farms Addition, City of Rockwall, Rockwall County, Texas, zoned Single  
160 Family Estate 1.5 (SFE-1.5) District, addressed as 1970 Copper Ridge  
161 Circle, and take any action necessary (**1st Reading**).

162 **Planning Director Ryan Miller provided background information related to this agenda item.**  
163 **On December 16, 2013, the City Council approved an SUP allowing for an accessory**  
164 **building that does not meet the exterior material requirements for a Single Family Estate**  
165 **(SFE-1.5) District. The current metal building is 22-feet by 31-feet or approximately 682 sq.**  
166 **ft. The applicants are proposing to expand their current metal building by approximately 30-**  
167 **feet for a building footprint that is 22-feet x 62-feet, or 1,364 sq. ft. With the expansion, the**  
168 **accessory building will be approximately 114 sq. ft. larger than the maximum size allowed in**  
169 **a SFE-1.5 District. According to the UDC, the maximum square footage for an accessory**  
170 **building in an SFE-1.5 District is 1,250 sq. ft.**

171  
172 **On August 19, 2016, staff mailed 36 notices to property owners and occupants within 500-**  
173 **feet of the subject property. Staff also notified the Lofland Farms and Timber Creek Estates**  
174 **HOAs, which are the only HOAs/Neighborhood Organizations that are within 1,500-feet of**  
175 **the subject property and participating in the notification program. Staff also posted a**  
176 **notification sign on the subject property; however, no replies have been received back by**  
177 **staff as a result of said notices.**

178  
179 **The Planning & Zoning Commission has recommended approval of this item by a vote of 6**  
180 **in favor with one absent (Renfro).**

181  
182 **Mayor Pruitt opened the Public Hearing and asked if anyone would like to come forth and**  
183 **speak. There being no one indicating such, he then closed the public hearing.**

184  
185 **Councilmember White made a motion to approve Z2016-023. Mayor Pro Tem Townsend**  
186 **seconded the motion. The ordinance was read as follows:**

187  
188 **CITY OF ROCKWALL**  
189 **ORDINANCE NO. 16-XX**  
190 **SPECIFIC USE PERMIT NO. S-118**

191  
192 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
193 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**  
194 **04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,**  
195 **SO AS TO AMEND SPECIFIC USE PERMIT NO. S-118 [ORDINANCE NO. 14-**  
196 **02] TO ALLOW FOR AN ACCESSORY BUILDING THAT EXCEEDS THE**  
197 **MAXIMUM SIZE REQUIREMENTS ON A 1.50-ACRE PARCEL OF LAND**  
198 **ZONED SINGLE FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS LOT 17,**  
199 **BLOCK B, STERLING FARMS ADDITION, CITY OF ROCKWALL, ROCKWALL**  
200 **COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR**  
201 **A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**  
202 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**

203 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
204 PROVIDING FOR AN EFFECTIVE DATE.  
205

206 The motion passed by a vote of 7 ayes to 0 nays.  
207

- 208 2. **Z2016-025** - Hold a public hearing to discuss and consider a request by  
209 Jason Lentz of Atticus Rockwall, LLC for the approval of an **ordinance** for a  
210 PD Development Plan establishing a 228 unit, condo development situated  
211 on a 3.453-acre portion of a larger 6.915-acre tract of land identified as Lots  
212 3A, 4A & 5A, Isaac Brown Addition, City of Rockwall, Rockwall County,  
213 Texas, zoned Planned Development District 32 (PD-32), situated within the  
214 Interior Subdistrict, located adjacent to Summer Lee Drive southwest of the  
215 intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take  
216 any action necessary (**1st Reading**).

217 **Mr. Miller, Planning Director, provided background information regarding this agenda item.**  
218 **He explained that the applicant is requesting a *PD Development Plan* to change the required**  
219 ***Street Type 'G'* cross section contained in *Ordinance No. 10-21*. He explained that this**  
220 **street cross section calls for eight (8) foot sidewalks and parkways, a 24-foot travel lane and**  
221 **an eight (8) foot parallel parking lane in a 60-foot right-of-way. The new cross section**  
222 **proposed by the applicant proposes eight (8) foot sidewalks, a two (2) foot parkway (*on the***  
223 ***northern/western side of the roadway*), a 24-foot travel lane and an eight (8) foot parallel**  
224 **parking lane in a 50-foot right-of-way. The applicant has stated that the adjacent creek**  
225 **inhibits the ability to provide the required street cross section; however, in the applicant's**  
226 **opinion -- *and as was stated at the September 6, 2016 City Council meeting* -- the proposed**  
227 **road section meets the intent of the ordinance because the creek area will be preserved as**  
228 **open space, which mitigates his inability to provide a wider parkway. A *side-by-side***  
229 **comparison of the two (2) roadways was included in the informational meeting packet**  
230 **provided to and reviewed by city council.**

231  
232 **Mr. Miller explained that the City Council had previously remanded this case back to the**  
233 **Planning & Zoning Commission to review the changes to the initial proposal. The**  
234 **Commission has since reviewed the updated, modified proposal and has recommended its**  
235 **approval by a vote of 6 in favor with 1 absent (Renfro).**  
236

237 **Mayor Pruitt then called forth the applicant to address the Council at this time.**  
238

239 **Jason Lentz**  
240 **5339 Alpha Rd.**  
241 **Dallas, TX 75240**  
242

243 **Mr. Lentz came forth and spoke about the pedestrian 'walkability' and right-of-way space**  
244 **pertaining to the initial proposal versus the revised proposal.**

245 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and**  
246 **speak. There being no one indicating such, he then closed the public hearing.**  
247

248 **Councilmember Lewis asked if, considering the path of the creek, the applicant has ample**  
249 **space available to have a 60' right-of-way and still put trees in. Mr. Lentz generally indicated**  
250 **that there is indeed not enough space to expand the road to be wider on the creek side of**  
251 **the road. Discussion ensued related to the spacing available for landscaping and the right-**  
252 **of-way area.**  
253

254 Councilmember Milder asked for clarification regarding the proposed sidewalk and street.  
255 He asked if there is a buffer between the curb and the sidewalk. Mr. Lentz indicated that  
256 currently it is an 8' sidewalk that abuts the curb directly; however, this could be amended to  
257 have a 6-7' sidewalk with a 1-2' of grass or landscape buffer if the council so desires. Mr.  
258 Milder indicated that he would like a buffer included.

259  
260 Councilmember Milder made a motion to approve Z2016-025 with the stipulation that the  
261 applicant create a 2' parkway buffer on both sides of the roadway between the sidewalk and  
262 the roadway (will reduce the sidewalks to 6' instead of 8'). Councilmember White seconded  
263 the motion.

264  
265 Councilmember Lewis asked Mr. Miller what will happen if the extra buffer is put in, as it  
266 seems like this will set precedence as other developments come in later on in the future.  
267 Mr. Miller indicated that the roadway actually narrows further down; however, the city can  
268 request that any future applicant(s) include a similar buffer between the sidewalk and the  
269 curb/roadway. Councilmember Lewis clarified that the applicant will be responsible for  
270 maintaining the buffer.

271  
272 The ordinance was then read as follows:

273  
274 CITY OF ROCKWALL  
275 ORDINANCE NO. 16-XX

276  
277 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
278 AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21]  
279 AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF  
280 ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT  
281 PLAN FOR A 2.143-ACRE PORTION OF A LARGER 6.915-ACRE TRACT OF LAND  
282 IDENTIFIED AS LOTS 3A, 4A & 5A, ISAAC BROWN ADDITION, CITY OF ROCKWALL,  
283 ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT  
284 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE  
285 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
286 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
287 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

288  
289 The motion passed by a vote of 7 ayes to 0 nays.

290  
291 3. Z2016-028 - Hold a public hearing to discuss and consider a request by  
292 Susan Gamez for the approval of an ordinance for a zoning change from an  
293 Agricultural (AG) District to Residential Office (RO) District on a 0.478-acre  
294 tract of land identified as Tract 7 of the D. Atkins Survey, Abstract No. 1, City  
295 of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,  
296 situated within the Scenic Overlay (SOV) District, addressed as 2001 Ridge  
297 Road, and take any action necessary (1st Reading).

298 Mr. Miller provided background information concerning this agenda item. He explained that  
299 the subject property was annexed into the City on September 26, 1960 and was zoned  
300 Agricultural (AG) District. Currently, an existing single family home is situated on the  
301 subject property. The applicant is requesting to change the zoning of the subject property  
302 from an Agricultural (AG) District to a Residential Office (RO) District for the purpose of  
303 converting the existing single family home into a commercial business to accommodate a  
304 massage therapist office (i.e. *Everybody Massage*). He explained that the applicant  
305 currently has her business located on Ridge Road across from the Ridge Road (Shopping)

306 Center. The subject property is surrounded by commercial, with the exception of some  
307 nearby agricultural designations. The code states that "Residential Office" allows existing  
308 residential housing to be converted for low intensity office uses in order to extend the  
309 economic life of the structures.

310  
311 On August 19, 2016, staff mailed 13 notices to property owners and residents within 500-  
312 feet of the subject property. Staff also sent a notice to the Turtle Cove and Waterstone  
313 Homeowner's Associations (HOA), which are the only HOA's located within 1,500 feet of the  
314 subject property. Additionally, staff posted a sign along Ridge Road, which is the closest  
315 major roadway adjacent to the subject property as required by the Unified Development  
316 Code (UDC). At the time this case memo was drafted, staff had not received any notices in  
317 reply.

318  
319 He went on to explain that, at first, the applicant was requesting a zoning change to  
320 Commercial. However, thereafter the Planning & Zoning Commission reviewed the case  
321 and determined that a "residential office" (RO) zoning designation would be more  
322 appropriate. So, the applicant has agreed to a RO zoning instead (which, Mr. Miller  
323 explained, is more restrictive than a "commercial" designation).

324  
325 Susan Gamez, the applicant then came forth and briefly addressed the Council. She  
326 explained that she currently owns the business located at 1024 Ridge Road, and she was in  
327 front of the city council twelve years ago to ask for the same request associated with her  
328 current business location. She respectfully asked the Council to consider approval of her  
329 request.

330  
331 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
332 speak. There being no one indicating such, he then closed the public hearing.

333  
334 Councilmember White clarified that this type of business will be allowed by right in an RO.  
335 He then made a motion to approve Z2016-028. Councilmember Lewis seconded the motion.  
336 The ordinance was read as follows:

337  
338 CITY OF ROCKWALL  
339 ORDINANCE NO. 16-XX

340  
341 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
342 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.*  
343 *04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS  
344 TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG)  
345 DISTRICT TO A RESIDENTIAL OFFICE (RO) DISTRICT ON A 0.478-ACRE  
346 TRACT OF LAND IDENTIFIED AS TRACT 7 OF THE D. ATKINS SURVEY,  
347 ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND  
348 BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBITS 'A', 'B', & 'C'* OF  
349 THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
350 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
351 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
352 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
353 PROVIDING FOR AN EFFECTIVE DATE.

354  
355 The motion passed by a vote of 7 ayes to 0 nays.

356

- 357 4. **Z2016-029** - Hold a public hearing to discuss and consider a request by  
358 Jimmy Strohmeier of Strohmeier Architects on behalf of D. W. Bobst of J-  
359 BR2, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP)  
360 to allow a retail store with more than 2 gasoline dispensers on a 2.59-acre  
361 tract of land being a portion of a larger 7.32-acre tract of land identified as  
362 Tract 17-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall,  
363 Rockwall County, Texas, zoned General Retail (GR) District, situated at the  
364 southwest corner of the intersection of SH-205 [S. Goliad Street] and FM-  
365 549, and take any action necessary (**1st Reading**).

366 **Mr. Miller provided brief background information concerning this agenda item. He**  
367 **explained that the applicant is asking to establish a retail store with more than two gasoline**  
368 **dispensers. As part of the Specific Use Permit (SUP) submittal, the applicant has submitted**  
369 **a conceptual site plan indicating a 5,600 sq. ft. retail store with eight (8) fuel dispensers. The**  
370 **number of fuel dispensers requested would allow for a maximum of 16 vehicles being**  
371 **serviced at any one time. The site is accessed from SH-205 and FM-549, providing two (2)**  
372 **points of ingress/egress. If approved, the applicant will be required to submit a site plan**  
373 **and replat the property. Staff mailed eleven (11) notices to property owners and residents**  
374 **within 500 feet of the subject property. Staff also notified one (1) HOA/Neighborhood**  
375 **Organization (*Oaks of Buffalo Way*) that is within 1,500 feet participating in the notification**  
376 **program. Additionally, staff posted a sign on the property as required by the Unified**  
377 **Development Code (UDC). At the time this report was drafted, staff has received four (4)**  
378 **notices “opposed to” the zoning change request. The Planning & Zoning Commission has**  
379 **recommended approval of this item by a vote of 6 ayes to 0 nays (with Renfro being absent).**  
380

381 **Mayor Pruitt opened the Public Hearing and invited the applicant to come forth and speak.**  
382 **Jimmy Strohmeier with Strohmeier Architects came forth and explained that a fuel station**  
383 **with only two dispensers would really be antiquated and insufficient, especially as growth**  
384 **and development occurs in this area. So, he explained that they are trying to plan ahead**  
385 **and include more gas dispensers in order to meet current and future needs.**  
386

387 **Dr. M.A. Zeb and Sumbel Zeb**  
388 **5128 S. Hwy. 205**  
389 **Rockwall, TX 75032**  
390

391 **Dr. Zeb came forth and generally indicated that his home is located next to this proposed**  
392 **fuel station. He believes that this fuel center will disturb the area, including his home. Dr.**  
393 **Zeb’s daughter then came forth and indicated that she and her family have been living in**  
394 **this home for more than twenty years. She and her father are respectfully requesting denial**  
395 **of this request, as she explained that it is generally not an acceptable use since it is located**  
396 **right next door to their home. She believes that original deed restrictions would not allow a**  
397 **fuel center. She hopes that the Council will take resident’s concerns into consideration, not**  
398 **just the concerns of a corporation requesting the fuel center.**  
399

400 **There being no one else wishing to come forth and speak, Mayor Pruitt then closed the**  
401 **public hearing.**  
402

403 **Brief discussion took place pertaining to plans for future expansion of FM-549. Mr. Miller,**  
404 **Planning Director, explained that a nearby intersection will eventually be a four way**  
405 **intersection with a four-lane, divided roadway. Also, Goliad will likely end up being a six**  
406 **lane, divided roadway. Councilman White commented that it will eventually be considered a**  
407 **“major” intersection.**

408  
409 Councilmember Lewis then made a motion to approve Z2016-029. Councilmember White  
410 seconded the motion.  
411

412 Councilmember Milder commented that, although he has a lot of sympathy for Dr. Zeb and  
413 other nearby residents who live in this area, it is an area that is inevitably poised to grow  
414 rapidly. So, he explained, he has a difficult time denying a request for a fuel center at this  
415 intersection. Councilmember Townsend asked for some clarification regarding the entry  
416 into the fuel center facility. Mr. Miller explained that a cross access easement may be  
417 needed in order for the applicant to access the property; however, the drive location may be  
418 pushed out. He explained that the information currently being shown is very conceptual at  
419 this point. Councilmember Townsend asked about any possible deed restrictions. City  
420 Attorney Frank indicated that the city may not take into consideration any potential 'deed  
421 restrictions' when considering a case. Mayor Pruitt explained that "by right," the applicant  
422 could already open up a fuel center with two pumps.  
423

424 The ordinance was then read as follows:  
425

426 CITY OF ROCKWALL  
427 ORDINANCE NO. 16-XX  
428 SPECIFIC USE PERMIT NO. S-1XX  
429

430 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
431 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
432 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
433 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL STORE WITH  
434 MORE THAN TWO (2) GASOLINE DISPENSERS AS SPECIFIED IN ARTICLE  
435 IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A  
436 2.59-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 7.32-ACRE  
437 TRACT OF LAND ZONED GENERAL RETAIL (GR) DISTRICT, AND  
438 IDENTIFIED AS TRACT 17-12 OF THE W. W. FORD SURVEY, ABSTRACT NO.  
439 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE  
440 SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL  
441 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE  
442 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
443 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
444 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
445

446 The motion passed by a vote of 7 ayes to 0 nays.  
447

448 XII. ACTION ITEMS  
449

- 450 1. Discuss and consider the City of Rockwall's participation in a Back the Blue  
451 event to be held on October 27, 2016 and take any action necessary.

452 Mr. Crowley explained that the city has received a request for the use of the City mobile  
453 restroom trailer to be used during a "Back the Blue" related fundraising event to be held on  
454 Thursday, October 27. He and Mayor Pruitt recently attended a meeting that was hosted by  
455 the Mayor of the City of Heath, and a lot of countywide representatives were present. The  
456 proposed event was discussed, and it is being proposed to be held this year in the parking  
457 lot of the Wilkerson-Sanderson Stadium. He explained that indication was provided to he  
458 and the mayor that 100% of the funds raised from the event will be used for the "Back the  
459 Blue" program to support the families of first responders that are killed or severely injured  
460 in the line of duty and to provide a variety of financial support to the Rockwall County area

461 first responders. If approved by Council, the City of Rockwall's restroom trailer would be  
462 used for approximately a six hour period which constitutes a half day rental, typically  
463 costing \$1200. Contingent on Council approval, the rental fee would be a non-budgeted item  
464 but it would be the City of Rockwall's contribution to the event.  
465

466 Councilmember White asked for clarification regarding the foundation that the funds will go  
467 to. Mr. Crowley indicated that he is not certain the actual name; however, it was started last  
468 year by Mr. Neighbors. White indicated that he believes the event may be moved from the  
469 stadium to the courthouse instead because they may want to serve alcohol. However, this  
470 is not certain at this point. It is just a possibility.  
471

472 Mayor Pruitt made a motion to approve the city providing the restroom trailer and support  
473 services (including staff) at no cost for use at this event. Councilmember Lewis seconded  
474 the motion.  
475

476 After brief comments and discussion related to (jokingly) naming the restroom trailer the  
477 "David Sweet Memorial Toilet" for this event only, the motion passed by a vote of 7 ayes to  
478 0 nays.  
479

480 2. **SP2016-016** - Discuss and consider a request by Tim Seymore of Seymore  
481 Custom Homes, LLC on behalf of James & Robin Meade for the approval of  
482 an exception to the masonry requirements and a variance to the parking  
483 standards as stipulated by the Unified Development Code in conjunction with  
484 an approved site plan for a commercial/industrial building on an existing  
485 2.02-acre commercial/industrial facility identified as Tract 2-22 of the J. R.  
486 Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County,  
487 Texas, zoned Heavy Commercial (HC) District, addressed as 496 National  
488 Drive, and take any action necessary.

489 Mr. Miller, the City's Planning Director, provided background information concerning this  
490 agenda item. The applicant is requesting approval of an exception to the exterior material  
491 requirements and a variance to the parking standards in conjunction with an approved site  
492 plan for the purpose of constructing a 3,600 sq. ft. building that will serve as an additional  
493 facility (*for storage purposes*) to an existing ~6,000 sq. ft. building. An amendment to the  
494 site plan is required due to the proposed building exceeding 50% of the size of the existing  
495 building. The applicant is proposing the new facility to be constructed with 100% metal  
496 panels on the exterior. This will require approval of an exception to the exterior material  
497 requirements and has been added as a condition of approval. The property is a 2.02-acre  
498 parcel of land that is zoned Heavy Commercial (HC) District and is addressed as 496  
499 National Drive. The proposed storage facility is permitted by right on the subject property.  
500 The existing site has a total of 12 parking spaces and requires one (1) additional space. The  
501 applicant is requesting a variance to allow for the 12 existing spaces rather than provide an  
502 additional space due to the buildings' use as a storage facility. Essentially, the applicant is  
503 requesting the following exceptions to the exterior materials:  
504

- 505 a) **Article V, Section 4.1.A.1 General Commercial District Standards** – An exception to  
506 allow for not meeting the 90% (*exterior*) masonry material requirements by allowing  
507 100% metal wall panels for all elevations as submitted.  
508 b) **Article V, Section 4.1.A.1 General Commercial District Standards** – An exception to  
509 allow for not meeting the 20% stone requirements by allowing 100% metal wall  
510 panels for all elevations as submitted.  
511

512 **Tim Seymore**  
513 **Seymore Custom Homes**  
514 **205 Rush Creek**  
515 **Heath, TX**

516  
517 **Mr. Seymore came forth and indicated that all of the buildings on National Drive are all**  
518 **constructed similarly to this building. Also, he indicated that the proposed number of**  
519 **parking spaces will pose no problems, as the whole acreage is covered in rock.**

520  
521 **After brief comments, Councilmember Lewis made a motion to approve SP2016-016.**  
522 **Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

523  
524 **3. SP2016-017 - Discuss and consider a request by Rex Walker of Life Springs**  
525 **Church for the approval of a variance to the horizontal articulation**  
526 **requirements in conjunction with an amended site plan for a church facility**  
527 **on a seven (7) acre portion of a larger 28.881-acre tract of land identified as**  
528 **Tract 15-01 of the J. Strickland Survey, Abstract No. 187, City of Rockwall,**  
529 **Rockwall County, Texas, zoned Agricultural (AG) District, situated within the**  
530 **SH-205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the**  
531 **north side of John King Boulevard east of the intersection of John King**  
532 **Boulevard and SH-205, and take any action necessary.**

533 **Mr. Miller, Planning Director, indicated that the property is zoned Agricultural (AG) District**  
534 **and was granted a Specific Use Permit [SUP Ord. No. 15-21] on August 3, 2015 to allow for a**  
535 **Church development on the seven (7) acre portion of the larger 28.811-acre tract of land.**  
536 **However, since that time, the applicant has indicated a desire to reduce the size of the**  
537 **building, and the building articulations being proposed at this time do not meet the city's**  
538 **standards. So the applicant is requesting approval of a variance to the horizontal**  
539 **articulation standards in conjunction with an amended site plan for the purpose of revising**  
540 **the approved elevations by reducing the 25,433 sq. ft. building to a 16,839 sq. ft. building.**  
541 **The applicant will be modifying the exterior appearance of the rear (east) elevation by**  
542 **reducing the massing of the tower elements and by changing the roof to slope towards the**  
543 **rear of the property for drainage purposes. Also, the applicant is proposing to change the**  
544 **front (west) elevation by replacing the standing seam metal roof element (atop the facility)**  
545 **with a stucco parapet wall. If approved, the site plan will indicate the ~6,000 sq. ft. vacated**  
546 **area as 'future expansion' of the Church facility. Mr. Miller indicated that the Planning &**  
547 **Zoning Commission has recommended approval of this item by a vote of 6 ayes with 1**  
548 **(Renfro) absent.**

549  
550 **Councilmember White moved to approve SP2016-017. Councilmember Townsend seconded**  
551 **the motion, which passed unanimously of those present (7 - 0).**

552  
553 **4. Discuss and consider a request from Suntex RHCL Marina to Assign the**  
554 **Concession Agreement for the marina at Chandlers Landing to Ray Hubbard**  
555 **SMI, LLC and take any action necessary**

556 **Assistant City Manager Brad Griggs provided background information concerning**  
557 **this agenda item. Suntex RHCL Marina, LLC is the operator of the marina at**  
558 **Chandlers Landing. Their concession agreement has recently been extended to**  
559 **January of 2041 and in return for the contract extension, they have agreed to**  
560 **complete several capital improvement projects. The amendment to the concession**

561 agreement was approved at the June 16, 2016 meeting of the City Council. At this  
562 time, they are requesting the approval to assign the concession agreement to Ray  
563 Hubbard SMI, LLC. This new corporation has the same Board of Directors and will  
564 be operated in the same manner as Suntex RHCL Marina. All terms of the  
565 concession agreement, including the capital projects, will be the responsibility of  
566 Ray Hubbard SMI. The agreement was put forth by the company for city review, and  
567 the city attorney has made some modifications to it prior to council's review.  
568

569 Mayor Pruitt called forth the representative from Suntex and asked him to state his  
570 name/address for the record, which he did as follows:

571 Quinn Heidenreich  
572 1720 Lewis Court  
573 Dallas, TX

574  
575 Mayor Pruitt asked if the new LLC will have the same board of directors. Mr. Heidenreich  
576 indicated that, yes, it will have the same board. It is purely to facilitate the redevelopment of  
577 the marina and to accommodate the request of the new lending partner that will do the  
578 financing on the redevelopment.  
579

580 Mayor Pruitt went on to express concerns, generally explaining that he suspects this  
581 reassignment may end up limiting the liability associated with the redevelopment and  
582 associates repairs / upgrades that Suntex has agreed to with the city, especially if there is  
583 another drought. He pointed out that concession fees were not paid to the city by Suntex  
584 for a long time, due to the drought, until the city finally set up legal action against the  
585 company. He does not have a problem with a name change; however, he does have a  
586 problem with the new company potentially having their obligations be reduced or  
587 eliminated.

