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

Staff Report	207
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MIS2014-018 - Discuss and consider a request by Michael Swiercinsky of Sky Investment Property, Inc. for the approval of an alternative method for purchasing trees associated with an approved tree mitigation plan for two (2) tracts of land, being 7.969-acres, identified as Tracts 4 & 19, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the northwest corner of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

Staff Report	225
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Discuss and consider appointments to city advisory boards including the Art Review Team (ART) Commission and Architectural Review Board (ARB), and take any action necessary.

Memo_ART Commission	241
Board and Comm Appts Needed	242
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Discuss and consider authorizing the City Manager to proceed with development, scheduling, and recruiting for expanding participation by citizen volunteers, and take any action necessary.

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AGENDA
ROCKWALL CITY COUNCIL
Tuesday, January 20, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

III. ADJOURN EXECUTIVE SESSION

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

IV. RECONVENE PUBLIC MEETING

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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

VII. CONSENT AGENDA

- p.8** 1. Consider approval of the minutes from the January 5, 2015 regular city council meeting, and take any action necessary.
- p.17** 2. Consider approval of contract with CrimeReports.com for the purchase of crime analysis software for the Police Department in the amount of \$40,355.30 to be funded by seized funds, and take any action necessary.
- p.20** 3. Consider approval of retaining the law firm of Lloyd Gosselink as required by City Charter Section 4.04 to assist the City with ongoing Oncor matters, and take any action necessary.
- p.32** 4. Consider approval of a resolution expressing support for the 84th Texas Legislature to increase funding for the Texas Recreation & Parks Account and the Large County and Municipality Recreation and Parks Account, which administer local park grant programs and funding, and take any action necessary.
- p.36** 5. Consider approval of a resolution updating and supporting the city's clean fleet vehicle policy, and take any action necessary.
- p.57** 6. **P2014-043** - Consider a request by Bryan Powell, PE of Westwood Professional Services on behalf of David Booth of D. R. Horton Texas, LTD for the approval of a final plat for Castle Ridge, Phase 3 containing 62 single family lots on a 19.521-acre tract of land currently identified as Tract 37 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, general located east of SH-205, and take any action necessary.

VIII. 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.
- p.64** 2. Appointment with representatives of the city council appointed Charter Review Commission to hear report regarding recommended changes to the City Charter, including a possible Charter Amendment Election, and take any action necessary.

IX. PUBLIC HEARING ITEMS

- p.104 1. Z2014-036** - Hold a public hearing to discuss and consider approval of an **ordinance** for a request by Rick Dirkse on behalf of D. W. Bobst of J-BR2, LLC for the approval of a zoning change from a Single Family 10 (SF-10) District to a Planned Development District allowing for office, medical office and single-family land uses on two (2) parcels of land, being 1.666-acres, identified as Lots 1 & 2, Block B, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1312 & 1316 Ridge Road [FM-740], and take any action necessary. **(1st Reading)**
- p.148 2. Z2014-037** - Hold a public hearing to discuss and consider approval of an **ordinance** for a request by Bill Bricker of Bricker Enterprise Company (DBA Brick House Cars) on behalf of Rockwall Commercial Property Management for the approval of a Specific Use Permit to allow for an Indoor Motor Vehicle Dealership/Showroom on a one (1) acre portion of a larger 50.826-acre tract of land, identified as Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1200 E. Washington Street, and take any action necessary. **(1st Reading)**
- p.165 3. Z2014-038** - Hold a public hearing to discuss and consider approval of an **ordinance** for a request by Ben McMillian of Hazel & Olive on behalf of the owner of the property for the approval of a Specific Use Permit to allow for a General Retail Store in conjunction with an office and photography studio within Planned Development District 50 (PD-50) for two (2) parcels of land, being 0.43-acres of land, identified as Lots 19A & 19B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, addressed as 503 N. Goliad Street [SH-205], and take any action necessary. **(1st Reading)**
- p.187 4. Z2014-039** - Hold a public hearing to discuss and consider approval of an **ordinance** for a request by Zack Amick of Gordon Rockwall Investments, LLC for the approval of a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N. M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located in between Commerce Street and T. L. Townsend Drive, and take any action necessary. **(1st Reading)**
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X. ACTION ITEMS

- p.225 1.** **MIS2014-018** - Discuss and consider a request by Michael Swiercinsky of Sky Investment Property, Inc. for the approval of an alternative method for purchasing trees associated with an approved tree mitigation plan for two (2) tracts of land, being 7.969-acres, identified as Tracts 4 & 19, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the northwest corner of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.
- p.241 2.** Discuss and consider appointments to city advisory boards including the Art Review Team (ART) Commission and Architectural Review Board (ARB), and take any action necessary.
- p.244 3.** Discuss and consider authorizing the City Manager to proceed with development, scheduling, and recruiting for expanding participation by citizen volunteers, and take any action necessary.

XI. EXECUTIVE SESSION

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

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

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

XIII. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.074 (Personnel Matters) and § 551.086 (Economic Development)

I, Kristy Ashberry, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 16th day of January, 2015 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Ashberry, City Secretary

Date Removed

Jacky Casey, Assistant Secretary

Tuesday, January 20, 2015 City Council Agenda
Page 4

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

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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 and City Council Members David White, John Hohenshelt, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Councilmember Townsend was absent from the meeting.

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

20
21

II. WORK SESSION

- 22
23
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25
26
1. **HOLD WORK SESSION WITH DICK SKORBURG REGARDING A PROPOSED RESIDENTIAL DEVELOPMENT PROJECT, GENERALLY LOCATED AT THE NORTHWEST CORNER OF FM-552 AND JOHN KING BOULEVARD AND POTENTIAL RESIDENTIAL PROJECT(S) IN THE STONE CREEK SUBDIVISION, AND TAKE ANY ACTION NECESSARY.**

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

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40
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43

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

44
45
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49
50

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

51 **III. EXECUTIVE SESSION**

52
53 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
54 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
55 **CODE:**
56

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

66
67 **IV. ADJOURN EXECUTIVE SESSION**

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

71
72 **V. RECONVENE PUBLIC MEETING**

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

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

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

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

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

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

90
91 **VIII. PROCLAMATIONS / AWARDS**

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

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

98
99

100 IX. OPEN FORUM

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

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

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

117
118 *Fiscal Responsibility*

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

125
126 *Residential Development*

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

131
132 *Business Development*

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

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

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

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

160
161 **Roadways/Transportation**
162

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

170
171 **Parks**
172

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

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

184
185 **Volunteerism**
186

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

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

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Schools

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

Customer Service

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

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

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

X. CONSENT AGENDA

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

- 250 4. **P2014-041** - Consider a request by Dave Hanby of TKC CLXXXVI, LLC
 251 on behalf of the owner Rick Sharp for the approval of a replat creating
 252 Lots 4, 5 & 6, Block A, Sharp Addition being three (3) non-residential lots
 253 currently identified as Lot 2, Block A, Sharp Addition, City of Rockwall,
 254 Rockwall County, Texas, being a 6.22-acre parcel of land zoned Planned
 255 Development District 46 (PD-46) for Commercial (C) District land uses,
 256 situated within the SH-276 Overlay (SH-276 OV) District, generally
 257 located east of the intersection of Corporate Crossing [FM-549] and SH-
 258 276, and take any action necessary.
- 259 5. **P2014-042** - Consider a request by John Spiars of Spiars Engineering,
 260 Inc. on behalf of Bill Lavin of Security Holdings, LLC for the approval of a
 261 replat creating Lot 1, Block A, Nissan of Rockwall Addition, being one (1)
 262 non-residential lot currently identified Lot 1, Block A, Lafon Subdivision,
 263 and a portion of Tract 2 & Tract 12 of the J. Lockhart Survey, Abstract No.
 264 134, City of Rockwall, Rockwall County, Texas, zoned Commercial (C)
 265 and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30
 266 OV) District, and take any action necessary.
- 267 6. Consider approval of a resolution approving submission of a co-op grant
 268 application to the Texas Parks and Wildlife Department (100%
 269 reimbursement grant), and take any action necessary.
- 270 7. Consider approval of the Facilities Agreement for the Breezy Hill Estates,
 271 Phase Four water line installation and allow the City Manager to execute
 272 the agreement with BH Phase IV SF, Ltd. and take any action necessary.

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

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

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

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

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

300 **XI. APPOINTMENTS**

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

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

308
309 **XII. ACTION ITEMS**

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

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

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

330
331 **Mayor Pruitt then revisited the Open Forum portion of the meeting agenda at this time.**

332
333 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
334 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 335
336 1. Departmental Reports
337 Building Inspections Monthly Report - November 2014
338 Fire Dept. Monthly Reports - November 2014
339 Harbor PD Monthly Report - November 2014
340 Internal Operations Department Monthly Report - November 2014
341 Police Department Monthly Report - November 2014
342 Recreation Monthly Report - November 2014
343 Rockwall Animal Adoption Center - November 2014

- 344 2. City Manager's Report

345
346 **City Manager Rick Crowley explained that the city has been dealing with power outages**
347 **for a number of years now. He indicated that staff will be looking into the possibility of**
348 **obtaining outside assistance to help evaluate the reliability of the electric system and**

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

353
354 Council and staff wished Assistant City Manager, Mary Smith, a happy birthday.
355

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

357
358 **XIV. EXECUTIVE SESSION**

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

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

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

375
376 The council did not reconvene into Executive Session following the end of the public
377 meeting agenda. See item VI. for actions taken as a result of the first Executive Session.
378

379 **XVI. ADJOURNMENT**

380
381 Mayor Pruitt adjourned the public meeting at 6:23 p.m.
382
383

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

386
387
388 **ATTEST:**

Jim Pruitt, Mayor

389
390
391 _____
Kristy Ashberry, City Secretary

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City of Rockwall
The New Horizon

MEMORANDUM

To: Rick Crowley, City Manager

From: Mark Moeller, Chief of Police

Date: January 6, 2015

Subject: Command Central

Recently the Police Department installed a new software called Command Central. This unique software combines three programs into one which allows us to continue to provide the public with crime information through CrimeReports, and also now adds two programs enhancing our intelligence gathering capabilities. The programs are described below:

CrimeReports.com – This allows citizens to physically check areas to see the types of offenses occurring in a certain location or neighborhood. This sanitized information, appears as a spot map, but does not include names, exact addresses, or incident numbers.

CommandCentral Analytics – This SaaS based real time data visualization and analytics platform is directly integrated to our RMS and CAD systems and will assist in analyzing crime patterns in a more timely manner. Resources then can be directed immediately to those crime areas.

Social Media Analytics – This benefits Criminal Investigations by using the following tools to search through social media

- 1) Up to 20 Social Media data feeds
- 2) Geo Fence Post - Ability to put Geo Fence post on Geographic Google map to bring back pictures and text in any given area without being connected to each user.
- 3) Key Word Search - Search for words such as Bomb, 420, Marijuana, kill, etc.; allowing review of potentially hazardous posts from the 20 Social Media feeds.
- 4) Global Search – View any one person to determine where they have posted anywhere in the world; again providing a larger picture of potential hazards.
- 5) Device posting – Identifying the type of device the user is posting from; i.e. iphone, android, or mac – there is a significant distinction between mobile & static identification.
- 6) Handle searching – Ability to enter, for example a Twitter handle to pull all information from a single user over period of time.
- 7) Historical search – This pull data based on date or a date range.
- 8) Address location – Will go directly to an address on Google map.

For several years we have offered CrimeReports to our citizens at a cost of \$2,700.00 for an annual subscription. Public Engines, the creator of CrimeReports, initially offered us the three part Command Central software for \$53,995.00 for five years. Through negotiations that price was reduced to \$40,355.30 including maintenance, for the five year time frame, a 26% saving from the initial offer.

There was a very short time frame to receive the product at that price, so an agreement was made with a service time from December 15, 2014, through December 14, 2019. This expenditure will not impact the budget or General Reserves, because it will be paid out of seized funds.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and City Council

FROM: Rick Crowley, City Manager

DATE: January 15, 2015

SUBJECT: Lloyd Gosselink Engagement Letter / Proposal

Please find the attached engagement letter/proposal from Lloyd Gosselink. This specialized legal firm has expertise in the areas of utility regulation (including evaluation of electric service reliability) and transmission systems (including transmission lines). As provided by the City Charter, it is necessary that the Council authorize retaining the firm to assist in matters for which outside assistance may be needed. By authorizing the execution of this document, the Council would not be authorizing any particular action in any matter. Its execution, however, would establish the relationship with the firm such that, the City can, if so desired, request that the firm submit a specific proposal for any assistance that the City may in the future request.

The firm is well-experienced in all utility matters and is known to both the Staff and the City Attorney.

If you have any questions, please do not hesitate to contact me or City Attorney Frank Garza.

Mr. Brocato's Direct Line: (512) 322-5857
Email: tbrocato@lglawfirm.com

January 6, 2015

Mr. Rick Crowley
City Manager
City of Rockwall
385 South Goliad
Rockwall, TX 75087

Re: City of Rockwall/Oncor Electricity Outage Investigation;
Billing File Number: 3670-00

Dear Rick:

We want to express our appreciation for the opportunity you have given our firm to work with you. As part of our routine in opening new files, and in part to comply with the provisions of Texas Local Government Code Chapter 176, we provide clients with an engagement letter. The purpose of this letter is to set forth our understanding of the legal services to be performed by us for this engagement and the basis upon which we will be paid for those services. This letter confirms that Lloyd Gosselink Rochelle & Townsend, P.C. ("Lloyd Gosselink") will represent the City of Rockwall with respect to the matter regarding the Oncor electricity outage investigation (the "Matter"). Our acceptance of this representation (the "Representation") becomes effective upon our receipt of an executed copy of this agreement.

Terms of Engagement

This letter sets out the terms of our engagement in the Representation. Certain of those terms are included in the body of this letter, and additional terms are contained in the attached document, entitled *Additional Terms of Engagement*, dated August 27, 2013. That document is expressly incorporated into this letter, and it should be read carefully. The execution and return of the enclosed copy of this letter constitutes an agreement to all the terms set forth in this letter and in the attached *Additional Terms of Engagement*.

It is understood and agreed that our engagement is limited to the Representation, and our acceptance of this engagement does not imply any undertaking to provide legal services other than those set forth in this letter.

Personnel Who Will Be Working on the Matter

I will be the attorney in charge of the Representation, and I will be working on the Matter. You may call, write, or e-mail me whenever you have any questions about the

Representation. Other firm personnel, including firm lawyers and paralegals, will participate in the Representation if, in our judgment, their participation is necessary or appropriate.

Legal Fees and Other Charges

Our fees in the Matter will be based on the time spent by firm personnel, primarily firm lawyers or paralegals, who participate in the Representation. We will charge for all time spent by such personnel in the Representation in increments of tenths of an hour. We charge for time spent in activities including but not limited to the following: telephone and office conferences with clients, representatives of clients, opposing counsel, and others; conferences among our attorneys and paralegals; factual investigation, if needed; legal research; file management; responding to requests from you that we provide information to you or your auditors; drafting letters and other documents; and travel, if needed.

Legal fees and costs are difficult to estimate. Accordingly, we have made no commitment concerning the fees and charges that will be necessary to resolve or complete the Representation, although we will make every effort to manage fees and costs by working efficiently and cost-effectively.

My time is billed at the rate of \$315 per hour. Other lawyers, paralegals and other personnel may be assigned as necessary to achieve proper staffing. We utilize briefing clerks, paralegals, file clerks and other support personnel to perform those tasks not requiring the time of any attorney. Their time is billed at an amount determined by the experience of the individual. The foregoing rates may be adjusted annually and, if so, will be noted on your bill. We will submit all out-of-pocket expenses incurred for reimbursement. Usually we ask the client to pay directly all filing fees, charges for consultants, etc. due to the size of such fees and to avoid the client incurring our overhead charge. We endeavor to have a statement of services rendered and expenses incurred by the 15th of the following month. Full payment is due on receipt of the statement.

Conflicts of Interest

Before accepting the Representation, we have undertaken reasonable and customary efforts to determine whether there are any potential conflicts of interest that would bar our firm from representing you in the Matter. Additionally, in order that we comply with the requirements of Chapter 176 of the Texas Local Government Code, we have performed an internal conflicts of interest inquiry. Based on the information available to us, we are not aware of any potential disqualification. We reviewed that issue in accordance with the rules of professional responsibility adopted in Texas.

Conclusion

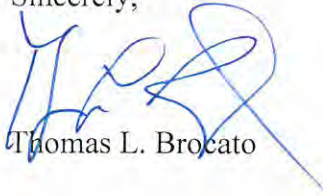
This letter and the attached *Additional Terms of Engagement* constitute the entire terms of the engagement of Lloyd Gosselink Rochelle & Townsend, P.C. in the Representation. These written terms of engagement are not subject to any oral agreements or understandings, and they can be modified only by further written agreement signed both by you and Lloyd Gosselink Rochelle & Townsend, P.C. Unless expressly stated in these terms of engagement, no obligation or undertaking shall be implied on the part of either you or Lloyd Gosselink Rochelle & Townsend, P.C.

January 6, 2015

Page 3

Please carefully review this document, which includes this letter and the attached *Additional Terms of Engagement*. If there are any questions about these terms of engagement, or if these terms are inaccurate in any way, please let me know immediately. If acceptable, we would appreciate you signing and returning the enclosed duplicate original of this document.

Sincerely,



Thomas L. Brocato

TLB/jbp
3670/00/4638784
Enclosure

Signature

Printed Name

Date

Additional Terms of Engagement

This supplement to our engagement letter sets out additional terms of our agreement to provide the representation described in our engagement. Because these additional terms of engagement are a part of our agreement to provide legal services, you should review them carefully and should promptly communicate to us any questions concerning this document. We suggest that you retain this statement of additional terms along with our engagement letter and any related documents.

The Scope of the Representation

As lawyers, we undertake to provide representation and advice on the legal matters for which we are engaged. It is important for our clients to have a clear understanding of the legal services that we have agreed to provide. Thus, if there are any questions about the scope of the Representation that we are to provide in the Matter, please raise those questions promptly, so that we may resolve them at the outset of the Representation.

Any expressions on our part concerning the outcome of the Representation, or any other legal matters, are based on our professional judgment and are not guarantees. Such expressions, even when described as opinions, are necessarily limited by our knowledge of the facts and are based on our views of the state of the law at the time they are expressed.

Upon accepting this engagement on your behalf, Lloyd Gosselink Rochelle & Townsend, P.C. agrees to do the following: (1) provide legal counsel in accordance with these terms of engagement and the related engagement letter, and in reliance upon information and guidance provided by you; and (2) keep you reasonably informed about the status and progress of the Representation.

To enable us to provide effective representation, you agree to do the following: (1) disclose to us, fully and accurately and on a timely basis, all facts and documents that are or might be material or that we may request, (2) keep us apprised on a timely basis of all developments relating to the Representation that are or might be material, (3) attend meetings, conferences, and other proceedings when it is reasonable to do so, and (4) otherwise cooperate fully with us.

Our firm has been engaged to provide legal services in connection with the Representation in the Matter, as specifically defined in our engagement letter. After completion of the Representation in the Matter, changes may occur in the applicable laws or regulations that could affect your future rights and liabilities in regard to the Matter. Unless we are actually engaged after the completion of the Representation to provide additional advice on such issues, the firm has no continuing obligation to give advice with respect to any future legal developments that may pertain to the Matter.

It is our policy and your agreement that the person or entity that we represent is the one identified in our engagement letter, and that our attorney-client relationship does not include any related persons, employees of the client, or related entities.

Who Will Provide the Legal Services

As our engagement letter confirms, Lloyd Gosselink Rochelle & Townsend, P.C. will represent you in the Matter. Lloyd Gosselink Rochelle & Townsend, P.C. is a Texas professional corporation.

Although our firm will be providing legal services, each client of the firm customarily has a relationship principally with one attorney, or perhaps a few attorneys. At the same time, however, the work required in the Representation, or parts of it, may be performed by other firm personnel, including lawyers and paralegals. Such delegation may be for the purpose of involving other firm personnel with experience in a given area or for the purpose of providing services on an efficient and timely basis.

Communication and Confidentiality

In keeping with technological advancements and the corresponding demands of clients, it is the practice of the firm to use electronic (email) correspondence from time to time to communicate and to transmit documents. As such, the possibility exists that electronic transmissions could be intercepted or otherwise received by third parties and lose their privileged nature if the method of communication is ruled to lack sufficient confidentiality. As with any correspondence regarding legal representation, regardless of the manner of transmission, we urge you to use caution in its dissemination in order to protect its confidentiality. By signing below, you agree that we may use email in the scope of the Representation.

We recognize our obligation to preserve the confidentiality of attorney-client communications as well as the client confidences, as required by the governing rules of professional responsibility. If the Matter involves transactions, litigation or administrative proceedings or like proceedings in which our firm appears as counsel of record for you in publicly available records, we reserve the right to inform others of the fact of our representation of you in the Matter and (if likewise reflected or record in publicly available records) the results obtained unless you specifically direct otherwise.

Periodically, the firm is asked to provide a Representative Client List to prospective clients and in various legal directories (e.g., Martindale-Hubbell and the Texas Legal Directory). Unless you advise us to the contrary, we may disclose to third parties the fact that our firm represents you. Lloyd Gosselink is not requesting authorization to disclose any privileged information obtained during its representation.

Disclaimer

Lloyd Gosselink Rochelle & Townsend, P.C. has made no promises or guarantees to you about the outcome of the Representation of the Matter, and nothing in our engagement letter or these terms of engagement shall be construed as such a promise or guarantee.

Termination

At any time, you may, with or without cause, terminate the Representation by notifying us in writing of your intention to do so. Any such termination of services will not affect the obligation to pay for legal services rendered and expenses and charges incurred before termination, as well as additional services and charges incurred in connection with an orderly transition of the Matter.

We are subject to the codes or rules of professional responsibility for the jurisdictions in which we practice. There are several types of conduct or circumstances that could result in our withdrawing from representing a client, including, for example, the following: non-payment of fees or charges; misrepresentation or failure to disclose material facts; fraudulent or criminal conduct; action contrary to our advice; and conflict of interest with another client. We try to identify in advance and discuss with our clients any situation that may lead to our withdrawal.

A failure by you to meet any obligations under these terms of engagement shall entitle Lloyd Gosselink Rochelle & Townsend, P.C. to terminate the Representation. In that event, you will take all steps necessary to release Lloyd Gosselink Rochelle & Townsend, P.C. of any further obligations in the Representation or the Matter, including without limitation the execution of any documents necessary to effectuate our withdrawal from the Representation or the Matter. The right of Lloyd Gosselink Rochelle & Townsend, P.C. to withdraw in such circumstances is in addition to any rights created by statute or recognized by the governing rules of professional conduct.

Our engagement letter specifically explains our fees for services in the Matter. We will bill on a regular basis, normally each month, for fees and expenses and charges. It is agreed that you will make full payment within thirty (30) days of receiving our statement. We may give notice if an account becomes delinquent, and it is further agreed that any delinquent account must be paid upon the giving of such notice. If the delinquency continues and

you do not arrange satisfactory payment terms, we may withdraw from the Representation. However, any termination by either party may be subject to, or controlled by, orders of a court.

Document Retention

Upon completion of our work on this matter, it is our firm's policy that your original documents (e.g., permits, licenses, deeds, wills, etc.) and other client property be returned within a reasonable period of time. As to any documents so returned, we may elect to keep a copy of the documents in our stored files. Our own files, including lawyer work product pertaining to the matter, will be retained by the firm. These firm files include firm administrative records, time and expense reports, billing and accounting records, and internal work product. Internal work product includes drafts, notes, internal communications (in both paper and electronic mediums), and legal and factual research prepared for the internal use of our firm's lawyers. All documents retained by the firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us after the completion of our work without additional notice.

Charges for Expenses and Services

Our invoices will include amounts for legal services rendered and for other expenses and services. Examples of other expenses and services include charges for photocopying, travel and conference expenses, messenger deliveries, computerized research, and other electronic transmissions or filings. In addition, we reserve the right to send to you for direct payment any invoices delivered to us by others, including experts and any vendors.

Rates for our legal services, expenses and charges are subject to change from time to time and will be noted on your bill. In some situations, we can arrange for such services and expenses to be provided by third parties billed through our billings or by direct billing to the client.

Standards of Professionalism and Attorney Complaint Information

Pursuant to rules promulgated by the Texas Supreme Court and the State Bar of Texas, we are to advise our clients to the contents of the Texas Lawyer's Creed, a copy of which is attached. In addition, we are to advise clients that the State Bar of Texas investigates and prosecutes complaints of professional misconduct against attorneys licensed in Texas. A brochure entitled *Attorney Complaint Information* is available in our office in Austin and is likewise available upon request. A client that has any questions about the State Bar's disciplinary process should call the Office of the General Counsel of the State Bar of Texas at 1-800-932-1900 toll free.

Additional Terms of Engagement 1.7 .doc

THE TEXAS LAWYER'S CREED

A Mandate for Professionalism

Promulgated by The Supreme Court of Texas and the Court of Criminal Appeals November 7, 1989

I am a lawyer; I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that Professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this Creed for no other reason than it is right.

I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.
5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.
5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are cancelled.
6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.
7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.
8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.
9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.
10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.
11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.
12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.
13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.
14. I will not arbitrarily schedule a deposition, Court appearance, or hearing until a good faith effort has been made to schedule it by agreement.
15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.
17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.
18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.
19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

IV. LAWYER AND JUDGE

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.
2. I will conduct myself in court in a professional manner and demonstrate my respect for the Court and the law.
3. I will treat counsel, opposing parties, witnesses, the Court, and members of the Court staff with courtesy and civility and will not manifest by words or conduct bias or prejudice based on race, color, national origin, religion, disability, age, sex, or sexual orientation.
4. I will be punctual.
5. I will not engage in any conduct which offends the dignity and decorum of proceedings.
6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.
7. I will respect the rulings of the Court.
8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.
9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

Order of the Supreme Court of Texas and the Court of Criminal Appeals

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics, instead of being part of the solution, have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct.

These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon reenforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt "**The Texas Lawyer's Creed -- A Mandate for Professionalism**" described above.

In Chambers, this 7th day of November, 1989.

The Supreme Court of Texas

Thomas R. Phillips, Chief Justice
Franklin S. Spears, Justice
C. L. Ray, Justice
Raul A. Gonzalez, Justice
Oscar H. Mauzy, Justice
Eugene A. Cook, Justice
Jack Hightower, Justice
Nathan L. Hecht, Justice
Lloyd A. Doggett, Justice

The Court of Criminal Appeals

Michael J. McCormick, Presiding Judge
W. C. Davis, Judge
Sam Houston Clinton, Judge
Marvin O. Teague, Judge
Chuck Miller, Judge
Charles F. (Chuck) Campbell, Judge
Bill White, Judge
M. P. Duncan, III, Judge
David A. Bercheimann, Jr., Judge

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Brad Griggs, Assistant City Manager

FROM: Andy Hesser, Parks and Recreation Manager

DATE: January 16, 2015

SUBJECT: Resolution Supporting the Texas Local Park Grant program

The Texas Recreation and Parks Account is a fund administered by the Texas Parks and Wildlife Department to fund local park grants. The source of these funds is the sales tax collected from the sale of sporting goods within the state. These funds are used to assist local agencies with the cost of acquiring and the construction of local parks.

Though the source of the funding for the program is determined by state law, the amount of the funding is subject to the appropriation procedures. In the 82nd Session of the Legislature, funding to the local park grant program was cut by 96%. The only funds appropriated to the program were administrative costs to administer the current projects and the federal pass thru program funds.

In the 83rd Session of Legislature, the funding for the local parks grant program was restored to \$15.5 million, roughly half of the historical full funding of \$31 million. The attached resolution requests that the members of the 84rd Session increase funding in the account from \$15.5 million to be fully funded at approximately \$31 million.

Since 2001, the City of Rockwall has received over \$500,030 from the local grant program and House District 89 has received almost \$7 million since 1982. Rockwall has greatly benefitted from this grant program with significant funding for Myers Park Phases II and III, the SH 66 Public Boat Ramp and 2003 recipient for the Community Outdoor Outreach Program (COOP) grant to fund the R.O.C.K Camp. The City of Rockwall is also in the process of applying for the 2015 COOP grant, as well as awaiting status of award for the Local Park Grant for the Stone Creek Neighborhood Park in the amount of \$400,000.

CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 15-02

A RESOLUTION OF THE CITY OF ROCKWALL CITY COUNCIL REQUESTING THE MEMBERS OF THE 84th LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS RECREATION & PARKS ACCOUNT AND LARGE COUNTY AND MUNICIPALITY RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAMS, AND THE TEXAS STATE PARK SYSTEM

WHEREAS, the Texas Parks & Wildlife Department (“TPWD”) administers the Texas Recreation & Parks Account Local Park Grant Program (“TRPA”) and the Large County and Municipality Recreation and Parks Account (Urban Account) and manages 94 State parks and historical sites in Texas; and

WHEREAS, TPWD has separate accounts in their general revenue fund referred to as the TRPA and Urban Account for the purpose of providing matching grants to political subdivisions for parks and recreation projects, and for outreach grants to introduce new populations to outdoor experiences; and

WHEREAS, the matching grants provided by the TPWD are utilized for the planning, acquisition, and development of local park, recreation and open space areas to be owned and maintained by political subdivisions; and

WHEREAS, funds granted to political subdivisions under the TRPA and Urban Account guidelines have funded 1629 projects of the 3,470 submitted over 30 years delivering over \$800 million to the local Texas economy; and

WHEREAS, political subdivisions throughout the State of Texas depend on grants from TPWD through the TRPA to stimulate the acquisition and development of parks and recreational areas for the benefit and enjoyment of their citizenry; and

WHEREAS, the TRPA, Urban Account, and State parks are funded from sales tax on sporting goods and that the development of new parks stimulates the purchase of sporting goods; and

WHEREAS, the TRPA, Urban Account, and State parks are partially funded from federal dollars used for parks, recreation, open space, trails, and tourism from the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails; and

WHEREAS, the maintenance and improvements of State park and historic sites and the addition of new parks is a priority to Texans due to the State's expanding population and extensive tourism industry; and

WHEREAS, the development of parks encourages and promotes public health, economic development, job creation, education; corporate relocations, an improved quality of life, and juvenile crime prevention; and

WHEREAS, funds are needed for major repairs at Local and State parks and for the acquisition and development of parks and facilities; and

WHEREAS, it is the desire of this City Council that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas and the leadership of the 84th Texas Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

1. That members of the 84th Legislature of Texas seek passage of legislation maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both Local and State parks and that all TRPA and Urban Account funded park projects be subject to the established TPWD competitive scoring system.
2. That members of the 84th Legislature of Texas to fully restore funding to the TRPA and Urban accounts in the amount of at least \$31 million per year.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS THE 20TH day of January, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley – City Manager
FROM: Brad Griggs – Assistant City Manager
DATE: January 12, 2015
SUBJECT: Clean Fleet Policy Resolution

The Regional Transportation Council (RTC) of the North Central Texas Council of Governments (NCTCOG) has requested that each city within the region that has adopted a Clean Fleet Policy in 2005 to update their policy with a revised policy so that it remains relevant and effective. The revised policy and resolution are attached for the City Council's consideration. The resolution is based on an Environmental Protection Agency (EPA) recommendation. The goal of the policy is to reduce emissions and improve air quality.