588 After his comments, Mayor Pruitt made a motion to approve the re-assignment of the  
589 Concession Agreement with the stipulation that a cost bond be posted for the amount of the  
590 capital improvements that were previously agreed upon with Suntex so that the city has  
591 assurance that the capital improvements will actually be followed through on.  
592 Councilmember Milder seconded the motion.

593 Mr. Heidenreich indicated that this is something the company can do; however, he did want  
594 to note that the new legal entity is a much broader, substantially more capitalized entity with  
595 several hundred million dollars of capital behind it. It will be assigned to hold all of the  
596 entity's other marinas. From his vantage point, the company is being placed into a much  
597 stronger position than it was before. In addition, additional investors, beyond those  
598 involved with Suntex, will be involved, as will a new financial partner to put them into a  
599 stronger position. Councilmember Fowler commented that the amount of the  
600 improvements will impact the cost of the bond. Mr. Heidenreich commented that he does  
601 not recall the actual cost of the improvements, but it is a very substantial project that will  
602 cost in the "millions" and will involve dredging and fixing and improving break waters and  
603 docks. He shared that it is a traditional lender (bank), and they are the ones requiring the  
604 development of the new LLC.

605 After additional discussion, the motion passed by a vote of 6 in favor with 1 against  
606 (Hohenshelt).

607

608 Mr. Archibald, the gentleman who spoke during Open Forum, again briefly came forth and  
609 presented Mayor Pruitt with a certificate of appreciation concerning the recent Hot Rocks  
610 bike race.

611 5. Discuss and consider approval of the Rockwall Economic Development  
612 Corporation (REDC) budget for fiscal year 2017 and amended budget for  
613 fiscal year 2016, and take any action necessary.

614 Sheri Franza, CEO/President of the Rockwall EDC came forth and explained that, relatively  
615 speaking, most of the proposed budget for FY 17 is quite similar to the budget in past years.  
616 The only major change is one capital project pertaining to a regional detention project that  
617 will start the middle of October and take about 120 days to complete. That will cost \$1.3  
618 million and will open about 100 acres for development. Thirty acres has already been  
619 spoken for, and a contract is now pending on an additional 30 acres. These new companies  
620 will be a tremendous, positive addition to the Rockwall Tech Park and the Rockwall  
621 community.

622 Councilmember Lewis made a motion to approve the amended budget for FY2016 and the  
623 proposed budget for FY2017. Councilmember Hohenshelt seconded the motion, which  
624 passed by a vote of 7 ayes to 0 nays.

625 6. Discuss and consider approval of the Rockwall Technology Park Association  
626 budget for fiscal year 2017 and amended budget for fiscal year 2016, and  
627 take any action necessary.

628 Mrs. Franza spoke to the Council concerning this proposed budget for FY2017, indicating  
629 that the REDC board did approve both the amended FY16 and proposed FY17 budgets  
630 earlier this month. A slight funding increase (\$3,000 or so) will occur due to the  
631 landscaping (mowing) area increasing. She shared that a little bit of funding (\$10,000) is  
632 being requested to make some miscellaneous, needed repairs to the irrigation system too.  
633 Following her brief comments, Councilmember Hohenshelt made a motion to approve the  
634 Rockwall Technology Park Association budget for fiscal year 2017 and amended budget for  
635 fiscal year 2016. Mayor Pro Tem Townsend seconded the motion, which passed by a vote  
636 of 7 ayes to 0 nays.

637 Mayor Pruitt then called for a brief break, recessing the meeting at 7:13 p.m.

638 Mayor Pruitt called the meeting back to order at 7:25 p.m.

639 7. Discuss and consider the Hotel Tax Subcommittee recommendations for  
640 funding allocations in fiscal year 2017, including authorizing the City  
641 Manager to execute associated funding agreements, and take any action  
642 necessary.

643 Mayor Pruitt pulled the funding requests for the Rubber Duck Regatta, The Hilton, and  
644 Music Fest, indicating the Council will handle these funding items separately from all the  
645 other funding requests. He then made a motion to approve the funding request  
646 recommendations made by the Hotel Tax Subcommittee for the remaining items.  
647 Councilman Lewis seconded the motion, which passed unanimously of Council (7 ayes to 0  
648 nays).

649 Regarding the Rubber Duck Regatta, Mayor Pruitt explained that Councilmember Lewis and  
650 Councilmember White will be recusing themselves since they currently serve on the Meals  
651 and Wheels Board of Directors. Mayor Pro Tem Townsend moved to approve the  
652 recommended funding for the Rubber Duck Regatta. Mayor Pruitt seconded the motion,  
653 which passed by a vote of 5 in favor with 2 recusals (White and Lewis).

654 Mayor Pruitt then explained that Councilmember Fowler will be recusing himself since he  
655 serves on that board. Councilmember White then made a motion to approve the  
656 recommended funding for Music Fest. Councilmember Townsend seconded the motion,  
657 which passed by a vote of 6 in favor with 1 recusal (Fowler).

658 Mayor Pruitt mentioned that The Hilton is requesting Hotel/Motel Tax funding in the amount  
659 of \$27,484 to subsidize some hotel rooms. Mayor Pruitt commented that he is generally not  
660 in favor of this request, especially not considering the type of advertising that has recently  
661 been put out by the Hilton's parent corporation. He does not feel there is any reason to use  
662 tax payer money to fund any type of business that has those types of ads going out with  
663 our tax money. In addition, he pointed out that The Hilton is already getting \$600,000 this  
664 year in hotel/motel money rebated back to them. Mayor Pruitt subsequently made a motion  
665 to deny this funding request. He pointed out that a separate funding request had previously  
666 been made by The Hilton and is already included in the budget; however, this issue is  
667 separate and apart from that other funding request. Councilmember Fowler seconded the  
668 motion, which passed by a vote of 5 in favor with two against (Lewis and White).

669 Councilmember Lewis made a motion to approve increasing the funding for the Crime  
670 Prevention Conference from \$25,000 to \$30,000 (an increase of \$5,000 total).  
671 Councilmember White seconded the motion. Indication was given that the conference is  
672 committing to four hundred hotel room nights. After brief comments, the motion passed by  
673 a vote of 7 ayes to 0 nays.

674 Councilmember White mentioned to Mr. Archibald, who was still in the room, that Noon  
675 Rotary may wish to submit its funding request for the Hot Rocks bike race soon so that  
676 Hotel Occupancy Tax (HOT) funds are still available. General indication was given that  
677 Rotary's request is being formulated currently and will be submitted soon.

678 8. Discuss and consider approval of an ordinance amending the budget for  
679 fiscal year 2016, and take any action necessary.

680 Councilmember Lewis made a motion to approve the ordinance. Councilmember Townsend  
681 seconded the motion. The ordinance was read as follows:

682 CITY OF ROCKWALL, TEXAS  
683 ORDINANCE NO. 16-50

684  
685 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
686 AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2015  
687 THROUGH SEPTEMBER 30, 2016; PROVIDING FOR AN EFFECTIVE DATE.  
688

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

690 9. Discuss and consider the proposed budget for fiscal year 2017 and approval  
691 of an ordinance adopting the proposed budget, and take any action  
692 necessary.

693 Mayor Pruitt indicated that the Council would like to pull the funding associated with "Meals  
694 on Wheels" and handle approval on that portion of the budget separately from all other  
695 portions. Mayor Pro Tem Townsend made a motion to approve the proposed FY2017  
696 budget, excluding the "Meals on Wheels" portion. Councilmember Lewis seconded the  
697 motion. Mayor Pruitt then commented that the Council always asks that inflation and  
698 population growth be considered when considering proposed expenditures associated with  
699 annual budgets. He stated that he is comfortable that the city is meeting its obligations,  
700 especially since some expenditures will be made with Rec Development funding and (drug)

701 Seizure Funds. Following Pruitt's comments, the motion passed by a vote of 7 ayes to 0  
702 nays.

703 Councilmembers Lewis and White recused themselves from the "Meals on Wheels" funding  
704 request within the proposed FY17 budget. Mayor Pro Tem Townsend made a motion to  
705 approve the Meals on Wheels funding within the budget for FY 2017. Councilmember Milder  
706 seconded the motion, which passed by a vote of 5 ayes with 2 recusals (White and Lewis).

707 Mayor Pro Tem Townsend made a motion to approve the ordinance adopting the FY2017  
708 budget. Councilmember Lewis seconded the motion. Assistant City Manager/Finance  
709 Director, Mrs. Smith, then read the following statement into the public record:

710 *This budget will raise the same amount of revenue from property taxes as last year's*  
711 *budget. The property tax revenue to be raised from new property added to the tax roll*  
712 *this year is \$504,907.*

713  
714 The motion then passed by a vote of 7 ayes to 0 nays.

715  
716 10. Discuss and consider approval of an ordinance levying ad valorem taxes for  
717 the tax year 2016, and take any action necessary.

718 Mrs. Smith indicated that this ordinance will adopt the tax rate at 45.43 cents per \$100 of  
719 assessed value, which is a 3.1 cent reduction from the current rate and is the effective tax  
720 rate, as has been calculated by the Appraisal District.

721 Mayor Pro Tem Townsend made a motion to approve the ordinance. Councilmember Lewis  
722 seconded the motion. The ordinance was read as follows:

723 CITY OF ROCKWALL, TEXAS  
724 ORDINANCE NO. 16-52

725  
726 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
727 LEVYING THE AD VALOREM TAXES FOR THE YEAR 2016 AT A RATE OF \$.4543 PER  
728 ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE  
729 PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2016  
730 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO  
731 PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE  
732 CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES  
733 AND INTEREST; APPROVING THE 2016 TAX ROLL; PROVIDING FOR EXEMPTIONS  
734 OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.  
735

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

737 Mayor Pruitt thanked the subcommittee, council members and staff for their work on  
738 getting this budget completed and for accomplishing a good tax rate for the citizens.

739 11. Discuss and consider appointments to the city's Youth Advisory Council  
740 (YAC) for the 2016-17 school year, and take any action necessary.

741 Councilmember White made a motion to appoint the recommended slate of students as  
742 outlined in the memo (see table below). Councilmember Fowler seconded the motion,  
743 which passed unanimously (7 - 0).

744  
745

1	Re-appointment	Sophomore (HmSch)	Caleb	Davis
2	Re-appointment	Junior (RHS)	Bethany	Villalobos
3	Re-appointment	Senior (RHS)	Reid	Rakow
4	NEW appointment	Freshman (HmSch)	Mary Claire	Weible
5	NEW appointment	Senior (HmSch)	Kelsey	Franks
6	NEW appointment	Junior (HCA)	Jonathan	Naylor
7	NEW appointment	Junior (RHS)	Thomas	Milder
8	NEW appointment	Sophomore (RHS)	Emily	Williams
9	NEW appointment	Junior (RHS)	Molly Kate	Evans
10	NEW appointment	Junior (RHS)	Aidan	Culp
11	NEW appointment	Sophomore (RHS)	Emily	Henry
12	NEW appointment	Senior (RHHS)	Christian	Giadolor
13	NEW appointment	Sophomore (RHS)	Natalie	Newhouse

746

747

748

749

12. Discuss and consider an amendment to the Fixed Base Operator / Airport Management Agreement with Todd Parks of Texas Air Center and take any necessary action.

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Joey Boyd indicated that, as approved in the budget, the Council will be providing an operational supplement regarding airport operations. Also, this amendment will extend the end date from March 31<sup>st</sup> to Sept. 30<sup>th</sup> in order to coincide with the city's fiscal year. It also relieves Mr. Parks of the requirement to provide an aircraft if he chooses not to.

755

756

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758

Councilmember Lewis thanked Mr. Parks for always providing good, detailed information to the City Council. He then made a motion to approve the amendment to the agreement. Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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Mayor Pruitt provided brief, closing comments. He shared that he would like to thank the Police Department. A press conference was held last week having to do with the "Silent Partners Program," which is a way for people to anonymously donate money to the Police Department. Funds will go to a city account, and no administration fees will apply. It will be used as a fallen officer fund, throughout Rockwall County, and it will include scholarships for kids who want to go into law enforcement. Also, it will allow officers to attend funerals for other fallen officers around the country. Additionally, the "Trikes for Tikes" event this past weekend raised a lot of money for the Rockwall County Child Advocacy center. There were over 100 motorcycles, and they raised over \$40,000 for the Rockwall County Child Advocacy Center. He commented that a lot of very positive comments were received from the participants, especially related to how well planned the route and ride was by the Rockwall Police Department. In addition, he pointed out the new Police Explorers, who are young volunteers participating in this new Rockwall Police Department program. They will be attending a city council meeting sometime in the future, and they will come and have dinner with the Council prior to whichever meeting they will be attending.

777 **XIII. EXECUTIVE SESSION**

778  
779 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
780 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
781 **CODE:**

- 783 1. Discussion regarding the lease of land in the vicinity of the downtown area pursuant to  
784 Section §551.072 (Real Property)
- 785 2. Discussion regarding the status of ambulance services contract pursuant to Section  
786 §551.071 (Consultation with Attorney)
- 787 3. Discussion regarding terms and conditions of Zanata's Restaurant Agreement pursuant to  
788 Section §551.071 (Consultation with Attorney)
- 789 4. Discussion regarding Primary Media failure to comply with court order in City of Rockwall v.  
790 Primary Media pursuant to Section §551.071 (Consultation with Attorney)

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

792  
793 **Council did not convene in Ex. Session following the close of the public meeting agenda.**

794  
795 **XV. ADJOURNMENT**

796  
797 **The meeting was adjourned at 7:47 p.m.**

798  
799 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
800 **THIS 3<sup>rd</sup> day of October, 2016.**

801  
802 **ATTEST:**

803 *Kristy Cole*  
804 \_\_\_\_\_  
805 **Kristy Cole, City Secretary**

*Jim Pruitt*  
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**Jim Pruitt, Mayor**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, October 03, 2016  
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 4:02 p.m. Present were Mayor Jim Pruitt, Mayor Pro  
10 Tem Mike Townsend, and City Council Members David White, Scott Milder, Kevin Fowler and  
11 Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager Brad  
12 Griggs, and City Attorney Frank Garza. Councilmember John Hohenshelt and Assistant City  
13 Manager Mary Smith were absent from the meeting.

14  
15 II. WORK SESSION

- 16  
17 1. Hold work session to hear updates to the Engineering Department's Standards of Design and  
18 Construction and receive City Council input prior to adoption.

19 City Engineer, Tim Tumulty, came forth and briefed the Council on recent, suggested updates  
20 to the city's Standards of Design and Construction. After lengthy discussion, including some  
21 suggested modifications to the standards, the Council took no action concerning this work  
22 session item.

- 23 2. Hold a work session to discuss and consider initiating a planning study of the IH-30 corridor.

24 Planning Director, Ryan Miller, provided brief introductory comments pertaining to this topic,  
25 explaining that on March 21, 2016, the City Council reviewed the Planning and Zoning  
26 Department's *2016-2018 Strategic Planning Goals and Initiatives*. Under *Goal #2: Maintain or*  
27 *Increase the Current Per Capita Sales Tax Revenue*, staff proposed to create an *IH-30*  
28 *Commercial Corridor Plan* for the purpose of targeting and emphasizing strategic properties  
29 and development opportunities along IH-30 corridor.

30  
31 Following dialogue concerning this topic, Mayor Pruitt provided several comments concerning  
32 the future bridges / service roads that TXDOT will be planning and constructing across the  
33 lake on IH-30. General discussion took place pertaining to walking paths and bicycle lanes.  
34 The Council took no action concerning this work session item.

- 35  
36 3. Hold a work session to discuss and consider initiating an update of the city's Comprehensive Plan.

37 Mr. Miller provided introductory comments pertaining to this work session item. He explained  
38 that a City's Comprehensive Plan -- also known as a general plan or master plan -- is a  
39 document designed to guide the future actions of the community, and to lay out a 20-year  
40 vision for the city. This document is also intended to direct City Council's actions on policy  
41 decisions relating to land use and development regulations, and expenditures for capital  
42 improvements. He explained that the City of Rockwall's Comprehensive Plan dates back to  
43 1966 with major updates being approved in 1986, 1995, and 2001. The current plan for the City  
44 is the *Hometown 2000 Comprehensive Plan*, which was adopted on December 17, 2001 by  
45 *Resolution 01-40*. This plan has had minor updates in 2004 (*i.e. to incorporate the Downtown*  
46 *Plan*) and 2007 (*i.e. to incorporate updated residential policies*), and an overhaul 2011. Mr.  
47 Miller shared that a Comprehensive Plan is typically updated on a five (5) year cycle with major  
48 revisions taking place every ten (10) years; however, it is in the City Council's purview to  
49 update the plan on an as needed basis. With this being said, the last revision to the plan was  
50 adopted on March 5, 2012 [*Resolution No. 12-07*], and staff is seeking direction from the City

51 Council to formally move forward with a 2017 Comprehensive Plan update. General indication  
52 was given that the Council would like some time to consider residents living in our city who  
53 may have an interest in serving on a Comprehensive Plan Review Committee. The Council  
54 took no formal action pertaining to this work session item.

55  
56 Mayor Pruitt read the below listed discussion items into the record before recessing the public  
57 meeting to go into Executive Session at 4:48 p.m.

58  
59 **III. EXECUTIVE SESSION.**

60  
61 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE  
62 FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:  
63

- 64 1. Discussion regarding Economic Development incentives, procedures and possible projects  
65 pursuant to Section 551.087 (Economic Development)
- 66 2. Discussion regarding the lease of land in the vicinity of the downtown area pursuant to Section  
67 §551.072 (Real Property)
- 68 3. Discussion regarding the status of ambulance services contract pursuant to Section §551.071  
69 (Consultation with Attorney)
- 70 4. Discussion regarding legal advice associated with homeowners association (HOA) regulations  
71 within the city pursuant to Section 551.071 (Consultation with Attorney).

72 **IV. ADJOURN EXECUTIVE SESSION**

73  
74 Executive Session was adjourned at 5:50 p.m.

75  
76 **V. RECONVENE PUBLIC MEETING**

77  
78 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with 6 of the 7 council members being  
79 present (Hohenshelt was absent from the meeting).

80  
81 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

82  
83 No action was needed or taken as a result of Ex. Session.

84  
85 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

86  
87 Councilmember Fowler delivered the invocation and led the Pledge of Allegiance.

88  
89 **VIII. PROCLAMATIONS / AWARDS**

- 90  
91 1. County of Rockwall Emergency Services Corporation Recognition Day

92  
93 Mayor Pruitt called forth and introduced David Sweet, Rockwall County Judge. He shared a  
94 few, brief comments concerning the ES Corporation, including the fact that debt owed on the  
95 law enforcement gun range training facility was recently paid off in full. He then read and  
96 presented this proclamation to Judge Sweet, who is also the current President of the ES  
97 Corporation, in recognition of the projects and contributions of the Corporation since its  
98 inception in 2003.

102 2. Fire Prevention Month  
103

104 Mayor Pruitt called forth Ariana Hargrove, Fire Marshal for the City of Rockwall. She came  
105 forth, along with "Sparky," the Rockwall Fire Department's mascot. The mayor then read and  
106 presented a proclamation for Fire Prevention Month, encouraging members of the public to  
107 check the replacement date on their home smoke alarms, replace outdated ones, and  
108 participate in the various public education and events the Fire Department is hosting this  
109 month. Mrs. Hargrove encouraged everyone to attend the Fire Department Open House that is  
110 scheduled to take place this coming Saturday.

111  
112 3. National Community Planning Month  
113

114 Planning Director, Ryan Miller, came forth along with the city's Planning & Zoning Commission  
115 Chairman, Craig Renfro, and Patrick Trowbridge, current member of the P&Z Commission.  
116 Mayor Pruitt then read and presented a proclamation, declaring the month of October as  
117 National Community Planning Month in the City of Rockwall.

118  
119 The Mayor and Mr. Miller announced that the city was just notified that the Texas Chapter of  
120 the American Planning Association (APA) will soon be recognizing downtown Rockwall for its  
121 exemplary planning-related efforts.

122  
123 IX. OPEN FORUM  
124

125 Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the audience  
126 would like to come forth and speak at this time.

127  
128 Sol Villasana (no address given) came forth on behalf of the Rockwall Bar Association, and  
129 invited members of the public to come to an upcoming candidate forum this Wednesday night  
130 at Rockwall Courthouse in Liberty Hall, explaining that there are eleven (11) local candidates  
131 running for elective office. So, this is a good, non-partisan event for people to attend.

132  
133 X. CONSENT AGENDA  
134

- 135 1. Consider approval of the minutes from the September 19, 2016 regular city  
136 council meeting, and take any action necessary.
- 137 2. **Z2016-023** - Consider a request by Kevin Dale Wommack & Pamela McCollum  
138 for the approval of an **ordinance** amending Specific Use Permit (SUP) No. S-  
139 118 [Ordinance No. 14-02] to allow for an accessory building that exceeds the  
140 maximum size requirements as stipulated by Article IV, Permissible Uses, of  
141 the Unified Development Code for a 1.4952-acre tract of land identified as Lot  
142 17, Block B, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas,  
143 zoned Single Family Estate 1.5 (SFE-1.5) District, addressed as 1970 Copper  
144 Ridge Circle, and take any action necessary **(2nd Reading)**.
- 145 3. **Z2016-025** - Consider a request by Jason Lentz of Atticus Rockwall, LLC for  
146 the approval of an **ordinance** for a PD Development Plan establishing a 228  
147 unit, condo development situated on a 3.453-acre portion of a larger 6.915-acre  
148 tract of land identified as Lots 3A, 4A & 5A, Isaac Brown Addition, City of  
149 Rockwall, Rockwall County, Texas, zoned Planned Development District 32  
150 (PD-32), situated within the Interior Subdistrict, located adjacent to Summer  
151 Lee Drive southwest of the intersection of Horizon Road [FM-3097] and  
152 Summer Lee Drive, and take any action necessary **(2nd Reading)**.

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4. **Z2016-028** - Consider a request by Susan Gamez for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to Residential Office (RO) District on a 0.478-acre tract of land identified as Tract 7 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Scenic Overlay (SOV) District, addressed as 2001 Ridge Road, and take any action necessary (**2nd Reading**).
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5. **Z2016-029** - Consider a request by Jimmy Strohmeyer of Strohmeyer Architects on behalf of D. W. Bobst of J-BR2, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow a retail store with more than 2 gasoline dispensers on a 2.59-acre tract of land being a portion of a larger 7.32-acre tract of land identified as Tract 17-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated at the southwest corner of the intersection of SH-205 [S. Goliad Street] and FM-549, and take any action necessary (**2nd Reading**).
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6. **P2016-042** - Consider a request by Greg Helsel of Spiars Engineering on behalf of the owner Will Shaddock of Master Developers-SNB, LLC for the approval of an amended plat for Phase 1 of the Preserve Subdivision, containing 132 single-family residential lots on a 52.545-acre tract of land identified as the Preserve, Phase 1 Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single Family 10 (SF-10) District land uses, located at the southeast at corner of the intersection of Highland Drive and East Fork Drive, and take any action necessary.
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7. Consider authorizing the City Manager to execute a contract extension to Terracare in the amount of \$402,905 to be funded from the General Fund, 2017 Parks Operating Budget to provide Grounds Maintenance Services in FY 2017, and take any action necessary.
- 182  
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8. Consider approval of the dedication of one sanitary sewer easement and two drainage easements for the development of Breezy Hill, Phase Five residential subdivision, and take any action necessary.
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9. Consider authorizing the City Manager to execute contracts with Oncor Electric Delivery Company, LLC for the installation and energizing of 85 street lights along John King Boulevard from north SH 205 to south SH 205 in the amount of \$86,392.05 and take any action necessary.
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10. Consider authorizing the City Manager to execute a contract with the Texas Department of Transportation, Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.

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**Mayor Pruitt asked if anyone would like to pull any items for discussion. There being no one wishing to do so, Councilman Milder made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8, 9, and 10). Councilmember White seconded the motion. The ordinances were read as follows:**

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CITY OF ROCKWALL  
ORDINANCE NO. 16-53  
SPECIFIC USE PERMIT NO. S-118

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 AMEND SPECIFIC USE PERMIT NO. S-118 [ORDINANCE NO. 14-02] TO ALLOW FOR AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM SIZE REQUIREMENTS ON A 1.50-ACRE PARCEL OF LAND ZONED SINGLE FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS LOT 17, BLOCK B, STERLING FARMS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL  
ORDINANCE NO. 16-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN FOR A 2.143-ACRE PORTION OF A LARGER 6.915-ACRE TRACT OF LAND IDENTIFIED AS LOTS 3A, 4A & 5A, ISAAC BROWN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL  
ORDINANCE NO. 16-55

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A RESIDENTIAL OFFICE (RO) DISTRICT ON A 0.478-ACRE TRACT OF LAND IDENTIFIED AS TRACT 7 OF THE D. ATKINS SURVEY, ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBITS 'A', 'B', & 'C'* 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. 16-56  
SPECIFIC USE PERMIT NO. S-157

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 RETAIL STORE WITH MORE THAN TWO (2) GASOLINE DISPENSERS AS SPECIFIED IN ARTICLE IV, PERMISSIBLE USES,

261 OF THE UNIFIED DEVELOPMENT CODE, FOR A 2.59-ACRE TRACT OF LAND  
262 BEING A PORTION OF A LARGER 7.32-ACRE TRACT OF LAND ZONED  
263 GENERAL RETAIL (GR) DISTRICT, AND IDENTIFIED AS TRACT 17-12 OF THE  
264 W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL  
265 COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A';  
266 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE  
267 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR  
268 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
269 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
270

271 The motion passed by a vote of 6 ayes with 1 absent (Hohenshelt).  
272

273 **XI. APPOINTMENTS**  
274

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

278 **Chairman Renfro provided a brief update to the Council concerning the recent P&Z**  
279 **Commission meeting. No action was taken concerning this agenda item.**  
280

- 281 2. Appointment with Chairman of the city's ART Commission to hear update from  
282 the Commission and to discuss and consider authorizing the City Manager to  
283 execute an artist agreement with Isaac Davies of THREE OF ONE ART for the  
284 installation of a mural on the south wall of 110 S. Goliad in downtown Rockwall,  
285 in an amount not to exceed \$15,000.00, and take any action necessary.

286 **Mayor Pruitt recused himself from the discussion and vote concerning this agenda item, as he**  
287 **is the owner of the downtown building on which the ART Commission is proposing to place**  
288 **the "art in public places" mural. He filed an appropriate affidavit with the City Secretary in**  
289 **association with his recusal.**  
290

291 **Judge Sweet came forth and mentioned that he is currently the Chairman of the city's ART**  
292 **Commission. He explained that he current serves on this commission with Betty Jean**  
293 **Hougland, Jane Braddock, Doug Agee, and Kathleen Morrow. He went on to explain some of**  
294 **the work of the commission thus far. He explained that the Art Commission is pleased to**  
295 **announce the first Art in Public Places project, which is slated to depict important elements of**  
296 **Rockwall's rich history within a full color mural that is planned for the south wall of 110 S.**  
297 **Goliad. The mural will serve as a gateway feature, welcoming visitors to the historic downtown**  
298 **district. The conceptual art and specific imagery/content details will be refined as the**  
299 **collaboration moves forward. The Art Commission is seeking approval to fund the project and**  
300 **move forward with the revision process. ART Commissioners are eager to complete this**  
301 **inaugural project and have set an ambitious timeline to have the mural installed before year's**  
302 **end. The Art Commission is making the following recommendation for City Councilmembers'**  
303 **Consideration - Authorization for the City Manager to execute an artist agreement with Isaac**  
304 **Davies, THREE OF ONE ART, for the installation of a mural on the south wall of 110 S. Goliad,**  
305 **Downtown Rockwall, in an amount not to exceed \$15,000.00. Council approval of the budget**  
306 **for an Art in Public Places Project is a prerequisite for the project's final approval. Once the**  
307 **Art Commission approves the final mural design, a formal recommendation to council will be**  
308 **submitted for council approval. Upon submission of final design, further detail related to the**  
309 **easement agreement, future maintenance as well as promotion will be provided. As part of the**  
310 **2012 CIP, \$74,000 is appropriated for public art in the downtown district. By ordinance, 1% of**  
311 **the CIP project costs excluding land acquisition and utilities will be designated to provide**  
312 **public art.**  
313

314 Sweet explained that the building owner, Jim Pruitt, will be consulted with prior to any artwork  
315 being determined.

316  
317 Councilman Lewis made a motion to authorize the City Manager to execute an artist agreement  
318 with Isaac Davies of THREE OF ONE ART for the installation of a mural on the south wall of  
319 110 S. Goliad in downtown Rockwall, in an amount not to exceed \$15,000.00. Councilmember  
320 White seconded the motion, which passed by a vote of 5 ayes, 1 abstention (Pruitt), and 1  
321 absent (Hohenshelt).

322  
323 Mayor Pruitt came back to the dais and thanked the ART Commission for all of its hard work  
324 thus far.

325  
326 **XII. ACTION ITEMS**

- 327  
328 1. Discuss and consider approval of a resolution establishing a Comprehensive  
329 Plan Advisory Committee, and take any action necessary.

330 Mayor Pruitt explained that this item is related to a work session that was held earlier this  
331 afternoon. After brief comments from Mr. Miller, Councilmember Lewis made a motion to  
332 approve the resolution establishing a Comprehensive Plan Advisory Committee.  
333 Councilmember White seconded the motion, which passed by a vote of 6 ayes with 1 absent  
334 (Hohenshelt). Indication was given that the Council will move forward with appointing  
335 members to this Committee at a later date.

- 336  
337 2. Discuss and consider authorizing the city manager to execute a contract with  
338 Meals on Wheels Senior Services for certain nutritional and senior service  
339 programs in the amount of \$30,000.00 to be funded from the Administration  
340 Department Operating Budget, and take any action necessary.

341  
342 Mayor Pruitt indicated that Councilmember Lewis and Councilmember White will be recusing  
343 themselves since they serve on the Meals on Wheels Board. Each filed an affidavit with the  
344 city secretary.

345  
346 City Manager Rick Crowley provided introductory comments pertaining to this agenda item,  
347 generally indicating that this is a specific item over \$30k, so it therefore requires specific  
348 council approval; however, this is the amount that the Council did include in this year's fiscal  
349 year budget.

350  
351 Councilmember Townsend made a motion to approve the \$30,000 funding request.  
352 Councilmember Milder seconded the motion, which passed by a vote of 4 in favor, 2 recusals  
353 (Lewis and White) and 1 absent (Hohenshelt).

354  
355 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE  
356 LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 357  
358 1. Departmental Reports  
359 Fire Dept. Monthly Reports - August 2016  
360 Fire Marshal Division Monthly Report - August 2016  
361 GIS Department Monthly Report - August 2016  
362 Internal Operations Department Monthly Report - August 2016  
363 Police Department Monthly Report - August 2016  
364 Rockwall Animal Adoption Center Monthly Report - August 2016

365 2. City Manager's Report

366  
367 Mr. Crowley generally thanked the Council, staff and others for their involvement in some  
368 successful city-sponsored events over the last couple of weeks. He indicated that the city is a  
369 finalist for a statewide award through the Texas Downtown Association, and the city should  
370 find out soon if it will in fact receive the award.

371  
372 Mayor Pruitt thanked everyone who participated in the recent Rib Rub Run and Roll, indicating  
373 that there were over 400 runners, a great car show and lots of great food. Christmas  
374 celebration plans are underway, and Tammy Sharp (from the Downtown Merchants) is working  
375 hard on this. He mentioned that a recent volunteers appreciation was held to thank those who  
376 volunteer their time. He also reminded the public that tomorrow night is Texas Night Out. He  
377 encouraged everyone around town to find a neighborhood event to attend.

378  
379 XIV. EXECUTIVE SESSION

380  
381 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE  
382 FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 383
- 384 1. Discussion regarding Economic Development incentives, procedures and possible
- 385 projects pursuant to Section 551.087 (Economic Development)
- 386 2. Discussion regarding the lease of land in the vicinity of the downtown area pursuant to
- 387 Section §551.072 (Real Property)
- 388 3. Discussion regarding the status of ambulance services contract pursuant to Section
- 389 §551.071 (Consultation with Attorney)
- 390 4. Discussion regarding legal advice associated with homeowners association (HOA)
- 391 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

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

393  
394 XVI. ADJOURNMENT

395  
396 Mayor Pruitt adjourned the meeting at 6:34 p.m.

397  
398  
399 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS  
400 17<sup>th</sup> day of October, 2016.

401  
402 ATTEST:

403 *Kristy Cole*  
404 \_\_\_\_\_  
405 Kristy Cole, City Secretary

*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, October 17, 2016**  
**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 Mike Townsend and Council Members David White, John Hohenshelt, Scott  
11 Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley,  
12 Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.  
13

14 **II. WORK SESSION**

- 15  
16 1. Hold a work session to discuss and consider the city's (budgeted) 2016-2017  
17 Street Maintenance Program, including discussion regarding Rochelle Road

18 Mr. Tim Tumulty, City Engineer, came forth to brief the Council on intended plans  
19 concerning spending budgeted funds on various street maintenance projects during this  
20 fiscal year. The discussion included comments by Mr. Crowley, City Manager, indicating  
21 that the City of Fate recently "let" the contract to perform their portion of the work on  
22 Rochelle Road from the Fate city limits to IH-30. Mayor Pruitt asked if the City of Rockwall  
23 plans to do its portion of Rochelle Road pretty quickly. Mr. Crowley and Mr. Tumulty  
24 indicated that, yes, it will move forward pretty quickly. Mr. Crowley pointed out that when  
25 TXDOT takes the bridge down at FM 3549, this may result in some increased traffic usage  
26 on Rochelle Road. Also, school buses would likely utilize the road once it is redone as well.  
27 He indicated that it is currently a gravel road that is requiring quite a bit of ongoing  
28 maintenance on the part of the city. Mr. Crowley went on to acknowledge that the cost is  
29 notable; however, it does reflect the cost necessary to bring the road up to navigable  
30 standards.  
31

32 Councilmember Milder generally expressed concern about spending such a large amount of  
33 budgeted funds on the Rochelle Road project, as he believes there are other street projects  
34 elsewhere in the city that need to be addressed and are essentially a higher priority. He  
35 would like to keep the \$1.4 million in place for use for projects elsewhere in the city and  
36 take the funding for Rochelle Road from somewhere else.  
37

38 Mr. Tumulty went on to explain some of the various concrete repairs as well as recent street  
39 and sidewalk/curb assessments that have been performed throughout the city. He pointed  
40 out that there are some areas of the city where new sidewalks have been installed. Also,  
41 there has and continues to be an ongoing effort focusing on streets, curbs, sidewalks and  
42 alleyway assessments and associated repairs.  
43

44 Councilmember Townsend asked what the status is on County Line Road. Mr. Tumulty  
45 indicated that the engineering plans on that project are near completion and that the city is  
46 about to start looking at needed right-of-way acquisition and dedication before it can move  
47 forward.  
48

49 Councilmember Lewis stressed the importance of ensuring joints and cracks remain sealed  
50 as part of an ongoing maintenance program since water underneath concrete is very  
51 problematic.

52  
53 Councilmember Milder complimented staff and thanked them for all of the various sidewalk  
54 and street repairs that have taken place recently in The Shores subdivision.

55  
56 The Council took no action following this work session discussion item.

57  
58 **III. EXECUTIVE SESSION.**

59  
60 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE  
61 FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 62  
63 1. Discussion regarding proposed sale/acquisition of city land and right-of-way for possible  
64 private projects in the vicinity of The Harbor pursuant to Sections 551.072 (Real Property)  
65 and Section 551.087 (Economic Development Negotiations).
- 66 2. Discussion regarding possible Economic Development projects in the vicinity of The Harbor  
67 pursuant to Section 551.087 (Economic Development)
- 68 3. Discussion regarding Bear Creek Special Utility District (SUD) Certificate of Convenience  
69 and Necessity (CCN) pursuant to Section §551.071 (Consultation with Attorney)
- 70 4. Discussion regarding a water supply contract with the City of Heath pursuant to Section  
71 §551.071 (Consultation with Attorney)
- 72 5. Discussion regarding the status of ambulance services contract pursuant to Section  
73 §551.071 (Consultation with Attorney)

74  
75 **IV. ADJOURN EXECUTIVE SESSION**

76  
77 Executive Session was adjourned at 5:04 p.m.

78  
79 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

80  
81 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all 7 city council members  
82 being present.

83  
84 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

85  
86 Mayor Pro Tem Townsend made a motion to authorize the city manager to negotiate and  
87 execute the water supply contract with the City of Heath. Councilmember White seconded  
88 the motion, which passed unanimously of council present (7-0).

89  
90 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

91  
92 Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

93  
94 **VIII. PROCLAMATIONS / AWARDS**

- 95  
96 1. Domestic Violence Awareness Month  
97 2. Rockwall School of Music 20th Anniversary Celebration

- 98 3. Dysautonomia Awareness Month  
99 4. Breast Cancer Awareness Month  
100

101 Mayor Pruitt acknowledged representatives who were present for each of the causes /  
102 proclamations listed above. He read and presented the first three proclamations, with  
103 Youth Advisory Council (YAC) member, Caleb Davis, reading the one for Breast Cancer  
104 Awareness Month.

105  
106 IX. OPEN FORUM

107  
108 **Billy Whitson**  
109 **702 Agape**  
110 **Rockwall, TX**  
111

112 Mr. Whitson came forth and introduced himself, explaining that he has lived in Rockwall for  
113 13 years and has been a firefighter / paramedic for 21 years. He shared that he would like to  
114 speak about allowing trained EMTs and paramedics from our fire department to participate  
115 in "first responding." He generally indicated that he believes doing so may allow a quicker  
116 response. He is in favor of the City of Rockwall taking advantage of the opportunity to  
117 provide "first responder" services to the citizens of the city, as he feels this would be a  
118 great asset. He thanked the Council for its leadership and its support of the city's  
119 firefighters.

120  
121 **Jay McKee**  
122 **Rockwall Professional Firefighters Association (RPFA)**  
123

124 Mr. McKee indicated that the president of the RPFA could not be present, so he is speaking  
125 in his absence. He explained his understanding that the council's fire subcommittee met  
126 earlier today to discuss the RPFA's request that fire personnel be allowed to perform "first  
127 responder" duties. He explained that such response would be related to calls like CPR,  
128 cardiac arrests, motor vehicle accidents, drownings, electrocutions, and other high priority  
129 calls. He stressed the importance of early compression and defibrillation pertaining to CPR  
130 calls. He shared that these types of "first responder" calls will result in the highest level of  
131 CPR and medical care. In addition, most of the other fire districts in this area have "first  
132 responders" who assist by responding with EMS on these types of calls. He generally  
133 spoke about the various advantages pertaining to providing "first responder" services  
134 through the local fire department. He acknowledged some of the council's concerns, such  
135 as the potential costs (i.e. "up front" costs to purchase some equipment, costs to replenish  
136 supplies – he pointed out that Rockwall County EMS would pay to replace said supplies,  
137 and the "first responders" would provide such services under the medical oversight of  
138 Rockwall County EMS following their protocols and direction). Regarding training, all  
139 firefighters must have at least an "EMT basic," and they are required to keep up with  
140 "continuing education" in order to maintain it, so the training is already in place. He  
141 generally thanked the Council for its support of the fire department and for recent staffing  
142 that has been put in place, specifically related to Station 3.

143  
144 **Michael Albritton**  
145 **791 Hanover**  
146 **Rockwall, TX**  
147

148 Mr. Albritton indicated that he is a retired Captain from the Austin Fire Department and he  
149 currently lives in Stone Creek. He served 29 years and one month. Mr. Albritton indicated  
150 that he is speaking on behalf of support for our city's fire department performing "first  
151 responder" duties. He went on to share some statistics from the National Fire Protection  
152 Association (NFPA) and quotes pertaining to the benefits of "first responders." He spoke  
153 about Automated External Defibrillators (AEDs), explaining that they are helpful to those  
154 experiencing cardiac-related distress and are very helpful towards saving lives. He is  
155 generally in favor of the city's fire department providing "first responder" services 24 hours  
156 a day, 365 days a year.

157  
158 **Richard Taylor**  
159 **2559 Abbey Court**  
160 **Rockwall, TX 75032**  
161

162 Mr. Taylor came forth and indicated that he is a retired (fire) Captain from Houston and a  
163 former arson investigator. He shared that he moved to Rockwall fifteen years ago. He  
164 encouraged the city to have full-time manning of at least one fire station with a fully manned  
165 fire company twenty-four hours a day, 7 days a week. He would like these men to be in the  
166 station together and be trained and ready to respond. He believes that not having this in  
167 place is short changing the citizens of Rockwall. He does not believe this is a luxury, but,  
168 rather, a necessity. He pointed out that a lot of the other, surrounding cities have full-time  
169 fire departments, and he strongly believes that this is a necessity that the city council  
170 should fund and implement.

171  
172 Following Open Forum, Mayor Pruitt acknowledged members of the city's YAC (Youth  
173 Advisory Council) who were present and seated with council and staff to observe a portion  
174 of tonight's council meeting. Each of them introduced themselves, stating their name,  
175 grade and where they attend school.

176  
177 **X. CONSENT AGENDA**  
178

- 179 1. Consider approval of the minutes from the October 3, 2016 regular city council  
180 meeting, and take any action necessary.
- 181 2. Consider awarding a bid to Professional Turf Products and authorizing the City  
182 Manager to execute a Purchase Order for a new Large Area Turf Mower in the  
183 amount of \$55,712.93 to be funded out of the General Fund Reserves, Parks  
184 Operations Budget, and take any action necessary.
- 185 3. Consider a contract renewal with Mr. Sweeper and authorizing the City Manager to  
186 execute a contract for street sweeping services in the amount of \$80,000 to be  
187 funded out of the General Fund, Streets and Drainage Operations Budget, and take  
188 any action necessary.
- 189 4. Consider awarding a bid to Five Star Ford and authorizing the City Manager to  
190 execute a Purchase Order for a new 6 yard Dump Truck for Streets and Drainage  
191 division in the amount of \$76,618 to be funded out of General Fund reserves, and  
192 take any action necessary.
- 193 5. Consider awarding a bid to Lenco and authorizing the City Manager to execute a  
194 Purchase Order for a new Bearcat Armored Vehicle for Police SWAT totaling  
195 \$359,246 to be funded with General Fund reserves and Police Seized funds equally,  
196 and take any action necessary.

- 197 6. Consider awarding a bid to Holt CAT (Caterpillar) and authorizing the City Manager  
 198 to execute a Purchase Order in the amount \$225,808 for a new Compact Excavator,  
 199 Skid Steer Loader and Backhoe with \$51,230 to be funded out of the General  
 200 Fund's Streets Operating Budget and \$174,578 to be funded out of Water and  
 201 Sewer Fund and Water and Sewer Operations budgets, and take any action  
 202 necessary.
- 203 7. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City  
 204 Manager to execute a Purchase Order for three (3) new 2017 model Police Pursuit  
 205 Tahoes for Patrol totaling \$101,532 to be funded out of the General Fund reserves,  
 206 Patrol Division Budget, and take any action necessary.
- 207 8. Consider awarding a bid to Vac-Con and authorizing the City Manager to execute a  
 208 Purchase Order for a new Vac-Con Inspection Camera totaling \$42,330 to be  
 209 funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any  
 210 action necessary.
- 211 9. Consider awarding a bid to Five Star Ford and authorizing the City Manager to  
 212 execute a Purchase Order for two new 6 yard Dump Trucks, one for Water division  
 213 and the other for Sewer division, in the amount of \$153,236 to be funded out of the  
 214 Water and Sewer Fund, and take any action necessary.
- 215 10. Consider authoring the Mayor to execute an interlocal agreement with Rockwall  
 216 County to provide fire protection services within unincorporated areas of the county  
 217 for the year 2016-2017, and take any action necessary.
- 218 11. **P2016-043** - Consider a request by Jay Webb of Dalrock Homes, LLC for the  
 219 approval of a final plat for Lots 1-10, Block A, Estates on the Ridge Subdivision,  
 220 containing ten (10) single-family residential lots on an 18.84-acre tract of land  
 221 identified as Tract 7-04 & 23 of the W. M. Dalton Survey, Abstract No. 72, City of  
 222 Rockwall, Rockwall County, Texas, situated within the City of Rockwall's  
 223 Extraterritorial Jurisdiction (ETJ), located at the northwest corner of the intersection  
 224 of FM-3549 and Cornelius Road, and take any action necessary.

225 **Councilmember Fowler made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**  
 226 **6, 7, 8, 9, 10, and 11). Councilmember Lewis seconded the motion. The motion passed by a**  
 227 **vote of 7 in favor with 0 against.**  
 228

229 **XI. APPOINTMENTS**

- 230
- 231 1. Appointment with Chris Lynch, Rockwall County Elections Administrator, to  
 232 hear information concerning "early voting" to be held October 24 thru  
 233 November 4 for the November 8 election, and take any action necessary.