If a local government does not approve the attached resolution as requested by the RTC, the municipality will not be eligible for future "clean fleet" funding from the NCTCOG. The resolution and policy also "may be considered when determining other funding actions". Although we have not received any funding for "clean fleet" programs in the past, the statement that "other funding actions" may consider whether a municipality has approved a resolution supporting the revised clean fleet policy put the City in a situation where we could lose out on regional transportation dollars if we do not approve the resolution.

A similar policy was put into place in 2007 and remains in effect today. The revised policy will not cause any major changes and we can support the policy as it is written.

The Clean Fleet policy is not without controversy. The Texas Commission on Environmental Quality (TCEQ) published an article in October of 2014 questioning the logic behind the EPA's recommendation. The TCEQ is stating that the EPA's recommendation to "further lowering of the ozone standard will fail to provide any measurable increase in human health protection".

A copy of the resolution, the revised policy, the cover letter from the RTC and the TCEQ article are attached for the City Council's consideration.



received
12/22/14

The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

TO: Honorable County Judges, Commissioners,
Mayors, Administrators and City Managers
Independent School District Superintendents
and Board Presidents
Special Districts and Fleet Representatives

DATE: December 19, 2014

FROM: Mike Cantrell, Chair
Regional Transportation Council
Commissioner, Dallas County

SUBJECT: Clean Fleet Policy Adoption Requested

The Regional Transportation Council (RTC) thanks you for adopting the Clean Fleet Vehicle Policy, which was originally recommended in 2005. This policy remains an important regional air quality strategy as the region continues to face air quality challenges. For the past year, North Central Texas Council of Governments (NCTCOG) staff and local fleet representatives have been working to revise the policy to ensure that it remains relevant and effective. On December 11, 2014, the RTC approved a resolution supporting a revised Clean Fleet Policy.

RTC urges all organizations with fleet operations in the Dallas-Fort Worth ozone nonattainment area to adopt the new Clean Fleet Policy, which replaces the previous version. Major policy changes include expansion of applicability to private fleets and non-road equipment, inclusion of multi-pollutant benefits and petroleum reduction goals, and removal of outdated emissions references. In addition, the policy shifted to a goal-oriented structure, including sections for reducing emissions; reducing fuel consumption; fostering partnerships with NCTCOG and the Dallas-Fort Worth Clean Cities Coalition (DFWCC); and ensuring that drivers, operators, and fleet personnel are familiar with air quality and petroleum reduction goals.

Adoption of the new policy entitles each entity to compete for vehicle funding made available through the RTC. This provision may be considered during other funding actions. Adopting entities may also receive recognition through the DFWCC program. A copy of the RTC resolution and new policy template are enclosed for your review and may also be found online at www.nctcog.org/fleetpolicy. Supporting items are also available online, including a Clean Fleet Policy Guidance document, which outlines practical examples for implementing policy elements.

The recent Environmental Protection Agency proposal to further lower the federal ozone standard underscores that regional efforts to reduce ozone-forming emissions will remain critically important. RTC looks forward to your continued partnership through this initiative. If you have any questions or concerns, please contact Lori Clark, Principal Transportation Planner, at 817-695-9232 or lclark@nctcog.org. Thank you again for your participation in this effort and for your work to improve air quality.

A handwritten signature in black ink, appearing to read "Mike Cantrell", is written over a white background.

Mike Cantrell

AH:mg
Enclosures

cc: Lori Clark, Principal Planner, NCTCOG

**RESOLUTION SUPPORTING THE CLEAN FLEET POLICY
R14-10**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the NCTCOG, and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Environmental Protection Agency (EPA) has designated the ten-county area of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties as moderate nonattainment under the 2008 8-hour National Ambient Air Quality Standard for the pollutant ozone, effective July 20, 2012; and EPA has proposed a more stringent revised ozone standard within a range of 65 to 70 parts per billion, which may require substantial additional emissions reductions; and,

WHEREAS, the RTC is responsible for air quality conformity; and the Clean Air Act Amendments of 1990 require that in air quality nonattainment areas transportation plans and improvement programs conform to the applicable air quality implementation plan; and,

WHEREAS, emissions inventories from the Texas Commission on Environmental Quality indicate that in 2012, approximately 76 percent of nitrogen oxides (NO_x) emissions and 25 percent of volatile organic compounds (VOC) emissions in the DFW ozone nonattainment area are attributable to mobile sources; and,

WHEREAS, the RTC approved the creation of a Clean Fleet Vehicle Policy on March 11, 2004 and adopted a resolution supporting a Clean Fleet Vehicle Policy on October 13, 2005; and,

WHEREAS, changes in vehicle technologies and continuing air quality concerns necessitate revisions to the existing Clean Fleet Vehicle Policy.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

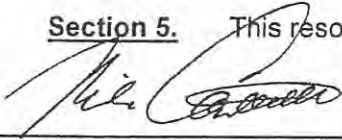
Section 1. The RTC endorses the Clean Fleet Policy included in Attachment 1 and recommends that organizations with fleet operations in the nonattainment area adopt a policy consistent with this document.

Section 2. The RTC reserves all future vehicle funding for organizations with fleet operations that adopt and comply with a policy consistent with the Clean Fleet Policy as shown in Attachment 1. This includes transit funds of all types, Congestion Mitigation and Air Quality Improvement Program funds, Surface Transportation Program-Metropolitan Mobility funds, other federal, State and local funds distributed at the discretion of the Regional Transportation Council, and support for third party funding opportunities.

Section 3. The RTC may consider Clean Fleet Policy adoption and compliance when considering other RTC funding actions.

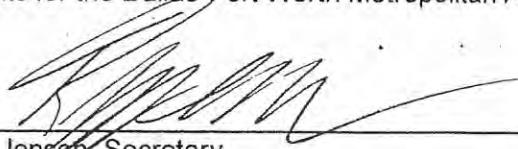
Section 4. This resolution will be transmitted to all impacted local governments and communicated to private sector organizations in the nonattainment area as appropriate.

Section 5. This resolution shall be in effect immediately upon its adoption.



Mike Cantrell, Chair
Regional Transportation Council
Commissioner, Dallas County

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on December 11, 2014.



Ron Jensen, Secretary
Regional Transportation Council
Mayor, City of Grand Prairie

CLEAN FLEET POLICY

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) Metropolitan Area by the Governor of Texas and in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, NCTCOG has been designated as a Clean Cities Coalition for the DFW region by the US Department of Energy in accordance with federal law and the NCTCOG Executive Board authorized NCTCOG to serve as the host organization for the DFW Clean Cities (DFWCC) Coalition and its efforts; and,

WHEREAS, the U.S. Environmental Protection Agency (EPA) has designated the DFW area as a nonattainment area for the pollutant ozone, and air quality impacts the public health of the entire region; and,

WHEREAS, emissions inventories from the Texas Commission on Environmental Quality (TCEQ) indicate that in 2012, approximately 76 percent of the nitrogen oxides (NO_x) emissions and 25 percent of the volatile organic compounds (VOC) emissions in the DFW ozone nonattainment area are attributable to mobile sources; and,

WHEREAS, the RTC is responsible for transportation conformity; and the Clean Air Act Amendments of 1990 require that transportation plans and improvement programs in air quality nonattainment areas conform to the adopted State Implementation Plan (SIP); and,

WHEREAS, the RTC has adopted a resolution supporting the adoption and implementation of a Clean Fleet Policy by organizations with fleet operations in the DFW area; and reserves all future vehicle funding for entities that adopt and comply with a policy consistent with the provisions outlined below,

WHEREAS, the City of Rockwall will set goals and provide workable, cost-effective solutions to improve air quality and reduce petroleum consumption in the DFW area, and implement those measures as practicable.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

Section 1.

The City of Rockwall will reduce emissions from fleet activities by performing the following actions as practicable:

- 1.1** Implement an idle-reduction policy/standard operating procedure (SOP) that applies to all of the entity's vehicles and equipment, except where exempted as determined by <adopting entity>; communicate idle-reduction expectations to staff, vendors and visitors; and utilize idle-reduction technology.
- 1.2** Maximize use of vehicles and equipment with the lowest emissions wherever possible.

- 1.3 Ensure all conversions are EPA and/or California Air Resources Board (CARB) certified; ensure that aftermarket technologies are EPA and/or CARB verified, or are listed as an emerging technology by the EPA or a state environmental agency; and both conversions and aftermarket technologies are compatible with Texas Low Emission Diesel Program (TxLED) requirements.
- 1.4 Establish a plan to modify non-essential fleet activities on high ozone days to reduce air quality impacts.
- 1.5 Implement vehicle and equipment disposal strategies which minimize negative impacts on air quality.
- 1.6 Implement vehicle and equipment emissions inspection practices which meet or surpass the standards required by statute, including prompt resolution of any illuminated malfunction indicator lamp (MIL).

Section 2.

The City of Rockwall will reduce overall fuel consumption, particularly the use of conventional petroleum fuels, by performing the following actions as practicable:

- 2.1 Pursue low-emission vehicles and equipment for acquisition, with an emphasis on alternative fuel, advanced technology, and/or SmartwaySM certified vehicles and equipment.
- 2.2 Improve overall fleet fuel efficiency.
- 2.3 Establish practices to reduce vehicle miles traveled, passenger miles traveled, engine hours, and/or ton miles traveled, as appropriate.

Section 3.

The City of Rockwall will partner with the NCTCOG and DFWCC by performing the following actions as practicable:

- 3.1 Maintain membership and active participation in DFWCC and submit timely Clean Fleet Policy reporting.
- 3.2 Evaluate and consider participation in programs to test/commercialize/demonstrate new technologies to improve efficiency, reduce emissions, and/or increase fuel efficiency.
- 3.3 Pursue activities which support peer fleets' efforts to implement fuel- or emissions-reducing activities by sharing and maximizing resources.
- 3.4 Encourage fleet activities which minimize water, solid waste, or other environmental impacts of fleet activities, as appropriate.

Section 4.

The City of Rockwall will ensure drivers/operators and fleet personnel are familiar with air quality and petroleum reduction goals by performing the following actions as practicable:

- 4.1 Provide in-house training and/or attending training administered by NCTCOG for fleet personnel and other staff involved in fleet decisions to

review policy elements and provide recommendations for achieving objectives.

- 4.2 Consider other mechanisms to increase understanding and awareness among fleet personnel and others.

The City of Rockwall acknowledges that adoption of the Clean Fleet Policy, adoption of an idle reduction policy/SOP as outlined in section 1.1, submittal of both policies, and submittal of Clean Fleet Policy reporting is required to be eligible for future clean fleet funding from the RTC, and may be considered when determining other funding actions. The extent of Clean Fleet Policy implementation, as documented through reporting, will also be a factor in receiving DFWCC fleet recognition.

This policy shall be in effect immediately upon its adoption and replaces the prior Clean Fleet Vehicle Policy adopted in 2005.

I hereby certify that this policy was adopted by the City of Rockwall on January 20, 2015.

Signature

Printed Name

Title

Adopting Entity

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 28, 2014

Greetings:

Please allow us to pass this newsletter article along to you. It explains why, in the TCEQ's informed opinion, the EPA's proposed lower ozone standards will not accomplish its stated goal of protecting human health. And why does this matter to the citizens you work for?

If you are an official of a city or county in or near an ozone nonattainment area, a lower ozone standard could have a direct, negative effect on the economy of your area by making it more difficult for some new businesses to open, or existing businesses to expand.

Even if your city or county is not near a nonattainment area, a much lower ozone standard will increase the price of energy, and perhaps the reliability of the electrical grid. And everything we consume has an energy component as part of its price.

We appreciate your attention, and please feel free to share this with the citizens of your community. And if you have any questions, please feel free to call me directly.

Sincerely,

A handwritten signature in black ink that reads "Michael Honeycutt".

Michael Honeycutt
Director, TCEQ Toxicology Division
512-239-1793

WILL EPA'S PROPOSED NEW OZONE STANDARDS PROVIDE MEASURABLE HEALTH BENEFITS?

By Dr. Michael Honeycutt
Director, TCEQ Toxicology Division

Note: article updated 10/9/2014.

Getting to Know Dr. Michael Honeycutt, Director, Toxicology Division



Dr. Michael E. Honeycutt is a dedicated, distinguished scientist who has served the people of Texas through his work for the Toxicology Division of the TCEQ since 1996. He has served as director of the division since 2009.

He is a dedicated family man. He and wife Lucinda have been married for 27 years and have two sons: Ethan, a sophomore at UT Dallas, and Adam, a senior at Pflugerville High School. They have lived in Pflugerville for 18 years, where he is active in his church and in the Boy Scouts. His hobby is woodworking, although he admits it's hard to find time to pursue it as much as he would like.

Dr. Honeycutt joined the TCEQ after working for the U.S. Army Corps of Engineers in Mississippi. He has a bachelor's degree and Ph.D. in toxicology from the University of Louisiana at Monroe.

Dr. Honeycutt is a full member of the Society of Toxicology, a worldwide professional and scholarly organization of scientists from academic institutions, government, and industry representing the great variety of scientists who practice toxicology in the U.S. and abroad.

Continued on page 2

The EPA is considering lowering the existing national eight-hour ozone standard from its current level of 75 parts per billion (ppb) to a much lower range, between 70 and 60 ppb. However, after an in-depth review of the EPA's analysis, as well as a thorough study of the relevant scientific literature, the TCEQ has concluded that there will be little to no public health benefit from lowering the current standard.

Surprisingly, the EPA's own modeling in 12 cities across the country indicates the net result will be *increased* mortality in some areas, including Houston and Los Angeles. The EPA did not perform the analysis for other cities in Texas.

There is no doubt that, at some higher level, ground-level ozone is harmful to human health. The question is, has the EPA adequately demonstrated that lowering the ozone standard to 70–60 ppb would actually have health benefits? We think that the EPA's process of setting ozone standards has not scientifically proven this, and that further lowering of the ozone standard will fail to provide any measurable increase in human health protection.

The EPA's own modeling in its Health Risk and Exposure Assessment ([HREA](#))

Number of Premature Deaths in Houston Predicted by EPA

	Net Impact on Mortality
Meeting current standard (75 ppb) from present day ozone levels	47 more deaths
Going from present levels to 70 ppb	48 more deaths
Going from present levels to 65 ppb	44 more deaths
Going from present levels to 60 ppb	35 more deaths

This table, which was made using EPA's own modeling, indicates that reducing ozone in the Houston area will actually result in *increased* premature deaths. Whether this predicted result is factual, or if it just highlights flaws in the EPA's interpretation of the data, it casts doubt on the science being used to justify EPA's proposed lower ozone standards.

Based on 2009 data—EPA, [Final Health Risk and Exposure Assessment](#), Appendix 7, p. 7B-2

indicates that lowering ozone concentrations would actually result in more deaths in some cities (Appendix 7, page 7B-2 of the HREA). Either this indicates that lowering the ozone standard defeats its stated purpose of protecting human health, or it indicates that something is wrong with the EPA's interpretation of the data. Either way, it's not a good argument for lowering the ozone standard.

Further, the EPA is not very forthcoming about the increased deaths. It's not mentioned in the executive summary of their [policy analysis](#), but it's found on page 115 of Chapter 3, more than one third of the way through the 597-page document.

The EPA's proposed lower ozone standard derives much of its claimed benefits from associating ozone with worsening asthma. The problem with this association

is that [asthma diagnoses](#) are increasing in the U.S., yet nationwide, air quality is [improving](#). If asthma were actually tied to ozone, you would expect to see the instances of asthma decreasing, not increasing. In fact, data from Texas hospitals show that asthma admissions are actually highest in the winter, when ozone levels are the lowest.

The evaluation of the proposed ozone standard was performed by the TCEQ

Getting to Know Dr. Michael Honeycutt, Director, Toxicology Division (continued)

He has co-authored scientific articles on a wide variety of toxicological subjects in a number of scientific journals, and is cited three times in the Encyclopedia of Toxicology. Dr. Honeycutt has given invited testimony before the U.S. House of Representatives four times, and has appeared before the Texas Legislature numerous times.

He frequently participates on committees, boards, workshops and panels, and has presented at dozens of symposia and conferences across the United States.

"I consider myself extremely lucky to be leading our team of 15 toxicologists," he said. "No state has a more dedicated, distinguished team of scientists committed to serving its citizens. The excellence of their work in setting safe exposure levels for a wide variety of chemicals and compounds is recognized when these levels are adopted by many other states and countries."

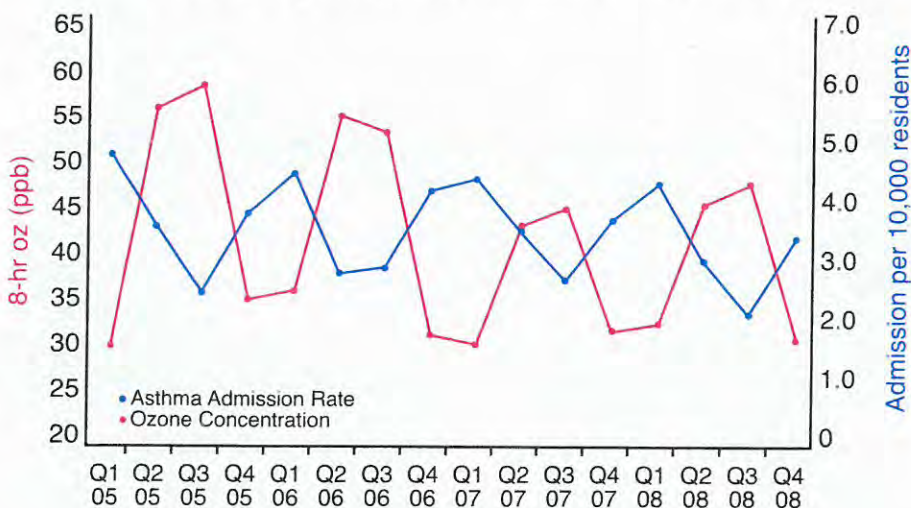
"I love my job," he said. "As a scientist, I love following the facts to a conclusion, even if it is contrary to accepted wisdom."

Dr. Honeycutt says his data aren't always welcome. "I was cussed out by the mayor of a West Texas town when I told him to shut down the town's water supply because of contamination. And I pushed the agency to do a large-scale monitoring survey in the Barnett Shale when I saw a couple of benzene readings that were concerning to me."

"I always tell people, 'Show me where I'm wrong,' and I'm willing to accept it if they do. That's the definition of science. I also love the fact that I'm expected to interpret data objectively. I don't have to hype data in hopes of getting a grant or donations to fund my position," said Dr. Honeycutt.

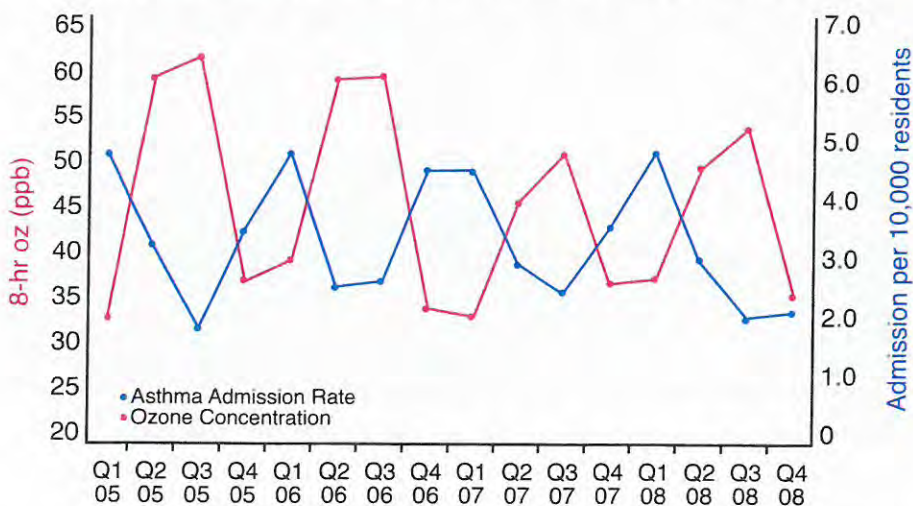
Dallas County

Quarterly Average Peak 8-hr Ozone vs Quarterly Hospital Age-Adjusted Admission Rate, Dallas County



Denton County

Quarterly Average Peak 8-hr Ozone vs Quarterly Hospital Age-Adjusted Admission Rate, Denton County



Data collected from Texas hospitals indicates that admissions for asthma are actually highest in the winter, when ozone concentrations are normally lowest. This casts further doubt on the EPA's assertion that ozone is an important driver of asthma symptoms.

Toxicology Division, which consists of 10 Ph.D. and five master's level scientists. Our scientists specialize in toxicology and risk assessment related to air contaminants, and set guidelines and toxicity factors that are adopted by many different states and countries.

The sciences (toxicology, molecular biology, biochemistry, cell biology, chemistry, just to name a few) used to set the EPA's standards are complex and technical. Toxicology Division members Stephanie Shirley (Ph.D., UT MD Anderson Cancer Center, molecular carcinogenesis), Sabine Lange (Ph.D. UT MD Anderson Cancer Center, biochemistry and molecular carcinogenesis), Neeraja Erraguntla (Ph.D., LSU, physiology, pharmacology and toxicology), and I immersed ourselves in ozone toxicology and epidemiology. We presented a paper titled "[A Toxicological Review of the Ozone NAAQS](#)" at various professional meetings, and are helping prepare ground-breaking analyses of the ozone data for publication in peer-reviewed journals.

Below are a few facts and simplified explanations of the TCEQ's conclusion that a lower ozone standard is not justified.

You can find links to other references and ozone information at www.tceq.texas.gov/goto/ozone-science.

Sensitivity of Asthmatics to Ozone:

- Exposure of human volunteers to ozone showed similar lung effects in asthmatics and in non-asthmatic subjects. Additionally, children are no more sensitive to ozone than are young adults.

Mortality Caused by Long-term Exposure to Ozone:

- Only 1 out of 12 studies considered by the EPA showed an association between long-term exposure to ozone and early death (after considering other pollutants). This single study is used by the EPA as evidence that long-term exposure to ozone causes mortality. Interestingly, this study did not show higher mortality in Southern California, where some of the highest ozone levels in the country are measured.

Ambient Ozone Concentrations Don't Represent Real-world Exposure:

- Ozone is an outdoor air pollutant, because systems such as air conditioning remove it from indoor air. Since most people spend more than 90 percent of their time indoors, we (and the people in the epidemiology studies used to

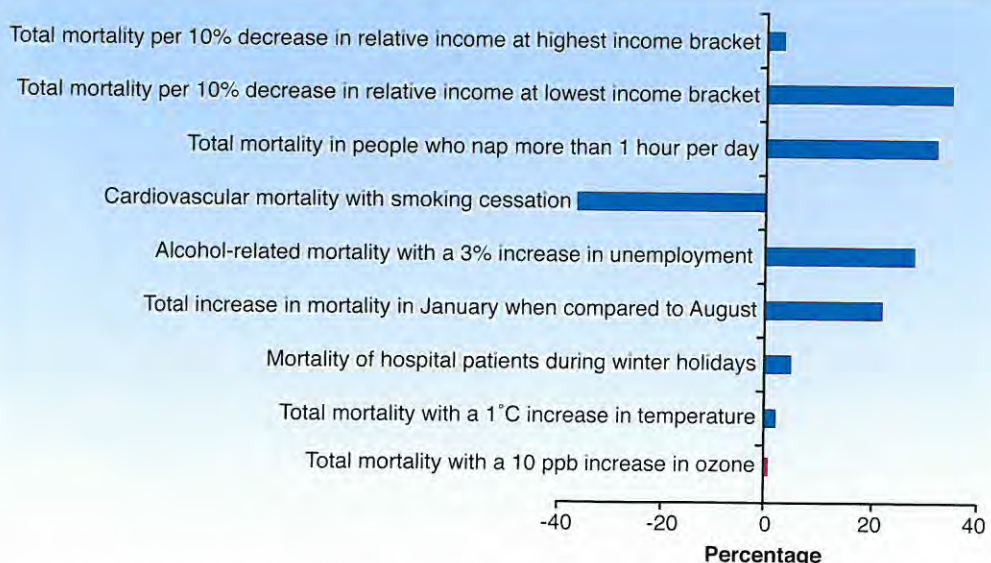
justify lowering the standard) are rarely exposed to significant levels of ozone.

- Even people who work outdoors are exposed to, at most, 60 percent of the ozone concentration that is measured at an ambient monitor. Additionally, there are ozone standards particularly for workers to ensure that they are protected.
- For ozone to cause a slight change in lung function in clinical studies, people need to be exposed to outdoor levels of ozone for hours while vigorously exercising (example: 6 hours of bicycling). These changes in lung function are often so small that they are within a person's *normal* daily variation.
- Epidemiology studies show an association between a person's likelihood of dying, and the outdoor concentrations of ozone in the days before (or the day of) a person's death. However, we spend most of our time indoors (particularly people who are near death), so the people in the studies were exposed to levels of ozone that are far below those that cause any clinical effect.

Problems with Implementing a New Ozone Standard:

- Some places in the U.S. have background levels of ozone that account for up to 80 percent of total ozone. Background ozone occurs naturally, or is transported from other countries. The EPA does not take this into account when making the rule.
- Ozone is not produced directly, but instead forms when other chemicals (particularly nitrogen oxides) react with sunlight. However, ozone chemistry is complicated, and the same nitrogen oxides that produce ozone can also react with existing ozone to remove it from the air. So places that have high nitrogen oxide production (such as areas

MORTALITY COMPARISON



Many factors influence mortality, and the effect of an increase in ozone by 10 ppb is tiny in comparison to these other influences.

near roads), often have lower ozone levels.

- Because ozone chemistry is complex, lowering ozone-producing chemicals in the cities would decrease ozone in the suburbs, but could increase ozone in the inner-cities (because there will be a decrease in the nitrogen oxides that can remove ozone). This means that, according to EPA predictions, those living in the inner cities could bear more health burdens, while people on the outskirts enjoy the predicted benefits.

Proponents of lower ozone standards sometimes advance the argument that even if the lower standards are not scientifically justified, what is it going to hurt to have cleaner air? The answer is, why regulate something that is not really going to have a benefit? That effort should be put into regulating something that will have a benefit—perhaps air toxics—perhaps figuring out what is causing increased reported rates of asthma—perhaps looking at indoor air quality, which probably has a bigger impact on health than outdoor air quality, because data shows Americans likely spend at least 90 percent of their time indoors.

There are costs to regulation. Increased regulatory costs make nearly all goods and services more expensive, particularly energy. There is a real, human cost resulting from higher energy bills, especially in Texas. For poor Texans (and many poor Texans are elderly Texans), being able to keep their home cool on hot and humid summer days has a real health benefit.

If an area violates an ozone standard, it is in nonattainment, and new regulations are imposed, with the goal of bringing those areas into attainment. Those regulations and the expenses they impose make it more difficult and more expensive for many existing businesses and industries to operate, and those costs are eventually passed on to the consumer.

Being in nonattainment also means that new businesses that produce qualifying emissions may have to purchase emissions offsets to open their doors, or consider opening their business in another area that is in attainment.

If the EPA decides the new ozone standards should be at the lower end of the range, close to 60 ppb, it is likely that areas like El Paso; San Antonio; Victoria; the Tyler region in East Texas; the I-H 35 corridor between San Antonio and Dallas-Fort Worth, including Austin and Waco; Beaumont and Port Arthur; parts of the Panhandle and Rio Grande Valley; and Big Bend National Park would be in nonattainment.

For the DFW and Houston-Galveston-Brazoria areas, which are already in nonattainment, and already heavily regulated, reaching attainment would become even more difficult and further impact economic growth. All residents of these areas would be affected.

A study commissioned by the National Association of Manufacturers found that, in a scenario where new ozone standards constrained natural gas production, electricity prices could increase by 15 percent for residential customers and 23 percent for industrial customers. The study found that the new ozone standards could reduce U.S. GDP by \$270 billion per year and result in 2.9 million fewer job equivalents per year on average through 2040.

The Clean Air Act, which sets air quality standards for six pollutants including ozone, is the only federal environmental law that expressly forbids the EPA from considering the feasibility and costs of attaining a standard. In my mind, that should set the bar higher for the science. This is particularly the case with ozone, because the economic costs would be enormous, and the standard will be almost unachievable even if the public is able to bear those costs. There should be no doubt that lowering the standard will result in

health benefits, but that is not the case for this consideration of the ozone standard. How can the EPA in good conscience make a policy decision this expensive when the data are so contradictory that their own modeling predicts more deaths in some areas from lowering the standard?

I'm often asked, wouldn't it be easier to just accept what the EPA does? Isn't it a lot of trouble to try to affect the direction of the EPA's 16,000 employees and \$8 billion budget? Yes, of course that would be easier, but it wouldn't be the right thing to do.

Environmental regulations should be based on sound science. If they are not, then it opens the door for regulations that are based on politics, or on other reasons that do not benefit the public. The TCEQ has been provided with the expertise and funding to do research and science to assure that regulations are effective and beneficial to the environment and to public health. That is what the legislature and the people of Texas task us to do, and we take that task very seriously. 🌱

Information Online

EPA's Health Risk and Exposure Assessment
www.epa.gov/ttn/naaqs/standards/ozone/s_o3_2008_rea.html

EPA's Policy Assessment
www.epa.gov/ttn/naaqs/standards/ozone/s_o3_2008_pa.html

Asthma Information
www.cdc.gov/asthma/pdfs/asthma_facts_program_grantees.pdf

Ozone Levels/Trends
www.epa.gov/airtrends/ozone.html

A Toxicological Review of the Ozone NAAQS
www.tceq.com/assets/public/implementation/tox/ozone/superconference.pdf

Links to Additional Ozone Information
www.tceq.texas.gov/assets/public/implementation/tox/ozone/ozone_science.pdf

NAM Economic Report
www.nam.org/Special/Media-Campaign/EPA-Overregulation/Ozone-Regulations.aspx



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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Joey Boyd, Assistant to the City Manager
DATE: November 12, 2007
SUBJECT: Clean Fleet Vehicle Resolution

Action Requested: Consider adoption of the Regional Transportation Council's Clean Fleet Vehicle Policy for use by agencies in the North Central Texas Council of Governments.

Background: The Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the NCTCOG, and has been and continues to be a forum for cooperative efforts on transportation.