234 **Mr. Lynch came forth to address the Council, indicating that he is trying to visit the various**  
 235 **city council meetings in the county in order to spread the word about the importance of**  
 236 **early voting. He shared that there has been about a 15% increase in voter registrations.**  
 237 **So, some new, additional electronic voting machines will be in place for voting. He**  
 238 **stressed the importance of the cities in the county helping him get the word out about early**  
 239 **voting, encouraging whomever can do so to vote early. He is estimating that about 40,000 –**  
 240 **45,000 Rockwall County voters will turn out to vote in the election. He shared that 38,000**  
 241 **paper ballots will be spread out at the various precincts and voting locations throughout**  
 242 **the county. He very, very strongly stressed the importance of people voting during “early**  
 243 **voting” if at all possible.**

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

247 **Craig Renfro, Chairman of the Planning & Zoning Commission, came forth and provided the**  
248 **Council with information regarding recommendations of the Commission relative to items**  
249 **on tonight's meeting agenda. The Council took no action following Mr. Renfro's comments.**  
250

251 **XII. PUBLIC HEARING ITEMS**  
252

253 1. Hold a public hearing to discuss and consider re-adoption of an **ordinance**  
254 continuing a curfew for minors under seventeen years of age (Ch. 22,  
255 Division 4 of the Rockwall Code of Ordinances), and take any action  
256 necessary. **(1st reading)**

257 **Mary Claire Weible**  
258 **215 Trout**  
259 **Rockwall, TX**  
260

261 **Ms. Weible, homeschooled freshman currently serving on the city's Youth Advisory Council**  
262 **(YAC), came forth and addressed the Council concerning the juvenile curfew currently in**  
263 **place in Rockwall. She shared several statistics related to teen criminal activity. She spoke**  
264 **strongly in opposition of reinstating the juvenile curfew ordinance that is currently in place.**  
265

266 **John White**  
267 **1929 S. Lakeshore Drive**  
268 **Rockwall, TX**  
269

270 **Mr. White came forth to speak regarding the juvenile curfew ordinance. He explained that at**  
271 **one point in his past, he was attacked by a teenager and viciously assaulted. However, he**  
272 **went on to explain that, despite that unfortunate event, he is not in favor of Rockwall having**  
273 **a curfew ordinance in place. He does not believe that those who break the law will be prone**  
274 **to abide by a law, such as a curfew ordinance, anyway. He believes it is the parent's**  
275 **responsibility to manage their children and to ensure they are well behaved and**  
276 **appropriately parented.**  
277

278 **Ben Weible**  
279 **215 Trout**  
280 **Rockwall, TX**  
281

282 **Mr. Weible came forth and indicated that he is opposed to the juvenile curfew ordinance.**  
283 **He would like to hear some data that would back up potential passage / reinstatement of the**  
284 **curfew, and he would like to know how exactly it may possibly decrease crime. He**  
285 **questioned how our police officers are able to look at an individual and decipher that he or**  
286 **she is under 18 years old when attempting to enforce the ordinance. He does not believe a**  
287 **government entity is better equipped to direct the care of kids, as it is the responsibility of**  
288 **the parent(s) to do so. He is not in favor of the curfew ordinance being reinstated.**  
289

290 **Bob Wacker**  
291 **806 Miramar Drive**  
292 **Rockwall, TX**  
293

294 Mr. Wacker indicated that he supports the teen curfew ordinance. He has experienced  
295 some vandalism to a swimming pool in the past, and there have been instances of  
296 vandalism to cars. He generally believes that the curfew does work to curb crime that might  
297 otherwise be committed by teens, and he supports it being reinstated.

298  
299 **Bruce Clark**  
300 **313 Shenandoah Lane**  
301 **Rockwall, TX**  
302

303 Mr. Clark came forth and indicated that he has been a resident of Rockwall since 1973. He  
304 shared that he is in strong support of the teen curfew ordinance. He went on to share that  
305 he is the youngest son of three boys in a divorced situation. He shared that he was raised  
306 by a "single mom" who worked two jobs, so he and his siblings were often alone. When  
307 growing up, at 11 and 12 years old in Oak Cliff, he was not helping little old ladies cross the  
308 road at midnight. He generally indicated that kids who may be out that late may generally  
309 be 'up to no good.' He expressed support for keeping the ordinance in place, as there is no  
310 way to know the good that it likely is doing (he likened it to taking vitamins, stating that you  
311 may as well take them and keep this ordinance in place).  
312

313 **Bethany Villalobos**  
314 **302 E. Ross Street**  
315 **Rockwall, TX**  
316

317 Ms. Villalobos indicated that she works, and sometimes she does not get off from work until  
318 after 11:00 p.m. at night. Sometimes, thereafter, she needs to go run an errand (Walmart, for  
319 example). In addition, sometimes she has friends at her house past the curfew ordinance  
320 time limit. She has spoken to some of her friends at school, and she has learned that a lot  
321 of her peers do not even realize that the city has a teen curfew in place. She is not in favor  
322 of having it reinstated.  
323

324 **Aidan Culp**  
325 **231 Saddlebrook Lane**  
326 **Rockwall, TX**  
327

328 Mr. Culp indicated that he does work, and he has been working since he was 16 years old.  
329 He stated that during one summer night, he got pulled over by a Rockwall police officer, and  
330 he was asked why he was out so late. He shared that at the times he worked at Applebees  
331 and sometimes did not get off from work during the summer until 1:00 or 2:00 a.m. in the  
332 morning. He explained that he did receive a citation for violation of the juvenile curfew  
333 ordinance at the time, and he did not even know before that time that such ordinance even  
334 existed. He went on to share that he is not in favor of having a curfew in place.  
335

336 Chief of Police Kirk Aldridge shared several statistics related to teens who have been  
337 arrested over the last few years and teens who have been victims of crime over the last few  
338 years. He shared that, although he does not have the specific times of arrest, in 2013 there  
339 were 107 juveniles arrested in Rockwall and 70 victims of crime. In 2014, there were 120  
340 suspects arrested and 74 victims of crime. In 2015, there were 104 juvenile suspects and 47  
341 victims of crime. And, so far this year thru September, there have been 96 juvenile  
342 suspects who have been arrested and 35 victims of crime (who were juveniles). He shared  
343 that the police department does not write many citations for curfew violations with only  
344 between 7 and 16 citations being written each year from 2012 to present for violation of this

345 ordinance. He shared that he personally investigated two “sexual assault of a child” cases  
346 that were called in by people who witnessed juveniles out after hours. He generally  
347 believes that this ordinance helped with those cases.  
348

349 **Thomas Milder**  
350 **830 Shores Boulevard**  
351 **Rockwall, TX**  
352

353 **Mr. Milder shared that he is both in favor and opposed to the curfew ordinance. He**  
354 **generally feels that it should apply to those under 16 years of age (under the age when**  
355 **teens may be working jobs or otherwise out driving at night).**  
356

357 **Mayor Pruitt asked if anyone else would like to come forth and speak at this time. There**  
358 **being no one indicating such, he then closed the public hearing.**  
359

360 **Councilmember White generally spoke in opposition to the juvenile curfew ordinance. He**  
361 **generally would like to see more statistics and information related to the ordinance’s effects**  
362 **on the community and whether or not it is an effective tool towards solving the problems it**  
363 **is intended to solve, in accordance with state law. He shared that past minutes from 1995**  
364 **indicated that a lady had experienced some vandalism on her property, and this may have**  
365 **initially prompted adoption of the ordinance. He would like to measure how effective this**  
366 **ordinance has been since its original adoption back in 1995 or 1996. He expressed that he**  
367 **would like for facts (not beliefs) to be reviewed prior to a decision being made regarding its**  
368 **continuance. However, he will not be voting in favor of reinstating the ordinance.**  
369

370 **City Attorney Frank Garza generally suggested that if the city council members need**  
371 **additional information and statistics from the Police Department before taking action, there**  
372 **is time to do so. Mr. Garza pointed out that there are several exceptions included in the**  
373 **ordinance provisions, such as a juvenile going to and from a job. If the Council feels it**  
374 **needs additional information, it may wish to table action on this item until more research**  
375 **may be done and presented to the Council for consideration.**  
376

377 **After brief comments in which he generally expressed support for the ordinance for various**  
378 **reasons, Councilmember Lewis made a motion to readopt the juvenile curfew ordinance.**  
379 **Mayor Pro Tem Townsend seconded the motion.**  
380

381 **Councilmember Milder shared that he received a text from a teen in the community today**  
382 **suggesting that if there is a teen curfew is in place, but a lot of the crimes are being**  
383 **committed by adults during that timeframe, then perhaps there should be an adult curfew**  
384 **put in place too. Milder generally expressed that he would like to see more statistics before**  
385 **moving forward. As such, he will not be supporting approval of the ordinance tonight.**  
386

387 **The motion failed by a vote of 4 against (White, Hohenshelt, Pruitt, and Milder) with 3 in**  
388 **favor (Townsend, Fowler and Lewis).**  
389

390 **2. Z2016-030 - Hold a public hearing to discuss and consider a request by**  
391 **James Shaw for the approval of an ordinance for a Specific Use Permit**  
392 **(SUP) to allow for an accessory building that does not meet the minimum**  
393 **requirements as stipulated by Article IV, Permissible Uses, of the Unified**  
394 **Development Code for a 1.4692-acre parcel of land identified as Lot 14,**  
395 **Block B, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas,**

396 zoned Single Family Estate 1.5 (SFE-1.5) District, addressed as 1910  
397 Copper Ridge Circle, and take any action necessary [1st Reading].

98 Ryan Miller, Planning Director, provided background information concerning this agenda  
399 item. The applicant is requesting an SUP for a 1,200 square foot metal accessory building  
400 that will not be visible from public right-of-way and will be situated behind the existing  
401 structure (single family home). He explained that the applicant is requesting that the  
402 council allow the structure to be all metal and exceed the height restrictions currently in  
403 place. He shared that several other individuals in the Sterling Farms Subdivision have  
404 come forth to request similar SUPs. Notices were sent out to adjacent property owners  
405 located within 500' and to two HOAs. One notice was received back in favor of this request.  
406 The Planning & Zoning Commission did unanimously vote to recommend approval of this  
407 item. The applicant emailed today, indicating that he is ill and is therefore unable to attend.  
408

409 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and  
410 speak. There being no one indicating such, he then closed the public hearing.  
411

412 Councilmember White made a motion to approve Z2016-030. Councilmember Milder  
413 seconded the motion. The ordinance was read as follows:  
414

415 CITY OF ROCKWALL  
416 ORDINANCE NO. 16-XX  
417 SPECIFIC USE PERMIT NO. S-XXX  
418

419 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
420 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.  
421 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,  
422 SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN  
423 ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM  
424 REQUIREMENTS ON A 1.4692-ACRE PARCEL OF LAND ZONED SINGLE  
425 FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS LOT 14, BLOCK B,  
426 STERLING FARMS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,  
427 TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
428 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
429 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
430 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
431 PROVIDING FOR AN EFFECTIVE DATE.  
432

433 The motion passed by a vote of 7 ayes to 0 nays.  
434

435 The mayor called for a break at 7:24 p.m., dismissing members of the Youth Advisory  
436 Council and thanking them for attending and participating in a portion of tonight's council  
437 meeting.  
438

- 439 3. **Z2016-031** - Hold a public hearing to discuss and consider a request by  
440 Kasey Weadon of New Craft Brewing, LLC on behalf of the owner  
441 Benbrooke Ridge Partners, LP for the approval of an ordinance amending  
442 Planned Development District 1 (PD-1) for the purpose of allowing the  
443 Brewery or Distillery (Excluding Brew Pub) land use in the Planned  
444 Development District, being identified as ~39.5249-acre tract of land situated  
445 in the B. J. T. Lewis Survey, Abstract No. 255 and the D. Atkins Survey,  
446 Abstract No. 1, City of Rockwall, Rockwall County, Texas, situated within the  
447 Scenic Overlay (SOV) District, located on the eastside of Ridge Road south

448 of the intersection of Ridge Road [FM-740] and SH-205, and take any action  
449 necessary [1st Reading].

450 Mayor Pruitt called the meeting back to order at 7:24 p.m. He then made a motion to table  
451 this item until the next city council meeting since the applicant was not able to be in  
452 attendance tonight. Councilmember Lewis seconded the motion, which passed by a vote of  
453 6 in favor with 1 absent (Townsend (had not returned from break yet)).

454 4. **Z2016-032** - Hold a public hearing to discuss and consider a request by  
455 Noah Flabiano of the Skorburg Company on behalf of BH Balance IV, LLC  
456 for the approval of an **ordinance** amending Planned Development District 74  
457 (PD-74) to amend the concept plan to allow for additional single-family  
458 residential lots and for the purpose of incorporating changes to the  
459 development standards contained in Exhibit 'C' of Ordinance No. 14-26 for a  
460 405.184-acre tract of land identified as the Breezy Hill Subdivision and  
461 situated within the J. Strickland Survey, Abstract No. 187, Rockwall,  
462 Rockwall County, Texas, generally located north of FM-552 and west of  
463 Breezy Hill Road, and take any action necessary [1st Reading].

464 Mr. Miller provided background information related to this agenda item. He shared that the  
465 applicant submitted a request earlier this year related to this PD. The Council approved the  
466 ordinance on 1<sup>st</sup> reading at that time; however, the applicant subsequently tried to withdraw  
467 their case, but the Council voted to deny the case by a vote of 4 to 3. He explained that that  
468 denial would not preclude the applicant from submitting an application to request 60' lots,  
469 and that is what the applicant has done. He explained that they would essentially like to  
470 rezone a portion (14 acres), to incorporate forty 60' by 120' lots. Also, they would like 50%  
471 of the homes to be allowed to have forward facing garages that would be consistent with  
472 the front façade of the homes. Mr. Miller went on to explain that they are also proposing to  
473 make changes to the lot mix, increasing the number of lots for the overall subdivision from  
474 742 to 776 (a 34 lot, total increase). Notices were mailed to property owners within 500' and  
475 the Breezy Hill and Stoney Hollow HOAs were also notified. So far, staff has received back  
476 a total of eight notices in opposition to the request. The Planning & Zoning Commission  
477 unanimously voted to recommend approval of the request.  
478

479 Noah Flabiano  
480 Skorburg Company  
481 8214 Westchester, Suite 710  
482 Dallas, TX 75225  
483

484 Mr. Flabiano came forth and provided the Council with a history of the subdivision  
485 development and a description of what his proposal now entails. Dialogue took place  
486 pertaining to front entry versus "j-swing" garages, lot sizes, and lot mix. Councilmember  
487 Lewis indicated that nearly all of the opposition received was due to the proposed front  
488 entry garages. He indicated that if the purpose is to keep piece meal proposals in an  
489 effort to remove the commercial portion of the development, then why doesn't the  
490 developer submit a plan proposal that does away with it (although, he pointed out that he is  
491 not in favor of the commercial piece being eliminated).  
492

493 Adam Buzchek with the Skorburg Company then came forth and indicated that when the  
494 (approximate) 55 acres of commercial was originally zoned, it was at council's direction  
495 with the understanding that if the market did not end up warranting that much commercial,  
496 it could be rezoned to decrease the commercial. It was clarified that if this current proposal  
497 passes, it will decrease the commercial portion down to about 19 acres. Mr. Buzchek

498 generally indicated that nothing cohesive has been able to come about since 2009 when the  
499 property was first zoned. He explained that the back 10 acres is an "off piece" that is far  
500 removed from the rest of it, which generally poses complications, as does the roadway that  
501 would likely need to be built to TXDOT standards. He spoke about the proposed lot sizes,  
502 including the back yards, as well as what would be left (should this be approved) for the  
503 "commercial" zoned designation, which will be 19 acres. Councilman Lewis asked Mr.  
504 Buzchek if he will subsequently be returning in the future to again request that the 19 acres  
505 of "commercial" be lowered again. Mr. Buzcheck ensured Councilmember Lewis that he  
506 would not return in the future to request that it be lowered / reduced further.

507  
508 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
509 speak.

510  
511 **Bruce Clark**  
512 **313 Shenandoah Lane**  
513 **Rockwall, TX**

514  
515 Mr. Clark shared details concerning his career, which he generally indicated is a  
516 background in city / urban planning since 1962. He indicated that he formally worked for as  
517 Planning Director for the City of Abilene, so he is very familiar with planning and the  
518 process. He shared that his property abuts part of the Skorburg property. He believes that  
519 the purpose of planning, first and foremost, is to protect property rights. He shared that  
520 vacant homes do not tend to diminish neighboring property values; however, vacant  
521 commercial does. He pointed out that "commercial" development has mainly occurred near  
522 FM 552 and SH 205. So, therefore, there is not really a need for a big commercial operation  
523 in this location (the Skorburg property). He is generally in agreement with the proposed  
524 commercial portion being reduced in favor of more residential lots.

525  
526 **Bob Wacker**  
527 **806 Miramar**  
528 **Rockwall, TX**

529  
530 Mr. Wacker indicated that he is in favor of what Skorburg is requesting with this proposal.  
531 He wishes the city had done more to make sure there was more "commercial" along John  
532 King. In addition, he does not believe that more retail stores ("commercial") are needed.  
533 He shared that he and his wife are looking for a home with a 60' lot and a j-swing garage.  
534 He explained that maybe if more homes are built in this area, the new potential middle  
535 school will come to fruition. He spoke in favor of this request / proposal from Skorburg at  
536 this time.

537  
538 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the  
539 public hearing.

540  
541 Councilmember White made a motion to approve Z2016-032. Councilmember Hohenshelt  
542 seconded the motion. The ordinance was read as follows:

543  
544 **CITY OF ROCKWALL**  
545 **ORDINANCE NO. 16-XX**

546  
547 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
548 **TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74)**  
549 **[ORDINANCE NO. 14-26] AND THE UNIFIED DEVELOPMENT CODE**

550 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE  
551 AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT PLAN  
552 AND THE DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO.  
553 14-26, BEING A 405.184-ACRE TRACT OF LAND SITUATED IN THE J.  
554 STRICKLAND SURVEY, ABSTRACT NO. 187, T. R. BAILEY SURVEY,  
555 ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY, ABSTRACT NO. 190,  
556 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY  
557 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL  
558 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE  
559 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
560 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
561 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
562

563 Mayor Pruitt pointed out that residents who already live in this subdivision were told that  
564 there would be no front entry garage style homes when they originally purchased their  
565 home. Mr. Buzchek indicated that a meeting was recently held with homeowners, generally  
566 indicating that this sentiment was expressed; however, those sorts of comments mostly  
567 came from residents who do not back up to this area. Also, he indicated that the front entry  
568 garages will not diminish the values. Mayor Pruitt expressed that he wants to ensure that it  
569 is noted on the plat that John King Boulevard may eventually become a state bypass.  
570

571 Councilmember White amended his motion to stipulate that on the plat, indication will be  
572 given that John King Boulevard may at some point turn into the SH-205 bypass.  
573 Councilmember Hohenshelt seconded the amended motion. It passed by a vote of 6 in  
574 favor with 1 against (Townsend).  
575

- 576 5. P2016-040 - Hold a public hearing to discuss and consider a request by  
577 Chad & Lindsay Hudson for the approval of a replat for Lots 7 & 8, Block A,  
578 Independence Pass Addition being a replat of a 1.4-acre parcel of land  
579 identified as Lot 5, Block A, Independence Pass Addition, City of Rockwall,  
580 Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for  
581 single family land uses, addressed as 107 Independence Place, and take  
582 any action necessary.

583 Mr. Miller indicated that the applicants are requesting to subdivide a piece of residential  
584 property into two separate parcels of land. He explained that originally, the 1.4 acre piece of  
585 land was three, separate properties. Then, it was combined into one lot in 2009. In 2012,  
586 the applicant came to Council to request, and was approved for, a front yard fence. Now,  
587 the applicant would like to subdivide the property. Also, the applicant has submitted a  
588 letter from the Chandler's Landing HOA, generally indicating that the HOA will grant  
589 permission for the requested subdivision as long as a concrete slab is commenced within  
590 one year of the board meeting when permission was granted. Mr. Miller indicated that all  
591 affected homeowners within 200' within the Independence Pass subdivision were sent a  
592 notice. No notices have been received back from staff at this time. The Planning & Zoning  
593 Commission has recommended approval of this request by a vote of 7 to 0.  
594

595 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
596 speak at this time.  
597

598 Chad Hudson  
599 422 Columbia Drive  
600 Rockwall, TX

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Mr. Hudson, the applicant, and his wife came forth and indicated that they have lived in Chandler's landing since 2003. Mrs. Hudson indicated that they have previously done a lot of preparatory work, and they are now ready to build their home; however, they do not need the full 1.4 acres. So, they would now like to subdivide it. Essentially, they do not want it encumbered as part of their mortgage.

Mayor Pruitt asked if the Hudson's have any intention to eventually sell off the second lot so that someone else can build a second home there. He explained that the concern, as he understands it, is that if that were to happen, the front yard fence would likely not look right. Mr. Hudson indicated that they do not have plans, as of right now, to do so; however, if at some point the up keep and maintenance of the extra land becomes too much, he did acknowledge the understanding that he would have to return to the city to request a variance and receive approval from Council in order to do so.

Councilmember Lewis pointed out that the city is under no obligation to take into consideration the opinions or approval / disapproval of the Chandler's Landing HOA. City Attorney Frank Garza agreed, indicating that the city should be solely looking at and considering its own ordinances when making a decision. Also, the city council, at this time, should not be considering anything related to the previously approved front yard fence.

**Jeff Macalik**  
6102 Volunteer Place  
Rockwall, TX 75032

Mr. Macalick indicated that he is currently the Chairman of the Environmental Committee for the Chandler's Landing HOA. He shared that Chandler's has viewed this location as an estate lot. He questioned the Hudson's previous request for approval of a front yard fence back in 2012 during which they described the lot (in a letter) as an "estate lot." Mr. Macalik stated that a letter went out at that time to all of the neighbors, letting them know that a front yard fence would be constructed at this location. Mr. Macalik indicated that subdividing the property would put the property in violation of "front yard fences" according to Chandler's Landing's HOA regulations. He pointed out that the Hudson's had stated back in 2012 that the only home on the "estate lot" would be the one belonging to the Hudson's themselves. He also indicated that the HOA had granted a variance for a playhouse several years ago. At this point, however, the HOA has asked the Hudsons to submit plans to relocate the playhouse, as it would be located on a 'vacant lot' should the property become subdivided, which would be a violation of HOA rules which call for no play structures on vacant lots. Mr. Macalik indicated that the Chandler's HOA recently asked the Hudsons to submit a plan for front yard fence and playhouse removal, and they have tabled any action regarding this matter until such plans are reviewed. Mr. Macalik asked the Council to consider tabling action on this request until after the Chandler's HOA has taken action concerning the matter. If the Council does take action, he requested that approval of the replat be subject to a final Chandler's decision.

**Ben Weible**  
215 Trout  
Rockwall, TX

Mr. Weible indicated that he has observed that rules and regulations in place in the Chandler's Landing subdivision are plentiful. He shared that when originally moving to

652 Rockwall, he and his wife considered Chandler's Landing; however, his income at the time  
653 would not accommodate their living in that subdivision. He generally discouraged the  
654 Council from acting as an 'arm' or extension of the Chandler's HOA in any way, reminding  
655 the Council that the city's ordinances and regulations are totally separate and apart from  
656 any HOA rules and regulations. He summarized that he is in favor of the City of Rockwall  
657 granting the applicants' request for approval this evening.  
658

659 There being no one else wishing to come forth and speak, following some additional  
660 comments from Mr. and Mrs. Hudson, Mayor Pruitt then closed the public hearing.  
661

662 Councilmember Lewis acknowledged that this lot is arguably one of the best looking lots in  
663 Chandler's Landing and in the whole city. He asked for reclarification regarding any city  
664 involvement pertaining to the front yard fence and/or the playhouse. Mr. Garza indicated  
665 that the city council should not consider, at this time, anything related to those things. He  
666 clarified that what is currently being requested by the Hudson's does in fact conform to the  
667 city's regulations.  
668

669 Councilmember Lewis made a motion to approve P2016-040. Councilmember Milder  
670 seconded the motion, which passed by a vote of 7 in favor with 0 against.  
671

### 672 XIII. ACTION ITEMS

- 673
- 674 1. **SP2016-022** - Discuss and consider a request by Dub Douphrate of  
675 Douphrate & Associates, Inc. on behalf of Gerald Houser of Colin-G  
676 Properties, LTD for the approval of variances and exceptions to the  
677 masonry, articulation, architecture and parking requirements stipulated by  
678 the Unified Development Code (UDC) in conjunction with an approved site  
679 plan for the expansion of an existing industrial facility on a 6.19-acre parcel  
680 of land identified as Lot 1, Block A, Houser Addition, City of Rockwall,  
681 Rockwall County, Texas, zoned Heavy Commercial (HC) District, situated  
682 within the SH-276 Corridor Overlay (SH-276 OV) District, addressed as 1611  
683 SH-276, and take any action necessary.

684 Planning Director, Ryan Miller provided background information concerning this agenda  
685 item. He explained that the applicant is requesting approval of variances and exceptions to  
686 the masonry, articulation, architecture, and parking requirements in conjunction with an  
687 approved (*amended*) site plan for the purpose of expanding an existing heavy commercial  
688 operation by constructing two (2) additional buildings that will be used as an office  
689 (*building #1*) and a laboratory (*building #2*). The amendment to the site plan was required  
690 due to the two (2) proposed buildings' total area exceeding 50% of the size of the existing  
691 buildings area (*when originally site planned in 1984*). Each new facility will be built  
692 emulating an existing structure in terms of appearance and materials; however, the  
693 proposed buildings will not meet certain standards established in the SH-276 Corridor  
694 Overlay (*SH-276 OV*) District and the Unified Development Code (*UDC*). This will require  
695 approval by the City Council for variances and exceptions (*as outlined in staff's report*). The  
696 property is a 6.19-acre parcel of land that is zoned Heavy Commercial (HC) District, situated  
697 within the SH-276 OV, and is addressed as 1161 SH-276. The existing site has a total of five  
698 (5) parking spaces located adjacent to the existing office building; however, based on the  
699 total square footage of the additional two (2) buildings, an additional 25 parking spaces are  
700 required. The applicant's approved site plan indicates the addition of 16 parking spaces and  
701 is requesting a variance to allow for less than the required 25 spaces. This is due to the  
702 sites building #2 being used as a laboratory rather than a traditional office use. On

703 September 27, the city's Architectural Review Board (ARB) recommended the applicant  
704 plant trees along the southern and eastern property boundary in order to screen the use  
705 from the surrounding properties. The ARB made a motion to recommend approval of the  
706 elevations for both buildings with staff conditions. The motion also included the planting of  
707 trees along the southern and eastern property lines for screening purposes. The motion  
708 passed by a vote of 6 - 0, with Board Member Strohmeier absent. Subsequently, the  
709 Planning & Zoning Commission met on October 11 and has recommended approval of the  
710 variance requests, reflecting both ARB recommendations and staff's.  
711

712 Councilmember Milder made a motion to approve SP2016-022. Councilmember White  
713 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

714 2. Discuss and consider recommendation from the city council's Fire  
715 Subcommittee regarding limited "first responder" services, and take any  
716 action necessary.

717 Councilman Hohenshelt indicated that the city council's Fire Subcommittee met earlier this  
718 afternoon to discuss this topic. He shared that the subcommittee supports the Rockwall  
719 Fire Department planning a certain role in the area of "first response;" however, they have  
720 concerns pertaining to some of the mechanical / technical issues (i.e. dispatch).  
721 Councilmember Lewis cautioned that the Council may not need to be involved in the  
722 "means and methods" surrounding providing "first responder" services. Following various  
723 comments, Councilmember Townsend made a motion to instruct the City Manager and staff  
724 to research and evaluate the communication efforts and firefighter training necessary to  
725 provide for "first responder" operations and bring back recommendations, along with any  
726 necessary agreements from all the involved areas, or update the council subcommittee and  
727 Council within 30 days. Councilmember Milder seconded the motion, which passed by a  
728 vote of 7 ayes to 0 nays.

729  
730 3. Discuss and consider the proposed 2016-17 Street Maintenance Program,  
731 including Rochelle Road, and take any action necessary.

732 City Manager Rick Crowley indicated that, based on the work session held earlier this  
733 afternoon, it seems as though reconstruction of Rochelle Road will remain in the city's  
734 upcoming roadway project plans. Councilmember Milder indicated that he believes the  
735 spirit of the 40% increase in the street maintenance budget is to address critical roadway  
736 repairs throughout the city, not just a large portion of it being dedicated to improving  
737 Rochelle Road. Therefore, Milder asked the Council to consider pulling funding from  
738 reserves or elsewhere to fund the Rochelle Road project separately so that the 40%  
739 increase in budgeted funds can be used for critical projects elsewhere throughout the city.  
740

741 Mayor Pruitt suggested that if Councilman Milder would like to do so, he is certainly able to  
742 request a budget amendment at any time on a future agenda; however, he does not want to  
743 hold up the project at this time.  
744

745 Mayor Pruitt made a motion to approve the 2016-17 Street Maintenance Program, as  
746 presented, at this time (which will include Rochelle Road reconstruction). Councilmember  
747 Hohenshelt seconded the motion.  
748

749 Mr. Crowley indicated that, eventually, whatever developer develops along Rochelle Road  
750 will be responsible for rebuilding the road. In the meantime, the city will do improvements  
751 (along with City of Fate), and it will be driven on and utilized in the meantime.

752 **After comments, the motion passed by a vote of 6 ayes to 1 nay (White).**  
753

- 754 4. Discuss and consider approval of an **ordinance** amending the Rockwall  
755 Code of Ordinances in Chapter 38. Subdivisions; Article I. In General; Sec.  
756 38-23 Standards for Design of Developments within Subdivisions Adopted to  
757 reflect the 2016 update to these standards, and take any action necessary.  
758 **[1st reading]**

759 **Mr. Tumulty, City Engineer, briefed Council on this agenda item. He indicated that this**  
760 **issue was discussed by Council in a work session at the last regular council meeting. He**  
761 **shared that the Council had expressed a number of comments, which staff has addressed**  
762 **in a memo provided in the informational meeting packet.**  
763

764 **Councilmember Lewis made a motion to approve the ordinance. Councilman Hohenshelt**  
765 **seconded the motion. The ordinance was read as follows:**  
766

767 **CITY OF ROCKWALL**  
768 **ORDINANCE NO. 16-\_\_\_\_**  
769

770 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
771 **AMENDING THE ROCKWALL CODE OF ORDINANCES IN CHAPTER 38.**  
772 **SUBDIVISIONS; ARTICLE I. IN GENERAL; SECTION 38-23 STANDARDS FOR**  
773 **DESIGN OF DEVELOPMENTS WITHIN SUBDIVISIONS ADOPTED; PROVIDING**  
774 **FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**  
775 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**  
776 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**  
777 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
778

779 **The motion passed by a vote of 7 ayes to 0 nays.**  
780

- 781 5. Discuss and consider appointments to the City's Comprehensive Plan  
782 Advisory Committee (CPAC), and take any action necessary.

783 **Mayor Pruitt indicated that he recommends Donna Doorman for service on this Committee.**  
784 **Councilmember Milder suggested Mike Larivierre to serve. Mayor Pro Tem Townsend**  
785 **recommended Johnny Lyons for service. Mayor Pruitt recommended that Jerry Welch**  
786 **serve on the Committee as well as Bob Wacker. Councilmember White recommended**  
787 **Shannon Nerren to serve. Mayor Pruitt made a motion to move forward with these six**  
788 **individuals. Councilmember Fowler seconded the motion, which passed by a vote of 7**  
789 **ayes to 0 nays.**  
790

791 **XIV. EXECUTIVE SESSION :**  
792

793 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
794 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
795 **CODE:**  
796

- 797 1. Discussion regarding proposed sale/acquisition of city land and right-of-way  
798 for possible private projects in the vicinity of The Harbor pursuant to Sections  
799 551.072 (Real Property) and Section 551.087 (Economic Development  
800 Negotiations).

- 801 2. Discussion regarding possible Economic Development projects in the vicinity  
802 of The Harbor pursuant to Section 551.087 (Economic Development)
- 803 3. Discussion regarding Bear Creek Special Utility District (SUD) Certificate of  
804 Convenience and Necessity (CCN) pursuant to Section §551.071  
805 (Consultation with Attorney)
- 806 4. Discussion regarding a water supply contract with the City of Heath pursuant  
807 to Section §551.071 (Consultation with Attorney)
- 808 5. Discussion regarding the status of ambulance services contract pursuant to  
809 Section §551.071 (Consultation with Attorney)

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

811  
812 **The Council did not reconvene in Executive Session following the close of the public**  
813 **meeting agenda.**

814  
815 **XVI. ADJOURNMENT**

816  
817 **The meeting was adjourned at 8:38 p.m.**

818  
819  
820 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
821 **THIS 7<sup>th</sup> day of November, 2016.**

822  
823 **ATTEST:**

824 *Kristy Cole*  
825 \_\_\_\_\_  
826 **Kristy Cole, City Secretary**

*Jim Pruitt*  
\_\_\_\_\_  
**Jim Pruitt, Mayor**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, November 07, 2016  
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 4:06 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend and Council Members David White, John Hohenshelt, Scott Milder, Kevin Fowler and Dennis Lewis. 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 a work session to hear an update from the GIS Division concerning new projects and the upcoming GIS Day, and take any action necessary.

Lance Singleton, the GIS Supervisor, came forth and provided an introduction to Council of staff members who work in the GIS division as well as an update on mapping-related projects, capabilities, services, etc. Lindsay Gnann with the GIS Division came forth and briefed the Council on the new 311 mobile app. Mr. Singleton shared that "Geographic Technologies Group" will soon be performing a "GIS Health Check" with the city and its staff. This will help the division do some strategic planning to better ensure the needs of the public and GIS users are being met. Mr. Singleton also announced that the city will be hosting its 3<sup>rd</sup> annual GIS Day on November 16<sup>th</sup> at City Hall from 1:00 – 6:00 p.m. All members of the public are invited to attend this informational, educational event.

At 4:21 p.m. Mayor Pruitt read the following 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 Interlocal Cooperative Agreement between STAR Transit and City of Rockwall pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding possible amendments to City's International Fuel Gas and International Residential Codes pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

46 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
47 committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to  
48 Section 551.074 (personnel matters)

49  
50 **IV. ADJOURN EXECUTIVE SESSION**

51  
52 **Council adjourned out of Executive Session at 5:50 p.m.**

53  
54 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

55  
56 **Mayor Pruitt reconvened the public meeting at 6:00 p.m.**

57  
58 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

59  
60 **Mayor Pro Tem Townsend made a motion to authorize the City Manager to negotiate with**  
61 **STAR Transit for an amendment to our agreement for a change in scope of services in**  
62 **transportation needs for the elderly and disabled for an additional six month period,**  
63 **allowing the city additional time to review further options. Mayor Pruitt seconded the**  
64 **motion, which passed by a vote of 6 in favor with 1 against (White).**

65  
66 **Motion to authorize the city manager to execute a lease with the Hance Family as**  
67 **discussed in Executive Session. Councilman Lewis seconded the motion, which passed**  
68 **unanimously of those present.**

69  
70 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

71  
72 **Councilmember David White delivered the invocation and led the Pledge of Allegiance.**

73  
74 **VIII. PROCLAMATIONS / AWARDS**

75  
76 1. Presentation of plaque by "Women in Need" organization

77  
78 **Connie Pettit from the local "Women in Need" organization came forth with several other**  
79 **representatives from the community, including the Rockwall County District Attorney,**  
80 **Kenda Culpepper. After introductions, Mrs. Pettitt thanked Mayor Pruitt for all he does to**  
81 **lead the community and presented him with a plaque to recognize him for his support of**  
82 **ending violence against women.**

83  
84 2. GIS (Geographic Information Systems) Day

85  
86 **IX. OPEN FORUM**

87  
88 **Mrs. Marilyn King**  
89 **511 Sunset Hill Drive**  
90 **Rockwall, TX**

91  
92 **Mrs. King came forth to address the city council regarding STAR Transit public**  
93 **transportation services. Mrs. King explained that this local bus service allows the elderly**  
94 **to keep their independence and maintain a social life, especially when they are able to**

95 attend classes, lunches and other activities at both the local Y.M.C.A and at The Center.  
96 She asked the Council to continue funding these services in the future.

97  
98 **Larry Christian**  
99 **2920 Saratoga Drive**  
100 **Rockwall, TX**

101  
102 **Mr. Christian indicated that he has lived in Rockwall for many years, and he assists Mrs.**  
103 **King in teaching a joint health (arthritis) exercise class at the local Y.M.C.A each**  
104 **morning. He generally encouraged the Council to continue funding public (STAR) transit**  
105 **in Rockwall so that the elderly and disabled may continue to utilize these services.**  
106

107 **X. CONSENT AGENDA**

- 108  
109 1. Consider approval of the minutes from the October 17, 2016 regular city council  
110 meeting, and take any action necessary.
- 111 2. **Z2016-030** - Consider a request by James Shaw for the approval of an **ordinance** for a  
112 Specific Use Permit (SUP) to allow for an accessory building that does not meet the  
113 minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified  
114 Development Code for a 1.4692-acre parcel of land identified as Lot 14, Block B,  
115 Sterling Farms Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family  
116 Estate 1.5 (SFE-1.5) District, addressed as 1910 Copper Ridge Circle, and take any  
117 action necessary **[2nd Reading]**.
- 118 3. Consider approval of an **ordinance** amending the Rockwall Code of Ordinances in  
119 Chapter 38. Subdivisions; Article I. In General; Sec. 38-23 Standards for Design of  
120 Developments within Subdivisions Adopted to reflect the 2016 update to these  
121 standards, and take any action necessary. **[2nd reading]**
- 122 4. Consider approval of funding recommendation from hotel occupancy tax subcommittee  
123 regarding supplemental requests from Aspasians and Noon Rotary, and take any action  
124 necessary.
- 125 5. Consider awarding a bid to Sam Pack's Five Star Ford and authorizing the City Manager  
126 to execute a Purchase Order for a new 3 yard dump truck totaling \$57,935 to be funded  
127 out of General Fund Reserves, Streets and Drainage Operating Budget, and take any  
128 action necessary.
- 129 6. Consider authorizing the City Manager to execute a contract amendment with Tyler  
130 Technologies, Inc. for an upgrade to the Rockwall Police Department Dispatch Center  
131 CAD software, approving the purchase of related hardware in the amount of \$202,704 to  
132 be paid from general fund reserves, and take any action necessary.
- 133 7. Consider authorizing the City Manager to enter into an agreement with the Texas  
134 Department of Transportation (TxDOT) under the City Pride Program for the installation  
135 of signage recognizing the Historic Bankhead Highway at the intersections of SH-66 &  
136 First Street, SH-66 & Second Street, SH-66 & Olive Street and SH-66 & Interurban  
137 Street, and take any action necessary.
- 138 8. Consider approval of a resolution renewing Fiduciary Consulting Group, Inc. to continue  
139 to act as Named Fiduciary and Named Plan Administrator of the City of Rockwall's  
140 457(b) Plan for the benefit of its employees, to engage Ascensus Trust to provide direct  
141 trust services including an annual trust report on the Plan assets, and authorizing the

142 City Manager to sign a Fiduciary Engagement Agreement and appoint an Oversight  
143 Committee, and take any action necessary.

144 9. Consider awarding a bid to Interstate Trailers and authorizing the City Manager to  
145 execute a Purchase Order for three (3) new heavy equipment trailers in the amount of  
146 \$45,031 to be funded out of the General, Water and Sewer Funds, and take any action  
147 necessary.

148 10. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City  
149 Manager to execute a Purchase Order for five (5) new trucks totaling \$141,479 to be  
150 funded out of the General Fund various departments' operating budgets, and take any  
151 action necessary.

152 11. Consider authorizing the City Manager to execute an agreement with WME  
153 Entertainment in the amount of \$45,000 to be funded from Hotel Occupancy Taxes for  
154 headline entertainment for the 2017 Founder's Day Festival, and take any action  
155 necessary.

156 12. Consider a request by Jason Lentz of Atticus Real Estate Services, Inc. for the approval  
157 of a resolution abandoning a 0.095-acre portion of the excess right-of-way adjacent to  
158 Summer Lee Drive and being directly adjacent to property identified as Lot 5A of the  
159 Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, and take any action  
160 necessary.

161 **Councilmember Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4,**  
162 **5, 6, 7, 8, 9, 10, 11 and 12). Councilmember Milder seconded the motion. The ordinances**  
163 **were read as follows:**

164 CITY OF ROCKWALL  
165 ORDINANCE NO. 16-57  
166 SPECIFIC USE PERMIT NO. S-158  
167

168 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
169 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF  
170 THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO  
171 GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY  
172 BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON A  
173 1.4692-ACRE PARCEL OF LAND ZONED SINGLE FAMILY ESTATE 1.5 (SFE-1.5)  
174 AND IDENTIFIED AS LOT 14, BLOCK B, STERLING FARMS ADDITION, CITY OF  
175 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL  
176 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE  
177 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
178 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
179 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

180  
181 CITY OF ROCKWALL  
182 ORDINANCE NO. 16-58  
183

184 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
185 AMENDING THE ROCKWALL CODE OF ORDINANCES IN CHAPTER 38.  
186 SUBDIVISIONS; ARTICLE I. IN GENERAL; SECTION 38-23 STANDARDS FOR  
187 DESIGN OF DEVELOPMENTS WITHIN SUBDIVISIONS ADOPTED; PROVIDING  
188 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
189 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
190 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
191 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
192

193 The motion passed unanimously (7 ayes to 0 nays).

194  
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  
201 2. Appointment with Molly Peterson to hear request concerning an  
202 Assignment & Assumption Agreement from the Collin County Humane  
203 Society to Rockwall Adoption Center and request for a term extension  
204 through 2021, and take any action necessary.

205 **Molly Peterson, representing what has been known as the Legacy Humane Society, came**  
206 **forth to address the Council concerning this agenda item. Her organization is the one**  
207 **that has been operating the city's Animal Adoption Center for several years. She**  
208 **generally explained that when her organization first began running the shelter here in**  
209 **Rockwall, there was confusion over the then name "Collin County Humane Society."**  
210 **Subsequently, the name was changed to "Legacy;" however, that name generally poses**  
211 **some challenges as well. She noted that on the annual "Day of Giving" that non-profits**  
212 **typically benefit from, she would like to have a clear distinction between funds donated**  
213 **to the Rockwall shelter and funds donated to "Legacy." She requested that the Council**  
214 **consider an "assignment and assumption agreement" to essentially allow a name**  
215 **change to "Rockwall Adoption Center." In addition, she would like city council to**  
216 **consider extending the term through the year 2021.**

217  
218 **Councilmember Lewis made a motion to approve the request concerning an Assignment**  
219 **& Assumption Agreement from the Collin County Humane Society to "Rockwall Adoption**  
220 **Center" as well as the request for a term extension through 2021. Councilmember Milder**  
221 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

- 222  
223 3. Appointment with Michael Hunter of the Rockwall Housing Development  
224 Corporation to discuss the construction fees associated with a project at  
225 805 Throckmorton Street, and take any action necessary.

226 **Mr. Hunter came forth and explained that he is Executive Director of the Rockwall**  
227 **Housing Development Corporation. He explained that he is working to tear down some**  
228 **houses and rebuild them such that they are built to current standards and codes. He is**  
229 **essentially requesting that fees be waived so that those monies may be utilized for the**  
230 **building itself.**

231  
232 **Councilmember Lewis made a motion to approve the requested waiver of construction**  
233 **fees at 805 Throckmorton Street. Councilmember Townsend seconded the motion,**  
234 **which passed by a vote of 7 ayes to 0 nays.**

235  
236 **XII. PUBLIC HEARING ITEMS**

- 237  
238 1. **Z2016-031 - Hold a public hearing to discuss and consider a request by**  
239 **Kasey Weadon of New Craft Brewing, LLC on behalf of the owner**  
240 **Benbrooke Ridge Partners, LP for the approval of an ordinance**  
241 **amending Planned Development District 1 (PD-1) for the purpose of**

242 allowing the Brewery or Distillery (Excluding Brew Pub) land use in the  
243 Planned Development District, being identified as ~39.5249-acre tract of  
244 land situated in the B. J. T. Lewis Survey, Abstract No. 255 and the D.  
245 Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas,  
246 situated within the Scenic Overlay (SOV) District, located on the eastside  
247 of Ridge Road south of the intersection of Ridge Road [FM-740] and SH-  
248 205, and take any action necessary [1st Reading].