In October 2005, the Regional Transportation Council approved a resolution adopting a Clean Fleet Vehicle Policy for public sector entities as one strategy to reduce ozone-forming emissions from mobile sources. All agencies in the region are encouraged to adopt the policy recommendations with regard to acquisition, operations, and maintenance and integrate the requirements as appropriate into their specific circumstances. Sixty-Five area agencies have adopted the policy. A map showing the current adoption status for all counties, transit agencies, school districts, and cities in the nonattainment area is included.

RTC reserves future transportation funding for entities that adopt and comply with the policy, and in addition, may consider compliance with the policy in reviewing other funding requests. This could affect the City's ability to use State and Federal funds for transportation efforts in the future. The Clean Fleet Vehicle Policy provides guidance on minimizing emissions through vehicle acquisition, maintenance, and operations. A Compliance Verification component is also provided to area agencies by NCTCOG to help ensure proper implementation.

A review of the City's current fleet indicates that the City would be able to comply with all the aspects of this policy with the exception of a few fire engines due to age of the vehicle, for which a waiver is available. A resolution adopting the Clean Fleet Vehicle Policy is attached for Council consideration.

CITY OF ROCKWALL

RESOLUTION NO. 07-23

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ESTABLISHING FLEET VEHICLE PROCUREMENT, MAINTENANCE AND OPERATION POLICIES CONSISTENT WITH REGIONAL EMISSION REDUCTION EFFORTS; REQUIRING THAT COMPLIANCE BE CERTIFIED THROUGH NCTCOG; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and

WHEREAS, the Regional Transportation Council supports the adoption and implementation by the City of Rockwall of a Clean Fleet Vehicle Policy, which was resolved on October 13, 2005; and

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public health of the entire region; and

WHEREAS, the Regional Transportation Council is responsible for air quality conformity; and the Clean Air Act Amendments of 1990 require that in air quality nonattainment areas transportation plans and improvement programs conform to the applicable air quality implementation plan; and

WHEREAS, the City of Rockwall wants to set achievable goals and provide workable, cost effective solutions to improve the Dallas-Fort Worth Metropolitan Area air, and implement those measures as soon as practicable to improve air quality; and

WHEREAS, approximately fifty percent of the nitrogen oxide (NOx) emissions in the Dallas-Fort Worth nonattainment area come from on-road vehicles;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. Acquisition

- 1.1** Vehicle acquisitions for fleet expansion or replacement of model year 2004 or newer, shall be newest model year or engine standard only.
- 1.2** Vehicle acquisitions to replace model year 2003 or older vehicles must show at least a 25% reduction in Nitrogen Oxides (NOx) emissions rate compared to the vehicle being replaced. (Waivers are possible when new technologies or achievements of the required emission reduction are not possible.)

- 1.3 Aftermarket technologies and conversions are acceptable for fleet expansion and fleet replacements.
- 1.4 Aftermarket technologies and conversions must be Environment Protection Agency (EPA) and/or CARB verified or certified or technology equivalent or better, as determined by the North Central Texas Council of Governments (NCTCOG) staff.
- 1.5 Conversions must comply with the provisions of EPA Memorandum 1A and Addendum Revision (June 25, 1974 and June 1, 1998).

Section 2. Operations

- 2.1 Vehicle idling is allowed only for safety, emergency response, vehicle maintenance, equipment activity, warm-up/operations in cold temperature, and manufacturer recommended minimum idle/warm-up times.
- 2.2 Vehicles with the lowest NOx emissions that are capable of performing the required operational demands shall drive the most miles.
- 2.3 Fleet manager shall abide by latest refueling time/season guidance published by NCTCOG Air Quality Planning.
- 2.4 Non-emergency vehicles shall drive no more than the posted speed limit and avoid rapid acceleration.
- 2.5 All drivers shall be trained on air quality appropriate operational requirements.

Section 3. Maintenance

- 3.1 Perform annual emission and safety inspections for all vehicles, even for vehicles with no state mandated inspection requirement.
- 3.2 All vehicles with over 100,000 miles must have emission inspections every 25,000 miles thereafter.
- 3.3 Perform manufacturer's recommended maintenance.
- 3.4 Mandatory participation in any diesel or other Texas Commission on Environmental Quality or NCTCOG inspection/maintenance program, including applicable test or pilot programs.

Section 4. Compliance Verification

- 4.1 Public sector entity shall provide NCTCOG with an annual electronic update of fleet size and activity in a format established by NCTCOG.
- 4.2 The City of Rockwall acknowledges that entities not adopting and complying with the Clean Fleet Vehicle Policy and/or reporting

requirements will not be eligible for future clean vehicle funding and RTC may assess the City of Rockwall compliance when considering other RTC funding actions.

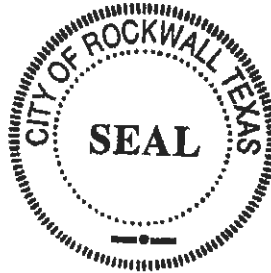
Section 5. That this resolution shall take effect immediately from and after its passage and approval, and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 19th day of November, 2007.


William R. Cecil, Mayor

ATTEST:

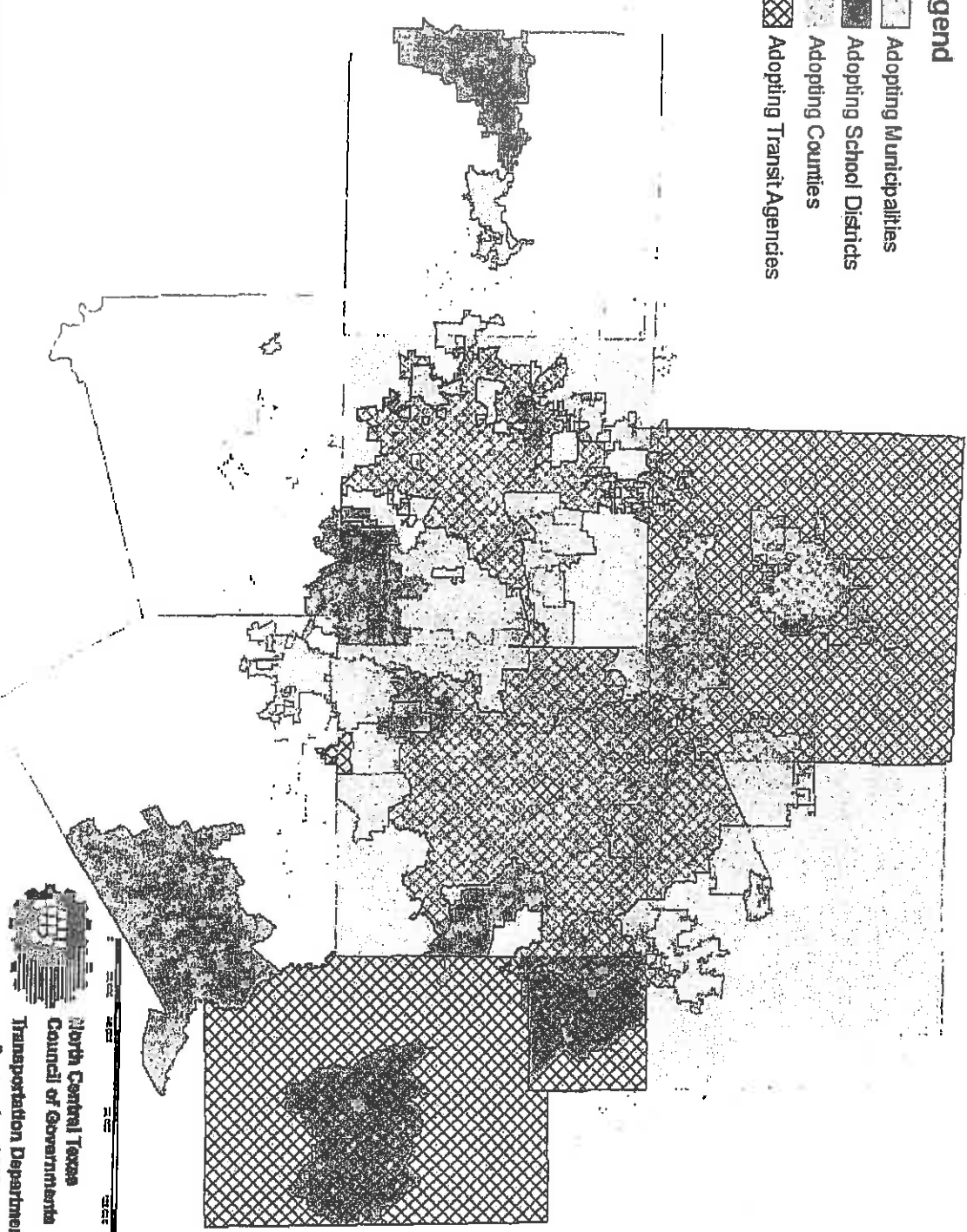

Dorothy Brooks, TRMC, CMC, City Secretary



Current Adoption Status of RTC Clean Fleet Vehicle Policy

Legend

- Adopting Municipalities
- Adopting School Districts
- Adopting Counties
- Adopting Transit Agencies



North Central Texas
Council of Governments
Transportation Department
September 2007

CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 15-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ESTABLISHING UPDATED FLEET VEHICLE MAINTENANCE AND OPERATION POLICIES AND ASSOCIATED REPORTING REQUIREMENTS CONSISTENT WITH REGIONAL EMISSION REDUCTION EFFORTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) Metropolitan Area by the Governor of Texas and in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, NCTCOG has been designated as a Clean Cities Coalition for the DFW region by the US Department of Energy in accordance with federal law and the NCTCOG Executive Board authorized NCTCOG to serve as the host organization for the DFW Clean Cities (DFWCC) Coalition and its efforts; and,

WHEREAS, the U.S. Environmental Protection Agency (EPA) has designated the DFW area as a nonattainment area for the pollutant ozone, and air quality impacts the public health of the entire region; and,

WHEREAS, emissions inventories from the Texas Commission on Environmental Quality (TCEQ) indicate that in 2012, approximately 76 percent of the nitrogen oxides (NO_x) emissions and 25 percent of the volatile organic compounds (VOC) emissions in the DFW ozone nonattainment area are attributable to mobile sources; and,

WHEREAS, the RTC is responsible for transportation conformity; and the Clean Air Act Amendments of 1990 require that transportation plans and improvement programs in air quality nonattainment areas conform to the adopted State Implementation Plan (SIP); and,

WHEREAS, the RTC has adopted a resolution supporting the adoption and implementation of a Clean Fleet Policy by organizations with fleet operations in the DFW area; and reserves all future vehicle funding for entities that adopt and comply with a policy consistent with the provisions outlined below,

WHEREAS, the City of Rockwall will set goals and provide workable, cost-effective solutions to improve air quality and reduce petroleum consumption in the DFW area, and implement those measures as practicable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THAT:

Section 1.

The City of Rockwall will reduce emissions from fleet activities by performing the following actions as practicable:

- 1.1** Implement an idle-reduction policy/standard operating procedure (SOP) that applies to all of the entity's vehicles and equipment, except where exempted as determined by <adopting entity>; communicate idle-reduction expectations to staff, vendors and visitors; and utilize idle-reduction technology.
- 1.2** Maximize use of vehicles and equipment with the lowest emissions wherever possible.
- 1.3** Ensure all conversions are EPA and/or California Air Resources Board (CARB) certified; ensure that aftermarket technologies are EPA and/or CARB verified, or are listed as an emerging technology by the EPA or a state environmental agency; and both conversions and aftermarket technologies are compatible with Texas Low Emission Diesel Program (TxLED) requirements.
- 1.4** Establish a plan to modify non-essential fleet activities on high ozone days to reduce air quality impacts.
- 1.5** Implement vehicle and equipment disposal strategies which minimize negative impacts on air quality.
- 1.6** Implement vehicle and equipment emissions inspection practices which meet or surpass the standards required by statute, including prompt resolution of any illuminated malfunction indicator lamp (MIL).

Section 2.

The City of Rockwall will reduce overall fuel consumption, particularly the use of conventional petroleum fuels, by performing the following actions as practicable:

- 2.1** Pursue low-emission vehicles and equipment for acquisition, with an emphasis on alternative fuel, advanced technology, and/or SmartwaySM certified vehicles and equipment.
- 2.2** Improve overall fleet fuel efficiency.
- 2.3** Establish practices to reduce vehicle miles traveled, passenger miles traveled, engine hours, and/or ton miles traveled, as appropriate.

Section 3.

The City of Rockwall will partner with the NCTCOG and DFWCC by performing the following actions as practicable:

- 3.1** Maintain membership and active participation in DFWCC and submit timely Clean Fleet Policy reporting.

- 3.2 Evaluate and consider participation in programs to test/commercialize/demonstrate new technologies to improve efficiency, reduce emissions, and/or increase fuel efficiency.
- 3.3 Pursue activities which support peer fleets' efforts to implement fuel- or emissions-reducing activities by sharing and maximizing resources.
- 3.4 Encourage fleet activities which minimize water, solid waste, or other environmental impacts of fleet activities, as appropriate.

Section 4.

The City of Rockwall will ensure drivers/operators and fleet personnel are familiar with air quality and petroleum reduction goals by performing the following actions as practicable:

- 4.1 Provide in-house training and/or attending training administered by NCTCOG for fleet personnel and other staff involved in fleet decisions to review policy elements and provide recommendations for achieving objectives.
- 4.2 Consider other mechanisms to increase understanding and awareness among fleet personnel and others.

Section 5.

The City of Rockwall acknowledges that adoption of the Clean Fleet Policy, adoption of an idle reduction policy/SOP as outlined in section 1.1, submittal of both policies, and submittal of Clean Fleet Policy reporting is required to be eligible for future clean fleet funding from the RTC, and may be considered when determining other funding actions. The extent of Clean Fleet Policy implementation, as documented through reporting, will also be a factor in receiving DFWCC fleet recognition.

Section 6.

This policy replaces the prior Clean Fleet Vehicle Policy of the City of Rockwall (Resolution 07-23).

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 20th DAY OF JANUARY, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 01/20/2015

APPLICANT: Bryan Powell, P.E.

AGENDA ITEM: **P2014-043**; Castle Ridge Estates - Phase 3

Discuss and consider a request by Bryan Powell, PE of Westwood Professional Services on behalf of David Booth of D. R. Horton Texas, LTD for the approval of a final plat for Castle Ridge, Phase 3 containing 62 single family lots on a 19.521-acre tract of land currently identified as Tract 37 of the J. Stricklans Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, general located east of SH-205, and take any action necessary.

BACKGROUND INFORMATION:

The final plat for Castle Ridge Estates - Phase 3 indicates 62 single family residential lots to be developed on 19.521-acres. The subject tract is zoned Single Family Residential (SF-10) District, requiring a minimum lot size of 10,000 sq. ft., a minimum lot frontage of 80-ft, a minimum lot depth of 100-ft, and a minimum dwelling unit size of 1500 sq. ft.

Phase 3 represents the final phase for the Castle Ridge Estates Subdivision. Based on the general lot configuration, the final plat conforms to the approved preliminary plat and meets the minimum requirements for the SF-10 district that governs the development. The site can be accessed from Windham Dr. off SH 205 and existing streets from the Harlan Park and Heritage Heights subdivisions to the south of the development.

The Parks Board met on January 6, 2015 and recommended approval of the final plat. Castle Ridge Estates Phase 3 is included with Park District #1 and has satisfied the pro-rata equipment fees for the subdivision. However, the cash in lieu of land fees in the amount of \$493 per lot must be collected at the time of final plat approval.

LANDSCAPE / TREESCAPE PLAN:

In order to develop the lots, a *Tree Preservation Plan* representing an updated version of the tree plan that was approved with the Preliminary Plat in 2005, was submitted by the applicant and approved by the Planning and Zoning Commission in May of this year meeting the requirement for a tree plan prior to the approval of a final plat for phase 3.

As you may recall, a total mitigation balance due of 751 caliper inches will be satisfied by planting four (4) – three (3) caliper inch trees per lot (62 lots) for a total of 248 trees. This represents a total of 744 caliper inches credited towards the mitigation balance.

The remaining balance of seven (7) caliper inches will either be donated to the Parks Department or the City's Tree Fund for future plantings.

RECOMMENDATIONS:

Staff recommends approval of the request with the following conditions:

1. Adherence to all Engineering and Fire Department standards.
2. A minimum of a ten (10) foot access right-of-way extending from Whitman Drive to the Takeline shall be required to be depicted between Lots 31 & 32, Block K. Additionally, the developer shall be responsible for the construction of a five (5) foot sidewalk that will be placed in the required access right-of-way. The HOA shall be responsible for the maintenance of the access right-of-way and sidewalk.
3. Adherence to Parks Board and Parks Department requirements. Payment of the cash in lieu of park land dedication is due at final plat approval.

Planning and Zoning Recommendation:

On January 13, 2015, the Planning and Zoning Commission recommended approval of the final plat with staff conditions by a vote of 5 to 0 (Logan & Fishman – absent).

City of Rockwall
Project Plan Review History

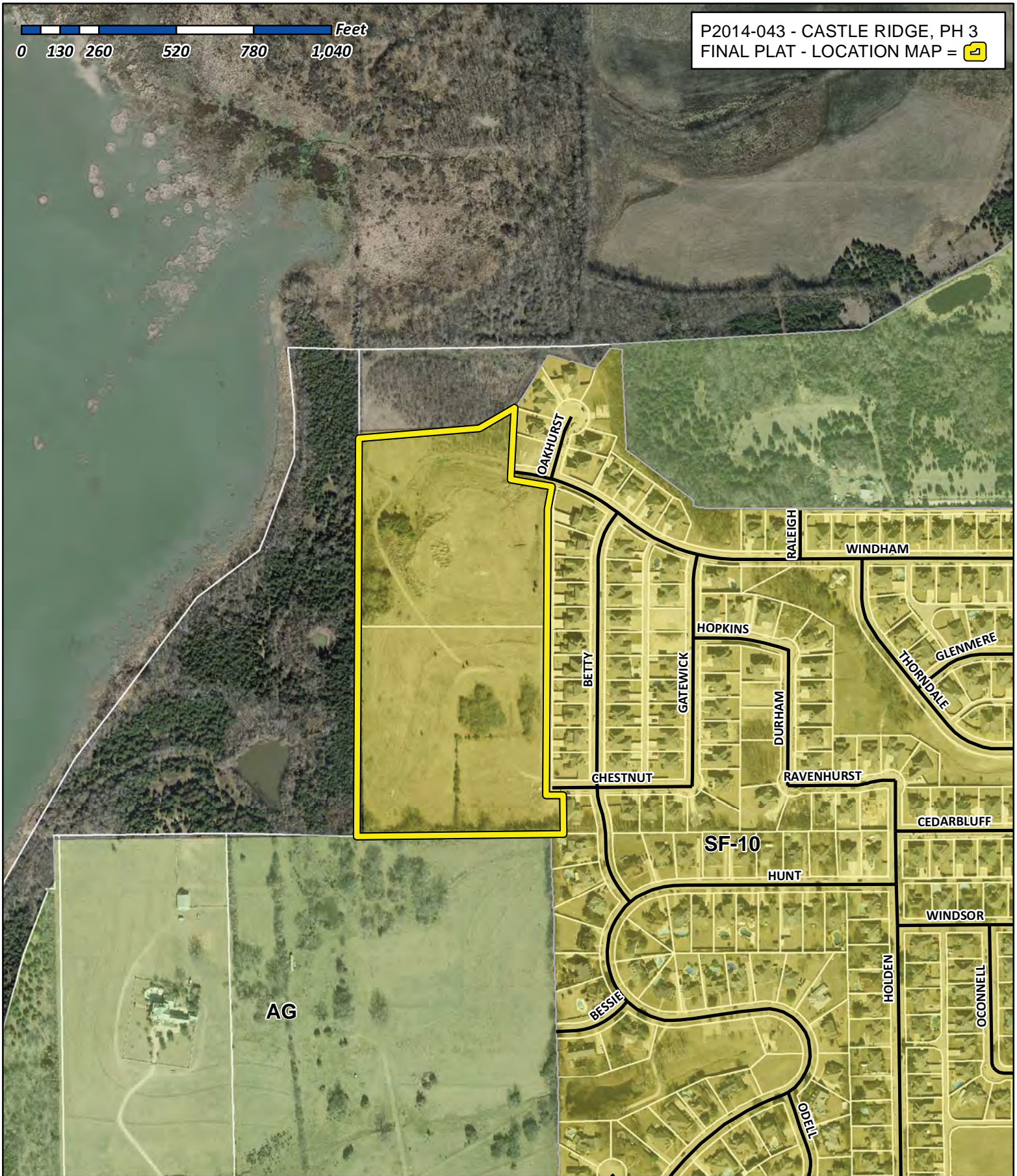


Project Number P2014-043	Owner SHOREVIEW, PROPERTIES LTD	Applied 12/19/2014	DG
Project Name Castle Ridge Estates Ph 3	Applicant Westwood Professional Services	Approved	
Type PLAT		Closed	
Subtype FINAL		Expired	
Status STAFF REVIEW		Status 12/19/2014	DG
Site Address WINDHAM DR		City, State Zip ,	
		Zoning	
Subdivision CASTLE RIDGE PH2	Tract 0037	Block	Lot No 0037
		Parcel No 0187-0000-0037-00-OR	General Plan

Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
BUILDING	John Shannon	12/19/2014	12/26/2014	12/22/2014	3	APPROVED	
ENGINEERING (12/22/2014 11:10 AM AW) Check drainage easement at the back of lots 17 and 18, block K...check with engineering	Amy Williams	12/19/2014	12/26/2014	12/22/2014	3	COMMENTS	See Comment
FIRE	Ariana Hargrove	12/19/2014	12/26/2014	12/22/2014	3	APPROVED	
GIS	Lance Singleton	12/19/2014	12/26/2014				
PLANNING Discuss and consider a request by Bryan Powell, PE of Westwood Professional Services on behalf of David Booth of D. R. Horton Texas, LTD for the approval of a final plat for Castle Ridge, Phase 3 containing 62 single family lots on a 19.521-acre tract of land currently identified as Tract 37 of the J. Stricklans Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, general located east of SH-205, and take any action necessary.	David Gonzales	12/19/2014	12/26/2014	12/22/2014	3	COMMENTS	See comments
Planning staff comments: 1. Adherence to all Engineering and Fire Department standards. 2. SF-10 standards require a minimum lot frontage on public streets to be 80 feet: Lot 32, Block K does not meet this standard; therefore, requires an adjustment to the lots frontage in order to conform. 3. Adherence to Parks Board and Parks Department requirements. Payment of any pro-rata equipment fees and/or cash in lieu of park land dedication is due at final plat approval.							

0 130 260 520 780 1,040 Feet

P2014-043 - CASTLE RIDGE, PH 3
FINAL PLAT - LOCATION MAP = 

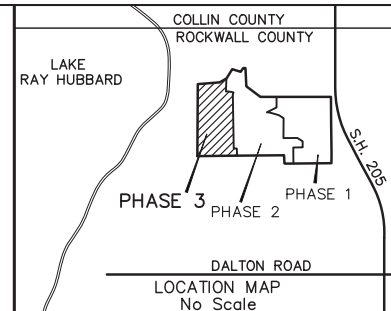


City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





James W. Cecil &
P. Hickman
Vol. 621, Pg. 300



100 50 0 100 200
SCALE: 1" = 100'

NOTE: Bearings shown are based on monuments found or set on the ground in January 2008, marking the subject tract according to the Final Plat of Castle Ridge Estates Phase 1 recorded in Cab. G, Page 085 (LRRCT), and property owned by Hardisty Drive Partners, L.L.C. according to the deed recorded in Instrument Number 2007-00587874 (LRRCT).

- (F) = 1/2" iron pin found
- (S) = 1/2" iron pin with a red cap stamped Tipton Eng., Inc. set
- (E) = 1/2" iron pin with a red cap stamped Tipton Eng., Inc. found
- ① = 10' x 10' Visibility Esmt.
- ② = 20' x 20' Visibility Esmt.
- ③ = 25' x 25' Visibility Esmt.
- (M) = Control Monuments
- ◇ = Street Name Change
- UE = Utility Easement
- DE = Drainage Easement
- DUE = Drainage & Utility Easement
- FE = Farmers' Electric Coop. Easement

LOT CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	50.00'	158°46'32"	138.56'	S42°50'22"W	98.29'
C2	650.00'	7°38'34"	86.70'	S89°10'44"W	86.64'
C3	625.00'	7°38'34"	83.37'	S89°10'44"W	83.31'
C4	600.00'	2°52'00"	30.02'	S86°47'27"W	30.02'

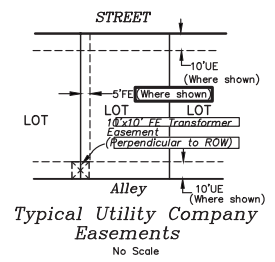
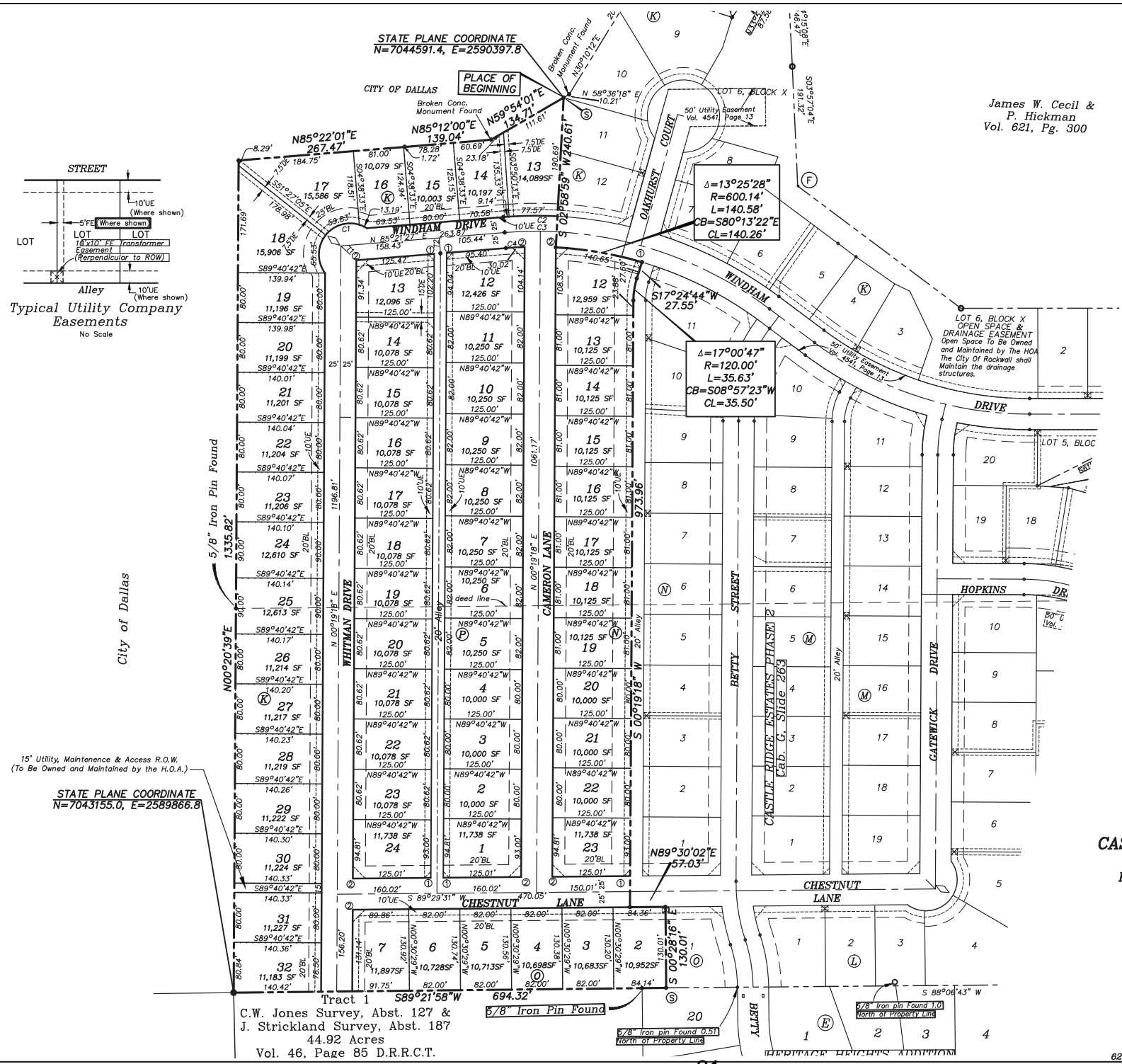
TANGENT TABLE		
TI	S47°09'38"E	20.35'
T2	S04°38'33"E	25.00'

FINAL PLAT
CASTLE RIDGE ESTATES PHASE 3
J. STRICKLAND SURVEY ~ ABSTRACT NO. 187
ROCKWALL, ROCKWALL COUNTY, TEXAS
~ OWNERS ~

D.R. HORTON
America's Builder
4306 Miller Road - Rowlett, Texas 75088
214-607-4244
~ ENGINEER/SURVEY ~

Westwood

Phone (214) 473-4640 2740 North Dallas Parkway, #280
Toll Free (866) 937-5150 Plano, TX 75093
westwoodcs.com
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STATE PLANE COORDINATE
N=7043155.0, E=2589866.8

Tract 1
C.W. Jones Survey, Abst. 127 &
J. Strickland Survey, Abst. 187
44.92 Acres
Vol. 46, Page 85 D.R.R.C.T.