249 **Director of Planning, Ryan Miller, explained that the applicant, Kasey Weadon of New**  
250 **Craft Brewing, LLC, is requesting to further amend PD-1 to allow for the Brewery or**  
251 **Distillery (Excluding Brew Pub) land use to be permitted on a ~25.97-acre portion of the**  
252 **planned development district. Currently, the Brewery or Distillery (Excluding Brew Pub)**  
253 **land use is only permitted by-right in the Light Industrial (LI) and Heavy Industrial (HI)**  
254 **Districts. The purpose of these designations is that -- until recently -- a brewery or**  
255 **distillery was viewed as a manufacturing or industrial type of use; however, in 2013 the**  
256 **Texas Alcoholic Beverage Commission (TABC) passed amendments designed to loosen**  
257 **the restrictions on microbreweries or craft breweries. As part of the applicant's request,**  
258 **staff has suggested to the applicant that the use may be better served through a Specific**  
259 **Use Permit (SUP). This means that if the City Council chooses to approve the**  
260 **amendment to PD-1, the applicant would be required to submit a request for a Specific**  
261 **Use Permit (SUP) prior to requesting a Certificate of Occupancy (CO). As staff has been**  
262 **done in past amendments to planned development districts that consist of several**  
263 **regulating ordinances, staff has taken this opportunity to consolidate the regulating**  
264 **ordinances of PD-1 into one (1) ordinance; however, while staff has clarified several**  
265 **sections of these ordinances in the new regulating ordinance, no changes with regard to**  
266 **the requirements, intent or permitted land uses have been made to any other portion of**  
267 **the planned development district (*with the exception of adding the requested land use*).**  
268

269 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**  
270 **speak. The applicant came forth to address the Council. Mr. Weadon explained that he**  
271 **grew up in Rockwall, moved away for college, and has since returned to the Rockwall**  
272 **area. He believes that this footprint is a good area for the proposed brewery use. He**  
273 **generally explained that he is seeking approval from the Council at this time.**  
274

275 **Madison Lyle**  
276 **1603 S. Alamo**  
277 **Rockwall, TX 75087**  
278

279 **Mr. Lyle came forth and generally expressed concern regarding the city council**  
280 **approving this request tonight. He mentioned several numbers, including the (potential)**  
281 **maximum number of gallons of beer per year that this type of brewery may be able to**  
282 **produce under state law. He is generally concerned about patrons being over served /**  
283 **getting drunk and leaving the facility. He pointed out that there is a dance studio and**  
284 **karate studio in the same shopping center as this location. He explained that he is not**  
285 **against the brewery itself, but he is against it being placed in his neighborhood. He is**  
286 **generally business-friendly; however, he is not in favor of it being located in this**  
287 **particular area. He realizes there is already a brewery located off of IH-30, and he thinks**  
288 **that location is fine. However, not in his neighborhood.**  
289

290  
291

292 Erica Lyle  
293 1603 S. Alamo Road  
294 Rockwall, TX  
295

296 Mrs. Lyle came forth and explained that she is against this brewery being located in this  
297 neighborhood. She indicated that there is a county commissioner who lives in her  
298 neighborhood, and she believes he is also against it. She asked the City Council to vote  
299 this request down, and to deny it 'with prejudice.'  
300

301 Katherine Lyle  
302 1603 S. Alamo  
303 Rockwall, TX  
304

305 Mrs. Lyle came forth and indicated that she grew up in this neighborhood, and, with the  
306 exception of going away to college briefly, she has lived here her whole life. She stated  
307 that she is 19 years old and is also a city employee. She believes that this brewery does  
308 not belong in this neighborhood. She pointed out that the Planet Fitness, which is  
309 essentially located next door, is a 24 hour establishment, and she generally believes that  
310 this brewery might make the area unsafe (i.e. drunk drivers). She is opposed to this  
311 brewery being approved by Council in this location.  
312

313 David Mitchell  
314 206 Dartbrook  
315 Rockwall, TX  
316

317 Mr. Mitchell came forth and indicated that he is an insurance claims adjuster by  
318 profession. He explained that he is against this brewery being located in this particular  
319 area / neighborhood. He believes there are other locations elsewhere in the city where  
320 this business could be established. He is generally concerned about drunk drivers, and  
321 he would like the Council to vote against approval of this request.  
322

323 Martha Sue Keegan  
324 207 Meadowdale Drive  
325 Rockwall, TX  
326

327 Mrs. Keegan came forth and shared that she is 85 years old. She has lived here for forty-  
328 one years, and she does not want to see it change.  
329

330 Bob Wacker  
331 806 Miramar Drive  
332 Rockwall, TX  
333

334 Mr. Wacker stated that he is from Milwaukee and actually used to work for Miller Brewing  
335 Company. He believes that the state will regulate how much this brewery can make, what  
336 they can sell and what they can do. He questions if the brewery will even be selling  
337 enough for someone to get drunk. He wonders if at some point in the future there could  
338 end up being more than one (perhaps several) breweries located within this shopping  
339 center. So, his only concern is "how big could this get?"  
340

341 Mr. Miller clarified that the Council is only being asked to either approve or not approve  
342 "the use" itself tonight. He shared that, should the Council approve the use, the

343 applicant would have to come back to the Council in order to tie down the specifics via  
344 approval of an ordinance, including the actual location of the brewery.  
345

346 Mr. Renfro, Chairman of the Planning & Zoning Commission, came forth and provided  
347 some clarifying comments on behalf of the P&Z Commission. He explained that the  
348 Commission decided to move forward with a recommendation to add this as a "use" only  
349 through review and approval of a Specific Use Permit that can be scrutinized and  
350 reviewed annually. He pointed out that this shopping center has been struggling for  
351 quite some time. He believes that a brewery is a "destination location" type business,  
352 and he generally suspects that could be a good use to breathe some life back into this  
353 area. He generally encouraged the applicant to speak again to further explain the  
354 business that is being proposed to be placed at the location (i.e. business hours,  
355 operations, etc.).  
356

357 Mr. Weadon explained that the average number of barrels that will be brewed will be  
358 about 2,500 annually compared to the allowed 15,000 barrels. He shared that the majority  
359 of operating hours will be related to employees who will be in the facility actually working  
360 to produce the product. He shared that there will be no anticipated smell associated with  
361 the operation. As far as the operating hours for the tap / taste room, he explained that it  
362 will be regulated by TABC. Liquor will not be sold, and beer will only be sold for 'tasting.'  
363 The tap / tasting room will only sell beer that is brewed there, and any / all workers will go  
364 through required classes through the TX Alcoholic Beverage Commission (TABC) so that  
365 they know how to serve such that "over serving" does not occur. He indicated that he  
366 does not believe that the concern about drunk driving really makes a lot of sense. He  
367 pointed out that even if the brewery is located elsewhere in the city, anyone driving to /  
368 from the location will still be driving on local roads either way.  
369

370 Mayor Pruitt pointed out that with breweries, they are not required to have 51% of sales  
371 be food (via a "food and beverage" certificate) (and 49% alcohol sales). He explained  
372 that this is the only way that the city really keeps "bars" out of the city. So, he clarified  
373 that as long as a brewery serves its own beer, then the business does not have to also  
374 sell food. He does not feel that allowing this brewery would not be fair to other local  
375 business owners who sell beer (or alcohol) yet do have to have associated food sales  
376 totaling 51%. He explained that the city has business owners locally who often times  
377 wish that the city council would change the ratio requirements. City Attorney Frank  
378 Garza did concur that this business, if it serves its own beer, will not have to meet the  
379 city's "food" requirement.  
380

381 Councilmember White pointed out that if a restaurant that sells alcohol wanted to open in  
382 this location, it could do so without having to come and seek any sort of special approval  
383 from the city council. Councilmember White asked if the police have ever had to respond  
384 to a call at Buffalo Wild Wings pertaining to alcohol-related violence. He asked if the  
385 city's police department has ever had to respond to any alcohol-related calls (i.e.  
386 violence / a fight) associated with the (existing off of IH-30) Woodcreek Brewery or the  
387 past Winery (KE Cellars). Chief Riggs stated that, no, they have not. He generally shared  
388 that he does not believe that breweries are really "bars," but, rather, he believes that they  
389 are more so "family friendly" establishments. They are not like "The Scoreboard."  
390

391 Councilmember Lewis reiterated that this "use" would be allowed only by approval of an  
392 SUP. So, the Council will have an ability to review the business before deciding on  
393 issuing an SUP. The applicant clarified that a majority of his sales would be for beer that

394 is brewed and is sold for distribution. Also, there are no "off-site sales" for 'take away'  
395 (i.e. no "buying a 6 pack to go").  
396

397 After additional, brief comments, Councilmember White made a motion to approve  
398 Z2016-031. Councilmember Milder seconded the motion. The ordinance was read as  
399 follows:

400 CITY OF ROCKWALL  
401 ORDINANCE NO. 16-\_\_\_  
402

403 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
404 AMENDING PLANNED DEVELOPMENT DISTRICT 1 (PD-1) AND THE UNIFIED  
405 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
406 AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING BY  
407 AMENDING THE PERMITTED LAND USES TO ALLOW THE *BREWERY AND*  
408 *DISTILLERY (EXCLUDING BREWPUB)* LAND USE FOR A 25.97-ACRE PORTION  
409 OF THE ~39.6443-ACRE PLANNED DEVELOPMENT DISTRICT BEING SITUATED  
410 WITHIN THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 225 & THE D. ATKINS  
411 SURVEY, ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY,  
412 TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING  
413 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
414 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
415 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
416 REPEALER CLAUSE; PROVIDING FOR AN  
417

418 The motion passed by a vote of 4 in favor with 3 against (Townsend, Pruitt and Fowler).  
419

420 XIII. ACTION ITEMS  
421

- 422 1. **Z2016-032** - Discuss and consider a request by Noah Flabiano of the  
423 Skorburg Company on behalf of BH Balance IV, LLC for the approval of  
424 an **ordinance** amending Planned Development District 74 (PD-74) to  
425 amend the concept plan to allow for additional single-family residential  
426 lots and for the purpose of incorporating changes to the development  
427 standards contained in Exhibit 'C' of Ordinance No. 14-26 for a 405.184-  
428 acre tract of land identified as the Breezy Hill Subdivision and situated  
429 within the J. Strickland Survey, Abstract No. 187, Rockwall, Rockwall  
430 County, Texas, generally located north of FM-552 and west of Breezy Hill  
431 Road, and take any action necessary [**2nd Reading**].

432 Mr. Miller explained that this is second reading of an ordinance that did not receive  
433 unanimous approval at the last city council meeting. Councilmember White made a  
434 motion to approve Z2016-032. Councilmember Lewis seconded the motion. The  
435 ordinance was read as follows:

436 CITY OF ROCKWALL  
437 ORDINANCE NO. 16-59  
438

439 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
440 AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74) [ORDINANCE NO.  
441 14-26] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF  
442 THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE  
443 PLANNED DEVELOPMENT CONCEPT PLAN AND THE DEVELOPMENT  
444 STANDARDS APPROVED WITH ORDINANCE NO. 14-26, BEING A 405.184-ACRE  
445 TRACT OF LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO.

446 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY,  
447 ABSTRACT NO. 190, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND  
448 MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL  
449 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE  
450 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
451 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
452 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
453

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

- 455 2. Discuss and consider a request from Mr. Alton Frazier with Channell for a  
456 variance for the number of signs allowed and a size variance for 4  
457 monument signs located at 1700 Justin Rd, and take any action  
458 necessary.

459 **Jeffrey Widmer, the city's Building Official, came forth and provided brief, introductory**  
460 **comments pertaining to this agenda item and associated request. Thereafter, Mr. Frazier**  
461 **came forth, introduced himself, and generally asked that the Council approve his request**  
462 **pertaining to these sign variances.**

463 **Councilmember White made a motion to approve the sign variance requests, as**  
464 **presented (for both the number of signs and the size). Councilmember Lewis seconded**  
465 **the motion, which passed unanimously of Council present (7 ayes to 0 nays).**

- 466 3. **SP2016-023** - Discuss and consider a request by Worth Williams of  
467 Moore Worth Investments, LLC for the approval of a variance to the  
468 natural stone requirements stipulated by the Unified Development Code  
469 in conjunction with an approved site plan for a multi-tenant  
470 commercial/retail building on a 1.56-acre tract of land being a portion of a  
471 larger 6.1091-acre tract of land identified as Tract 8-4 of the J. H. B.  
472 Jones Survey, Abstract No. 8-4, City of Rockwall, Rockwall County,  
473 Texas, zoned Planned Development District 65 (PD-65) for General  
474 Retail (GR) District land uses, situated within the North SH-205 Overlay  
475 (N. SH-205 OV) District, located at the southwest corner of Quail Run  
476 Road and N. Goliad Street [SH-205], and take any action necessary.

477 **Mr. Miller, City Planning Director, indicated that property is about six acres and is located**  
478 **on the corner of Lakeshore and N. Goliad. It is approved, through a PD, for general retail**  
479 **land uses. At the last P&Z Commission meeting, the P&Z approved a site plan for about**  
480 **a 9,800 square foot, multi-tenant, commercial facility that will house three users (retail,**  
481 **restaurant or medical office type businesses). The applicant is now requesting a**  
482 **variance to the city's natural stone requirement, as what they are proposing to use falls**  
483 **slightly short, percentage wise, of that which the city requires. This variance, if**  
484 **approved, will require a ¾ majority vote of Council. The P&Z Commission has**  
485 **recommended approval of this variance by a vote of 5-0 (with two commissioners being**  
486 **absent).**

487  
488 **Councilmember Lewis pointed out that the Architectural Review Board made some**  
489 **recommendations. He asked if the P&Z took into account the comments of the ARB. Mr.**  
490 **Miller generally indicated that, yes, those comments were taken into account, and the**  
491 **applicant has agreed to those recommendations.**  
492

493 After brief, additional comments, Councilman Lewis made a motion to approve SP2016-  
494 023. Councilmember White seconded the motion, which passed unanimously of those  
495 present (7 ayes to 0 nays).  
496

- 497 4. Discuss and consider appointments to the City's Comprehensive Plan  
498 Advisory Committee (CPAC), and take any action necessary.

499 Indication was given that the Council appointed 6 of the 7 needed members to this  
500 Committee. Councilmember Hohenshelt then made a motion to appoint Dale Cherry to  
501 serve on this committee. Councilmember White seconded the motion, which passed by  
502 a vote of 7 ayes to 0 nays.  
503

504 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
505 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**  
506

- 507 1. Departmental Reports  
508 Building Inspections Monthly Report - September 2016  
509 Fire Dept. Monthly Reports - September 2016  
510 Fire Dept. Report re: Texas Task Force 2 Update  
511 Fire Marshal Division Report - September 2016  
512 GIS Division Monthly Report - September 2016  
513 Harbor PD Monthly Report - September 2016  
514 Internal Operations Department Monthly Report - September 2016  
515 Police Department Monthly Report - September 2016  
516 Recreation Monthly Report - September 2016  
517 Rockwall Animal Adoption Center Monthly Report - September 2016  
518 Rockwall Meals on Wheels Senior Services 4th Quarter Report

- 519 2. City Manager's Report  
520

521 City Manager Rick Crowley indicated that the Council has received the various reports,  
522 and staff is prepared to answer any questions the Council may have. Councilmember  
523 Lewis pointed out one of the reports, specifically the Texas Task Force 2 report  
524 pertaining to the Fire Department, and asked the Chief to speak more about it. Fire Chief  
525 Mark Poindexter commented on this report, indicating that the TTF2 team has been in  
526 operation for several years. Currently, the City of Rockwall has one full time staff  
527 member that serves and two part time staff members who serve. In addition, he himself  
528 serves as a board member. He generally indicated that the team has recently received  
529 national recognition for achieving a Type 1 certification for its Urban Search and Rescue  
530 (USAR) Team. He pointed out that TTF2 is one of only 3 teams in the country to achieve  
531 this national recognition and one of the first two to achieve a Type 1 certification, along  
532 with Alabama. He pointed out that funding was cut during the last legislative session,  
533 and more funding is needed in order for this resource to continue. He pointed out that  
534 the City of Dallas will likely not put in the \$2.5 million that is "short" due to reductions in  
535 state funding. Chief Poindexter shared some more details concerning the benefits of this  
536 team to the entire state and to the North Texas area. Councilmember Lewis thanked  
537 Chief Poindexter and that team for its hard work and for its recent recognition. He  
538 pointed out that funding for this Team may be something that the city should consider  
539 tackling as part of its "legislative agenda."  
540

543 **XV. EXECUTIVE SESSION**

544  
545 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
546 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
547 **CODE:**

- 549 1. Discussion regarding Interlocal Cooperative Agreement between STAR Transit and City  
550 of Rockwall pursuant to Section §551.071 (Consultation with Attorney)
- 551 2. Discussion regarding possible amendments to City's International Fuel Gas and  
552 International Residential Codes pursuant to Section §551.071 (Consultation with  
553 Attorney)
- 554 3. Discussion regarding the lease of real property / land in the vicinity of the downtown  
555 area pursuant to Section §551.072 (Real Property)
- 556 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
557 committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to  
558 Section 551.074 (personnel matters)

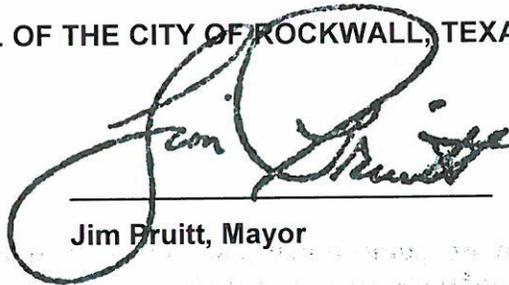
559 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

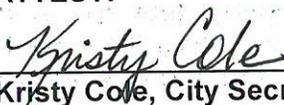
560  
561 **Council did not reconvene in Executive Session following the conclusion of the public**  
562 **meeting agenda.**

563  
564 **XVII. ADJOURNMENT**

565  
566 **The meeting was adjourned at 7:01 p.m. by Mayor Pruitt.**  
567

568  
569  
570 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
571 **THIS 21<sup>st</sup> day of November, 2016.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

572  
573  
574 **ATTEST:**  
575   
576 \_\_\_\_\_  
577 **Kristy Cole, City Secretary**



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, November 21, 2016**  
**5:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Mike Townsend called the meeting to order at 5:00 p.m. Present were Mayor Pro Tem Mike Townsend and Council Members David White, John Hohenshelt, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Mayor Jim Pruitt and Councilmember Scott Milder were absent from the meeting.

Mayor Pro Tem Townsend read the below listed discussion items into the record before recessing the public meeting to go into Executive Session. In addition to the items listed below (II. 1. and 2.), the following items were pulled from the 6:00 p.m. public meeting agenda and also read into the record for discussion in Executive Session (as authorized by Texas Government Code § 551.071 (Consultation with Attorney)):

Z2016-033 - Hold a public hearing to discuss and consider a request by Philip Craddock of Craddock Architecture, PLLC on behalf of the owner Pastem Corporation for the approval of an ordinance for a Specific Use Permit (SUP) for the purpose of allowing a residence hotel in a Commercial (C) District that exceeds 36-feet in height in the Scenic Overlay (SOV) District for a 1.74-acre parcel of land identified as Lot 1, Block A, Comfort Inn & Suites Rockwall Towne Centre Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 700 E. IH-30, and take any action necessary (1st Reading).

Z2016-034 - Hold a public hearing to discuss and consider a request by David Palmer of Cencor Acquisition Co., Inc on behalf of Hossain Makvandi of Home Boy Enterprises, Inc. for the approval of an ordinance for a zoning change from an Agricultural (AG) District to a Commercial (C) District for a 7.1692-acre tract of land identified as Tract 10-1 of the W. W. Ford Survey, Abstract No. 80, Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of FM-549 and S. Goliad Street [SH-205], and take any action necessary (1st Reading).

Z2016-036 - Hold a public hearing to discuss and consider a request by Pat Atkins of the Saddle Star Land Development, LLC on behalf of the owners Gwen Reed and Randa Hance (R. & R. Hance Investments, LP) for the approval of an ordinance for a zoning amendment to Planned Development District 79 (PD-79) [Ordinance No. 16-07] for the purpose of amending the development standards to allow front entry garages on a 55.413-acre tract of land identified as Tracts 1, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard south of Featherstone Drive, and take any action necessary (1st Reading).

52 **II. EXECUTIVE SESSION.**

53

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

57

58 **1. Discussion regarding the lease of real property / land in the vicinity of the downtown area**  
59 **pursuant to Section §551.072 (Real Property)**

60 **2. Discussion regarding (re)appointments to city regulatory boards, commissions, and**  
61 **committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to**  
62 **Section 551.074 (personnel matters)**

63 **III. ADJOURN EXECUTIVE SESSION**

64

65 **Executive Session was adjourned at 5:35 p.m.**

66

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

68

69 **Mayor Pro Tem Townsend called the public meeting back to order at 6:00 p.m. with 5 of**  
70 **the 7 council members being present (Pruitt and Milder were absent from the meeting).**

71

72 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

73

74 **Indication was given that no action as needed as a result of Executive Session.**

75

76 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM TOWNSEND**

77

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

79

80 **VII. OPEN FORUM**

81

82 **Martin Ramirez**  
83 **809 S. Goliad**  
84 **Rockwall, TX 75087**

85

86 **Mr. Ramirez came forth and conveyed to the Council that consideration of a “request for**  
87 **proposals” (RFP) related to an ambulance service contract is set to go before the**  
88 **countywide Emergency Services Corporation (ESC) on November 30. He stated that he**  
89 **wants to ensure that the City of Rockwall’s two ES Corporation board representatives**  
90 **(Pruitt and Lewis) have spoken with the full city council concerning that topic and that**  
91 **any outstanding questions have been resolved. He pointed out that Rockwall County**  
92 **EMS is still very much willing to enter into a contract prior to an RFP process, stating**  
93 **that it will save upwards of \$400,000 in this next year, will improve response times and**  
94 **will add another station in the SE quadrant of the County. He shared that his company is**  
95 **still willing to negotiate a contract prior to that November 30 ES Corp. board meeting.**

96

97 **There being no one else wishing to come forth and speak, Mayor Pro Tem Townsend**  
98 **closed open forum.**

99

100

101

102VIII. CONSENT AGENDA

- 103  
104  
105
1. Consider approval of the minutes from the November 7, 2016 regular city council meeting, and take any action necessary.
  - 106  
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  2. Consider awarding a bid to Love Field Chrysler Dodge and authorizing the City Manager to execute a Purchase Order for three new Police Pursuit Dodge Chargers in the amount of \$77,208 to be funded out of the General Fund, Police Patrol Operations Budget, and take any action necessary.
  - 110  
111  
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113
  3. Consider approving an emergency purchase for repairs made at the Signal Ridge Lift Station to DFW Services and authorizing the City Manager to execute a check in the amount of \$30,403.64 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.
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  4. **P2016-045** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of Ridgecrest SF, LTD. for the approval of a final plat for the Ridgecrest Subdivision creating 45 single-family residential lots on a 29.541-acre parcel of land being a portion of Lot 1 and all of Lot 2, Block A, Rockwall Lakeside Church of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 81 (PD-81), located on the north side of Airport Road, west of the intersection of Airport Road and FM-3549, and take any action necessary.
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  5. **P2016-046** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Balance I LLC for the approval of a final plat for Breezy Hill, Phase VII creating 10 single-family residential lots on 6.802-acres of land identified as Tract 7-10 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of N. John King Boulevard and Cozy View Drive, and take any action necessary.
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  6. **P2016-047** - Consider a request by Christopher Orr of Arcadia Lakes of Somerset Holdings, LLC for the approval of a final plat for Phase 1 of the Somerset Park Subdivision, containing 144 single-family residential lots on a 56.276-acre tract of land being a portion of a larger 139.354-acre tract of land identified as Tracts 1 & 7 of the A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single Family 10 (SF-10) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, located at the northeast corner of the Intersection of FM-549 and S. Goliad Street (SH-205), and take any action necessary.
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  7. **P2016-048** - Consider a request by Eric Morff of Cole on behalf of the owner 2804 Ridge, LLC for the approval of a replat for Lot 3 of Road Runner Addition being a 0.93-acre parcel of land identified as Lot 2, Road Runner Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 2804 S. Goliad Street, and take any action necessary.
  - 145  
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  8. **P2016-049** - Consider a request by Matt Moore, PE of Claymoore Engineering, Inc. on behalf of the owner Cindy Paris of Rockwall Regional Hospital, LLP for the approval of a replat for Lot 22, Block A, Presbyterian Hospital Addition being a 18.867-acre parcel of land identified as Lot 15, Block A, Presbyterian Hospital

149 of Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
150 Development District 9 (PD-9) for General Retail (GR) District land uses, located  
151 east of the intersection of Summer Lee Drive and Rockwall Parkway, and take  
152 any action necessary.

153 **Mayor Pro Tem Townsend pulled P2016-045 (Consent #4).**

154  
155 **Councilmember Lewis made a motion to approve the remaining Consent Agenda items**  
156 **(#1, 2, 3, 5, 6, 7, and 8). Councilmember White seconded the motion, which passed by a**  
157 **vote of 5 in favor with 2 absent (Pruitt and Milder).**

158  
159 **Regarding Consent Agenda item #4 (P2016-045), Mayor Pro Tem Townsend indicated that**  
160 **some errors were reflected within the city council meeting packet concerning this item.**  
161 **Mr. Miller, the city’s Planning Director, apologized for originally having included incorrect**  
162 **exhibits within the meeting packet. He stated that a corrected set of information has**  
163 **been provided to the Council in paper form at each of their seats this evening. There**  
164 **being no questions, Councilmember Lewis moved to approve Consent Agenda item #4.**  
165 **Councilmember White seconded the motion, which passed unanimously of those present**  
166 **(Pruitt and Milder absent).**

167  
168 **IX. APPOINTMENTS**

- 169  
170 1. Appointment with the Planning and Zoning Chairman to discuss and  
171 answer any questions regarding cases on the agenda and related issues  
172 and take any action necessary.