STATE OF TEXAS)
COUNTY OF ROCKWALL)

OWNERS CERTIFICATE

WHEREAS, D.R. HORTON – TEXAS Ltd. a Texas limited partnership is the owner of a tract of land situated in the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas according to the Special Warranty Deed recorded in Instrument Number 2014-00006940 of the Land Records of Rockwall County, Texas (LRRCD), the subject tract being more particularly described as follows;

BEGINNING at a 1/2 inch Iron rod with yellow plastic cap found for the northwest corner of Lot 11, Block K of Castle Ridge Estates Phase 2, an addition to the City of Rockwall, Rockwall County, Texas as recorded in Cabinet G, Slide 263, Real Property Records, Rockwall County, Texas, same being the northeast corner of the herein described tract and being on the south line of a 2.00 acre tract of land conveyed to the City of Dallas by deed recorded in Volume 76, Page 530, Real Property Records, Rockwall County, Texas;

THENCE along the east line of the herein described tract and the common west line of said Castle Ridge Estates Phase 2 boundary line, the following courses and distances:

South 02 Degrees 58 Minutes 59 Seconds West, a distance of 240.61 feet to a 5/8 inch iron rod with yellow plastic cap stamped "ADAMS 5610" found for corner on the south right-of-way line of Windham Drive (a 50 foot Right-of-Way) of said Castle Ridge Estates Phase 2 addition plat and being the beginning of a non-tangent curve to the right, having a Central Angle of 13 Degrees 25 Minutes 28 Seconds, a Radius of 600.00 feet and a long Chord that bears South 80 Degrees 13 Minutes 22 seconds East, a distance of 140.26 feet;

Along said non-tangent curve to the right, an arc length of 140.58 feet to a 5/8 inch iron rod with yellow plastic cap stamped "ADAMS 5610" found for corner;

South 17 Degrees 24 Minutes 44 Seconds West, a distance of 27.55 feet to a 5/8 inch iron rod with yellow plastic cap stamped "ADAMS 5610" found for corner and the beginning of a tangent curve to the left, having a Central Angle of 17 Degrees 00 Minutes 47 Seconds, a radius of 120.00 feet and a long Chord that bears South 08 Degrees 57 Minutes 23 Seconds West, a distance of 35.50 feet;

Along said tangent curve to the left, an arc length of 35.63 feet to a 5/8 inch iron rod with yellow plastic cap stamped "ADAMS 5610" found for corner;

South 00 Degrees 19 Minutes 18 Seconds West, a distance of 973.96 feet to a 5/8 inch iron rod with yellow plastic cap stamped "ADAMS 5610" found for corner on the south right-of-way line of Chestnut Lane (a 50 foot right-of-way) of said Castle Ridge Estates Phase 2;

North 89 Degrees 30 Minutes 02 Seconds East, along the south right-of-way line of said Chestnut Lane, a distance of 57.03 feet to a 1/2 inch iron rod with yellow cap stamped "TIPTON" found for corner;

South 00 Degrees 28 Minutes 16 Seconds East, a distance of 130.01 feet to a 1/2 inch iron rod with yellow cap stamped "TIPTON" found for the southeast corner of the herein described tract and the common southwest corner of said Castle Ridge Estates Phase 2 addition, same being on the north line of Heritage Heights Addition, an addition to the City of Rockwall, according to the plat recorded in Cabinet A, Slide 227, Plat Records, Rockwall County, Texas;

THENCE South 89 Degrees 21 Minutes 58 Seconds West, passing at a distance of 38.65 feet a 5/8 inch iron pin found for the northwest corner of Lot 20, Block D of said Heritage Heights Addition, in all a distance of 694.32 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "WESTWOOD" set for the southwest corner of the herein described tract from which a fence post bears North 83 Degrees 08 Minutes 11 Seconds West, a distance of 1.30 feet and being on the east line of a tract of land conveyed to the City of Dallas;

THENCE North 00 Degrees 20 Minutes 39 Seconds East, along the west line of said remainder tract, passing at a distance of 616.70 feet a 5/8 inch iron pin found, in all a distance of 1335.82 feet to a concrete monument found for the northwest corner of said remainder tract and the common southwest corner of aforementioned 2.00 acre tract of land conveyed to the City of Dallas;

THENCE along the north line of said remainder tract and the common south line of said 2.00 acre tract, the following courses and distances:

North 85 Degrees 22 Minutes 01 Seconds East, a distance of 267.47 feet to a broken concrete monument found for corner;

North 85 Degrees 12 Minutes 00 Seconds East, a distance of 139.04 feet to a broken concrete monument found for corner;

THENCE North 59 Degrees 54 Minutes 01 Seconds East, a distance of 134.71 feet to the POINT OF BEGINNING and containing 19.521 acres of land more or less.

Note: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
STATE OF TEXAS
COUNTY OF ROCKWALL

The undersigned owner of the land shown on this plat, and designated herein as the CASTLE RIDGE ESTATES PHASE 3 subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the CASTLE RIDGE ESTATES PHASE 3 subdivision have been notified.

We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress and egress to, from, and upon the said easement strips for purposes of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the City Council of the City of Rockwall.

We further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; we our successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exactions made herein.

D.R. HORTON – TEXAS, LTD.,
a Texas limited partnership

By: D.R. HORTON, INC.
a Delaware corporation,
its authorized agent

By: _____
David L. Booth Asst. Vice President

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a notary public in and for the State of Texas, on this day personally appeared David L. Booth, known to be to be the person whose name is subscribed for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public, State of Texas
Commission Expires: _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS;

THAT I, Harry L. Dickens do hereby certify that I prepared this plat from an actual and an accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Rockwall, Texas.

Released for review only. 5-6-2014
In accordance with Texas Board of Professional Land Surveying Rule 663.18(c), 29 T.A.C. 663.18(c) this is a preliminary document, and shall not be signed or sealed. "Preliminary, this document shall not be recorded for any purpose."

Harry L. Dickens
Registered Professional
Land Surveyor No. 5939

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a notary public in and for the State of Texas, on this day personally appeared Harry L. Dickens, known to me to be the person whose name is subscribed for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Public, State of Texas
Commission Expires: _____

RECOMMENDED FOR FINAL APPROVAL
APPROVED

Chairman, Planning & Zoning Commission Date

I hereby certify that the above and foregoing plat of Castle Ridge Estates Phase 3, an addition to the City of Rockwall, Texas was approved by the City Council of the City of Rockwall on the _____ day of _____, 2015.

This approval shall be invalid unless the approved plat for such Addition is recorded in the office of the County Clerk of Rockwall County, Texas, within one hundred and eighty (180) days from said date of final approval.

Said Addition shall be subject to all the requirements of the Platting Ordinances of the City of Rockwall.

WITNESS MY HAND this _____ day of _____, 2015.

Mayor, City of Rockwall City Secretary, City of Rockwall

City Engineer

F I N A L P L A T
CASTLE RIDGE ESTATES PHASE 3
J. STRICKLAND SURVEY ~ ABSTRACT NO. 187
ROCKWALL, ROCKWALL COUNTY, TEXAS
~ OWNERS ~



4306 Miller Road – Rowlett, Texas 75088
214-607-4244

~ ENGINEER/SURVEY ~

Westwood

Phone (214) 473-4640 2740 North Dallas Parkway, #280
Toll Free (888) 937-5150 Plano, TX 75093
westwoodps.com

Westwood Professional Services, Inc.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager

DATE: January 14, 2015

SUBJECT: Charter Review Commission’s report to City Council

As the council is aware, a Charter Review Commission consisting of the following individuals has been meeting over the last several weeks to review the existing city charter:

- Mr. Bill Lofland (Chair)
- Mrs. Nell Welborn (Vice Chair)
- Mr. G. David Smith
- Mr. Freddie Jackson
- Mr. Adan Tovar
- Mr. Bill Houser
- Mr. Daniel Nichols
- Mr. Larry Parks
- Mr. Bill Cecil
- Mr. Charles Johnson.

Mr. Lofland and Mrs. Welborn will be present at Tuesday’s council meeting to deliver a report concerning recommendations of the Commission related to a possible Charter Amendment Election to be held May 9. Below is a timeline relevant to calling a Charter Election in conjunction with the city’s General Election should the city council chose to move forward with doing so.

Timeline Call Election	
February 3 rd – February 27 th	Proposed period for publication of recommendations of Charter Review Commission in newspaper (as prescribed by Charter)
February 16 th	Last possible regularly scheduled City Council meeting for ordering Charter Amendment (and city council member) election
February 27 th	Statutory last day for ordering election

Included in your meeting packet are the Commission’s final recommendations as well as a copy of the existing city charter for reference.

**RECOMMENDATIONS REGARDING
CITY CHARTER
01/07/17**

INTRODUCTION

The Charter Review Commission appointed by the Council consists of the following individuals: Chair Bill Lofland, Vice Chair Nell Welborn, and Commissioners Daniel Nichols, Charles Johnson, Adan Tovar, Freddie Jackson, Bill Cecil, Bill Houser, G. David Smith, and Larry Parks.

The Charter Review commission has unanimously agreed to the proposed Technical revisions and Substantive Revisions to be placed on the upcoming May General Election ballot.

TECHNICAL REVISIONS (These revisions can be voted in one proposition because they eliminate provisions which have become inoperative because they have been superseded by state law; replace obsolete references; update terminology to current legal usage, and to eliminate obsolete transitional provisions.)

1. **Sec. 1.04 (3) Recommended by 2008 Charter Review Committee:** The applicable law is no longer the Chapter referred to in this provision.

Current Charter Language: The City Council will establish a written policy governing extension of City services to all areas. Disannexation procedures are provided in Section 42 of the Local Government code as presently written or hereafter amended. (Amended 1993)

Proposed Charter Language: The City Council will establish a written policy governing extension of City services to all areas. Disannexation procedures are provided in Section 42 of the Local Government code as presently written or hereafter amended. (Amended 1993) shall comply with the applicable provisions of the Texas Local Government Code.

2. **Sec. 3.04 (2) –** This provision outlines how and when the Mayor Pro Tem is elected by the Council. However, the provision does not address what happens if there is a vacancy in Mayor Pro Tem. The change will outline how to fill such a vacancy.

Current Charter Language: The Mayor Pro-Tem will be a Council member elected by the City Council at the first regular meeting after each election of Council members and/or Mayor. The Mayor Pro-Tem will act as Mayor during the disability or absence of the Mayor, and in this capacity will have the rights conferred upon the Mayor.

Proposed Charter Language: The Mayor Pro-Tem will be a Council member elected by the City Council at the first regular meeting after each election of Council members and/or Mayor. Should a vacancy occur, the unexpired term will be filled at the next regular council meeting after the occurrence of the vacancy. The Mayor Pro-Tem will act as Mayor during the disability or absence of the Mayor, and in this capacity will have the rights conferred upon the Mayor

3. **Sec. 3.05 (4)** - The filling of vacancy of the Mayor or the Council in this section, is inconsistent with Section 3.05 (5) which requires the person to fill the position until the next regular city election as opposed to the “unexpired term.” This change will eliminate the inconsistency. Also, the language would prohibit an appointed member of the council to vote on the appointment of another appointment to the Council.

Current Charter Language: In the event of a vacancy in the office of the Mayor, the Mayor Pro-Tem must become the Mayor, thereby vacating his Council position. Within thirty days, vacancies in the Council, other than the Mayor, will be filled by a majority vote of the remaining elected members, for the unexpired term only, and provided the successor will possess all qualifications for the position.

Proposed Charter Language: In the event of a vacancy in the office of the Mayor, the Mayor Pro-Tem must become the Mayor, thereby vacating his Council position. Within thirty days, vacancies in the Council, other than the Mayor, will be filled by a majority vote of the remaining ~~elected~~ members, ~~for the unexpired term only~~ until the next regular City election, and provided the successor will possess all qualifications for the position.

4. **Sec. 3.08 (1)** - City Charter is council-manager form of government and therefore City Manager should have authority to call for Special council meetings.

Current Charter Language: The City Council will hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council will fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council will be held at the call of the Mayor or a majority of the Council members upon provision of public notice in accordance with state law.

Proposed Charter Language: The City Council will hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council will fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council will be held at the call of the Mayor, City Manager or a

majority of the Council members upon provision of public notice in accordance with state law.

5. **Sec 3.11 (3)** Charter requires an Ordinance to be read at two Council meetings. State law, Section 1201.028 Government Code states that an ordinance calling for an election to issue bonds or a public security authorization shall take effect upon one reading of the ordinance
Current Charter Language: A proposed ordinance, except as related to an emergency, budget, tax, public utility rate setting, or State or Federal requirement, must be read at two City Council meetings with at least one week between readings.

Proposed Charter Language: A proposed ordinance, except as related to an emergency, budget, tax, public utility rate setting, calling for an election to issue bonds, a public security authorization or State or Federal requirement, must be read at two City Council meetings with at least one week between readings.

6. **Sec. 4.02** – Charter fails to identify who is responsible under the Charter to oversee municipal elections. Historically, City Secretary has performed these duties for the City of Rockwall.

Proposed Charter Language to add to Section 4.02 (2):

(h) Schedule and oversee all City elections in accordance with the Texas Election Code and any other applicable law.

7. **Sec. 4.04 (6)** - Charter provision states that only elected council members may vote to remove the City Attorney. All council members, whether elected or appointed should have the authority to remove the City Attorney.

Current Charter Language: The City Attorney may be removed by a majority vote of the elected City Council.

Proposed Charter Language: The City Attorney may be removed by a majority vote of the elected City Council.

8. **Sec. 5.02 (f)** of the City Charter shall be DELETED in order to comply with newly adopted state law. Therefore, the following language will be deleted.

~~“No employee of the City will continue in such position after filing for an elective office provided for in this Charter.”~~

9. **Sec. 7.15 (1)** – State law requires bidding of contracts in excess of \$50,000.

Current Charter Language: The City Council may by ordinance, give the City Manager general authority to contract for expenditure without further approval of the Council for all budgeted items not exceeding limits set by the Council. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the Council. All contracts or purchases involving more than the limits set by the Council must be let to the lowest bidder whose submittal is among those responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance. The City Council, or City Manager in such cases as he/she is authorized to contract for the City, will have the right to reject any and all bids.

Proposed Charter Language: “The City Council may by ordinance, give the City Manager general authority to procure and contract for expenditure without further approval of the Council for all budgeted items not exceeding limits set by the Council and the procurement conducted in accordance with state law.” All contracts for expenditures involving more than the set limits must be expressly approved in advance by the Council. All contracts or purchases involving more than the limits set by the Council must be let to the lowest bidder whose submittal is among those responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance. The City Council, or City Manager ~~in such cases as he/she is authorized to contract for the City,~~ will have the right to reject any and all bids.

10. **Sec. 7.16 (3)** – Multi-year contracts for goods and services that carry from one fiscal year to another currently require a new ordinance, which require two readings.

Current Charter Language: This prohibition will not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

Proposed Charter Language: This prohibition will not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance City Council.

11. **Sec. 7.18** – Remove the requirement of publishing the summary of the audit in a newspaper. Rationale: Costly and burdensome. Option is once Council approves the Audit; place a copy of the Audit on City's website.

Current Charter Language: At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council must call for an independent audit to be made of all accounts of the City by a certified public accountant. No more than five consecutive annual audits must be completed by the same firm. The certified public accountant selected must have no personal interest, directly or indirectly in the financial affairs of the City or any of its officers. The report of audit, with the Auditor's recommendations will be made to the City Council. Upon completion of the audit, the summary must be published immediately in the newspaper of record of the City and copies of the audit placed on file in the City Secretary's office as a public record.

Proposed Charter Language: At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council must call for an independent audit to be made of all accounts of the City by a certified public accountant. No more than ~~five~~ four consecutive annual audits must be completed by the same firm. The certified public accountant selected must have no personal interest, directly or indirectly in the financial affairs of the City or any of its officers. The report of audit, with the Auditor's recommendations will be made to the City Council. Upon completion of the audit, the ~~summary must be published~~ complete audit and summary must be immediately posted on the City's website ~~in the newspaper of record of the City~~ and copies of the audit placed on file in the City Secretary's office as a public record.

12. **Sec. 11.13 (g)** – include "independent contractors" as those who are not employees of the City with council members. Exclude volunteer fire department because under IRS regulations, if volunteer fire fighters receive any compensation, even a small stipend, they are considered employees.

Current Charter Language: "Employee" will refer to any person who is employed and paid a salary by the City including those individuals on a part-time basis, but does not include City Council members or members of the volunteer fire department.

Proposed Charter Language: "Employee" will refer to any person who is employed and paid a salary by the City including those individuals on a part-time basis, but does not include City Council members, uncompensated volunteers or independent contractors ~~or members of the volunteer fire department.~~

13. **Sec. 11.16** – Recommend the deletion of this section in its entirety since the original Charter has been adopted and this transitional language has become obsolete.

SUBSTANTIVE REVISIONS (These revisions are substantive changes and the law requires that they each be voted on by separate proposition.)

1. **Sec 4.03 (3)** – This provision requires the Mayor to act as Municipal Judge when the Municipal Judge is not available. This provision is very rare in modern city charters and raises a potential conflict.

Current Charter Language: In the event of failure of the City Judge to perform his duties, the Mayor must act in his place and stead (and in the event of a vacancy, until a City Judge is appointed by the Council to fill the vacancy). If the Mayor acts as a City Judge, he/she must be compensated at the same salary, if any, as the City Judge for whom he/she is acting.

Proposed Charter Language: ~~In the event of failure of the City Judge to perform his duties, the Mayor must act in his place and stead (and in the event of a vacancy, until a City Judge is appointed by the Council to fill the vacancy). If the Mayor acts as a City Judge, he/she must be compensated at the same salary, if any, as the City Judge for whom he/she is acting~~ The City Council may also appoint Associate City Judge(s) that meet the same qualifications as the City Judge of the Municipal Court who will work in the absence of the City Judge. Associate City Judge(s) will be appointed to a term of two years and may be appointed to additional consecutive terms upon completion of their term of office. The appointment of Associate City Judge(s) may be terminated by the City Council. The Associate City Judge(s) will receive compensation as may be determined by the City Council.

Sec. 3.06 POWERS OF THE CITY COUNCIL (b)

Current Charter Language: Appoint and remove the Municipal Judge.

Proposed Charter Language: Appoint and remove the Municipal Judge and Associate City Judge(s).

2. **Sec. 5.04 (3) Recommended by 2008 Charter Review Committee:** Current Charter has no language as to when newly elected Council members will be sworn in to take office.

Proposed Charter Language: (3) Each newly elected person to the City Council shall be inducted into office at the first City Council meeting following the official canvassing of the election. At such meeting, the oath shall be administered in accordance with state law.

- 3. Sec. 6.07 (1) Recommended by 2008 Charter Review Committee:** A review of the amount of time needed by the City Secretary to verify signatures was insufficient.

Current Charter Language: Within ten days after the petition is presented, the City Secretary must complete a certificate of sufficiency or insufficiency. Sufficiency must be determined by compliance with this Article.

Proposed Charter Language: Within ~~ten~~ twenty-one days after the petition is presented, the City Secretary must complete a certificate of sufficiency or insufficiency. Sufficiency must be determined by compliance with this Article

- 4. Sec. 7.02 Recommended by 2008 Charter Review Committee:** Changing the date from the first to the fifteenth day of the eleventh month of the fiscal year allows the City Manager to submit the proposed budget to Council by the 15th of August. This timeframe is more realistic in terms of obtaining necessary data from the appraisal district regarding the tax roll and its impact on the budget

Current Charter Language: On or before the first day of the eleventh month of the fiscal year, the City Manager must submit to the Council a budget for the ensuing fiscal year and an accompanying message.

Proposed Charter Language: On or before the ~~first~~ fifteenth day of the eleventh month of the fiscal year, the City Manager must submit to the Council a budget for the ensuing fiscal year and an accompanying message.

- 5. Sec. 7.06 Recommended by 2008 Charter Review Committee:** Changing the provision that Council adopts a budget for the upcoming year ten days prior to the beginning of the new fiscal year to instead allow for the adoption of said budget by the last day of the current fiscal year allows the Council the fullest length of time possible to adopt the new budget.

Current Charter Language: After public hearing, the Council must analyse the budget, making any additions or deletions which they feel appropriate, and must, at least ten days prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of the full membership of the Council. Should the City Council take no final action on or prior to such day, the current budget must be in force on a month to month basis until a new budget is adopted.

Proposed Charter Language: After public hearing, the Council must analyze the budget, making any additions or deletions which they feel appropriate, and must ~~, at least ten days prior to the beginning of the next fiscal year,~~ adopt the budget prior to the beginning of the next fiscal year by a favorable majority vote of the full membership of the Council. Should the City Council take no final action on or prior to such day, the current budget must be in force on a month to month basis until a new budget is adopted.

6. **Sec. 8.01 (5)** – Clarify that action by Council is required to remove a member of a board, commission or committee if they fail attend three consecutive regular meetings.

Current Charter Language: Any member of a board, commission or committee who is absent from three consecutive regular meetings without explanation acceptable to a majority of the other members must forfeit his position on the board, commission or committee.

Proposed Charter Language: Any member of any City board, commission or committee who is absent from three consecutive regular meetings without explanation acceptable to the City Council ~~a majority of the other members,~~ shall ~~must~~ forfeit his position on the board, commission or committee and be removed by the City Council.

7. **Develop new Sec. 11.16 - Recommended by 2008 Charter Review Committee:** Provides a procedure for operation of the city government in case of a disaster.

Proposed Charter Language: Sec. 11.16 Disaster Clause

In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City elected official, if no elected official remains, within twenty-four (24) hours of such disaster, the City Manager shall appoint a Council to act during the emergency and call a City election as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet. If City Manager is not available due to death or injury, the County Judge of Rockwall County shall appoint a Council to act during the emergency and call a City election as provided in the Texas Election Code, for election of a required quorum,

PART I - HOME RULE CHARTER

HOME RULE CHARTER
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

FOOTNOTE(S):

--- (1) ---

Editor's note— Printed herein is the Charter of the City of Rockwall, Texas, adopted by referendum on January 19, 1985. The Charter as printed here is updated through and contains amendments adopted by referendum on May 7, 1988, May 1, 1993, May 4, 1996 and May 7, 2005. Subsequent amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the Charter as updated through May 7, 2005. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State Law reference— Adoption and amendments to a home-rule charter, V.T.C.A., Local Government Code § 29.001 et seq.

PREAMBLE

Recognizing that effective government is a government of law, we the people of Rockwall, Texas, establish this Charter as the basic law of our City. This Charter will provide a home rule government which will recognize and protect individual freedom, encourage interest and participation by the citizens, and serve in behalf of the general welfare.

ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES**Sec. 1.01. - Incorporation.**

The inhabitants of the City of Rockwall, within the corporate limits as now established or as hereafter established in the manner provided by law, will continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Rockwall."

Sec. 1.02. - Form of government.

The municipal government provided by this Charter will be of the Council-City Manager form. The Council, consisting of the Mayor and Council members elected by and responsible to the people, will appoint a City Manager, who will be directly responsible to the Council for the execution of the laws and the administration of the government of the City.

Sec. 1.03. - Boundaries of city.

The boundaries of the City of Rockwall will be the same as have heretofore been established as reflected on the official map at the time of adoption of this Charter and as amended from time to time by annexation and disannexation.

Sec. 1.04. - Annexation or disannexation.

(1)

The boundaries of the City of Rockwall may be enlarged and extended by the annexation of additional territory or decreased by disannexation in any manner and by any procedure now or hereafter provided by law.

- (2) Upon completion of the annexation procedure, the annexed territory will become a part of the City, and said land and its residents will be entitled to all the rights and privileges provided by the City for its citizens and will be bound by the acts, ordinances, resolutions and regulations of the City.
- (3) The City Council will establish a written policy governing extension of City services to all areas. Disannexation procedures are provided in Section 42 () of the Local Government code as presently written or hereafter amended. (Amended 1993)

ARTICLE II. - POWERS OF THE CITY

Sec. 2.01. - General powers of city.

The City will be an incorporated Home Rule City, with full power and rights of self government as provided by the Constitution and laws of the State of Texas. These powers and rights will include, but not be restricted to, the powers expressly conferred and permitted by the Texas Local Government Code, as presently written or hereafter amended. The City will have the powers described below:

- (a) To enact, establish and enforce codes, licenses and ordinances for the maintenance of good government and the interest and well-being of its inhabitants.
- (b) To cooperate with the government of the State of Texas, or any agency or political subdivision thereof, the government of the United States or its agencies, for any lawful purpose for the advancement of the interests, safety, convenience and welfare of its inhabitants.
- (c) To exercise the right of eminent domain, the right to extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and laws of the State of Texas.
- (d) To contract and be contracted with; to sue; to buy, sell, lease, mortgage, hold, manage, and control such property as its interests require.
- (e) To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks and other public ways, and to police the use thereof.
- (f) To acquire public utility systems that provide retail water or wastewater service, making reasonable assurance for compensation in accordance with applicable state law.

Sec. 2.02. - Public improvements.

The City will have the power to construct and maintain, within or without its corporate limits, streets, alleys, sidewalks, and easements, flood control facilities and sanitary, water and storm drainage facilities in, over, under or upon all public property easements granted for that purpose and to levy assessments for the costs of such improvements. The City will have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as allowed under State law. It will have the power to cause liens to be established for the purpose of securing the payment of such levies and will have the power to compel the use of such improvements by the inhabitants of the City.

Sec. 2.03. - Miscellaneous powers.

The City will have the power to establish and maintain ordinances and regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City will have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with State statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City will have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade when authorized by State law. The City will have all powers granted by any section of this Charter.

ARTICLE III. - THE CITY COUNCIL

Sec. 3.01. - [Composition; terms.]

The Council will be composed of a Mayor and six Council members, elected at large, each of whom, unless sooner removed under the provisions of this Charter, will serve for a term of two years as prescribed by the Texas Election Code, and until his successor has been elected and duly qualified. All members of the City Council, other than the Mayor, will be elected under the place system. Those members of the Council whose terms expire in even numbered years will be in Place Two, Four and Six. Those members of the Council whose terms expire in odd numbered years will be Place One, Three and Five. The office of Mayor will be elected in an odd numbered year. All members of the City Council, including the Mayor, holding office at the time of passage of this Charter will continue to hold their respective place and office until their respective term of office for which they were elected expires.

(a) No person will serve more than three consecutive elected terms as either a Council member or as Mayor. In addition, no person will serve for more than four consecutive elected terms as Council member and Mayor (combined). A member who has served the maximum number of consecutive terms may serve additional terms subject to the same limitations after a break in service of one year or more.

(b) An appointed Council member must be subject to the provisions of Section 3.05 ()(4) of the Charter regarding the length of service for such appointed member. (Amended 1996)

Sec. 3.02. - Qualifications of members.

In addition to any other qualifications prescribed by law, the Mayor and each Council member must meet the qualifications set forth in Article V of this Charter while in office.

Sec. 3.03. - Compensation.

Compensation of members of the City Council will be determined by the Council by ordinance, but no increase in such compensation will take effect until commencement of the terms of Mayor and/or Council members elected at the next regular election. Members of the City Council will also be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Council at a public meeting.

Sec. 3.04. - Mayor and Mayor Pro Tem.

(1) The Mayor will be the official head of the City government. He/She will be the chairman and will preside at all meetings of the City Council. The Mayor will have the right to vote on all items voted on by the Council, but will have no power to veto. He/She will, when authorized by the City Council,

sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. He/She will perform such other duties consistent with this Charter as may be imposed upon him/her by the City Council.

- (2) The Mayor Pro Tem will be a Council member elected by the City Council at the first regular meeting after each election of Council members and/or Mayor. The Mayor Pro Tem will act as Mayor during the disability or absence of the Mayor, and in this capacity will have the rights conferred upon the Mayor. (Amended, 1988)

Sec. 3.05. - Vacancies, forfeiture and filling vacancies.

- (1) The office of a Council member or the Mayor will become vacant upon his death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the City Council is absent from three consecutive regular meetings, without explanation acceptable to a majority of the remaining Council members, his office will be declared vacant at the next regular meeting of the Council. (Amended, 1988)
- (3) Any member of the Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating Section 171 of the Local Government Code concerning conflict of interest will forfeit his office. Every forfeiture must be declared and enforced by a majority of the Council.
- (4) In the event of a vacancy in the office of the Mayor, the Mayor Pro Tem must become the Mayor, thereby vacating his Council position. Within thirty days, vacancies in the Council, other than the Mayor, will be filled by a majority vote of the remaining elected members, for the unexpired term only, and provided the successor will possess all qualifications for the position.
- (5) Any appointed Council members will serve until the next regular City election. (Revised, 1996)

Sec. 3.06. - Powers of City Council.

All powers of the City of Rockwall and the determination of all matters of policy will be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter the City Council will have all powers authorized to be exercised by the City Council by the Local Government Code and acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the Council, the following are hereby enumerated for greater certainty:

- (a) Appoint and remove the City Manager.
- (b) Appoint and remove the Municipal Judge. (Amended, 1988)
- (c) Appoint and remove the City Attorney.
- (d) Establish and dissolve administrative departments.
- (e) Adopt the budget of the City.
- (f) Collectively inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
- (g)

Provide for a planning commission, a zoning commission and a board of adjustment and other boards as deemed necessary, and appoint the members of all such commissions and boards, and as well the members of the hospital board, if established. The planning and zoning commissions may be combined. Such boards and commissions will have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law.

- (h) Adopt and modify the official map of the City.
- (i) Adopt, modify and carry out plans in cooperation with the Planning Commission for the replanning, improvement and redevelopment of specific areas of the City.
- (j) Adopt, modify and carry out plans in cooperation with the Planning Commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster.
- (k) Regulate, license and fix the charges of [or] fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City.
- (l) Provide for the establishment and designation of fire limits and prescribe the kind and characters of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (m) Fix and regulate rates and charges of all utilities and public services as defined in Article X [of this Charter].
- (n) Individually initiate and place items on the agenda for consideration. (Amended, 1988)

Sec. 3.07. - Prohibitions.

- (1) Except where authorized by law or by this Charter, no Mayor or Council member will hold any other City office or City employment during his term as Mayor or Council member. No former Mayor or Council member will hold any compensated appointive office or City employment within one year after the expiration of his term as Mayor or Council member.
- (2) Members of the City Council must not in any way dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint. The City Council at a meeting called for that purpose may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter, members of the City Council will deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Members of the City Council will not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Sec. 3.08. - Meetings of City Council.

- (1)

The City Council will hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council will fix by ordinance the date and time of the regular meeting(s). Special meetings of the City Council will be held at the call of the Mayor or a majority of the Council members upon provision of public notice in accordance with state law.

- (2) Except as provided by State law, all meetings will be open to the public and will be held and notice given in accordance with state law.

Sec. 3.09. - Quorum.

Four members of the City Council will constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, will be valid or binding unless adopted by the affirmative vote of a majority of Council members present.

Sec. 3.10. - Rules of procedure.

The City Council will determine its own rules of order and business. The City Council will provide that the citizens of the City will have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The City Council will provide for minutes to be taken and recorded for all meetings as required by law. Such minutes will be a public record and will be kept and maintained by the City Secretary.

Sec. 3.11. - Passage of ordinances in general.

- (1) The City Council must legislate by ordinance only, and the enacting clause of every ordinance will be "Be it ordained by the City Council of the City of Rockwall, Texas ..." Each proposed ordinance will be introduced in the written or printed form required for adoption. No ordinance will contain more than one subject which must be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption an ordinance must not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, [an] amendatory or repealing ordinance must set out in full the ordinance sections or subsections to be amended or repealed and will indicate matter to be omitted by enclosing it in brackets and will indicate new matter by enclosing it in quotation marks.
- (2) Any member of the City Council may offer any ordinance in writing that has been placed on the agenda at a regular City Council meeting. Copies of proposed ordinances, in the form required for adoption, will be furnished to members of the City Council before the first reading. Copies of the proposed ordinance, in the form required for adoption, will be available at the City offices and will be furnished to citizens upon request to the City Secretary before the first reading and, if amended, must be available and furnished in amended form for as long as the proposed ordinance is before the City Council.
- (3) A proposed ordinance, except as related to an emergency, budget, tax, public utility rate setting, or State or Federal requirement, must be read at two City Council meetings with at least one week between readings.
- (4) A proposed ordinance may be amended at either reading, but any ordinance amended in substance be considered as a first reading, except that an ordinance authorizing the issuance of bonds or other obligations may be amended on second and final reading to provide for the terms

of sale of such bonds or obligations without such ordinance being placed again as a first reading at a subsequent meeting. Terms of sale will refer to interest rates, identity of purchaser, and applicability of bond insurance. At any reading of a proposed ordinance, the adoption of which was not preceded by a public hearing held by the City Council, interested persons will have a reasonable opportunity to be heard.