173 **Mr. Patrick Trowbridge of the city’s Planning & Zoning Commission came forth and**  
174 **indicated that he is speaking in Mr. Renfro’s absence this evening. He then briefed the**  
175 **Council on planning related items appearing on tonight’s city council meeting agenda,**  
176 **including recommendations concerning each of those items on behalf of the**  
177 **Commission. The Council took no action concerning this agenda item following Mr.**  
178 **Trowbridge’s presentation.**

179  
180 **X. PUBLIC HEARING ITEMS**

- 181  
182 1. **Z2016-033 - Hold a public hearing to discuss and consider a request by**  
183 **Philip Craddock of Craddock Architecture, PLLC on behalf of the owner**  
184 **Pastem Corporation for the approval of an ordinance for a Specific Use**  
185 **Permit (SUP) for the purpose of allowing a residence hotel in a**  
186 **Commercial (C) District that exceeds 36-feet in height in the Scenic**  
187 **Overlay (SOV) District for a 1.74-acre parcel of land identified as Lot 1,**  
188 **Block A, Comfort Inn & Suites Rockwall Towne Centre Addition, City of**  
189 **Rockwall, Rockwall County, Texas, zoned Commercial (C) District,**  
190 **situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV)**  
191 **Districts, addressed as 700 E. IH-30, and take any action necessary (1st**  
192 **Reading).**

193 **Planning Director Ryan Miller indicated that the applicant has requested that this agenda**  
194 **item be tabled until the December 19 city council meeting to allow time for the applicant**  
195 **to deal with some site constraints that arose during the process. Councilmember Lewis**  
196 **made a motion to postpone this item until the regular city council meeting on Dec. 19.**

197 Councilmember White seconded the motion, which passed by a vote of 5 in favor with 2  
198 absent (Pruitt and Milder).

- 199  
200 2. **Z2016-034** - Hold a public hearing to discuss and consider a request by  
201 David Palmer of Cencor Acquisition Co., Inc on behalf of Hossain  
202 Makvandi of Home Boy Enterprises, Inc. for the approval of an **ordinance**  
203 for a zoning change from an Agricultural (AG) District to a Commercial (C)  
204 District for a 7.1692-acre tract of land identified as Tract 10-1 of the W. W.  
205 Ford Survey, Abstract No. 80, Rockwall, Rockwall County, Texas, zoned  
206 Agricultural (AG) District, situated within the SH-205 Overlay (SH-205  
207 OV) District, located at the northwest corner of FM-549 and S. Goliad  
208 Street [SH-205], and take any action necessary **(1st Reading)**.

209 Councilmember Fowler indicated that he will be recusing himself from this agenda item.  
210 He then exited the room. Planning Director Ryan Miller then provided background  
211 information concerning this agenda item. He explained that this property is currently  
212 zoned "AG" and is located in the SH205 overlay district. There is residential adjacency  
213 on two sides. The city's future land use designation is "Commercial," mainly due to the  
214 future alignment that is planned for FM-549, which is scheduled to run through the 45  
215 acre parcel and create a four-way intersection. The applicant's request would conform to  
216 the future land use plan. Mr. Miller indicated that notices were sent out to adjacent  
217 property owners. Of the 17 notices that were sent out, staff received two notices in  
218 opposition of this proposal. In addition, a small petition (with 7 names, representing 6  
219 properties) has been received by staff, and as a result, a super majority (3 out of 4) vote  
220 of Council will be needed in order for this request to be approved this evening. The  
221 Planning & Zoning Commission has reviewed this request and recommends a "general  
222 retail" designation in lieu of a "Commercial" designation.

223 David Palmer  
224 Cencor Realty  
225 3102 Maple Avenue  
226 Dallas, TX  
227

228 Mr. Palmer came forth and explained that his company builds and operates a lot of  
229 shopping centers (non "mall"). He shared that about 60% of their development occurs in  
230 the Dallas / Fort Worth area. He indicated that he is willing to revise his request to reflect  
231 "General Retail" use rather than Commercial. He generally asked the Council to consider  
232 approving a request to allow "General Retail" in association with this case.  
233

234 Mayor Pro Tem Townsend opened the public hearing and asked if anyone would like to  
235 come forth and speak.  
236

237 Alyssa Arnold  
238 5170 Bear Claw Lane (in Oaks of Buffalo Way)  
239 Rockwall, TX  
240

241 Mrs. Arnold came forth and indicated that she circulated a small petition, which she  
242 explained was eagerly signed by her neighbors. She generally expressed concerns  
243 about this proposal, citing reasons such as light and noise pollution, transients, safety  
244 and privacy concerns, aesthetics-related concerns, traffic concerns, and the negative  
245 effects, overall, that it will have on her neighborhood and her own backyard. She has  
246 concerns about if any of the future establishments may end up selling alcohol or

247 attracting transients. Mrs. Arnold's lengthy comments were generally characterized by  
248 encouragement for the city council to vote in opposition to this request. In response to  
249 Mrs. Arnold's comments, Councilmember Lewis asking what Mrs. Arnold would like to  
250 see on this piece of property. Mrs. Arnold expressed that she would like to see a park go  
251 in at this location. She believes that no form of retail or commercial would be desirable  
252 at this location.

253  
254 **Greg Shockley**  
255 **5155 Bear Claw Lane**  
256 **Rockwall, TX**

257  
258 **Mr. Shockley indicated that he has children, and they love their back yard, which is about**  
259 **an acre in size. He asked the Council to consider what they would like to see at this site**  
260 **if their own home backed up to this property. He indicated that, depending on what goes**  
261 **in, he and his family will likely have to move. He is concerned about transient, vagrants,**  
262 **noise/light/air pollution, or people coming out drunk from establishments. He opposes**  
263 **this request and asked the council to either deny it, or, at the very least, delay it.**

264  
265  
266 **Steve Rummel**  
267 **2230 Arrowhead Court**

268  
269 **Mr. Rummel explained that he is against approval of this request. He shared that he and**  
270 **his family moved to the Oaks of Buffalo Way about 18 months ago, and part of the reason**  
271 **he chose this neighborhood is that it is a gated community that has a private jogging**  
272 **path that runs within it. He has concerns about non-residents potentially being on this**  
273 **jogging trail at some point in the future should this rezoning request be approved and**  
274 **commercial or retail development occur. He prefers that a park go in at this location;**  
275 **however, if that is not possible, he would appreciate a 9-5 p.m. type of business, such as**  
276 **a medical office building / facility. He is not in favor of any sort of business that has**  
277 **round-the-clock hours or anything that may bring transients. If a commercial or retail**  
278 **development is inevitable, he prefers that some sort of solid barrier, such as a wall, be**  
279 **built to separate that area from the Oaks at Buffalo Way neighborhood.**

280  
281 **Michael Pollock**  
282 **1885 Broken Lance Lane**  
283 **Rockwall, TX 75032**

284  
285 **Mr. Pollock came forth and shared that many residents are unable to attend tonight, so**  
286 **he is coming to share both his own thoughts/ concerns as well as those of many of his**  
287 **neighbors. He is concerned about potential fast food or other types of businesses that**  
288 **may bring additional traffic, transients and safety concerns. He shared that several**  
289 **break ins have occurred recently in his neighborhood, and he and others are worried that**  
290 **a development like this may cause those instances to increase. He generally expressed**  
291 **opposition to the Council approving this rezoning request.**

292  
293 **Grace Fowler**  
294 **2974 SH-66**  
295 **Rockwall, TX**

296

297 Ms. Fowler came forth and shared that a Homeboys gas station was built years ago when  
298 she was in middle school right at the intersection by where her home is located. She  
299 shared that she recalls her mom being very, very opposed to the gas station going in  
300 right next to her home, explaining that there would be transients and potentially people  
301 breaking in. She explained that she and her family have had no type of issues or safety-  
302 related concerns arise as a result of the gas station or the other businesses that have  
303 been built at the location near her house. She shared that Homeboys has outdoor  
304 security cameras, and she believes that they actually capture her home on the cameras.  
305 So, in a way, she explained, it may actually make her home safer.

306  
307 Ed Burzair  
308 2175 Arrowhead Court  
309 Rockwall, TX  
310

311 Mr. Burzair indicated that he and his family moved here from Pennsylvania about sixteen  
312 years ago. They choose this neighborhood because of the spaciousness of lots and the  
313 area in general. He is generally opposed to the council approving this request tonight.

314  
315 Mr. Palmer, the applicant, came forth and thanked everyone for his or her comments. He  
316 pointed out that the city has various ordinances in place that will address many of the  
317 expressed concerns, such as buffering requirements and lighting restrictions. He  
318 explained that this will be a major intersection in the future, as reflected by the city's  
319 future land use and comprehensive zoning plans. He explained that he is purchasing  
320 this property and asking for it to be rezoned so that it may be developed at some point in  
321 the future, not necessarily right away. He respectfully expressed disagreement with  
322 some of the resident's expressed concerns and asked the City Council to move forward  
323 with approval of his rezoning request this evening.

324  
325 Councilmember White asked Mr. Miller general questions about the distance of the area  
326 from the last residential lot over to the property line of the property in question as well as  
327 the general screening requirements that would come into play. Mr. Miller indicated that,  
328 at a minimum, a masonry wall would be required. Councilman White indicated that both  
329 of the roadways at this intersection (SH-205 and FM-549) are slated to be major  
330 thoroughfares in the future.

331  
332 Councilmember Lewis commented that these sorts of decisions are quite tough for the  
333 Council. He shared that the city's future land use / comprehensive plan has been  
334 designating this property as "commercial" for quite a while now. He explained that the  
335 Council has had to address similar issues in the past, pointing out that "general retail" is  
336 likely a better option than "commercial." He mentioned the Kroger store that is now  
337 located in the north part of town, commenting that he has nothing against Kroger;  
338 however, the back of a Kroger store is likely not the most attractive site. He further  
339 pointed out that this corner is poised to be a major intersection, especially after the  
340 realignment of FM 3549 occurs by the State in the future. He thinks that, other than  
341 "residential, a "general retail" designation is likely the best scenario, all things  
342 considered.

343  
344 Councilmember Hohenshelt asked how long this has been on the city's Comp Plan. Mr.  
345 Miller indicated that, although he is not certain of an actual date or amount of time, it has  
346 been on the future plans since at least the year 2000 (perhaps longer).  
347

348 Councilmember Lewis made a motion to approve this item with P&Z's recommendation  
349 that it be designated as "General Retail." Councilmember Hohenshelt seconded the  
350 motion. Following brief clarification of the needed vote (3/4 vote) by city attorney Frank  
351 Garza, the ordinance was read as follows:

352  
353 CITY OF ROCKWALL  
354 ORDINANCE NO. 16-XX  
355

356 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
357 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE  
358 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND  
359 THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL  
360 (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT ON A 7.1692-ACRE TRACT OF  
361 LAND IDENTIFIED AS TRACT 10-1 OF THE W. W. FORD SURVEY, ABSTRACT NO.  
362 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE  
363 SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING  
364 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
365 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
366 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
367 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
368

369 The motion passed by a vote of 4 in favor, 1 abstention (Fowler), and 2 absent (Pruitt and  
370 Milder).  
371

- 372 3. **Z2016-035** - Hold a public hearing to discuss and consider a request by  
373 Robert A. Howman of Glenn Engineering Corp. on behalf of James  
374 Watson of the Rockwall Independent School District (RISD) for the  
375 approval of an **ordinance** for a Specific Use Permit (SUP) for the purpose  
376 of allowing a Public School in an Agricultural (AG) District for a 24.209-  
377 acre portion of a larger 173.0-acre tract of land identified as Tract 7-1 of  
378 the W. H. Baird Survey, Abstract No. 25, City of Rockwall, Rockwall  
379 County, Texas, zoned Agricultural (AG) District, situated within the SH-  
380 205 Bypass Corridor Overlay (205 BY-OV) District, located directly east of  
381 the intersection of John King Boulevard and Trail View Drive, and take  
382 any action necessary (**1st Reading**).

383 Planning Director Ryan Miller provided background information concerning this agenda  
384 item. Mr. Miller indicated that this property is located on the east side of John King  
385 Boulevard near (just south of) the Lofland Farms subdivision, and it is within the SH-205  
386 bypass. This is slated to be a future college and career academy, and it will house trade  
387 and college preparatory classes. All access will be received off John King with an  
388 emergency access point through the subdivision (for emergency vehicles). Notices were  
389 sent out to adjacent property owners, however no replies were received back. In  
390 addition, nearby homeowners associations were also notified. The Planning & Zoning  
391 Commission did review this request and has recommended approval of this item by a  
392 vote of 6 in favor.

393 At the request of Councilmember White, Mr. Miller clarified that the emergency access  
394 point will be gated off and only used during emergencies.

395 Mayor Pro Tem Townsend opened the public hearing and asked if anyone would like to  
396 come forth and speak at this time. There being no one indicating such, Mayor Pro Tem  
397 Townsend then closed the public hearing. Councilmember White made a motion to

398 approve Z2016-035. Councilmember Lewis seconded the motion. The ordinance was  
399 read as follows:

400 CITY OF ROCKWALL  
401 ORDINANCE NO. 16-XX  
402 SPECIFIC USE PERMIT NO. S-1XX  
403

404 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
405 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,  
406 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT  
407 (SUP) TO ALLOW FOR A PUBLIC SCHOOL ON A 24.209-ACRE TRACT OF LAND  
408 BEING A PORTION OF A LARGER 173.0-ACRE TRACT OF LAND, ZONED  
409 AGRICULTURAL (AG) DISTRICT, AND IDENTIFIED AS TRACT 7-1 OF THE W. H.  
410 BAIRD SURVEY, ABSTRACT NO. 25, CITY OF ROCKWALL, ROCKWALL COUNTY,  
411 TEXAS, AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'*; PROVIDING FOR  
412 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED  
413 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
414 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
415 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
416

417 The motion passed by a vote of 5 ayes with 2 absent (Pruitt and Milder).

- 418 4. **Z2016-036** - Hold a public hearing to discuss and consider a request by  
419 Pat Atkins of the Saddle Star Land Development, LLC on behalf of the  
420 owners Gwen Reed and Randa Hance (R. & R. Hance Investments, LP)  
421 for the approval of an **ordinance** for a zoning amendment to Planned  
422 Development District 79 (PD-79) [Ordinance No. 16-07] for the purpose of  
423 amending the development standards to allow front entry garages on a  
424 55.413-acre tract of land identified as Tracts 1, 1-5 & 2-03 of the P. B.  
425 Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County,  
426 Texas, zoned Planned Development District 79 (PD-79) for Single-Family  
427 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass  
428 Overlay (SH-205 BY-OV) District, located on the north side of John King  
429 Boulevard south of Featherstone Drive, and take any action necessary  
430 (1st Reading).

431 Mr. Miller provided background information concerning this agenda item. He shared that  
432 this is the Saddle Star Subdivision, which is on the NE side of John King (within the 205  
433 bypass overlay district). Mr. Miller shared that this case was brought before and  
434 approved by the Council back in January. At that time, approval included all j-swing and  
435 recessed 20' garages with 113 lots. Then, in May/June, the applicant came back and  
436 incorporated an additional 11 acres, also asking to increase the number of lots to 138  
437 and allow for 50% flat front entry garages, which was approved June 6. The applicant is  
438 now asking to amend the PD to allow 80% front entry garages with a minimum of 20% in  
439 a j-swing configuration. Mr. Miller pointed out that the city's Comp Plan calls for single-  
440 family neighborhoods to have alleyways; however, the majority of what the city has  
441 approved have been j-swings or recessed 20 garages.  
442

443 Staff sent out notices to adjacent (3) property owners and residents as well as to the  
444 Stoney Hollow and Stone Creek homeowners associations. Staff has received back one  
445 notice for two properties. Because of the opposition being from 20% or more of the  
446 affected property owners, approval of this request will require a ¾ majority vote of  
447 Council (4 out of the 5 council members present tonight). The Planning & Zoning

448 Commission has recommended a minimum of 35% j-swing garages and a maximum of  
449 65% front entry garages.

450  
451 Mayor Pro Tem Townsend opened up the public hearing and asked if anyone would like  
452 to come forward and speak at this time.

453  
454 **Pat Atkins**  
455 **Saddle Star Land Development**  
456 **3076 Hays Lane**  
457 **Rockwall, TX**

458  
459 The applicant, Mr. Atkins, came forth and explained that these changes are needed at  
460 this time because they reflect the requirements that have been specified by the builders  
461 with whom he hopes to contract to build the homes. He shared that the builders include  
462 Highland Homes, Weekly Homes and First Texas, and, although he does not yet have  
463 contracts signed with these builders, he hopes to soon, pending approval of these  
464 requested changes. Mr. Atkins generally explained that these modifications are being  
465 requested because the builders have expressed that they reflect what the market is  
466 demanding at this time.

467  
468 Mayor Pro Tem Townsend asked if anyone else would like to come forth and speak at  
469 this time. There being no one else wishing to come forth and speak, Mayor Pro Tem  
470 Townsend then closed the public hearing.

471  
472 Councilmember Lewis indicated that the Council has been careful in what it has  
473 previously approved going in along John King Boulevard. As far as the builders go,  
474 builders to the south and southwest of this area are putting in j-swing garages with no  
475 problem. He generally expressed uncertainty about approving this request.

476  
477 Councilmember Hohenshelt inquired as to why builders may desire to see the 80% front  
478 entry and minimum 20% J-swing garages. Mr. Atkins generally expressed that front  
479 entry garages are the most common nowadays in the metroplex area, and they would like  
480 to have flexibility to ultimately accommodate the demand of the buyers. Some builders  
481 have indicated that a front entry drive and garage frees up more of the space to be  
482 utilized for a back yard, and a larger backyard, they indicate, is more in line with what  
483 buyers want to see.

484  
485 Councilmember White clarified that this is not really a restriction on "J swings," but,  
486 rather, it is a restriction on front entries.

487  
488 Mayor Pro Tem Townsend expressed that his main concern, personally, is the potential  
489 for flat looking front façades. He has concerns about it resulting in rows of cars instead  
490 of rows of houses.

491  
492 Councilmember White made a motion to approve Z2016-036 as requested in the original  
493 application (allowing up to 20% "j swing garages" and 80% front entry garages). There  
494 being no second, White's motion died.

495  
496 Councilmember White made a motion approve Z2016-036 with 35% j-swing garages and  
497 up to 65% front entry garages as recommended by the Planning & Zoning Commission.  
498 There being no one wishing to second the motion, it too died.

499  
500 Councilmember Fowler made a motion to deny Z2016-036 (essentially calling for the  
501 requirements to be kept “as is”).  
502

503 Mr. Atkins requested that the Council consider tabling this item to allow him to come  
504 back to Council with some additional information.  
505

506 Councilmember Fowler then withdrew his motion.  
507

508 Councilmember White made a motion to table this item until the December 5<sup>th</sup> meeting.  
509 Councilmember Hohenshelt seconded the motion, which passed by a vote of 4 in favor, 1  
510 against (Fowler), and 2 absent (Pruitt and Milder).  
511

512           5.       **Z2016-037** - Hold a public hearing to discuss and consider a request by  
513 Douglas F. DeMarco on behalf of John G. Robertson for the approval of  
514 an **ordinance** for a zoning change from an Agricultural (AG) District to a  
515 Commercial (C) District for a 23.27-acre tract of land identified as Tract 2-  
516 28 of the J. R. Johnson Survey, Abstract No. 128, Rockwall, Rockwall  
517 County, Texas, zoned Agricultural (AG) District, situated within the SH-  
518 205 Overlay (SH-205 OV) District, addressed as 2922 S. Goliad Street  
519 [SH-205], and take any action necessary (**1st Reading**).

520 Planning Director Ryan Miller provided background information concerning this agenda  
521 item. He explained that this is a 28 tract of land that was annexed in March of 2004 and is  
522 located within the SH-205 overlay district. The location is currently commonly known as  
523 “The Rise.” It is a recreational facility, and the owner is currently asking for a rezoning of  
524 the property to “commercial.” The purpose of this request is basically to allow lighting  
525 standards that would enable for outdoor baseball games to be played at night. The  
526 subject property is designated as Commercial / Industrial. Notices were sent out to  
527 adjacent property owners and Homeowners Associations. Of the 56 notices sent out, 1  
528 was received in favor. The Planning & Zoning Commission has recommended approval  
529 of this item tonight by a vote of 6 in favor with 0 being opposed to the request.  
530

531 Mayor Pro Tem Townsend opened the public hearing and called the applicant forth to  
532 speak.  
533

534 Mrs. Cheryl DeMarco  
535 Owner of Rockwall Indoor Sports, The Rise  
536 2922 S. Goliad  
537 Rockwall, TX  
538

539 Mrs. DeMarco indicated that she has been approached by a customer who would like to  
540 donate the lights. Subsequently, she found out that the facility will need to be rezoned to  
541 “Commercial.” She feels that this is a need in the community, since there are not a lot of  
542 places available within the city for teams to practice.  
543

544 Mayor Pro Tem Townsend asked if anyone else would like to come forth and speak.  
545

546 Kyle Bird  
547 401 E. Boydston  
548 Rockwall, TX

549  
550 **Mr. Bird indicated that he is a retired high school baseball coach and is currently the**  
551 **Director of Baseball at The Rise. About 13-14 teams in the community currently use the**  
552 **fields at The Rise. He explained that Tuttle Ball Fields do a pretty good job, however, he**  
553 **generally indicated that there is a demand and need for additional practice fields. He**  
554 **shared that unlit fields are not useful at night, so approval of this item which would allow**  
555 **for lighted fields at night, is desirable.**

556  
557 **Councilmember White made a motion to approve Z2016-037. Councilmember Hohenshelt**  
558 **seconded the motion. The ordinance was read as follows:**

559  
560 **CITY OF ROCKWALL**  
561 **ORDINANCE NO. 16-XX**

562  
563 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
564 **AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE**  
565 **CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND**  
566 **THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL**  
567 **(AG) DISTRICT TO A COMMERCIAL (C) DISTRICT ON A 23.27-ACRE TRACT OF**  
568 **LAND IDENTIFIED AS TRACT 2-28 OF THE J. R. JOHNSON SURVEY, ABSTRACT**  
569 **NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE**  
570 **SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING**  
571 **FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**  
572 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**  
573 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**  
574 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

575  
576 **The motion passed by a vote of 5 in favor with 2 absent (Pruitt and Milder).**

577  
578 **XI. ACTION ITEMS**

- 579  
580 **1. Z2016-031 - Discuss and consider a request by Kasey Weadon of New**  
581 **Craft Brewing, LLC on behalf of the owner Benbrooke Ridge Partners, LP**  
582 **for the approval of an ordinance amending Planned Development District**  
583 **1 (PD-1) for the purpose of allowing the Brewery or Distillery (Excluding**  
584 **Brew Pub) land use in the Planned Development District, being identified**  
585 **as ~39.5249-acre tract of land situated in the B. J. T. Lewis Survey,**  
586 **Abstract No. 255 and the D. Atkins Survey, Abstract No. 1, City of**  
587 **Rockwall, Rockwall County, Texas, situated within the Scenic Overlay**  
588 **(SOV) District, located on the eastside of Ridge Road south of the**  
589 **intersection of Ridge Road [FM-740] and SH-205, and take any action**  
590 **necessary (2nd Reading).**

591 **Mr. Miller provided brief comments, explaining that this item has been placed on Action**  
592 **Items this evening, as it did not receive a unanimous vote upon first reading at the last**  
593 **council meeting.**

594  
595 **Councilmember White made a motion to approve Z2016-031. Councilmember Lewis**  
596 **seconded the motion.**

597  
598 **Mayor Pro Tem Townsend commented that he voted against this item. Since that time,**  
599 **he explained that he did some calculations, and a tap room could potentially produce 1.6**  
600 **million beer bottles annually. So, he is against approval of this use / this item.**

601  
602 Following brief comments, the ordinance was read as follows:  
603

604 CITY OF ROCKWALL  
605 ORDINANCE NO. 16-XX  
606

607 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
608 AMENDING PLANNED DEVELOPMENT DISTRICT 1 (PD-1) AND THE UNIFIED  
609 DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS  
610 HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING BY  
611 AMENDING THE PERMITTED LAND USES TO ALLOW THE *BREWERY AND*  
612 *DISTILLERY (EXCLUDING BREWPUB)* LAND USE FOR A 25.97-ACRE PORTION OF  
613 THE ~39.6443-ACRE PLANNED DEVELOPMENT DISTRICT BEING SITUATED  
614 WITHIN THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 225 & THE D. ATKINS  
615 SURVEY, ABSTRACT NO. 1, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS  
616 AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR  
617 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
618 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
619 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
620 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
621

622 The motion passed by a vote of 3 in favor, 2 against (Townsend and Fowler), and 2  
623 absent (Pruitt and Milder).  
624

- 625 2. Discuss and consider authorizing the City Manager to execute documents  
626 to grant consent to the City of Heath to provided wastewater services  
627 associated with construction of a new Rockwall Independent School  
628 District (RISD) school and service to a limited number of residential  
629 customers who reside in Heath's extra territorial jurisdiction (ETJ) using  
630 the regional wastewater interceptor line, and take any action necessary.