- (5) Every ordinance will become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture will become effective only after having been published once in its entirety or summary form, after adoption, in a newspaper designated as the newspaper of record of the City.
- (6) The reading aloud of a title and caption of the ordinance will suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the City Council and a reasonable number of additional copies are available to citizens present at the meeting. If a majority of the members present request that the ordinance be read in its entirety, it must be read.

Sec. 3.12. - Emergency ordinances.

- (1) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances will not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither will they authorize the borrowing of money except as provided in Article VII of this Charter.
- (2) An emergency ordinance will be introduced in the form and manner generally prescribed for ordinances, except that they will be plainly designated in the title as an emergency ordinance and will contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.
- (3) An emergency ordinance may be introduced at any Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of at least four members of the City Council will be required for adoption.
- (4) Emergency ordinances will become effective upon adoption and will be published as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, will automatically stand repealed as of the sixty-first day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

Sec. 3.13. - Authentication, recording, codification, printing and distribution.

- (1) All ordinances and resolutions adopted by the City Council must be authenticated by seal and signature of the City Secretary and numbered consecutively as adopted. They must be properly indexed and placed in a book kept open for public inspection.
- (2) The City Council must maintain the codification of ordinances of the City. This codification must be known and cited as "The Rockwall City Code" and must be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification must be enacted as an amendment to the Code. For the purpose of

this Section, general ordinances will be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the Code will be furnished to City officers, placed in City offices and made available for purchase by the public at a reasonable price fixed by the City Council.

- (3) The City Council will cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment will be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments will be sold to the public at a reasonable price to be fixed by the City Council.

Sec. 3.14. - Investigations by City Council.

The City Council will have the power to inquire into the official conduct of any department, agency, office, officer or employee of the City. For that purpose, the Council will have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Council will provide by ordinance penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and will have the power to punish any such contempt in the manner provided by the ordinance.

Sec. 3.15. - Bond.

The City Council must require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of the bonds must be determined by the City Council and the cost must be borne by the City.

ARTICLE IV. - CITY ADMINISTRATION

Sec. 4.01. - City Manager.

- (1) The City Council will appoint a City Manager who will serve as chief administrative officer of the City. He/She will be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager will be appointed solely upon his executive and administrative qualifications. He/She need not be a resident of the City when appointed, but will reside within the City for the tenure of his appointment.
- (2) The City Council will fix the compensation of the City Manager, and his compensation may be amended from time to time in accordance with his experience, qualifications and performance.
- (3) The City Manager will be appointed for an indefinite term, and may be removed by resolution at the discretion of the Council by a majority vote of its members. Upon passage of that resolution stating the intention to remove the City Manager and the reasons therefor, a copy of which will be immediately furnished to him/her, the Council may suspend him/her from duty. The action of the City Council in removing the City Manager will be final. In case of the absence, disability or suspension of the City Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the office except where the absence or disability is of a temporary nature.
- (4) The City Manager will have the power to:
- (a) Appoint, suspend and remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter.

- (b) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter.
- (c) See that all State laws and City ordinances are effectively enforced.
- (d) Attend all City Council meetings, with the right to take part in discussion, but he/she will not vote.
- (e) Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions, including items initiated by members of the City Council. (Amended, 1988)
- (f) Prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
- (g) Keep the City Council fully advised at least quarterly as to the financial condition and future needs of the City, and make such recommendations concerning the affairs of the City as he/she or the City Council deems desirable or necessary.
- (h) Make reports as he/she or the City Council may require concerning the operations of the City departments, offices, or agencies subject to his direction or supervision.
- (i) Perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter or State or Federal law.
- (j) To [sic] sign and execute for and on behalf of the city all contracts and agreements approved by the City Council. When the City Manager is not available the acting city manager or Mayor may sign and execute such contracts and agreements which have been approved by the City Council.

Sec. 4.02. - City Secretary.

- (1) The City Manager will appoint or remove a City Secretary.
- (2) The City Secretary will:
 - (a) Give notice of all official public meetings of the City Council in a manner consistent with this Charter and State laws.
 - (b) Attend all public meetings and hearings of the City Council.
 - (c) Keep the minutes of the proceedings of all public official meetings and hearings of the City Council in a manner prescribed by the City Manager consistent with applicable law.
 - (d) Act as custodian of all official records of the City Council.
 - (e) Hold and maintain the seal of the City of Rockwall, and affix this seal to all appropriate documents.
 - (f) Authenticate by signature and seal, and record all ordinances, resolutions and proclamations of the City.
 - (g) Perform such other duties as may be required by the City Manager.

Sec. 4.03. - Municipal Court.

- (1) The City Council must establish and cause to be maintained a Municipal Court. The Court will have

all the powers and duties as are now, or may be prescribed by the laws of the State of Texas.

- (2) The City Council will appoint a City Judge of the Municipal Court who will be a competent, duly qualified attorney licensed and practicing for at least two years in the State of Texas. In the event a duly qualified attorney is not available, the City Council will then select a qualified person to be the Municipal Judge. The City Judge of the Municipal Court will be appointed to a term of two years and may be appointed to additional consecutive terms upon completion of his term of office. The appointment of the City Judge may be terminated by the City Council. The City Judge will receive compensation as may be determined by the City Council.
- (3) In the event of failure of the City Judge to perform his duties, the Mayor must act in his place and stead (and in the event of a vacancy, until a City Judge is appointed by the Council to fill the vacancy). If the Mayor acts as a City Judge, he/she must be compensated at the same salary, if any, as the City Judge for whom he/she is acting.
- (4) All costs, fines and penalties imposed by the Municipal Court must be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future State laws. (Amended, 1988)
- (5) The City Council may by ordinance establish a Municipal court of Record.

Sec. 4.04. - City Attorney.

- (1) The City Council, after consultation with the City Manager, must appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who will serve as the City Attorney.
- (2) The City Attorney will:
 - (a) Serve as the legal advisor to the City Council and City Manager.
 - (b) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
 - (c) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other items of City business.
- (3) The City Council will have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (4) The City Attorney and special counsel will receive compensation as may be determined by the City Council.
- (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him/her and the City in its representation and/or litigation.
- (6) The City Attorney may be removed by a majority vote of the elected City Council.

Sec. 4.05. - Administrative departments, offices and agencies.

- (1) The City Council may, after hearing recommendations of the City Manager, establish, abolish, redesignate or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.
- (2)

Except as provided elsewhere in this Charter, all departments, offices and agencies of the City will be under the direction and supervision of the City Manager, and will be administered by officers appointed by and subject to the direction and supervision of the City Manager. The City Manager may, with the consent of the City Council, serve as the head of one or more City departments, offices or agencies or appoint one person as the head of two or more of them.

- (3) The City Manager will appoint a City Tax Collector, whose duties and functions will be those usual to the office and consistent with existing or future laws of the State of Texas as they may apply to City or County Tax Collectors. Nothing in this paragraph [subsection] will be construed in such a way as to prohibit the City from contracting for tax collection services, as specified in Section 7.20 () of this Charter.

Sec. 4.06. - Personnel system.

- (1) Personnel rules must be prepared by the City Manager and presented to the City Council, which may adopt them by ordinance, with or without amendment. The adopted rules must establish the City as an Equal Opportunity Employer and will govern the equitable administration of the personnel system of the City.
- (2) The adopted rules will provide for the following requirements:
- (a) A pay and benefit plan for all City employment positions.
 - (b) A plan for working hours, attendance policy and regulation, and provisions for sick and vacation leave.
 - (c) Procedures for the hearing and adjudication of grievances.
 - (d) Additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system.
 - (e) A plan for at least an annual oral and written evaluation based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager by the City Council.

ARTICLE V. - NOMINATIONS AND ELECTIONS

Sec. 5.01. - City elections.

- (1) City elections will be conducted in accordance with the Texas Election Code.
- (2) The regular City election will be held annually during the second calendar quarter of the year on the uniform election date established by the Texas Election Code. The City Council will be responsible for specification of places for holding such elections. (Amended, 1988)
- (3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election, and provide all means for holding same.
- (4) Municipal elections will be conducted by election officials appointed by the City Council. Sample ballots identical in format to those used in the specific election will be posted in the voting place(s) for the purpose of voter orientation.
- (5) All municipal elections will be publicized in accordance with the Texas Election Code.

Sec. 5.02. - Filing for office[; qualifications of candidates.]

- (1) Candidates for City offices must file for office in accordance with the Texas Election Code.
- (2) Candidates for elective City office must meet the following qualifications:
 - (a) Must be at least twenty-one years of age at the time of the election for which they are filing.
 - (b) Must be a qualified voter.
 - (c) Must have resided within the corporate limits of the City, or recently annexed territory, for at least twelve months prior to the filing deadline.
 - (d) Must not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the City.
 - (e) No candidate may file in a single election for more than one office or position as provided by this Charter.
 - (f) No employee of the City will continue in such position after filing for an elective office provided for in this Charter.

Sec. 5.03. - Official ballots.

- (1) The name of each candidate seeking elective office, except those who have withdrawn, died, or become ineligible, will be printed on the official ballot in the form designated by the candidate or party in accordance with the Texas Election Code. If two or more candidates have the same surname, or surnames so similar as to be likely to cause confusion, their residence addresses will be printed with their names on the ballot.
- (2) The order of the names of the candidates on the ballot will be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the Texas Election Code.
- (3) Procedures for early voting will be consistent with the Texas Election Code.
- (4) An ordinance, bond issue, or Charter amendment to be voted on by the voters of the City will be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and will be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.
- (5) Procedures for write-in votes will be consistent with the Texas Election Code.

Sec. 5.04. - Official results.

- (1) The candidate for elective office receiving a plurality of the votes cast will be declared the winner. In case of a tie amongst the candidates receiving the most votes, a runoff election will be held with only the names of those tied candidates on the ballot. The runoff election will be held within thirty days and in accordance with the laws of the State of Texas.
- (2) The returns of every municipal election will be handled in accordance with the Texas Election Code. These returns will be delivered from the election judges to the City Secretary and the Mayor at City Hall as soon as possible after the closing of the polls. Election returns, general and special, will be presented to the Council at their next meeting following the election, at which time the Council will canvass and declare the results of the election, which will be recorded in the minutes of the meeting.

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL**Sec. 6.01. - General authority.**

- (1) *Initiative.* The qualified voters of the City will have power to propose ordinances to the City Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, the voters will adopt or reject it at a City election. Such power will not extend to the budget or capital program or any ordinance not subject to initiative as provided by State law, relating to appropriation of money, levy of taxes or salaries of City officers or employees.
- (2) *Referendum.* The qualified voters of the City will have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the voters will approve or reject it at a City election. Such power will not extend to the budget or capital program or any emergency ordinance or ordinance not subject to referendum as provided by State law, relating to appropriation of money or levy of taxes.
- (3) *Recall.* The qualified voters of the City will have power to remove any official serving in an elective office.

Sec. 6.02. - Petitioners committee.

- (1) Any ten qualified voters may commence proceedings contemplated by this article by filing with the City Secretary an affidavit stating that they will constitute the petitioners committee. They will be responsible for preparing, printing and circulating the petition. They will file it in proper form and specify the address to which all notices to the committee are to be sent. The affidavit will set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered, or, in the case of recall, state the identity of the official whose recall is being sought.
- (2) In the case of recall, the City Secretary will immediately notify in writing the officer(s) to be removed that the affidavit has been filed.

Sec. 6.03. - Petition circulation.

- (1) All petition blanks used for circulation by the members of the petitioners committee or their designees will be numbered, dated and bear the signature of the City Secretary.
- (2) No petition may be circulated and no signatures obtained until after the affidavit is filed.

Sec. 6.04. - Form of petition.

- (1) All pages of a petition must be uniform in size and style and must be assembled as one instrument for filing. Each signer of a petition must be a registered voter of the City of Rockwall and must personally sign his own name thereto in ink or indelible pencil, and must write after his name his place or residence within the boundaries of the City, giving name of street and number, or place of residence, and must also write thereon the date, including the month, day and the year his signature was affixed. Petitions must contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.
- (2) Each page of a petition must have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he/she believes them to be genuine signatures

of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, or sought to be reconsidered, or the identity of the official whose recall is being sought.

(3) Locations for twenty signatures must be provided on each blank petition.

Sec. 6.05. - Presentation of petitions.

- (1) A petition to the City Council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen percent of those who voted in the last general municipal election, or two hundred, whichever is greater, must be filed with the City Secretary not later than thirty days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.
- (2) A petition to the City Council for recall, containing the signatures of qualified voters equal in number to thirty-five percent of those who voted in the last general municipal election, or four hundred, whichever is greater, must be filed with the City Secretary no later than thirty days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Sec. 6.06. - Suspension of effect of ordinance for referendum petitions.

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered will be suspended from taking effect unless such suspension will create an immediate breach of public health and safety. Such suspension will terminate when:

- (a) There is a final determination of insufficiency of the petition;
- (b) The City Council repeals the ordinance; or
- (c) Upon the certification of election results by the election officials.

Sec. 6.07. - Certification of petitions and presentation to City Council.

- (1) Within ten days after the petition is presented, the City Secretary must complete a certificate of sufficiency or insufficiency. Sufficiency must be determined by compliance with this Article.
- (2) If the petition is certified sufficient, the City Secretary must present the certificate to the City Council at the next regular City Council meeting. The City Council will verify determination of the sufficiency of the petition.
- (3) If a petition has been certified insufficient, the City Secretary will send the committee a Certificate of Insufficiency by registered mail which will include the particulars in which the petition is defective. The committee may, within five working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council will review the certificate at its next regular meeting following such a request and approve or disapprove it. Such determination will then be final. If no City Council review is requested within five working days, the City Secretary's certification is final.

Sec. 6.08. - Action on initiative and referendum petitions.

- (1) When an initiative or referendum petition has been finally determined sufficient, the City Council must promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the City Council fails to

adopt a proposed initiative ordinance without any change in substance within sixty days, or fails to repeal a referred ordinance within thirty days after the date the petition was finally determined sufficient, it will submit the proposed or referred ordinance to the voters of the City not less than forty-five days following the failure of the City Council to act as specified herein. The special election must be held on one of the uniform election dates specified in the Texas Election Code. Any election order so issued will comply fully with the Texas Election Code.

- (2) The called election may coincide with a regular City election should such City election fall within the specified period. No ordinance substantially the same as an initiated ordinance which has been defeated or one substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two years from the date of such election. Copies of the proposed or referred ordinance will be made available at the polls and will be published at least once in the newspaper of record of the City not more than fifteen days immediately prior to the date of the election.

Sec. 6.09. - Calling of recall election.

If the officer whose removal is sought does not resign, then the City Council will order an election and set the date for holding such recall election. The date selected for the recall election must be not less than forty-five days after the date the petition was presented to the City Council. If, after the recall election date is established, the officer vacates his position, the election must be canceled. The special election must be held on one of the uniform election dates specified in the Texas Election Code. Any election order so issued must comply fully with the Texas Election Code.

Sec. 6.10. - Withdrawal of petitions.

An initiative, referendum or recall petition may be withdrawn at any time prior to determination of sufficiency by filing with the City Secretary a request for withdrawal signed by at least seven members of the petitioners committee. Upon the filing of such request the petition will have no further force or effect and all proceedings thereon will be terminated.

Sec. 6.11. - Form of ballots.

(1) *Initiative.*

Ordinances must be submitted by ballot title, which must be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it must be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title must be printed the following two statements, one above the other [sic] other, in the order indicated:

"For adoption of the ordinance" and

"Against adoption of the ordinance"

Immediately below or to the left of each statement must appear a square in which the voter may cast his vote by making a mark.

(2) *Repeal.*

Ordinances being considered for repeal must be submitted by ballot title, which must be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such ordinance and it must be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title must be printed the following two statements, one above the other, in the order indicated:

"For repeal of the ordinance" and

"Against repeal of the ordinance"

Immediately below or to the left of each statement must appear a square in which the voter may cast his vote by making a mark.

(3) Recall.

Ballots used at recall elections must, with respect to each person whose removal is sought, submit the question:

"Will (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question there will be printed the two following statements, one above the other, in the order indicated:

"For the removal of ... by recall."

"Against the removal of ... by recall."

Immediately below or to the left of each statement will appear a square in which the voter may cast his vote by making a mark.

Sec. 6.12. - Results of election.

- (1) If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it will be considered adopted upon certification of the election results and will be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes will prevail.
- (2) An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two years by a majority vote or after one year by unanimous vote of all Council members.
- (3) If a majority of the qualified electors voting on a referred ordinance vote against the ordinance, it will be considered repealed upon certification of the election results. If a majority of the qualified electors voting on a referred ordinance vote for the ordinance, the ordinance will be considered in effect.
- (4) An ordinance repealed by referendum may be reenacted at any time after the expiration of two years by a majority vote or after one year by unanimous vote of all Council members.
- (5) If a majority of the votes cast on the question of recall at a recall election will be against the removal of the elected official named on the ballot, he/she will continue in office for the remainder of his unexpired term, subject to recall as before within the limitations of Sec. [Section] 6.14 below. If a majority of the votes cast on the question of recall at a recall election will be for the removal of the

elected official named on the ballot, he/she will, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy will be filled in accordance with the provisions of this Charter for the filling of vacancies.

Sec. 6.13. - Limitations and restrictions.

- (1) No recall petition must be filed against any officer of the City within six months after his election nor within six months of such a petition being filed and found insufficient, nor within one year after an election for such officer's recall. No such limitations will apply to appointed Council members.
- (2) In no instance will an officer removed from office by recall election serve in an elective office of the City within a period of five years following the date of the election at which he/she was removed from office.
- (3) Unless withdrawn, no petition will again be filed on a proposed or referred ordinance of substantially the same content within a period of two years of the failure of the petition at a City election.

Sec. 6.14. - Failure of City Council to call election.

In case all of the requirements of this Charter have been met and the City Council will fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with reference to initiative, referendum or recall, then the District Judge may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

ARTICLE VII. - FINANCIAL PROCEDURES

Sec. 7.01. - Fiscal year.

The fiscal year of the City must begin on the first day of October and end on the last day of September of the next succeeding year. Such fiscal year must also constitute the budget and accounting year.

Sec. 7.02. - Submission of budget and budget message.

On or before the first day of the eleventh month of the fiscal year, the City Manager must submit to the Council a budget for the ensuing fiscal year and an accompanying message.

Sec. 7.03. - Budget message.

The City Manager's message will explain the budget both in fiscal terms and in terms of the work programs. It will outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

Sec. 7.04. - Budget a public record.

The budget and all supporting schedules must be filed with the City Secretary when submitted to the Council and must be opened to public inspection by anyone interested.

Sec. 7.05. - Public hearing on budget.

At the Council meeting when the budget is submitted, the Council must name the date and place of a public hearing and must have published in the newspaper of record of the City the time and place, which will be not less than ten days nor more than thirty days after the date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

Sec. 7.06. - Proceeding on adoption of budget.

After public hearing, the Council must analyze the budget, making any additions or deletions which they feel appropriate, and must, at least ten days prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of the full membership of the Council. Should the City Council take no final action on or prior to such day, the current budget must be in force on a month-to-month basis until a new budget is adopted.

Sec. 7.07. - Budget, appropriation and amount to be raised by taxation.

On final adoption, the budget will be in effect for the budget year. Final adoption of the budget by the Council will constitute the official appropriations as proposed by expenditures for the current year and will constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

Sec. 7.08. - Contingent appropriation.

Provision may be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than seven percent of the total general fund expenditures, to be used in case of unforeseen items of expenditures. This contingent appropriation will apply to current operating expenses and will not include any reserve funds of the City. Such contingent appropriation will be under the control of the City Manager and distributed by him/her only after prior approval by the City Council. The proceeds of the contingent appropriation will be disbursed only by transfer to other departmental appropriation, the spending of which will be charged to the departments or activities for which the appropriations are made. (Amended, 1988)

Sec. 7.09. - Amending budget.

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the Council may, by a majority vote of the full membership, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments must be by ordinance, and must be an attachment to the original budget.

Sec. 7.10. - Certification; copies made available.

A copy of the budget, as finally adopted, must be filed with the City Secretary and such other places required by the State law or as the City Council will designate. The final budget will be printed or otherwise reproduced and sufficient copies will be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations.

Sec. 7.11. - Capital program.

The City Manager will prepare and update a five-year capital program in accordance with the procedures approved by the City Council.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 7.12. - Defect shall not invalidate tax levy.

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements will not nullify the tax levy or the tax rate.

Sec. 7.13. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, will lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure other than in the operating budget of the City will continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation will be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. However, any appropriations, including capital expenditures, provided for in the annual operating budget will lapse at the end of the fiscal year. Any funds not expended, disbursed, or encumbered prior to their lapse as described herein will be returned to the appropriate accounting fund of the City.

Sec. 7.14. - Borrowing.

(1) *[Authority.]* The City will have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.

(2) *Tax obligation bonds—General.*

- (a) The City will have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or any other public purpose not prohibited by law and this Charter, to issue refunding bonds to refund outstanding bonds previously issued, and to issue other obligations permitted by law. All such bonds or other obligations, e.g., Certificates of Obligation and Contractual Obligation, will be issued in conformity with the laws of the State of Texas, will be issued for stated, specific projects or purposes. Any funds remaining after completion of said projects will be used to service or retire the debt created by the issuance of said bonds or obligations.
- (b) Any tax obligation bonds, other than refunding bonds, issued under the provisions of this section will not be issued without an election. The City Council will prescribe the procedure for calling and holding such elections, will define the voting precincts and will provide for the return and canvass of the ballots cast at such elections.
- (c) If at such elections a majority of the vote will be in favor of creating such a debt of the City, it will be lawful for the City Council to issue bonds as proposed in the ordinance submitting same. However, if a majority of the vote polled will be against the creation of such debt, the City Council will be without authority to issue the bonds. In all cases when the City Council must order an election for the issuance of bonds of the City, it must at the same time submit the question of whether or not a tax must be levied upon the property of the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption. (Amended, 1988)
- (d)

State law permits the issuance of Certificates of Obligation at the discretion of the City Council. However, it is the expressed will of the citizens of Rockwall that such obligations be issued only after being authorized by a vote of the citizens at an election called for the purpose of considering the issuance of such obligations. An exception to this guideline is to be permitted only in the event of an urgent public necessity. In order to issue Certificates of Obligation in the event of an urgent public necessity, when a vote of the citizenry is not held, the affirmative vote of six members of the Council must be required to authorize such issuance.

(3) *Revenue bonds.*

- (a) The City will have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and the laws of the State of Texas. With an affirmative vote of at least six of the members of the City Council, it will have the power to issue revenue bonds and to evidence the obligation created thereby. Revenue bonds for any purpose other than water and sanitary sewer system improvement, expansion, or reconstruction must be authorized by a majority of citizens voting in an election called for the purpose of considering the issuance of such obligations. Upon approval of such revenue bonds by the voters, an affirmative vote of a majority of the full membership of the City Council will be required to issue said revenue bonds. Such bonds will be a charge upon and payable from the properties, or interest therein pledged, or the income therein gained from, or both. The holders of the revenue bonds will never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds will be issued in conformity with the laws of the State of Texas and will be used only for the purpose for which they were issued.

(4) *Emergency funding.*

- (a) In any budget year, the City Council may, by unanimous resolution of the elected Council, authorize the borrowing of money. Notes may be issued which are repayable not later than the end of the current fiscal year.

Sec. 7.15. - Purchasing.

- (1) The City Council may, by ordinance, give the City Manager general authority to contract for expenditure without further approval of the Council for all budgeted items not exceeding limits set by the Council.

All contracts for expenditures involving more than the set limits must be expressly approved in advance by the Council. All contracts or purchases involving more than the limits set by the Council must be let to the lowest bidder whose submittal is among those responsive to the needs of the City after there has been opportunity for competitive bidding as provided by law or ordinance. The City Council, or City Manager in such cases as he/she is authorized to contract for the City, will have the right to reject any and all bids.

- (2) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the Council, without competitive bidding. Such emergency will be declared by the City Manager and approved by the City Council, or may be declared by the City Council.

Sec. 7.16. - Administration of budget.

- (1) No payment will be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter will be void and any payment so made illegal. Such action will be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and he/she will also be liable to the City for any amount so paid.
- (3) This prohibition will not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.
- (4) The City Manager will submit to the Council each month or as directed by the City Council a report covering the revenues and expenditures of the City in such form as requested by the City Council.

Sec. 7.17. - Depository.

All monies received by any person, department or agency of the City for or in connection with the affairs of the City will be deposited promptly in the City depository or depositories. The City depositories will be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and law. Procedures for withdrawal of money or the disbursement of funds from the City depositories will be prescribed by ordinance.

Sec. 7.18. - Independent audit.

At the close of each fiscal year, and at such other times as may be deemed necessary, the City Council must call for an independent audit to be made of all accounts of the City by a certified public accountant. No more than [five] consecutive annual audits must be completed by the same firm. The certified public accountant selected must have no personal interest, directly or indirectly in the financial affairs of the City or any of its officers. The report of audit, with the Auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary must be published immediately in the newspaper of record of the City and copies of the audit placed on file in the City Secretary's office as a public record. (Amended, 1993) (Amended, 1996)

Sec. 7.19. - Power to tax.

- (1) The City will have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas as now written or hereafter amended.
- (2) The City will have the power to grant tax exemptions in accordance with the laws of the State of Texas.

Sec. 7.20. - Office of Tax Collector.

There will be established an office of taxation to collect taxes, the head of which will be the City Tax Collector. The City Council may contract for such services.

Sec. 7.21. - Taxes; when due and payable.

- (1) All taxes due in the City of Rockwall must be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year must be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date must be deemed delinquent, and must be subject to penalty and interest as the City Council will provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January 1 in amounts not to exceed those established by the laws of the State of Texas.
- (2) Failure to levy and assess taxes through omission in preparing the appraisal rolls will not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

Sec. 7.22. - Tax liens, liabilities and suits.

- (1) All taxable property located in the City on January 1 of each year will stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property or after January 1 in any year will take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City will be personally liable for the taxes due for that year.
- (2) The City will have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City will have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

ARTICLE VIII. - BOARDS, COMMISSIONS AND COMMITTEES**Sec. 8.01. - Authority, composition and procedures.**

- (1) The City Council will create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council will, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter. Each board, commission, or committee will elect from among its members a chairman and vice-chairman to serve for a term not to exceed one year.
- (2) Individuals who are qualified voters in the City may be appointed to serve on one or more boards, commissions or committees. The City Council may, by ordinance or resolution, consolidate the functions of the various boards, commissions or committees provided for in this Charter. Except as otherwise provided in this Charter, members of any such board, commission or committee will serve without compensation but may be reimbursed for actual expenses as approved by the City Council.
- (3)

All boards, commissions or committees of the City must keep and maintain minutes of any proceedings held and must submit a written report of such proceedings to the City Council at intervals prescribed by the City Council.

- (4) No elected official of the City nor any person who holds a compensated appointive position with the City will be appointed to any board, commission or committee other than in a nonvoting advisory capacity, except as authorized by state law.
- (5) Any member of a board, commission or committee who is absent from three consecutive regular meetings without explanation acceptable to a majority of the other members must forfeit his position on the board, commission or committee.

ARTICLE IX. - PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

Sec. 9.01. - Organization.

- (1) There is hereby established a Planning and Zoning Commission which must consist of seven members who will be appointed by the City Council to staggered terms in accordance with the existing Zoning Ordinance. The Commission members must be qualified City voters. No member will serve on the Commission for more than two "full" consecutive terms. A member who has served for two consecutive terms may be reappointed after a lapse in service of 12 months or more. Any vacancy occurring during the unexpired term of a member will be filled by appointment by the City Council for the remainder of the unexpired term. A majority of the members will constitute a quorum. In August of each year, the Commission will elect from its members a Chairman and Vice Chairman to serve for one year beginning in that month. Members of the Commission may be removed with the consent of a majority of the Council after public hearing and for cause set forth in writing.
- (2) The Commission must meet at least once a month. The Commission must keep minutes of its proceedings which must be of public record. Minutes will be recorded by a member of the City Staff. The Commission will serve without compensation.

Sec. 9.02. - Duties and powers.

- (1) The Commission will be responsible to and act as an advisory board to the City Council. The Commission must:
 - (a) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken.
 - (b) Make, amend, extend and add to a Master Plan for the physical development of the City.
 - (c) Keep public records of its resolutions, findings and determinations. (Amended, 1988)
 - (d) The Chairman of the Planning and Zoning Commission must make a formal monthly report in person to the City Council.
- (2) The Commission will have full power to:
 - (a) Exercise the authority of the Zoning Commission as provided by State law, this Charter and City ordinances.
 - (b) Prepare, adopt and administer rules and recommendations pertaining to subdivisions and to

platting in territories within the city limits and its extraterritorial jurisdiction.

- (c) Make reports and recommendations relating to the Master Plan and development of the City.
- (d) Within its budget appropriation, and consistent with state purchasing law contract for professional and consultant services to aid in carrying out its duties.

Sec. 9.03. - Master Plan.

The existing Master Plan for the physical development of the City contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Recommended changes to the Master Plan must be submitted to the City Manager after the Planning and Zoning Commission holds at least one public hearing on the proposed change.

Sec. 9.04. - Procedure for amending Master Plan.

- (1) City Manager will submit the proposed changes to the Council, together with any recommendations. The Council, after a public hearing, will adopt or reject such proposed revision or any part thereof as submitted within sixty days following its submission by the City Manager. If the proposed revisions or part thereof should be rejected by the Council, the Planning and Zoning Commission may make modifications and again forward it to the City Manager for submission to the Council.
- (2) All rules and regulations adopted by the Planning and Zoning Commission regarding implementation of the Master Plan, will be forwarded to the City Manager who will submit them to the Council with his recommendations. The Council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning and Zoning Commission may modify them and submit such modified rules and regulations to the City Manager for submission with his recommendations to the Council. (Amended, 1996)

Sec. 9.05. - Legal effect of Master Plan.

Following the adoption by the Council of the Master Plan, it will serve as a guide to all future Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Master Plan will not be authorized until and unless the location and extent thereof will have been submitted to and approved by the Planning and Zoning Commission. In case of disapproval, the Commission will communicate its reasons to the Council, which will have the power to overrule such disapproval and upon such overruling, the Council or the appropriate office, department or agency will have authority to proceed. A two-thirds vote of the City Council will be required to overrule the recommendations of the Commission, except as otherwise provided by State law. The failure of the Commission to act within thirty days after the date of official submission to the Commission will be deemed approval, unless a longer period be granted by the Council or submitting official.

Sec. 9.06. - Board of adjustment.

The Council must, by ordinance, establish a Board of Adjustment and must provide standards and procedures for such board to hear and determine appeals from administrative decisions, petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land, and such other matters as may be required by the Council or by law. Board members must be qualified voters of the City. (Amended, 1988) (Amended, 1996)

ARTICLE X. - UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES

Sec. 10.01. - Authority.

The City will have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The City will not supply any utilities service outside the city limits, except by a written contract. The City will have such regulatory and other power as may now or hereafter be granted under the Constitution and laws of the State of Texas.

Sec. 10.02. - Ordinance granting franchise.

- (1) Any ordinance granting, renewing, extending or amending a public service or utility franchise must be read at two separate meetings of the City Council and will not take effect until thirty days after the final reading. Within fifteen days following the first reading of the ordinance, a summary of the ordinance will be published once in a newspaper designated as the newspaper of record of the City. The expense of such publication will be borne by the prospective franchisee.
- (2) No franchise will be granted for a term of more than twenty years from the date of the grant, renewal or extension of any franchise.
- (3) No franchise may be exclusive.

Sec. 10.03. - Transfer of franchise.

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

Sec. 10.04. - Franchise value not to be allowed.

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

Sec. 10.05. - Right of regulation.

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (a) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise.
- (b) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant.
- (c) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.
- (d) To require reasonable standards of service and quality of product and prevent rate discrimination.
- (e) To impose reasonable regulations and restrictions to insure [ensure] the safety and welfare of the public.
- (f) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.

- (g) To require the franchisee to restore, at [the] franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal.
- (h) To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction.
- (i) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

Sec. 10.06. - Regulation of rates.

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State and federal statutes and regulations.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council will call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including, but not limited to, the following:
 - (a) Cost of its investment for service to the City.
 - (b) Amount and character of expenses and revenues connected with rendering the service.
 - (c) Copies of any reports or returns filed with any State or Federal regulatory agency within the last three years.
 - (d) Demonstration that the return on investment, if any, is within State and Federal limitations.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which will be reimbursed to the City by the franchisee.

Sec. 10.07. - Licenses.

The City will have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and for any other purpose not contrary to the Constitution and laws of the State of Texas.

ARTICLE XI. - GENERAL AND TRANSITIONAL PROVISIONS

Sec. 11.01. - Public records.

All records of the City must be open to inspection except for those that are closed to the public by law. The records may be examined and copied in the City offices during normal office hours at a nominal charge established by the City Manager.

State law reference— Public records act, V.T.C.A., Government Code § 552.001 et seq.

Sec. 11.02. - Newspaper of record.

The City Council must designate annually a newspaper of general circulation in the City to serve as newspaper of record. All ordinances, notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas must be published in the newspaper of record.

Sec. 11.03. - Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any City Council member or the City Manager will be employed or appointed to any positions of the City. This will not apply to any person continuously employed prior to the election or appointment of the person related in the above degree.

Sec. 11.04. - Oaths.

All elected and appointed officers of the City must take and sign the oath of office based on those prescribed for state elective and appointive offices, respectively, in the Constitution of the State of Texas.

Sec. 11.05. - Prohibitions and penalties.

- (1) Equality of rights under the law must not be denied or abridged with respect to appointment to or removal from any position because of race, gender, age, national origin, political or religious opinions or affiliations.
- (2) No person who seeks appointment or promotion with respect to any City position will, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his test, appointment or promotion.
- (3) No person will willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of this Charter.
- (4) No person who holds any compensated nonelective City position will make, solicit or receive any contribution for any candidate for public office in the City, or take part in the management, affairs or political campaign of such candidate. He/She may exercise his rights as a citizen to express his opinion and cast his vote.
- (5) Any person who willfully engages in any of the above prohibited activities will be ineligible for appointment or election to a position in the City for a period of five years from that time. If he/she is an officer or employee of the City at the time of the violation, he/she must immediately forfeit his office or position.
- (6) No person will be qualified to hold a municipal office or serve the City in any other capacity for which compensation is paid who is delinquent in the payment of taxes or other liabilities due the City.

Sec. 11.06. - Assignment, execution and garnishment.

- (1) Property, real and personal, belonging to the City will not be liable to be sold or appropriated under any writ or execution of cost bill. Funds belonging to the City in the hands of any person, firm or corporation, will not be liable to garnishment, attachment or sequestration; nor will the City be liable to garnishment, attachment or sequestration; nor will the City be liable to garnishment of

account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the City nor any of its officers or agents will be required to answer any such writ of garnishment on any account whatever.

- (2) The City will not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Sec. 11.07. - Security and bond.

It will not be necessary in action, suit or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. All such actions must be conducted in the same manner as if such bond, and undertaking or security has been given as required by law.

Sec. 11.08. - Notice of claim.

The City will not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages will, within sixty days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the conditions causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

State law reference— Tort claims, V.T.C.A., Civil Practice and Remedies Code § 101.001 et seq.

Sec. 11.09. - Power to settle claims.

The City Council will have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City, including suits by the City to recover delinquent taxes.

Sec. 11.10. - Service to process against City.

All legal process against the City will be served upon both the Mayor and the City Manager.

Sec. 11.11. - Judicial notice.

This Charter will be deemed a public act, may be read in evidence without pleading of proof, and judicial notice will be taken thereof in all courts and places.

Sec. 11.12. - Separability.

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding will not invalidate or impair the validity, force or effect of any other section or part of this Charter.

Sec. 11.13. - Wording interpretation.

- (1) The gender of wording throughout this Charter must always be interpreted to mean either sex. All singular words will include the plural and all plural words will include the singular. All references to State law or laws of the State of Texas, however expressed in this Charter, will mean "as presently enacted or hereafter amended."
- (2) The term "Council" will include the Mayor and all other Council members.
- (3) Definitions. When used in this Charter, the terms below will have the meanings stated in this

section.

- (a) "City" will refer to the municipal corporation more specifically titled "The City of Rockwall."
- (b) "Elected officer" will refer to any member of the City Council regardless of whether the individual became a member by election or appointment.
- (c) "Appointed officer" will refer to any individual appointed by the City Council.
- (d) "Administrative officer" will refer to any employee of the City appointed by the City Manager.
- (e) "Office" will refer to any position in the City filled by appointment by the City Council or City Manager.
- (f) "Officers" will refer to any member of the City Council, or any individual appointed by the City Council other than members of ad hoc committees with a limited term.
- (g) "Employee" will refer to any person who is employed and paid a salary by the City including those individuals on a part-time basis, but does not include City Council members or members of the volunteer fire department.
- (h) "Public Utility" will refer to any privately owned business that provides a service to the public under the terms of a franchise granted by the City Council. The term will include but not necessarily be limited to electric service, gas service, telephone service, and cable television service.

Sec. 11.14. - Amendment of Charter.

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the constitution and the laws of the State of Texas as presently enacted or hereafter amended.

Sec. 11.15. - Charter Review Commission.

- (1) The City Council must appoint a Charter Review Commission of ten citizens of the City which will:
 - (a) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records it deems necessary to conduct the hearings.
 - (b) Propose any recommendations it deems desirable to insure [ensure] compliance with the Charter of the City government.
 - (c) Report its findings and present its recommendations to the City Council.
- (2) The City Council will receive and have published in the newspaper of record of the City a comprehensive summary of the report presented by the Commission; will consider any recommendations made, may order any amendments suggested to be submitted to the voters of the City in the manner provided by State law as now written or hereafter amended.
- (3) The term of office of the Commission must be for not more than six months, at the end of which time a report will be presented to the City Council and all records of proceedings of the commission will be filed with the City Secretary and become a public record.

Sec. 11.16. - Schedule of transition.

- (1) This Charter will take effect immediately following adoption by the voters.
- (2) Upon adoption of this Charter, the present members of the City Council filling elective offices will continue to fill those offices for the terms for which they were elected. Thereafter, the City Council will be elected as provided in this Charter. Persons who, on the date this Charter is adopted, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.
- (3) All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter will remain in force until altered, amended or repealed by the Council, and all rights of the City under existing franchises and contracts are preserved in full force and effect.

Sec. 11.17. - Officers and employees.

Except as specifically provided, nothing in this Charter will affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

Sec. 11.18. - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings will continue except as modified pursuant to the provisions of this Charter and in each case will be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

Sec. 11.19. - Submission of Charter to electors.

The Charter Commission in preparing this Charter finds and declares that it is impractical to segregate each subject so that the voter may vote "Yes" or "No" on each subject. The Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that this Charter be voted upon as a whole.

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 01/20/2015

APPLICANT: Rick Dirkse, *Dirkse and Associates, LTD*

AGENDA ITEM: **Z2014-036**; *SF-10 to PD (1312 & 1316 Ridge Road)*

SUMMARY:

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

REQUEST:

On December 18, 2014, the applicant, Rick Dirkse, submitted an application on behalf of the owner, Dan Bobst of JBR2, LLC, for the approval of a zoning change for two (2) parcels of land zoned Single Family 10 (SF-10) District and addressed as 1312 & 1316 Ridge Road [FM-740]. Specifically, the requested zoning change proposed a Planned Development (PD) District that would limit the land uses on the subject property to general/professional office (e.g. *attorney, accountant, real estate, investment broker, and etcetera*), small medical office (e.g. *dentist, specialty clinic, and etcetera*) and/or single-family residential uses; and, to provide for more restrictive density and dimensional requirements, which are intended to regulate any development on the subject properties into conforming to the architecture utilized by the adjacent single-family residential homes. The underlying zoning district of the proposed Planned Development (PD) District is a Residential-Office (RO) District, which according to the Article V, *District Development Standards*, of the Unified Development Code is intended, "to allow for low intensity office development providing professional, medical and other office services to residents in adjacent neighborhoods ... [and] serve as an area of transition between residential and high-intensity nonresidential uses or busy arterial thoroughfares".

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are several single-family homes situated adjacent to Ridge Road, zoned Single Family 10 (SF-10) District, and located within the Scenic Overlay (SOV) District. Beyond these properties are several single-family homes/office buildings zoned Planned Development District 53 (PD-53) for Residential-Office (RO) District land uses. These properties are also adjacent to Ridge Road and situated within the Scenic Overlay (SOV) District.

South: Directly south of the subject property are several single-family homes situated adjacent to Ridge Road, zoned Single Family 10 (SF-10) District, and located within the Scenic Overlay (SOV) District. Beyond these properties are nine (9) single-family residential properties that are a part of the Lake Ray Hubbard Estates subdivision. These properties are zoned Single Family 10 (SF-10) District, and are situated within the Scenic Overlay (SOV) District.

East: Directly east of the subject property is Ridge Road, which is classified as a *M4D (minor arterial, four [4] lane, divided roadway)* by the City's *Master Thoroughfare Plan*. Beyond this arterial is the Rockwall Commons mixed-use development, which is composed of office, retail and residential land uses. This property is zoned Planned Development District 1 (PD-1), which allows for a mix of land uses.

West: Directly west of the subject property are ten (10) single-family residential properties that make up the Eagle Point Estates subdivision and are zoned Single Family 10 (SF-10) District. Beyond these properties is the Lake Ray Hubbard Estates subdivision, which contains 63 single-family lots on 24.022-acres of land. These properties are zoned Single Family 10 (SF-10) District.

DEVELOPMENT STANDARDS

With the zoning application, the applicant has submitted a *PD Concept Plan* that indicates intent to build two (2) independent office buildings (*i.e. 5,000 SF and 6,000 SF*) constructed on individual lots. The parking for these buildings will be accessible utilizing the two (2) existing drive approaches adjacent to Ridge Road. All parking will be located in the front of the properties in between the front façade of the proposed buildings and Ridge Road. The rear of the properties should generally conform to the adjacent single-family development, and give the appearance of a single-family residence. The applicant has stated that the intent of the project is to blend the buildings with the adjacent single-family neighborhood and only provide the appearance of an office building on Ridge Road. Staff has included additional standards in the Planned Development District Ordinance that ensures that any structure constructed on the subject property shall be built to a residential scale. These restrictions include limiting the building's square footage (*i.e. maximum of 5,000 SF and 6,000 SF*), restricting the roof design to be a pitched roof system that is comparable to the adjacent single-family residential homes, and requiring a wood screening fence that matches the City's current residential fence standards. In addition, the height of the buildings have been restricted to 36-feet, which is the same height restriction required by the Single Family 10 (SF-10) District (*i.e. the current zoning designation*). Any requirements not specifically stated within the Planned Development District shall conform to Residential-Office (RO) District standards as stipulated by Section 4.2, *Residential-Office (RO) District*, of Article V, *District Development Standards*, of the Unified Development Code. A summary of the density and dimensional requirements for the subject property is as follows:

Table 1: Density and Dimensional Requirements

<i>Minimum Lot Width</i>	60'
<i>Minimum Lot Depth</i>	100'
<i>Minimum Lot Area</i>	6,000 SF
<i>Minimum Front Yard Setback</i>	25'
<i>Minimum Side Yard Setback ⁽¹⁾</i>	10'
<i>Minimum Rear Yard Setback</i>	30'
<i>Minimum Masonry Requirements ⁽²⁾</i>	90%
<i>Maximum Height</i>	36'
<i>Minimum Building Coverage/Floor Area Ratio</i>	40%/0.33
<i>Minimum Parking Requirement</i>	General Office: 1/300 SF Medical Office: 1/200 SF
<i>Maximum Lot Coverage</i>	45%
<i>Minimum Landscaping</i>	25%
<i>Minimum Distance Between Buildings</i>	10'

General Notes:

- ¹: Except if the adjacent property is predominantly residentially zoned or residentially used, in which case the setback shall be 20-feet.
- ²: All masonry materials shall conform to Section 4.1. A, *Construction Materials*, of Article V, *District Development Standards*, of the Unified Development Code.

STAFF ANALYSIS:

As stated above the intent of the Residential-Office (RO) zoning district is to provide a buffer or transition from residential neighborhoods to higher intensity non-residential land uses and/or busy arterials and thoroughfares. This district has proven to be particularly successful in areas where residential properties are adjacent to state roadways that accommodate a moderate to high traffic volume (*i.e. PD-50 adjacent to SH-205 & PD-63 adjacent FM-740*). In reviewing this case it should be noted that Ridge Road [FM-740] is classified as a M4D (*Minor Arterial, Four [4] Lane, Divided Roadway*) and accommodates a moderate level of traffic. According to the Texas Department of Transportation's (TX DOT's) *2012 District Traffic Maps*, Ridge Road currently accommodates between 17,800 and 25,000 trips per day between the SH-205/FM-740 split and IH-30. For reference, the average residential street generally accommodates less than 1,000 trips per day. The reason that the Residential-Office (RO) District has been successful in areas adjacent to busy thoroughfares is its unique ability to maintain a residential aesthetic while buffering more intense land uses/thoroughfares with low intensity non-residential land uses (*i.e. professional and medical offices*). These uses generally do not conflict with the adjacent residential land uses, specifically with regards to the hours of operations, noise, lighting, traffic and other environmental conditions commonly associated with non-residential developments. With this being said, zoning is a discretionary action for the Planning & Zoning Commission and City Council.

CONFORMANCE WITH THE FUTURE LAND USE MAP:

The Future Land Use Map, adopted with the Comprehensive Plan, designates the subject property for *Medium Density Residential* land uses. While the proposed land use does continue to allow single-family residential land uses it would also allow office land uses. Should the City Council approve the applicant's request, the Future Land Use Map will be amended to reflect the proposed change in land use from a *Medium Density Residential* designation to a *Special District* designation.

NOTIFICATION:

On December 30, 2015, staff mailed 61 notices to property owners and residents within 500-feet of the subject property. Staff also emailed notice of the request to the Waterstone Estates Homeowner's Association (HOA), which is the only HOA located within 1,500 feet of the subject property. Additionally, staff posted a sign along Ridge Road as required by the Unified Development Code (UDC). At the time this case memo was drafted staff had received seven (7) property owner notification and one (1) email in opposition to the request, and five (5) letters of support from adjacent property owners.

RECOMMENDATIONS:

If the Planning and Zoning Commission recommends approval of the applicant's request for a *PD Development Plan* then staff would propose the following conditions of approval:

- 1) The applicant shall be responsible for maintaining compliance with the conditions contained within the *PD Development Plan* ordinance and summarized as follows:
 - A) *Allowed Uses*. The following are the only permitted land uses that are permitted to be established on the *Subject Property*:
 - i. *Single Family 10 (SF-10) District Land Uses*. Uses permitted by right or by *Specific Use Permit (SUP)* in the Single Family 10 (SF-10) District as stipulated by Section 1.1, *Use of Land and Buildings*, of Article IV, "*Permissible Land Uses*", of the Unified Development Code [Ordinance No. 04-38].
 - ii. *General Office Land Uses*


iii. *Medical Office Land Uses*

- B) *Maximum Building Square Footage.* The *Subject Property* may contain one (1) building 5,000 SF or less and one (1) building 6,000 SF or less as depicted in the *Zoning Exhibit*.
- C) *Area Requirements and Development Standards.* Any development or redevelopment of the subject property shall conform to the Residential-Office (RO) District development standards stipulated by Section 4.2, *Residential-Office (RO) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38]; however, any building being constructed on the *Subject Property* shall not exceed 36-feet in total height.
- D) *Roof Design Standards.* All buildings proposed for the subject property shall be constructed with a pitched roof system that is comparable to adjacent residential development.
- E) *Screening Fence Standards.* Screening fences used to screen the *Subject Property* from adjacent residential properties may be constructed utilizing a typical *board-on-board* residential wood fence standard, which conforms to the requirements stipulated within the *Municipal Code of Ordinances*.
- F) *Additional Restrictions.* No fences, which is not explicitly permitted within this ordinance or any other type of barricade, shall be permitted on any property depicted in the *Zoning Exhibit*.
- 2) By approving this zoning change, the City Council will effectively be approving changes to the Comprehensive Land Use Plan. Specifically, this will change the designation of the subject property from a *Medium Density Single-Family Residential* designation to a *Special District* designation.
- 3) Any construction resulting from the approval of this *zoning amendment* shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION:

On January 13, 2015, the Planning and Zoning Commission made a motion to recommend denial of the applicant's request. The motion failed by a vote of 3-3, with Commissioner Fishman absent. Following the motion for denial, the Planning and Zoning Commission made a motion to recommend approval of the applicant's request. The motion failed by a vote of 3-3. Since the Planning and Zoning Commission was unable to approve a motion, no recommendation can be forwarded to the City Council.

0 55 110 220 330 440 Feet

Z2014-036 - SF-10 TO PD (1312 & 1316 RIDGE ROAD)
ZONING - LOCATION MAP = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

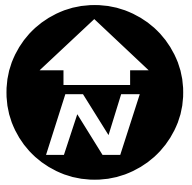




City of Rockwall

Planning & Zoning Department
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Case Number: Z2014-036
Case Name: SF-10 to PD
Case Type: Zoning
Zoning: SF-10
Case Address: 1310 & 1316 Ridge Rd



Date Created: 12/19/2014
For Questions on this Case Call (972) 771-7745

Current Occupant
1306 RIDGE RD
ROCKWALL, TX 75087

PEOPLES BILLY W
PO BOX 35
ROCKWALL, TX 75087

KLUTTS B A
1605 SUNSET HILL DR
ROCKWALL, TX 75087

Current Occupant
1406 RIDGE RD
ROCKWALL, TX 75087

SMITH JOHN H
5630 MERRIMAC AVE
DALLAS, TX 75206

Current Occupant
1308 RIDGE RD
ROCKWALL, TX 75087

MASON RONALD E & GLORIA M
1402 RIDGE RD
ROCKWALL, TX 75087

ROGERS FAMILY LIVING TRUST
MICHAEL WAYNE ROGERS AND RELLA
VILLASANA ROGERS, TRUSTEES
1404 RIDGE RD
ROCKWALL, TX 75087

JACOBS DAVID R & BEVERLY
1304 RIDGE RD
ROCKWALL, TX 75087

JBR2 LLC
1400 RIDGE RD
ROCKWALL, TX 75087

Current Occupant
1518 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1516 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1514 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1512 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1510 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1505 S ALAMO RD
ROCKWALL, TX 75087

HOLLAND RODNEY B
536 LOMA VISTA
HEATH, TX 75032

Current Occupant
1507 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1509 S ALAMO RD
ROCKWALL, TX 75087

REID STEPHEN M II AND JAN K
PO BOX 8791
GREENVILLE, TX 75404

Current Occupant
1511 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1515 S ALAMO RD
ROCKWALL, TX 75087

SLAUGHTER RICHARD E
1665 PLUMMER DR
ROCKWALL, TX 75087

Current Occupant
1312 RIDGE RD
ROCKWALL, TX 75087

Current Occupant
1316 RIDGE RD
ROCKWALL, TX 75087

CAMERON LAND HOLDINGS LLC
2081 WHITNEY BAY DR
ROCKWALL, TX 75087

Current Occupant
1305 RIDGE RD
ROCKWALL, TX 75087

CHILDS WILLIAM C & SHERYL L
1611 S ALAMO RD
ROCKWALL, TX 75087

Current Occupant
1609 S ALAMO RD
ROCKWALL, TX 75087

GASCOIGNE ANGUS A & ELIZABETH
1910 CLUB LAKE CIR
ROCKWALL, TX 75087

LEE FAMILY TRUST
JAMES HENRY III & BARBARA LEE CO TRUSTEES
1607 ALAMO ROAD
ROCKWALL, TX 75087

Current Occupant
1605 ALAMO RD
ROCKWALL, TX 75087

BURNS LORRAINE MARIETTI
403 W WASHINGTON ST
ROCKWALL, TX 75087

LYLE WILLIAM M JR & ERICA
1603 S ALAMO RD
ROCKWALL, TX 75087

WEDDLE TRUST
JOHN C WEDDLE AND PAULETTE S WEDDLE
TRUSTEES
1601 S ALAMO RD
ROCKWALL, TX 75087

VANCE JASON L & DASHA
202 TANYA DR
ROCKWALL, TX 75087

RICHARDSON RANDAL & BARBARA
204 TANYA DR
ROCKWALL, TX 75087

EVANS ELTON E & PATSY R
OF THE EVANS FAMILY TR
206 TANYA DR
ROCKWALL, TX 75087

PERRY RICHARD L
208 TANYA DR
ROCKWALL, TX 75087

FLOYD DOROTHY RHEA
210 TANYA DR
ROCKWALL, TX 75087

WALTERS FRANK HOUSTON
1608 S ALAMO RD
ROCKWALL, TX 75087

PECK EVA MAE
1606 S ALAMO RD
ROCKWALL, TX 75087

HAIRE HELENA GAIL
1425 SAW RD
CHINA GROVE, NC 28023

Current Occupant
203 TANYA DR
ROCKWALL, TX 75087

DE LA ROSA ANTHONY & LYNDA
203 DARTBROOK
ROCKWALL, TX 75087

HOTT SARI D
201 DARTBROOK
ROCKWALL, TX 75087

HAIGNEY PETER F
206 MEADOWDALE DR
ROCKWALL, TX 75087

PRINCE LINDA KAY
204 MEADOWDALE DR
ROCKWALL, TX 75087

HIRIGOYEN IGNACIO A & LISA RAE
202 MEADOWDALE DRIVE
ROCKWALL, TX 75087

KEEGAN ED A & MARTHA SUE
207 MEADOWDALE DR
ROCKWALL, TX 75087

DICKSON JUDITH TAYLOR & KENNETH D
205 MEADOWDALE DR
ROCKWALL, TX 75087

HERRIN MARVIN ET UX
203 MEADOWDALE DR
ROCKWALL, TX 75087

MOORE TIMOTHY H & TRACEY PARK
201 MEADOWDALE DR
ROCKWALL, TX 75087

PINNELL CHARLES C & GENEVA
1425 S ALAMO RD
ROCKWALL, TX 75087

SHOCKLEY U B & JANE TRUST
U B & JANE SHOCKLEY TRUSTEES
1423 S ALAMO RD
ROCKWALL, TX 75087

BAUGH GINGER KAY
1421 S ALAMO RD
ROCKWALL, TX 75087

BROOKS RICHARD L
1419 S ALAMO RD
ROCKWALL, TX 75087

GRINNAN JEFF ETUX
1417 S ALAMO RD
ROCKWALL, TX 75087

T ROCKWALL OFFICE TX LLC
16600 DALLAS PARKWAY 0
DALLAS, TX 75248

RPSC ROCKWALL PROPERTIES LLC
3201 E PRESIDENT GEORGE BUSH HIGHWAY 0
RICHARDSON, TX 75082

Current Occupant
1309 RIDGE RD
ROCKWALL, TX 75087



**NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT**

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-036: PD Development - RO District

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 1/13/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Tuesday, 1/20/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Ryan Miller
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **1/20/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

PLEASE RETURN THE BELOW FORM

Case No. Z2014-036: PD Development - RO District

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

To close to Houses

Name: Tim Moore
Address: 201 Meadowdale Ar

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2014-036: PD Development - RO District

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

This is A Quite Single Family Neighborhood. If Commercial Bldg Are Allowed it will disrupt our lives & affect our Property Value. This has Been Raised before & Denied. Now That homes are going up it would be even worse For Them, THANK YOU For your Consideration

Name: DATSY R EVANS ELTON EVANS (DECEASED)

Address: 206 TAN YA DR. ROCKWALL, TX

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2014-036: PD Development - RO District

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

Mr Bobst continues his efforts to change the zoning of this property from single-family plot. This property is surrounded by single-family dwellings. We are adamantly opposed to this change AGAIN (and the neighborhood likely continues in its opposition.)

Name: Frank & LaDonna Walters

Address: 1608 South Alamo Rd, Rockwall

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Notice of Public Hearing • City of Rockwall • 383 South Goliad Street • Rockwall, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7745

Please help us preserve the residential quality of our neighborhood. Vote NO

Miller, Ryan

From: LaCroix, Robert
Sent: Tuesday, December 30, 2014 2:28 PM
To: Miller, Ryan
Subject: FW: Z2014-036

You might put in the file.

From: Jim Greenwalt [<mailto:>]]
Sent: Tuesday, December 30, 2014 10:15 AM
To: LaCroix, Robert
Subject: Z2014-036

Good morning Robert, Ryan, Mayor & Council Members:

I am against the rezoning of the tracts of land addressed as 1312 & 1316 Ridge Road (FM 740) from a single-family use to a planned development that includes medical and office uses. This represents an intrusion upon our residential neighborhood and reflects "spot zoning" at its worst.

Bill Lofland's home has always been the buffer between the commercial uses on Ridge Road and the residences to the south, and Bill has always been fine with this. The east side of Ridge Road provides for ample developable land for medical, office, and commercial uses. This proposed use would decrease property values in our neighborhood and hinder the sale of homes overshadowed by a non-residential structure.

During my eight years serving on the Planning and Zoning Commission, I cannot recall such a blatant attempt to infringe upon a residential community in Rockwall. I am retired from the Office of Economic Development of the City of Dallas; and in my time there, I rarely saw a request such as this that was not motivated by a political force with obvious financial considerations. Speculating in real estate has always been a risky venture...hoping to upgrade zoning, entitlements, and/or density to make property more valuable. In this case, the property owner has overreached common sense and consideration for the surrounding residential community and should be faced with the reality of having to live with the existing zoning on the property that was purchased.

Hopefully the Commission and Council will deny this rezoning request again with prejudice.

Please be so kind as to provide my comments to the P&Z Commissioners, Mayor, and Council Members and to confirm receipt of this email.

Sincerely,

Jim Greenwalt
209 Tanya Drive

OUTSIDE OF NOTIFICATION AREA

Case No. Z2014-036: PD Development - RO District

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

- Would like it to remain residential to maintain character/ambience of the neighborhood.
- increase in traffic (safety issue for neighborhood children)
- decrease in property value

Name: CHARLES & CATHY PINNELL

Address: 1425 SOUTH ALAMO ROAD ROCKWALL 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d). If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Charles Pinnell
Cathy Pinnell

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-036: PD Development - RO District

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, 1/13/2015 at 6:00 p.m., and the City Council will hold a public hearing on Tuesday, 1/20/2015 at 6:00 p.m. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Ryan Miller
 Rockwall Planning and Zoning Dept.
 385 S. Goliad Street
 Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by 1/20/2015 to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
 Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP)

PLEASE RETURN THE BELOW FORM

Case No. Z2014-036; PD Development - RO District

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

It will open ^{the} door to further development which spread down the street & diminish the values of the properties in the neighborhood. The same problems I exist today just as the last time we protested.

Name: *Theresa T Nevitt*

Address: *201 Becklyn Ln Rockwall, TX 75087*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



**NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT**

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

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Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2014-036: PD Development - RO District

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

TRAFFIC AT SUMMIT RIDGE, RIDGE RD. AND BECKY LN.
WE ALREADY FOUGHT WITH BOB BOBST AND HE WAS
DEFEATED. OUR NEIGHBORHOOD AND US DO NOT
WANT THIS. WE HAD OUR FIRST BREAK-IN (CARS) IN 38
YEARS A FEW DAY AGO!
Name: DR. JOHN + PAULETTE WEDDLE
Address: 1601 S. ALAMO RD.
(BECAUSE ALAMO IS NOW A THRU STREET)

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

1/8/2015

Billy Peoples
1308 Ridge Road
Rockwall Tx. 75087

I Agree with the zoning change on
the property located next door to my
house.

I have reviewed the zoning request and
I believe it to be the best use
for this property.

Thank you,
Billy Peoples

BILLY PEOPLES REAL ESTATE

302 S. Goliad
P.O. Box 35
Rockwall, TX 75087

BILLY PEOPLES
BROKER

RESIDENTIAL • FARMS • INVESTMENTS • COMMERCIAL

972-771-3962 FAX
972-742-7087 CELL

OFFICE 972-771-8481
HOME 972-771-5120

Rick Dirske
Dirkse & Associates
3077 N. Goliad Street
Rockwall, Tx. 75087

Re: Zoning Application for 1312 Ridge Road, Rockwall, Tx. 75087

To whom it may concern:

I am writing a letter of support for the current zoning change of the above mentioned property.

I have purchased and now own the home site at 1505 S. Alamo Drive, directly behind this above mentioned property to the west. I am and was fully aware at the time that I purchased the property that at some point in time the zoning on 1312 Ridge Rd would more than likely change to some type of commercial zoning.