631 City Manager Rick Crowley provided comments pertaining to this agenda item. He  
632 explained that an RISD school is currently in the planning stages; however, it is located  
633 just outside of the City of Heath's jurisdiction. This request is for the city to authorize  
634 flow from a new school facility in Heath (and up to four (4) single family residences) into  
635 the regional wastewater collection line which is jointly owned by the City of Rockwall, the  
636 City of Heath and the City of Forney. Each entity pays in proportion to wastewater flow  
637 into the line. Each of the three cities is authorized without approval from the others to  
638 add flow from within their city into the line; however, when one of the cities proposes to  
639 add flow from outside of their city limits, approval of the other two "partners" is required.  
640 Mr. Crowley indicated that this is a "cost neutral" issue for the City of Rockwall.

641 Councilmember Lewis made a motion to authorize the City Manager to execute  
642 documents to grant consent to the City of Heath to provided wastewater services  
643 associated with construction of a new Rockwall Independent School District (RISD)  
644 school and service to a limited number of residential customers who reside in Heath's  
645 extra territorial jurisdiction (ETJ) using the regional wastewater interceptor line.  
646 Councilmember White seconded the motion, which passed by a unanimous vote (2  
647 absent (Pruitt and Milder)).  
648  
649  
650

651 **XII. EXECUTIVE SESSION**

652  
653 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
654 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
655 **CODE:**

- 656  
657 1. Discussion regarding the lease of real property / land in the vicinity of the  
658 downtown area pursuant to Section §551.072 (Real Property)
- 659 2. Discussion regarding (re)appointments to city regulatory boards,  
660 commissions, and committees - Rockwall Economic Development  
661 Corporation (REDC) Board - pursuant to Section 551.074 (personnel matters)

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

663  
664 **The Council did not reconvene in Executive Session following the end of the public**  
665 **meeting agenda.**

666  
667 **XIV. ADJOURNMENT**

668  
669 **Mayor Pro Tem Townsend adjourned the meeting at 7:27 p.m.**

670  
671  
672 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
673 **THIS 5<sup>th</sup> day of December, 2016.**

674

675

676 **ATTEST:**

677

678

679

*Kristy Cole*  
\_\_\_\_\_  
Kristy Cole, City Secretary

*Jim Pruitt*  
\_\_\_\_\_  
Jim Pruitt, Mayor



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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Monday, December 05, 2016  
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 Mike Townsend, and Council Members David White, Scott Milder, Dennis Lewis and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Patrick Lindner. Councilmember John Hohenshelt was absent from the meeting.

Mayor Pruitt then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:00 p.m.

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/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (personnel matters)
2. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
3. Discussion regarding Trend Setter HR bankruptcy pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:45 p.m.

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

The public meeting was reconvened by Mayor Pruitt at 6:00 p.m. All city council members were present except Councilman John Hohenshelt.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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

49 VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER HOHENSHELT

50  
51 Mayor Pro Tem Townsend delivered the invocation and led the Pledge of Allegiance (in the  
52 absence of Councilmember Hohenshelt).

53  
54 VII. OPEN FORUM

55  
56 Bruce Foith  
57 1087 Shady Lane Drive  
58 Rockwall, TX 75087

59  
60 Mr. Foith came forth and provided comments, indicating that he is opposed to the Council  
61 potentially passing the resolution tonight concerning the John King Boulevard / SH-205  
62 preferred route (Action Item #4 on tonight’s agenda). He generally explained that a lot has  
63 changed about John King Boulevard in the last several years, explaining that it is now a  
64 residential corridor. He expressed that it contains a lot of homes, and there are schools  
65 that will potentially result in school aged children crossing John King. He proceeded to  
66 offer several comments, the general nature of which were all characterized by an expressed  
67 opposition to John King Boulevard being the designated future route for SH-205.

68  
69 Regarding the Saddle Star development (Z2016-036 on tonight’s agenda) and the decision  
70 that council is facing regarding j-swing and/or front entry garages, Mr. Foith indicated that  
71 he recently attended the Planning & Zoning Commission meeting, and he heard about this  
72 agenda item. He personally feels as though front entry garages are awful. He explained  
73 that he lives in a j-swing home himself, and he generally feels that, although, even j-swings  
74 are not ideal, they would be better than front entry garages.

75  
76 Mark Fake  
77 1403 White Water Lane  
78 Rockwall, TX

79  
80 Mr. Fake explained that he lives in the Caruth Lakes subdivision. He went on to provide  
81 comments, generally expressing opposition to John King Boulevard potentially being the  
82 future, designated SH-205 bypass. He generally expressed that construction, pavement-  
83 related materials, traffic, and safety are all concerns of his. He urged the city to approach  
84 TXDOT and strongly encourage them to build some sort of outer loop that is away from the  
85 heart of the city.

86  
87 There being no one else wishing to come forth and speak, Mayor Pruitt then close Open  
88 Forum.

89  
90 VIII. CONSENT AGENDA

- 91  
92 1. Consider approval of the minutes from the November 21, 2016 regular city  
93 council meeting, and take any action necessary.  
94 2. **Z2016-035** - Consider a request by Robert A, Howman of Glenn Engineering  
95 Corp. on behalf of James Watson of the Rockwall Independent School  
96 District (RISD) for the approval of an **ordinance** for a Specific Use Permit  
97 (SUP) for the purpose of allowing a Public School in an Agricultural (AG)  
98 District for a 24.209-acre portion of a larger 173.0-acre tract of land identified

99 as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25, City of Rockwall,  
100 Rockwall County, Texas, zoned Agricultural (AG) District, situated within the  
101 SH-205 Bypass Corridor Overlay (205 BY-OV) District, located directly east  
102 of the intersection of John King Boulevard and Trail View Drive, and take any  
103 action necessary **(2nd Reading)**.

104 **3. Z2016-037** - Consider a request by Douglas F. DeMarco on behalf of John  
105 G. Robertson for the approval of an **ordinance** for a zoning change from an  
106 Agricultural (AG) District to a Commercial (C) District for a 23.27-acre tract of  
107 land identified as Tract 2-28 of the J. R. Johnson Survey, Abstract No. 128,  
108 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated  
109 within the SH-205 Overlay (SH-205 OV) District, addressed as 2922 S.  
110 Goliad Street [SH-205], and take any action necessary **(2nd Reading)**.

111 **4.** Consider awarding a bid to Comforts of Home Services Inc. and authorizing  
112 the City Manager to execute a Purchase Order for a new Restroom Trailer in  
113 the amount of \$39,043 to be funded out of the Recreation Development  
114 Fund, and take any action necessary.

115 **5. P2016-050** - Consider a request by Joel Wells on behalf of Tom Walker for  
116 the approval of a replat for Lots 3 & 4, Block A, Walker Addition being a  
117 1.10-acre tract of land currently identified as Lot 1, Block A, Walker Addition  
118 and Tract 28 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall,  
119 Rockwall County, Texas, zoned Planned Development District 53 (PD-53) &  
120 Single Family 10 (SF-10) District, addressed as 1301 S. Alamo Road and  
121 1020 Ridge Road, and take any action necessary.

22 **6. P2016-051** - Consider a request by Annalyse Olson on behalf of Ronald Valk  
23 for the approval of a replat for Lots 4 & 5, Block A, Platinum Storage Addition  
24 being a 5.549-acre tract of land currently identified as Lots 2 & 3, Block A,  
25 Platinum Addition, City of Rockwall, Rockwall County, Texas, zoned  
26 Commercial (C) District, addressed as 1450 T. L. Townsend Drive, and take  
27 any action necessary.

128 **7.** Consider approving the purchase of radios and accessories related to the  
129 City of Rockwall's participation in the countywide Interoperability Radio  
130 Network in the amount of \$136,157.50 to be paid from the radio operating  
131 budget, and take any action necessary.

132 **Councilmember Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**  
133 **6, and 7). Councilmember White seconded the motion. The ordinances were read as**  
134 **follows:**

135 **CITY OF ROCKWALL**  
136 **ORDINANCE NO. 16-62**  
137 **SPECIFIC USE PERMIT NO. S-159**

138  
139 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
140 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**  
141 **TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT**  
142 **(SUP) TO ALLOW FOR A PUBLIC SCHOOL ON A 24.209-ACRE TRACT OF LAND**  
143 **BEING A PORTION OF A LARGER 173.0-ACRE TRACT OF LAND, ZONED**  
144 **AGRICULTURAL (AG) DISTRICT, AND IDENTIFIED AS TRACT 7-1 OF THE W. H.**  
145 **BAIRD SURVEY, ABSTRACT NO. 25, CITY OF ROCKWALL, ROCKWALL COUNTY,**  
146 **TEXAS, AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'*; PROVIDING FOR**  
147 **SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED**

148 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
149 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
150 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

151  
152 CITY OF ROCKWALL  
153 ORDINANCE NO. 16-63  
154

155 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
156 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE  
157 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND  
158 THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL  
159 (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT ON A 23.27-ACRE TRACT OF  
160 LAND IDENTIFIED AS TRACT 2-28 OF THE J. R. JOHNSON SURVEY, ABSTRACT  
161 NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE  
162 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING  
163 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
164 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
165 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
166 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

167  
168 The motion passed by a vote of 6 in favor with 1 absent (Hohenshelt).  
169

170 IX. APPOINTMENTS  
171

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

175 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and provided  
176 brief comments to the Council regarding planning-related agenda items on tonight's  
177 agenda. The Council took no action concerning this agenda item.  
178

- 179 2. Appointment with Robert Hurd and Victoria King to discuss and consider a  
180 request to hold a wedding ceremony / reception at Rockwall City Hall, and  
181 take any action necessary.

182 Mr. Hurd came forth with his fiancé and generally expressed that they would like to request  
183 use of City Hall for a Sat., April 29 wedding ceremony at City Hall next year. He expressed  
184 that the ceremony would be in front of city hall by the flag poles, and they would set up  
185 tables and chairs. The expected number of attendees would be about 80 people. They are  
186 both graduates of Rockwall High School, and they respectfully requested permission for  
187 use of the building and the grounds.  
188

189 City Manager Rick Crowley indicated that Council has been provided with reservation  
190 policies associated with rental of other city owned facilities; however, he explained, City  
191 Hall is not a facility that has been included in said policies. So, essentially, the Council  
192 needs to decide if it wants to set a precedence for the public to utilize the City Hall facility  
193 for this type (or other) purpose(s), or not. Also, the Council will need to decide if any fees  
194 will be assessed for use of the facility(ies).  
195

196 Councilmember Milder expressed that he believes they should be able to utilize the city hall  
197 grounds and the foyer restroom facilities for their wedding, and the city should consider  
198 charging them \$1.00 to do so. Councilmember White explained that he has no issue with  
199 granting this request. He suggested that the Council may want to consider allowing this

200 wedding event to be held at City Hall, and use it as a “test run” to see how it works out. He  
201 explained that he has no problem with a taxpayer utilizing this facility. Mayor Pro Tem  
202 Townsend shared that he has one issue in that this potentially puts the city in the business  
203 of competing with other, nearby wedding venue facilities. Councilman Fowler suggested  
204 that the City may want to consider creating a rental agreement for those who wish to rent  
205 City Hall for private events as well associated guidelines for what will and will not be  
206 allowed. Also, any fee needs to be specified as well, along with the agreement.

207  
208 Assistant City Manager Brad Griggs pointed out that there will be staff-related costs  
209 incurred, pointing out that staff will be glad to put together some policies and associated,  
210 suggested rental fees.

211  
212 Councilmember Lewis made a motion to approve this request from Robert Hurd and  
213 Victoria King to hold a wedding ceremony and reception and to instruct staff to come up  
214 with a rental policy and rate. Councilmember White seconded the motion. White asked if  
215 Council should be approving these sorts of events on a case-by-case basis or not. He  
216 wonders, if for example, a wedding with 500 guests would pose a problem.

217  
218 After brief comments, the motion passed by a vote of 6 in favor with 1 absent (Hohenshelt).

219  
220 3. Appointment with Michael Hunter of the Rockwall Housing Development  
221 Corporation to discuss construction fees associated with a project at 504  
222 Ross Street, and take any action necessary.

223 Mr. Hunter came forth and shared that he was before the city council not long ago  
224 pertaining to waiving fees on a project on Ross Street. This item, however, is associated  
225 with a project on Ross Street. He is asking the Council to assist with the project by  
226 granting waiver of certain fees that would otherwise be assessed by the City of Rockwall.  
227 He explained that the building permit fees and contractor license fees are specifically what  
228 he’s asking to be waived, and he believes that the maximum that may be waived is about  
229 \$1,565.00 for building permit fees and about \$400 for contractor license fees.

230  
231 Mayor Pruitt made a motion to approve the waiver for the construction permit fees and  
232 contractor license fees at 504 Ross Street. Councilmember White seconded the motion,  
233 which passed unanimously of those present (Hohenshelt absent).

234  
235 Mr. Hunter thanked the Council and let them know he will invite them to an open house to  
236 view the project once it is completed.

237  
238 **X. ACTION ITEMS**

239  
240 1. **Z2016-034** - Discuss and consider a request by David Palmer of Cencor  
241 Acquisition Co., Inc on behalf of Hossain Makvandi of Home Boy  
242 Enterprises, Inc. for the approval of an ordinance for a zoning change from  
243 an Agricultural (AG) District to a Commercial (C) District for a 7.1692-acre  
244 tract of land identified as Tract 10-1 of the W. W. Ford Survey, Abstract No.  
245 80, Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,  
246 situated within the SH-205 Overlay (SH-205 OV) District, located at the  
247 northwest corner of FM-549 and S. Goliad Street [SH-205], and take any  
248 action necessary (2nd Reading).

249 Councilmember Fowler recused himself from this item and left the room at this point. He  
250 filed a recusal affidavit with the City Secretary.

251  
252 Mr. Miller, Planning Director, provided brief comments on this item. He indicated that this  
253 agenda caption references "commercial" since that is how it was originally advertised;  
254 however, Council voted at the last meeting to approve this item with a "general retail"  
255 designation.

256  
257 Councilmember Lewis made a motion to approve Z2016-034. Mayor Pro Tem Townsend  
258 seconded the motion. The ordinance was read as follows:

259  
260 CITY OF ROCKWALL  
261 ORDINANCE NO. 16-61

262  
263 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
264 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.  
265 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS  
266 TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING  
267 FROM AN AGRICULTURAL (AG) DISTRICT TO A GENERAL RETAIL (GR)  
268 DISTRICT ON A 7.1692-ACRE TRACT OF LAND IDENTIFIED AS TRACT 10-1  
269 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL,  
270 ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY  
271 DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR  
272 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
273 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
274 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
275 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

276  
277 The motion passed by a vote of 5 in favor, 1 recusal (Fowler) and 1 absence (Hohenshelt).  
278

- 279 2. **Z2016-036** - Discuss and consider a request by Pat Atkins of the Saddle  
280 Star Land Development, LLC on behalf of the owners Gwen Reed and  
281 Randa Hance (R. & R. Hance Investments, LP) for the approval of an  
282 ordinance for a zoning amendment to Planned Development District 79  
283 (PD-79) [Ordinance No. 16-07] for the purpose of amending the  
284 development standards to allow front entry garages on a 55.413-acre tract of  
285 land identified as Tracts 1, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract  
286 No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned  
287 Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land  
288 uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,  
289 located on the north side of John King Boulevard south of Featherstone  
290 Drive, and take any action necessary (**1st Reading**).

291 Mr. Miller, the city's Planning Director, provided background information concerning this  
292 agenda item, generally explaining that at the meeting on November 15, the applicant was  
293 requesting to amend the PD to increase the number of front entry garages from 50% to 80%.  
294 Currently, the PD allows for 50% j-swing drives/garages and 50% flat, front entry garages.  
295 This area is located along John King Boulevard near Featherstone. Staff has provided  
296 some information of potential (builder's) housing products in the Council members'  
297 packets. Two notices had been received back in opposition of this request (from a property  
298 owner that owns two, separate properties in the notification area) – therefore, a ¾ majority  
299 vote of Council is needed for approval. The Planning & Zoning Commission did

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Councilmember Lewis indicated that he checked with the Chandler’s Landing HOA today, and the memo that has been provided to Council (including the letter) is correct. He explained that what is being proposed with this home does match other, nearby houses within this neighborhood.

Councilmember Lewis made a motion to approve MIS2016-010. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

- 4. Discuss and consider approval of a resolution reaffirming the City of Rockwall's position regarding the locally preferred TXDOT route for SH-205 being the "John King Boulevard" route, and take any action necessary.

Mayor Pro Tem Townsend indicated that he placed this item on the Council agenda tonight in an effort to reaffirm the city’s position regarding the locally-preferred route.

Councilmember White clarified that, if the Council were to not take any action on this resolution tonight, then the previously approved resolution (from April of 2015) would still stand and would still be in effect. Indication was given that the previous resolution expressed that the Council’s preference is to have John King Boulevard be the locally preferred route for SH-205. White then went on to share several comments, in part, sharing that around the year 1983 of 1985, there were initial indications of a future bypass associated with SH-205. In addition, in 2005, \$44 million was approved by Rockwall voters to build a SH-205 bypass. Also, the County has agreed to put up some money too. So, over \$80 million has been committed for John King Boulevard to be the future, SH-205 bypass route. He pointed out that there are other areas within the city where major thoroughfares are nearby to schools. White shared that if the existing 205 were to become the future route, and were to it be widened, it would change the entire look and feel of the entryway into our city – it would essentially be a large, wide highway for drivers coming onto the city. He shared that he is not willing to change his position expressed in the previously-passed resolution (from April of 2015).

Councilmember Milder explained that he understands the city is experiencing some ‘growing pains.’ He shared that the city is already experiencing a TXDOT “ramp reversal” project for the on / off ramps on IH-30 near John King. So, essentially, he generally explained that truck and other traffic is already taking John King, and once the ramp reversal project is done, they will already naturally drive that route (even more) because it will be the “path of least resistance.” He generally expressed that he is still in support of John King being the locally preferred route.

Councilmember Lewis shared that the people currently owning homes and property along Alamo did not ever bargain for, or envision, that their homes would be entirely taken / wiped out if the SH-205 roadway was widened in the future.

Mayor Pro Tem Townsend shared that there was some discussion about TXDOT having to widen John King Boulevard. He pointed out that any future widening will occur within the median areas (at least initially) before any widening would ever potentially happen to the outer portions of the roadway. Townsend made a motion to approve the resolution as presented. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

453 **XI. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**  
454 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

455  
456 **1. Departmental Reports**

- 457 Building Inspections Monthly Report - October 2016  
458 Countywide P25 Interoperability Radio System Update  
459 Fire Department Monthly Reports - October 2016  
460 Fire Marshal Division Report - October 2016  
461 GIS Department Monthly Report - October 2016  
462 Harbor PD Monthly Report - October 2016  
463 Internal Operations Department Monthly Report - October 2016  
464 Police Department Monthly Report - October 2016  
465 Recreation Monthly Report - October 2016  
466 Rockwall Animal Adoption Center Monthly Report - October 2016  
467 STAR Transit Annual Ridership Report for Fiscal Year 2016  
468

469 **2. City Manager's Report**

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471 **Mr. Crowley, City Manager, provided brief comments to the Council, indicating that the**  
472 **departmental reports have been included for Council's review. He pointed out that he plans**  
473 **to utilize some budgeted consulting funds in order to pay for the City of Rockwall's portion**  
474 **of expenses associated with the County of Rockwall Emergency Services Corporation**  
475 **(ESC) hiring a consultant to assist with an ambulance services RFP (request for proposals)**  
476 **process. Mayor Pruitt pointed out that if any Council member has any issues with the City**  
477 **Manager doing so, they will need to voice those concerns via an agenda item being placed**  
478 **for discussion on the next meeting agenda.**

479  
480 **The Mayor pointed out that this is the 75<sup>th</sup> anniversary of Pearl Harbor. On Wednesday,**  
481 **there will be a special program at 1:30 at Liberty Hall at the new courthouse, and everyone**  
482 **is invited to come. He went on to thank all of the Parks & Recreation staff for moving some**  
483 **of the Christmas-related events and for still moving forward with as many of the activities**  
484 **as they could. He thanked them for being so versatile and for always having an alternative**  
485 **plan in mind.**

486  
487 **XII. EXECUTIVE SESSION**

488  
489 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
490 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
491 **CODE:**

- 492  
493 **1. Discussion/interviews regarding (re)appointments to city regulatory boards,**  
494 **commissions, and committees - Rockwall Economic Development**  
495 **Corporation (REDC) Board - pursuant to Section 551.074 (personnel**  
496 **matters)**  
497  
498 **2. Discussion regarding the lease of real property / land in the vicinity of the**  
**downtown area pursuant to Section §551.072 (Real Property)**  
499  
500 **3. Discussion regarding Trend Setter HR bankruptcy pursuant to Section**  
**§551.071 (Consultation with Attorney)**

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

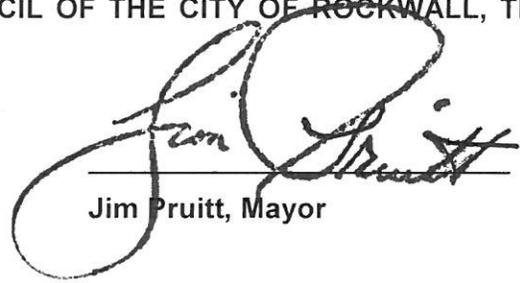
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The Council did not convene in Executive Session following the close of the 6PM meeting agenda.

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:13 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 19<sup>th</sup> day of December, 2016.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