I do not feel that the type of zoning being requested will detract value from the homes and lots in the Eagle Point subdivision.

Regards,



Rod Holland
214-641-6434

Rick Dirske
Dirske and Associates
3077 N Goliad
Rockwall, Texas 75087

Rockwall Planning and Zoning
City of Rockwall
Rockwall, Texas

RE: Rick Dirske's Zoning Application for 1312 Ridge Road

Dear Members of the Planning and Zoning Commission,

I do not believe that the zoning request for 1312 Ridge Road will adversely affect the value of my home at 1515 S Alamo. The conceptual request I received from Mr. Dirske and the City to change the zoning to a Planned Development Residential Office is a favorable transition.

I have known Mr. Dirske for over 30 years and we were members together in Rotary. I believe he is a man of character and honesty.

Respectfully,

Richard E. Slaughter, Jr.
1515 S Alamo
Rockwall, Texas 75087

January 12, 2015

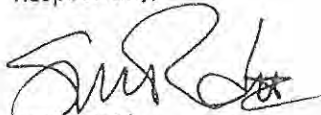
Rick Dirske
Dirske and Associates
3077 N Goliad Street
Rockwall, TX 75087

RE: Zoning Application for 1312 Ridge Road, Rockwall, TX

To Whom it May Concern:

I am the owner of the residential lot located at 1515 South Alamo Drive, located directly behind the above referenced property. I was aware of the proposed zoning change when I purchased the residential lot and have no objection to the proposed change.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Reid", with a stylized flourish at the end.

Steve Reid
214-202-6566

Rick Dirkse

Dirkse and Associates

3077 N. Goliad Street

Rockwall, Tx. 75087

RE: Zoning Application for 1312 Ridge Road, Rockwall Tx 75032

To Whom it may concern:

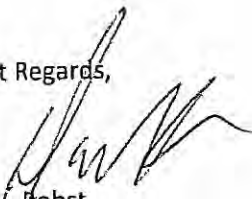
I am writing in support for the current zoning change of the above mentioned property. All of the 5 adjacent property owners are in favor of Mr. Dirkse's new office.

When the property was developed each property owner was required during closing to sign as part of their Covenants and Restrictions that they were made aware and in fact, in favor of an office project being on Ridge Road just to the east of their property. This Exhibit A is attached.

Residential homes on Ridge only a few lots away have been rezoned in similar fashion and their property values have tripled in value.

Therefore, there should be no reason for P&Z or City of Rockwall to not fully support Mr. Dirkse's application for office zoning.

Best Regards,



D.W. Bobst
469-402-1522



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-036: PD Development - RO District

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

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Rockwall Planning and Zoning Dept.
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Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2014-036: PD Development - RO District

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name: DW Bobst
Address: 1460 RIDGE RD

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

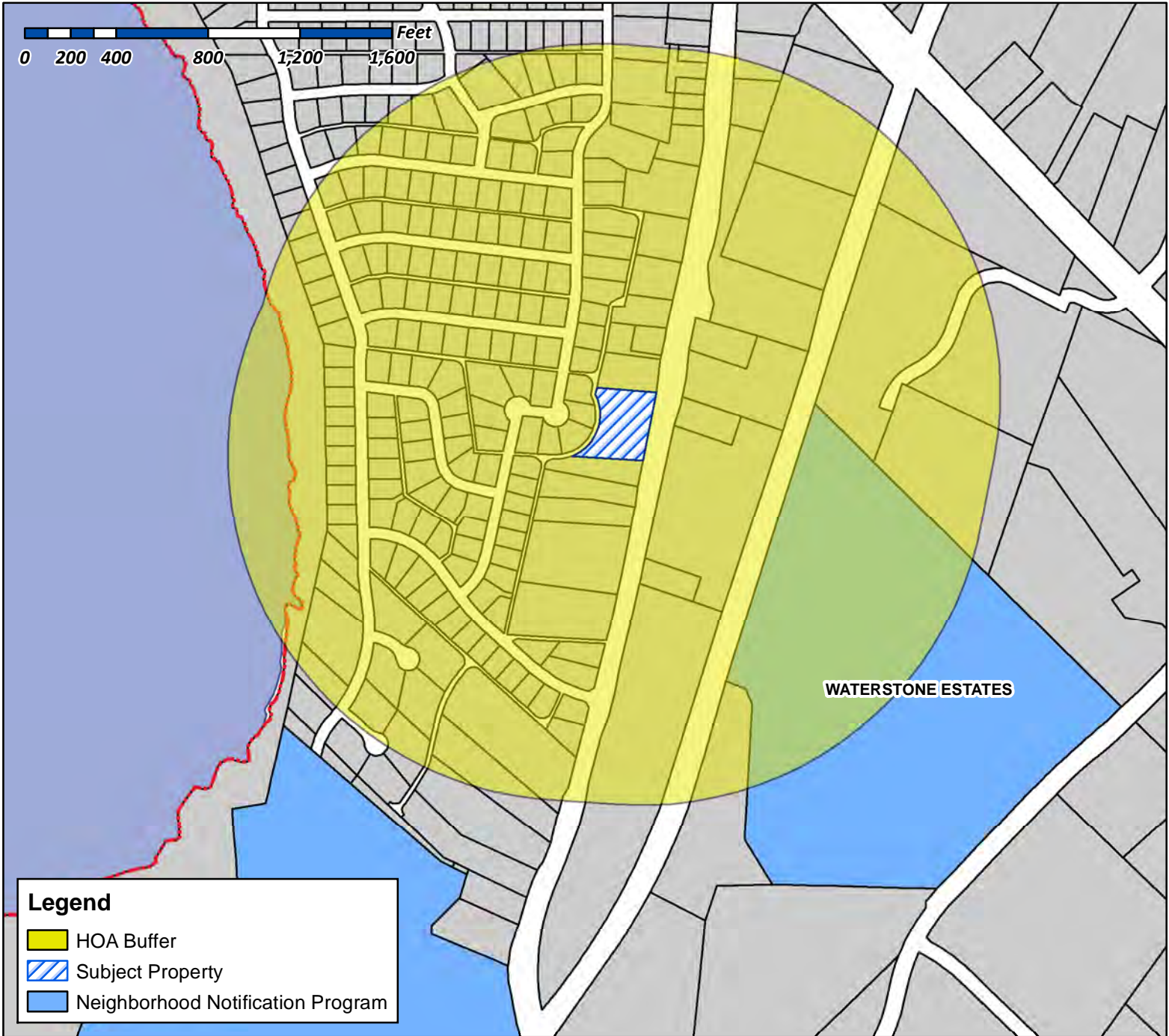
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

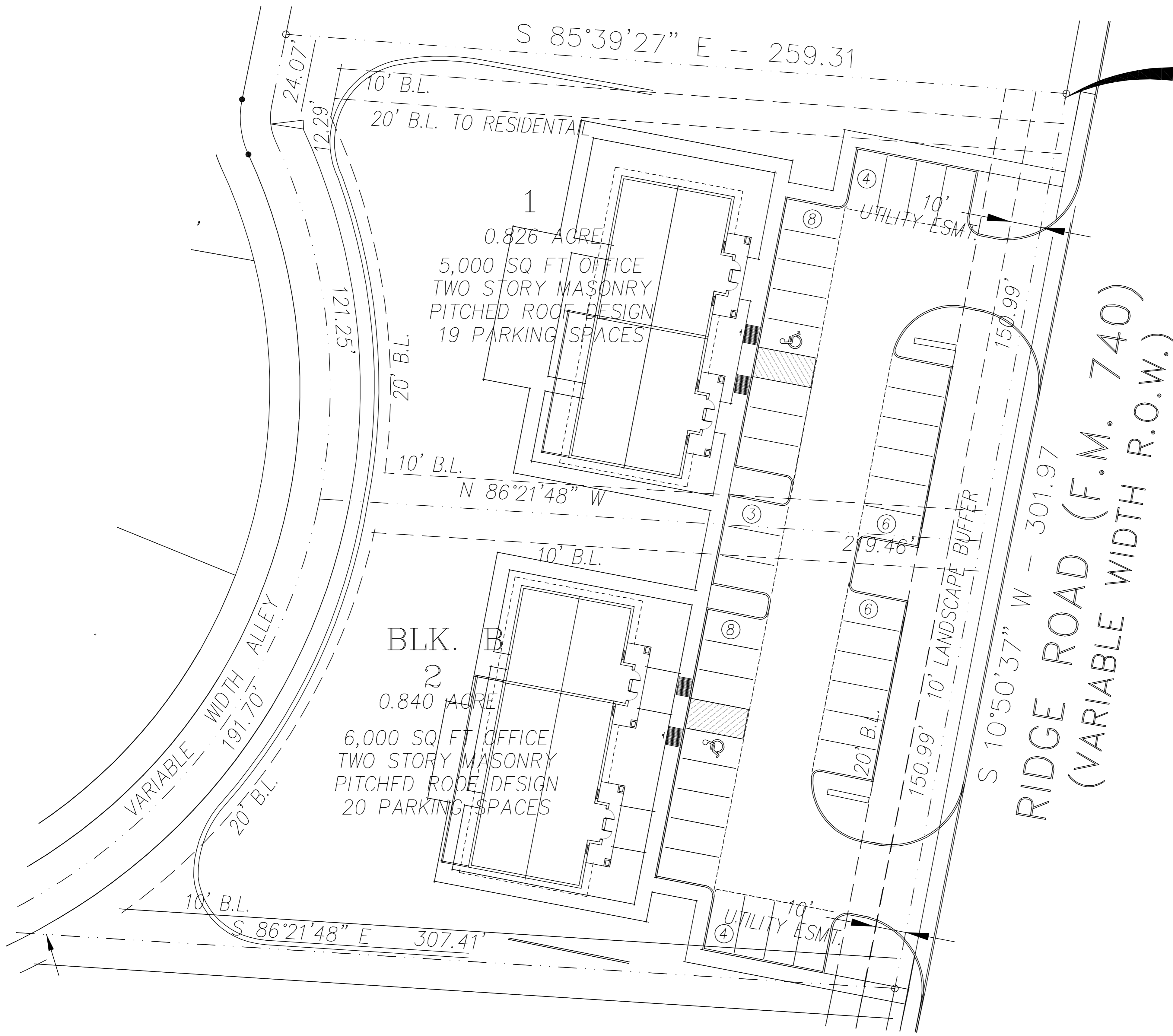
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



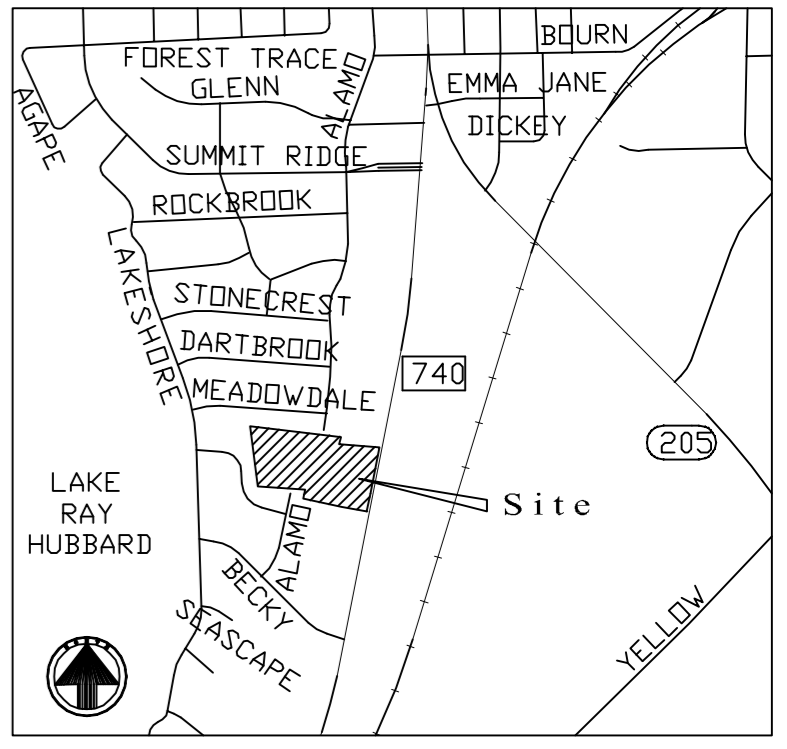
Case Number: Z2014-036
Case Name: SF-10 to PD
Case Type: Zoning
Zoning: SF-10
Case Address: 1310 & 1316 Ridge Road



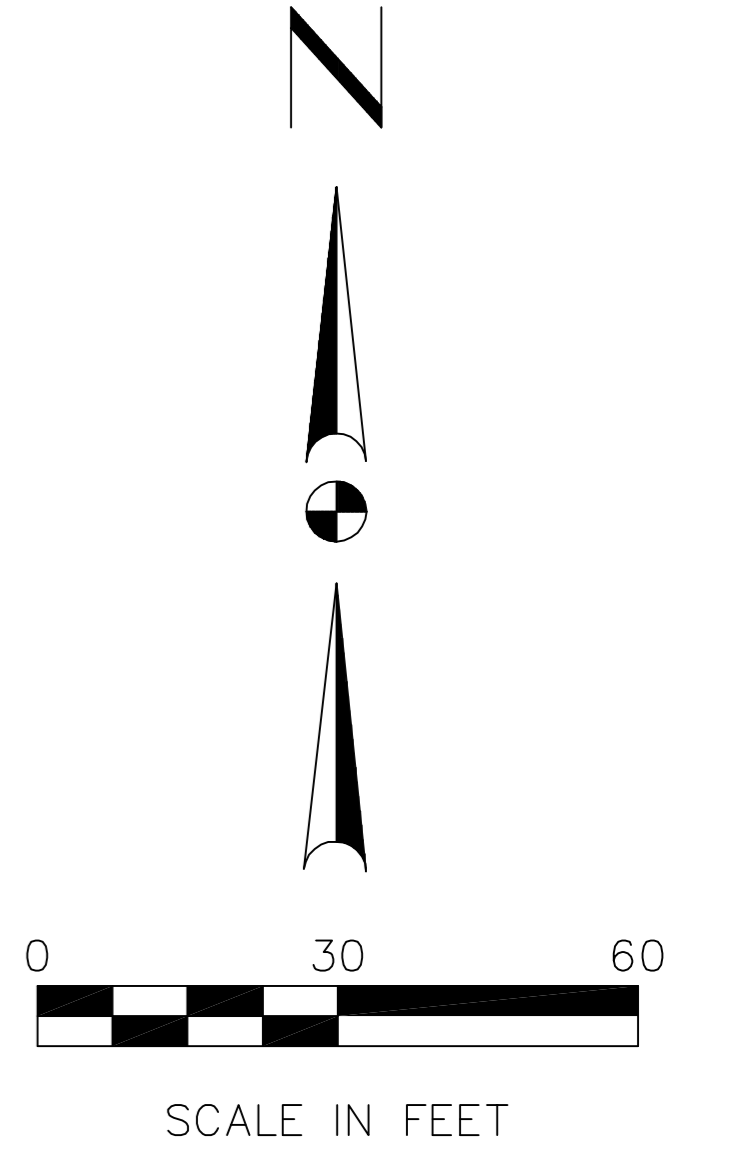
Date Created: 12/19/2014
 For Questions on this Case Call (972) 771-7745



P.O.B.



VICINITY MAP
NTS



SITE DEVELOPMENT CONCEPT I

**Concept Site Plan-Block B, Lot 1 & 2
EAGLE POINT ESTATES**

~13 Lots~

BEING A 7.054 AC. TRACT OF LAND SITUATED IN THE
D. ATKINS SURVEY, ABST. NO. 1
IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

Land Planner / Landscape Architect:
T. H. Pritchett Associates
1218 Camino Lago
Irving, Texas 75039
(214) 697-2580

Owner:
DAN BOBST
1400 Ridge Rd.
Rockwall, Texas 75087
(469) 402-0390

Surveyor:
MADDOX SURVEYING
P.O. Box 2109
Forney, Texas 75126
(972) 564-4416

Engineer:
F.C. CUNY CORP.
#2 Horizon Ct.
Heath, Texas 75032
(469) 402-7700

DECEMBER 12, 2014

1"=60'

Exhibit 'C':
PD Development Standards

PD Development Standards.

1. *Purpose.* It is the intent of this zoning ordinance to allow for low intensity office development that provides office space for professional and medical office services while creating an area of transition between the residential land uses to the east and Ridge Road, a busy arterial thoroughfare to the west.
2. *Allowed Uses.* The following are the only permitted land uses that are permitted to be established on the *Subject Property*.
 - a. *Single Family 10 (SF-10) District Land Uses.* Uses permitted *by right* or by *Specific Use Permit (SUP)* in the Single Family 10 (SF-10) District as stipulated by Section 1.1, *Use of Land and Buildings*, of Article IV, "*Permissible Land Uses*", of the Unified Development Code [*Ordinance No. 04-38*].
 - b. *General Office Land Uses*
 - c. *Medical Office Land Uses*
3. *Maximum Building Square Footage.* The *Subject Property* may contain one (1) building 5,000 SF or less and one (1) building 6,000 SF or less as depicted in *Exhibit 'B'* of this ordinance.
4. *Area Requirements and Development Standards.* Any development or redevelopment of the subject property shall conform to the Residential-Office (RO) District development standards stipulated by Section 4.2, *Residential-Office (RO) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]; however, any building being constructed on the *Subject Property* shall not exceed 36-feet in total height.
5. *Roof Design Standards.* All buildings proposed for the subject property shall be constructed with a pitched roof system that is comparable to adjacent residential development.
6. *Screening Fence Standards.* Screening fences used to screen the *Subject Property* from adjacent residential properties may be constructed utilizing a typical *board-on-board* residential wood fence standard, which conforms to the requirements stipulated within the *Municipal Code of Ordinances*.
7. *Additional Restrictions.* No fence, which is not explicitly permitted within this ordinance or any other type of barricade, shall be permitted on any property depicted in the *Zoning Exhibit* in *Exhibit 'B'*.

APPLICANT'S CURRENT OFFICE/RESIDENCE



APPLICANT'S CURRENT OFFICE/RESIDENCE



APPLICANT'S CURRENT OFFICE/RESIDENCE



APPLICANT'S CURRENT OFFICE/RESIDENCE



EXAMPLES OF SIMILAR DEVELOPMENTS IN ROCKWALL





REAR OF PREVIOUS BUILDING

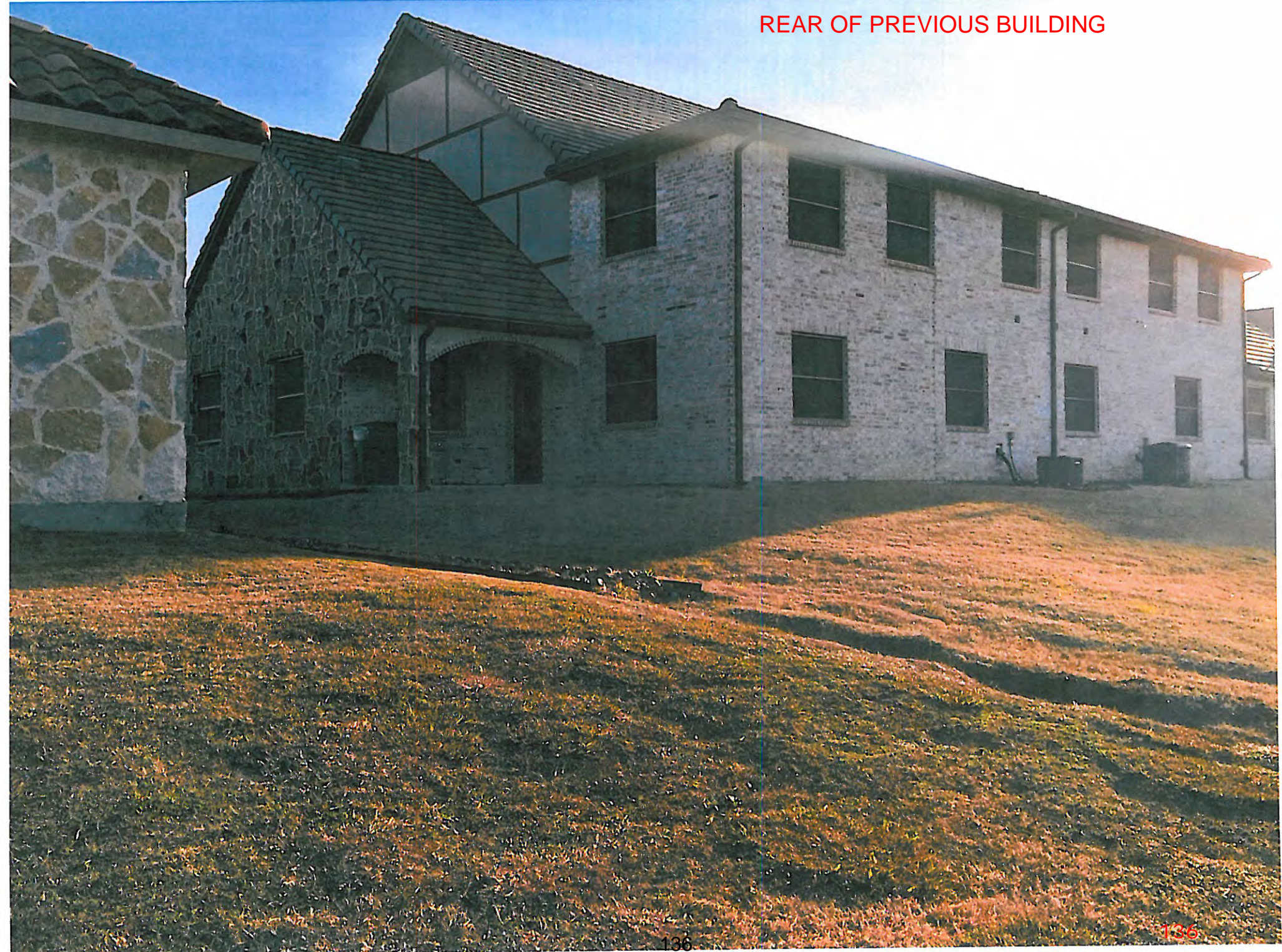
134

134

EXAMPLES OF SIMILAR DEVELOPMENTS IN ROCKWALL

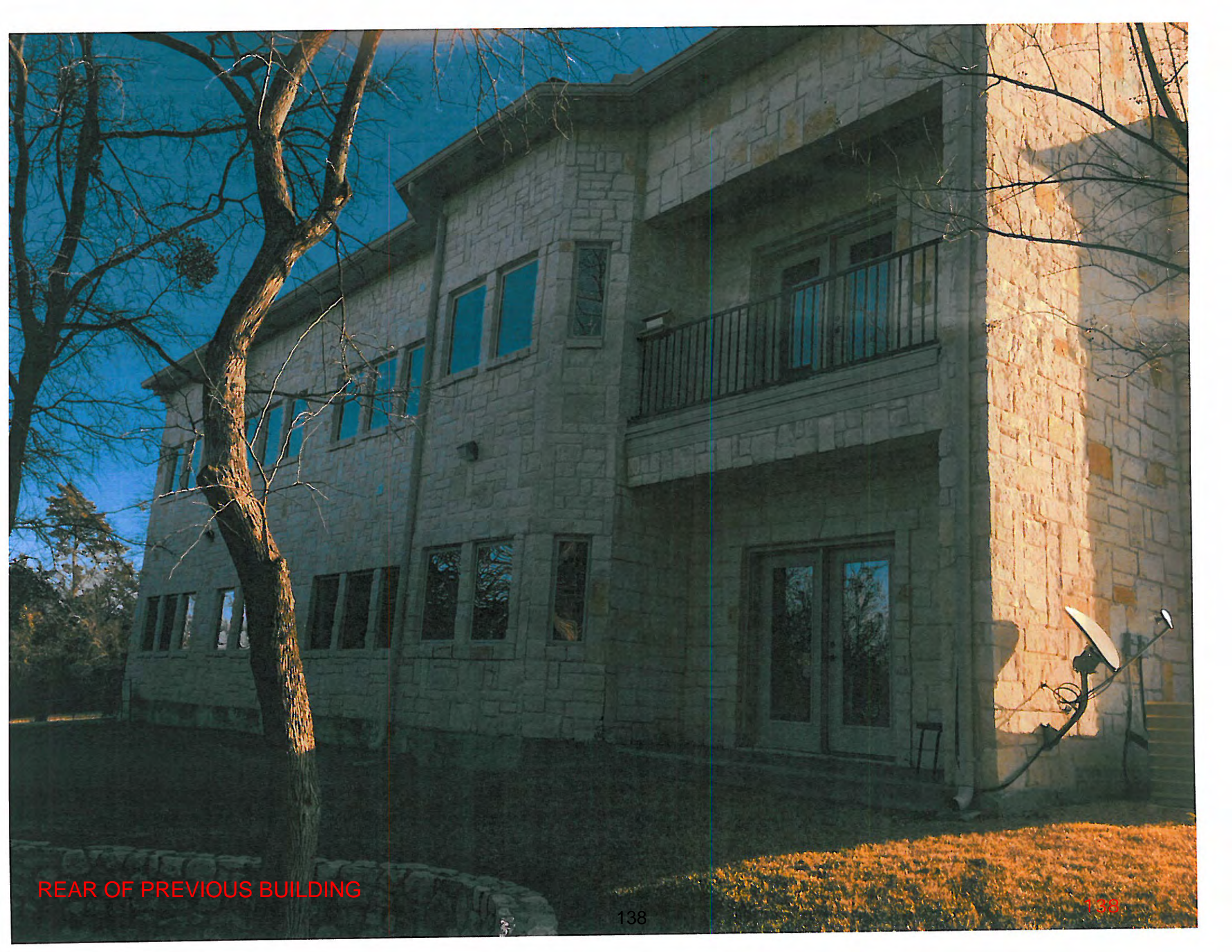


REAR OF PREVIOUS BUILDING



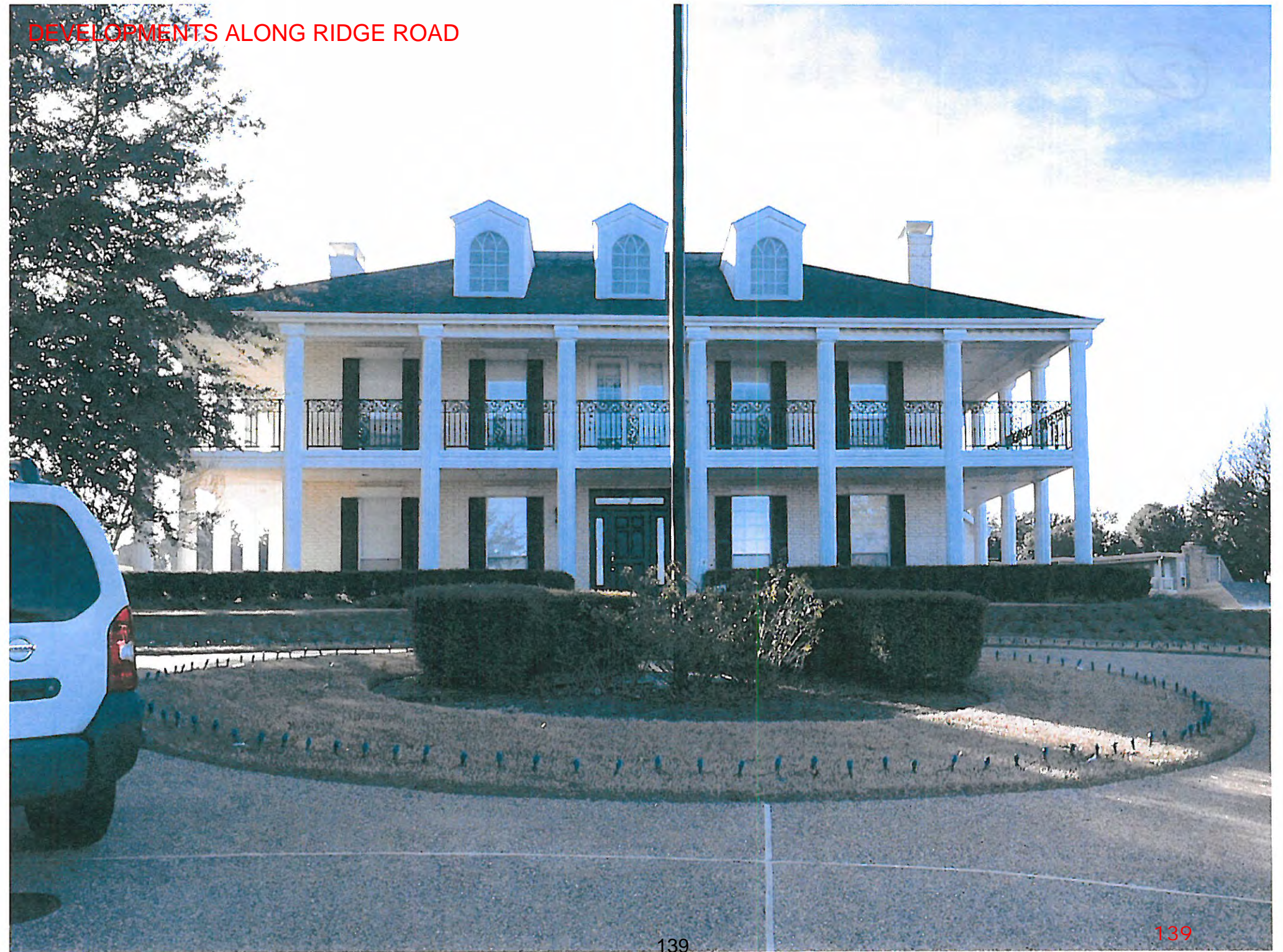
EXAMPLES OF SIMILAR DEVELOPMENTS IN ROCKWALL





REAR OF PREVIOUS BUILDING

DEVELOPMENTS ALONG RIDGE ROAD



DEVELOPMENTS ALONG RIDGE ROAD





CITY OF ROCKWALL

ORDINANCE NO. 15-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 THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE FAMILY 10 (SF-10) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR RESIDENTIAL-OFFICE (RO) DISTRICT DEVELOPMENT STANDARDS WITH LIMITED LAND USES ON TWO (2) PARCELS OF LAND, BEING 1.666-ACRES, IDENTIFIED AS LOTS 1 & 2, BLOCK B, EAGLE POINT ESTATES ADDITION, 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.

WHEREAS, the City has received a request by Rick Dirkse on behalf of the owner, D. W. Bobst of J-BR2, LLC, for the approval of an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from a Single Family 10 (SF-10) District to a Planned Development District for Residential-Office (RO) District development standards with limited land uses on two (2) parcels of land, being 1.666-acres, identified as Lots 1 & 2, Block B, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, addressed as 1312 & 1316 Ridge Road [FM-740], and more fully described in Exhibit 'A' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District ordinance and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

Section 2. That the *Subject Property* shall strictly adhere to the *Zoning Exhibit*, described in Exhibit 'B' of this ordinance, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

Section 3. That the development or redevelopment of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described in Exhibit 'C' of this ordinance, attached hereto and incorporated herein by reference as Exhibit 'C', which is deemed hereby to be

a condition of approval of the amended zoning classification for the *Subject Property*;

Section 4. The *Official Zoning Map* of the City of Rockwall, Texas shall be amended to reflect the change in zoning for the *Subject Property* as described in this ordinance;

Section 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

Section 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 20TH DAY OF FEBRUARY, 2015.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: January 20, 2015

2nd Reading: February 2, 2015

**Exhibit 'A':
Subdivision Plat
Lot 1 & 2 Block B, Eagle Point Addition**



FILED FOR RECORD
ROCKWALL, TEXAS
12 FEB 23 PM 04:12
SHELLE HILLER
ROCKWALL COUNTY CLERK
BY: **SH** DEPUTY

CONTROL MONUMENTS
C.M.F.:
N: 7021858.91
E: 2590122.14
DISC: P.K. NAIL FOUND
C.M.F.:
N: 7021858.91
E: 2590122.14
DISC: 1/2" I.R. FOUND

RECOMMENDED FOR FINAL APPROVAL

[Signature]
Planning and Zoning Commissioner

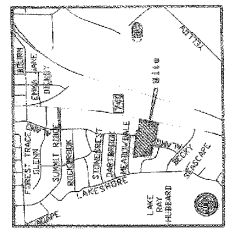
I hereby certify that the above plat was prepared for the City of Rockwall, Texas, in accordance with the provisions of the Subdivision Plat Act, Chapter 205, Texas Property Code, and that the same has been approved by the City Council of Rockwall, Texas, on this 15th day of February, 2012.

[Signature]
City Secretary

SURETIES CERTIFICATE
I, HEREBY CERTIFY THAT I HAVE PREPARED THIS SURVEY PLAT SHOWN HEREON FROM AN ACTUAL SURVEY OF THE GROUND BY ME AND THAT ALL CORNERS ARE MARKED, AND THAT ALL DIMENSIONS SHOWN ON THE GROUND ARE TRUE TO THE ORIGINAL INSTRUMENT AND ACKNOWLEDGED TO BE THE SAME FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED.

CORNER	BEARING	DISTANCE	BEARING	DISTANCE	BEARING	DISTANCE
C-1	40°00'	89.7200'	43.54°	98.37'	9	89°57'41" E
C-2	28°11'	35.9614'	14.85°	14.85'	4	69°28'38" W
C-3	84°33'	163.0114'	302.82°	391.27'	206.80'	5
C-4	40°00'	89.7200'	24.76°	45.81'	11.57'	9

- NOTES:
1. THE BASIS OF BEARING AND ELEVATION DATA FOR THIS SURVEY IS THE NATIONAL SPHERE MEAN SEA LEVEL DATUM, WHICH IS THE DATUM FOR THE 1983 NAD 83 DATUM ESTABLISHED BY GPS MEASUREMENTS TAKEN ON SITE ON MARCH 5, 2010.
 2. ALL 5/8" IRON RODS SET HAVE A PLASTIC CAP STAMPED P.P.L.S. 5410.
 3. INDIVIDUAL LOT GRADING PLANS WILL BE SUBMITTED TO THE CITY OF ROCKWALL BY THE BUILDER/ARCHITECT/ENGINEER, PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR EACH LOT.
 4. LOTS 1-3 OF BLOCK A TO POTENTIALLY REQUIRE SPLIT LEVEL FOUNDATIONS.
 5. V.E. = VESIBILITY EASEMENT

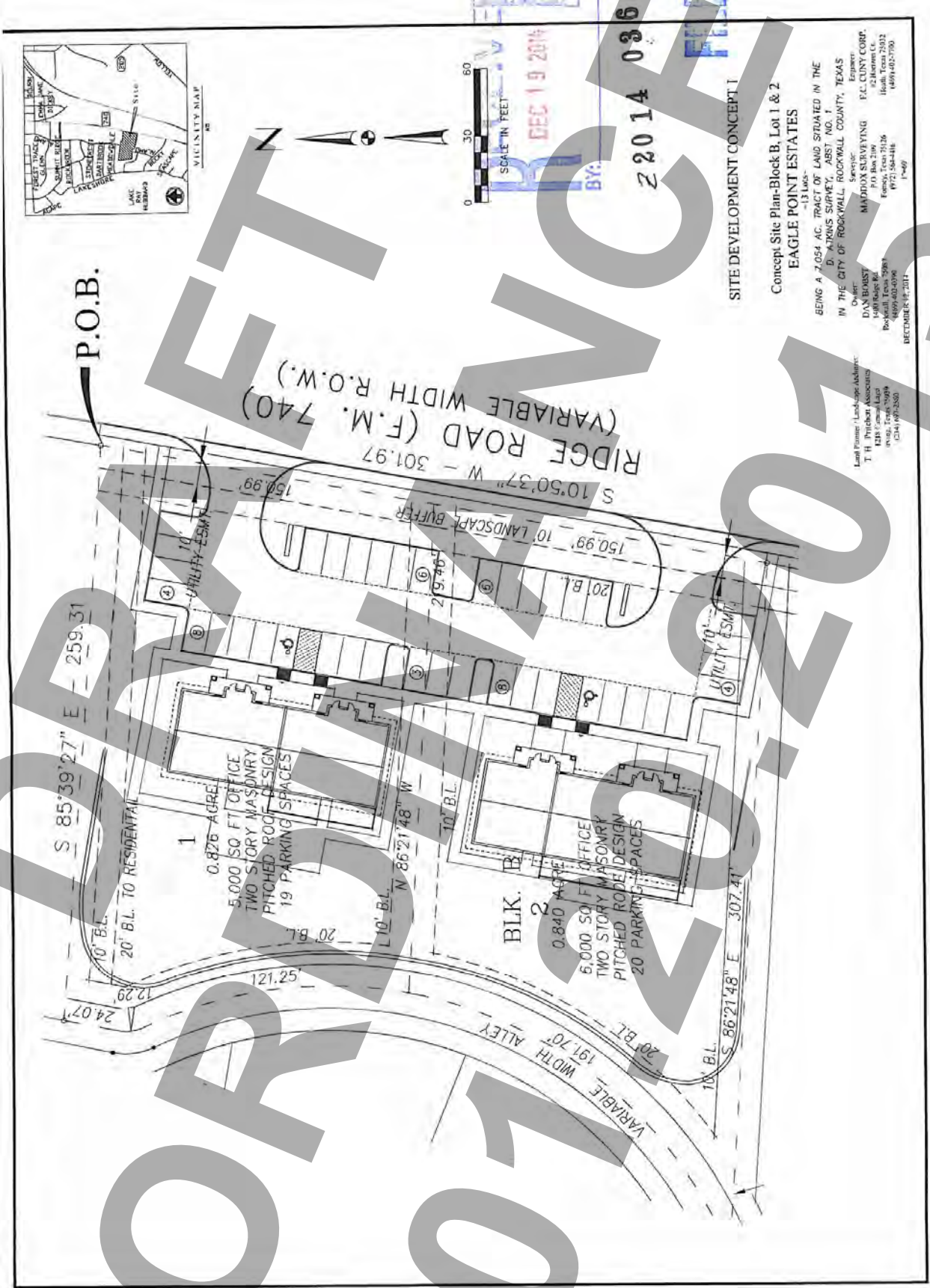


Final Plat
EAGLE POINT ESTATES
-4336-
BEING A 7.084 AC. TRACT OF LAND SITUATED IN THE B. ATKINS SURVEY, ABST. NO. 1 IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

Owner: **BRUNN & WADDOX, P.L.L.C.**
Surveyor: **BRUNN & WADDOX, P.L.L.C.**
1000 W. TRINITY BLVD.
ROCKWALL, TEXAS 75087
Phone: (972) 968-4400
Fax: (972) 968-4401

FLOODPLAIN STATEMENT
The property shown herein is located in Zone "X" which is not a flood hazard area according to Map No. 4633-0303A, the National Flood Hazard Management Agency.

Exhibit 'B': Zoning Exhibit



SITE DEVELOPMENT CONCEPT I

Concept Site Plan-Block B, Lot 1 & 2
EAGLE POINT ESTATES

BEING A 7.054 AC. TRACT OF LAND SITUATED IN THE
131 LOTS
EAGLE POINT ESTATES, ABST. NO. 1
IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
Owner: DAN BOST
1408 Ridge Bl.
Rockwall, Texas 75087
8899-600-0096
Prepared By: MADDOX SURVEYING
P.O. Box 2109
Ft. Worth, Texas 76105
972-350-4418
14899-600-0780

Lead Planner: Landscape Architect
T. Heather Associates
13327 West 39th
Dallas, Texas 75246
(214) 992-2350

1-49

RECORDED BY: 2014

Exhibit 'C':
PD Development Standards

PD Development Standards.

1. *Purpose.* It is the intent of this zoning ordinance to allow for low intensity office development that provides office space for professional and medical office services while creating an area of transition between the residential land uses to the east and Ridge Road, a busy arterial thoroughfare to the west.
2. *Allowed Uses.* The following are the only permitted land uses that are permitted to be established on the *Subject Property*.
 - a. *Single Family 10 (SF-10) District Land Uses.* Uses permitted *by right* or by *Specific Use Permit (SUP)* in the Single Family 10 (SF-10) District as stipulated by Section 1.1, *Use of Land and Buildings*, of Article IV, "*Permissible Land Uses*", of the Unified Development Code [*Ordinance No. 04-38*].
 - b. *General Office Land Uses*
 - c. *Medical Office Land Uses*
3. *Maximum Building Square Footage.* The *Subject Property* may contain one (1) building 5,000 SF or less and one (1) building 6,000 SF or less as depicted in *Exhibit 'B'* of this ordinance.
4. *Area Requirements and Development Standards.* Any development or redevelopment of the subject property shall conform to the Residential-Office (RO) District development standards stipulated by Section 4.2, *Residential-Office (RO) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*]; however, any building being constructed on the *Subject Property* shall not exceed 36-feet in total height.
5. *Roof Design Standards.* All buildings proposed for the subject property shall be constructed with a pitched roof system that is comparable to adjacent residential development.
6. *Screening Fence Standards.* Screening fences used to screen the *Subject Property* from adjacent residential properties may be constructed utilizing a typical *board-on-board* residential wood fence standard, which conforms to the requirements stipulated within the *Municipal Code of Ordinances*.
7. *Additional Restrictions.* No fence, which is not explicitly permitted within this ordinance or any other type of barricade, shall be permitted on any property depicted in the *Zoning Exhibit* in *Exhibit 'B'*.

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 1/20/2015

APPLICANT: Bricker Enterprise Company

AGENDA ITEM: Z2014-037; Indoor Auto Center

SUMMARY:

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

BACKGROUND INFORMATION:

The applicant has requested approval of a Specific Use Permit to allow for an Indoor Motor Vehicle Dealership/Showroom. On November 11, 2014, the City Council approved an ordinance that included adding this land use and associated special conditions to the permissible use chart within the UDC as a permitted use within the HC or HI zoning districts and requiring approval of an SUP within the GR or LI zoning districts. The subject property is zoned LI; therefore, it requires the approval of an SUP for this particular use.

The applicant's internet based business will utilize a portion of an existing 12,500 square foot building to house the indoor used car business operations. All business operations will take place inside the building and will be by appointment only. The applicant's request conforms to all special conditions required for this use as stipulated by the UDC.


NOTIFICATION:

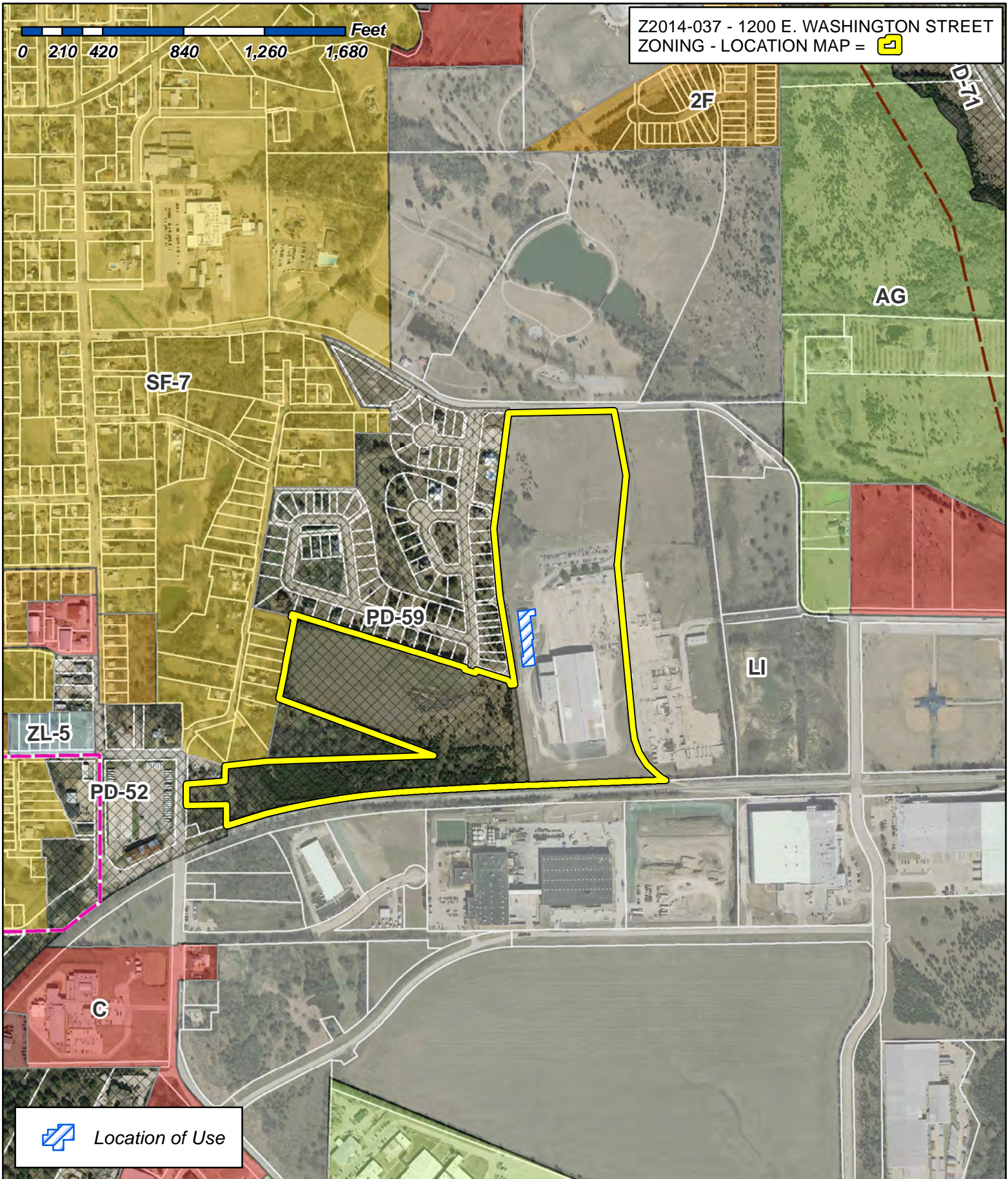
A notice was published in the Rockwall County Herald-Banner on December 26, 2014. Staff mailed one hundred thirty-five (135) notices to property owners and non-owner occupants within 500 feet of the subject property. Additionally, staff posted signage along the street frontage adjacent to the subject property as required by the UDC. At the time this case memo was drafted, staff had received five (5) responses from four (4) property owners indicating support for the request.

PLANNING & ZONING COMMISSION:

On January 13, 2015, the Planning & Zoning Commission recommended approval of the SUP request by a vote of 6-0 (Commissioner Fishman absent).

0 210 420 840 1,260 1,680 Feet

Z2014-037 - 1200 E. WASHINGTON STREET
ZONING - LOCATION MAP = 



 Location of Use



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user. 149

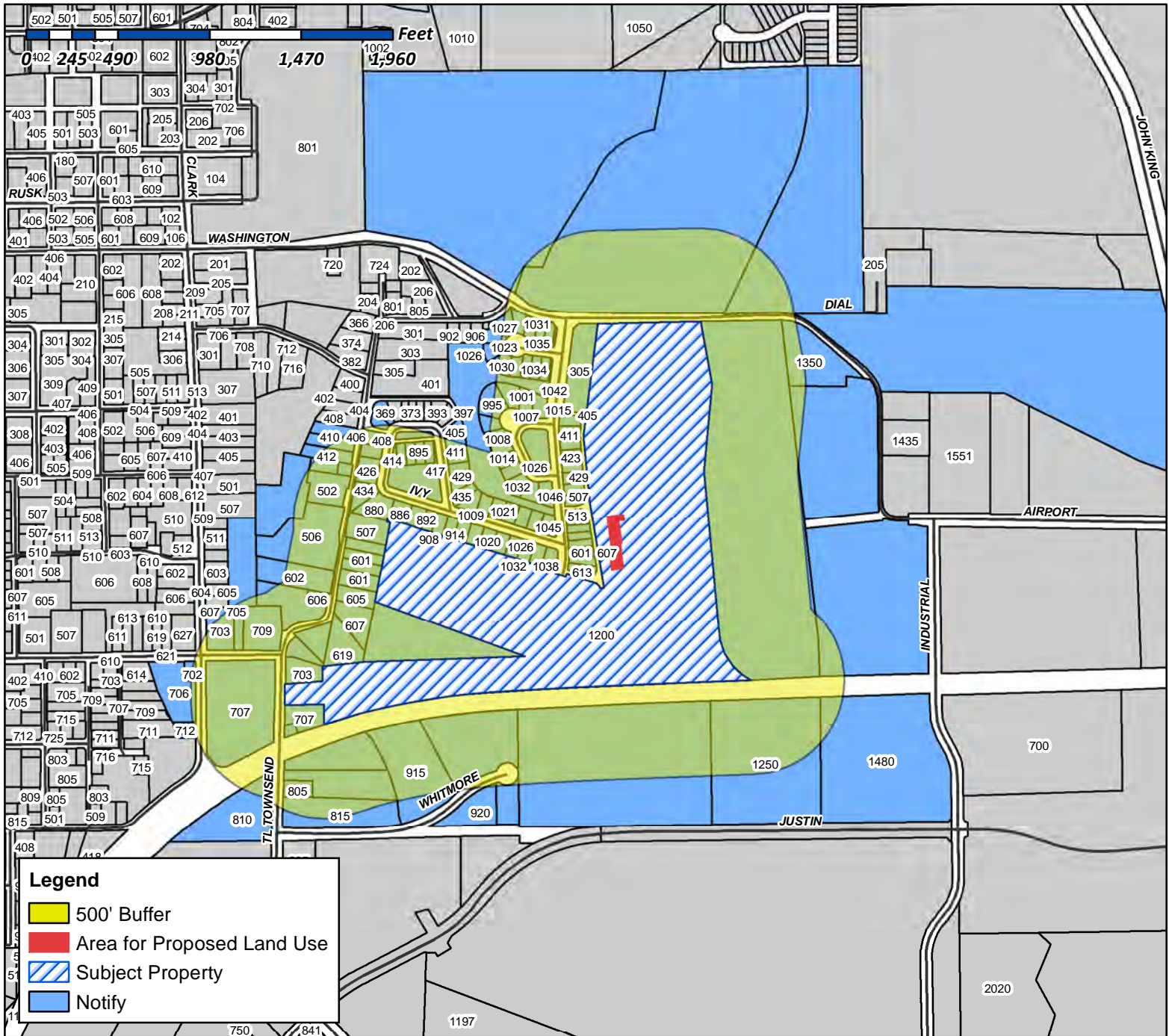
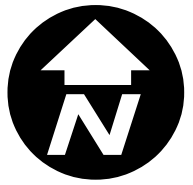




City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
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(P): (972) 771-7745
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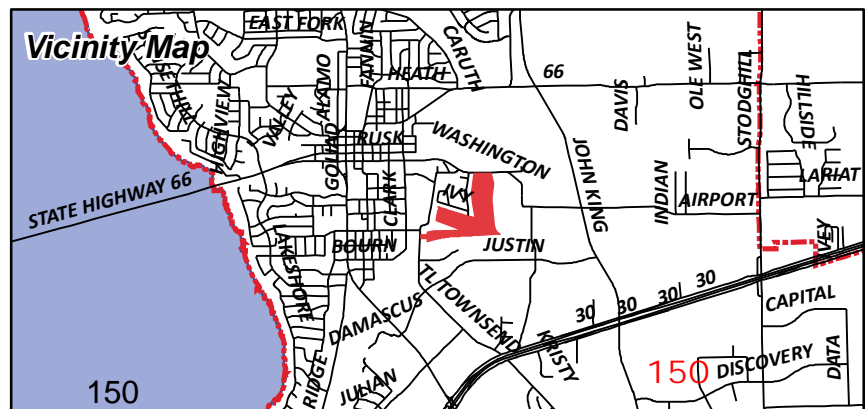
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2014-037
Case Name: 1200 E. Washington St
Case Type: Specific Use Permit
Zoning: LI
Case Address: 1200 E. Washington St

Date Created: 12/19/2014

For Questions on this Case Call (972) 771-7745



4621-000C-0009-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 9, (REPLAT 2007)		523 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0010-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 10, (REPLAT 2007)		529 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0011-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 11, (REPLAT 2007)		535 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0012-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 12, (REPLAT 2007)		541 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0013-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 13, (REPLAT 2007)		547 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0014-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 14, (REPLAT 2007)		601 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0015-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 15, (REPLAT 2007)		607 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000C-0016-00-0R	HERRIN AMY AND BRYAN	PARK PLACE WEST PH II ADDITION, BLOCK C, LOT 16, (REPLAT 2007)		613 PARK PLACE BLVD	ROCKWALL	TX	75087	
4621-000D-0001-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 1, (REPLAT 2007)		1050 IVY LN	ROCKWALL	TX	75087	
4621-000D-0002-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 2, (REPLAT 2007)		1044 IVY LN	ROCKWALL	TX	75087	
4621-000D-0003-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 3, (REPLAT 2007)		1038 IVY LN	ROCKWALL	TX	75087	
4621-000D-0004-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 4, (REPLAT 2007)		1032 IVY LN	ROCKWALL	TX	75087	
4621-000D-0005-00-0R	FECHT JARED W & JULIE	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 5, (REPLAT 2007)		1026 IVY LN	ROCKWALL	TX	75087	
4621-000D-0006-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 6, (REPLAT 2007)		1020 IVY LN	ROCKWALL	TX	75087	
4621-000D-0007-00-0R	MOORE BECKY INEZ AND	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 7, (REPLAT 2007)	CYNTHIA ANN HUDDLESTON	1014 IVY LN	ROCKWALL	TX	75087	
4621-000D-0008-00-0R	RIPP KEEGAN & NICOLA	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 8, (REPLAT 2007)		1008 IVY LANE	ROCKWALL	TX	75087	
4621-000D-0009-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 9, (REPLAT 2007)		1002 IVY LN	ROCKWALL	TX	75087	
4621-000D-0010-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 10, (REPLAT 2007)		914 IVY LN	ROCKWALL	TX	75087	
4621-000D-0011-00-0R	BUCHANAN BARRY D & MELISSA M	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 11, (REPLAT 2007)		908 IVY LN	ROCKWALL	TX	75087	
4621-000D-0016-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 16, (REPLAT 2007)		434 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0017-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 17, (REPLAT 2007)		426 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0018-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 18, (REPLAT 2007)		420 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0019-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 19, (REPLAT 2007)		414 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0020-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 20, (REPLAT 2007)		408 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0021-00-0R	SEYMORE BRITTANY N & TIMOTHY J	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 21, (REPLAT 2007)		205 RUSH CREEK	HEATH	TX	75032	
4621-000D-0021-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 21, (REPLAT 2007)		891 IVY LN	ROCKWALL	TX	75087	
4621-000D-0022-00-0R	RAGSDALE ELIZABETH J LIFE ESTATE	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 22, (REPLAT 2007)	LISA JANE BAKER & DONALD KIRK RAGSDALE	895 IVY LN	ROCKWALL	TX	75087	
4621-000D-0023-00-0R	PIERSON ROBERT J JR AND CLAIRE T	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 23, (REPLAT 2007)		901 IVY LN	ROCKWALL	TX	75087	
4621-000D-0024-00-0R	RHODES BRENDA	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 24, (REPLAT 2007)		905 IVEY LN	ROCKWALL	TX	75087	
4621-000D-0025-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 25, (REPLAT 2007)		365 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0026-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 26, (REPLAT 2007)		369 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0034-00-0R	FREDERICK MARSHA	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 34, (REPLAT 2007)		4034 KYNDRA CIR	RICHARDSON	TX	75082	
4621-000D-0034-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 34, (REPLAT 2007)		405 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0035-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 35, (REPLAT 2007)		411 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0036-00-0R	MASON MARSHA	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 36, (REPLAT 2007)		3065 N GOLIAD ST	ROCKWALL	TX	75087	
4621-000D-0036-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 36, (REPLAT 2007)		417 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0037-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 37, (REPLAT 2007)		423 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0037-00-0R	RADNEY STEPHEN P AND MARTHA M	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 37, (REPLAT 2007)		970 W YELLOWJACKET LN	APT 611	ROCKWALL	TX	75087
4621-000D-0038-00-0R	RADNEY JAIRL W AND BARBARA P	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 38, (REPLAT 2007)		429 JORDAN FARM CR	ROCKWALL	TX	75087	
4621-000D-0039-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 39, (REPLAT 2007)		435 JORDAN FARM CIR	ROCKWALL	TX	75087	
4621-000D-0040-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 40, (REPLAT 2007)		1009 IVY LN	ROCKWALL	TX	75087	
4621-000D-0041-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 41, (REPLAT 2007)		1015 IVY LN	ROCKWALL	TX	75087	
4621-000D-0042-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 42, (REPLAT 2007)		1021 IVY LN	ROCKWALL	TX	75087	
4621-000D-0043-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 43, (REPLAT 2007)		1027 IVY LN	ROCKWALL	TX	75087	
4621-000D-0044-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 44, (REPLAT 2007)		1033 IVY LN	ROCKWALL	TX	75087	
4621-000D-0045-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 45, (REPLAT 2007)		1039 IVY LN	ROCKWALL	TX	75087	
4621-000D-0046-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 46, (REPLAT 2007)		1045 IVY LN	ROCKWALL	TX	75087	
4621-000D-0047-00-0R	HARRILL EVELYN	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 47, (REPLAT 2007), (REPLAT 2008)		2191 PORTOFINO	ROCKWALL	TX	75032	
4621-000D-0047-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 47, (REPLAT 2007), (REPLAT 2008)		892 IVY LN	ROCKWALL	TX	75087	
4621-000D-0048-00-0R	Current Occupant	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 48, (REPLAT 2007), (REPLAT 2008)		886 IVY LN	ROCKWALL	TX	75087	
4621-000D-0048-00-0R	ALLISON DEANNA JO	PARK PLACE WEST PH II ADDITION, BLOCK D, LOT 48, (REPLAT 2007), (REPLAT 2008)		PO BOX 1624	ROCKWALL	TX	75087	
4737-0001-0001-00-0R	Current Occupant	RENFRO CREEKSIDE ESTATES, BLOCK 1, LOT 1, ACRES 0.1607		606 RENFRO ST	ROCKWALL	TX	75087	
4741-0000-0001-00-0R	HARRINGTON DEBORAH	RENFRO PLACE SOUTH, LOT 1, ACRES 0.637		607 RENFRO ST	ROCKWALL	TX	75087	
4770-0000-1108-00-0R	KAUFMANN DOUG	RIDGELL, LOT 110-B	DBA KAUFMANN PROPERTIES LLC	627 SORITA CIRCLE	HEATH	TX	75032	
5024-000A-0001-00-0R	Current Occupant	SOROPTIMIST ROCKWALL CHILDRENS HOME, BLOCK A, LOT 1, ACRES 2.093		1350 E WASHINGTON	ROCKWALL	TX	75087	
5024-000A-0001-00-0R	SOROPTIMIST INT'L OF ROCKWALL	SOROPTIMIST ROCKWALL CHILDRENS HOME, BLOCK A, LOT 1, ACRES 2.093		PO BOX 372	ROCKWALL	TX	75087	
5045-000A-0002-00-0R	FLEXLAND LP	SPR PACKAGING ADDITION, BLOCK A, LOT 2, ACRES 10.1893, (REPLAT 2012)		1480 JUSTIN RD	ROCKWALL	TX	75087	
5253-000A-0001-00-0R	WHITMORE MANUFACTURING CO THE	WHITMORE MANUFACTURING ADDITION, BLOCK A, LOT 1, ACRES 3.448		930 WHITMORE DR	ROCKWALL	TX	75087	
5253-000A-0003-00-0R	Current Occupant	WHITMORE MANUFACTURING ADDITION, BLOCK A, LOT 3, ACRES 8.971		1250 JUSTIN RD	ROCKWALL	TX	75087	



NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-037: Indoor Auto Center

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

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 1/13/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Tuesday, 1/20/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

JoDee Sanford
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **1/20/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

PLEASE RETURN THE BELOW FORM

Case No. Z2014-037: Indoor Auto Center

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

No problem with request.

Name:

Mike Mishler for Mishler Builders, Inc.

Address:

PO Box 38 Rockwall, TX 75087 417 Park Pl Blvd

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-037: Indoor Auto Center

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 1/13/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Tuesday, 1/20/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**JoDee Sanford
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **1/20/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

PLEASE RETURN THE BELOW FORM

Case No. Z2014-037: Indoor Auto Center

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below. *(Restrictions Must Be Clarified)*
- I am opposed to the request for the reasons listed below.

- 1) No Additional Buildings
- 2) No roadside advertising or display of vehicles
- 3) No excessive noise / normal noise of car detailing etc.
- 4) Encourage test drives to the east on John King away from residences

Name: *John and Julie Wordell*
Address: *880 Ivy Rockwall, Tx 75087*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2014-037: Indoor Auto Center

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

VELMA J. LOVOI

Address:

501 PARK PLACE BLVD

ROCKWALL, TX 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Notice of Public Hearing • City of Rockwall • 385 South Goliad Street • Rockwall, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7746

Case No. Z2014-037: Indoor Auto Center

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

JOSEPH J. LOVOI SR

Address:

501 PARK PLACE BLVD

ROCKWALL, TX 75087

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

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Notice of Public Hearing • City of Rockwall • 385 South Goliad Street • Rockwall, TX 75087 • [P] (972) 771-7745 • [F] (972) 771-7746

Case No. Z2014-037: Indoor Auto Center

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

[Redacted area]

Name: *Mike Porter Rockwall 12-833*
Address: *1202 Kirkcaldy Ct., Southlake, TX 76092*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

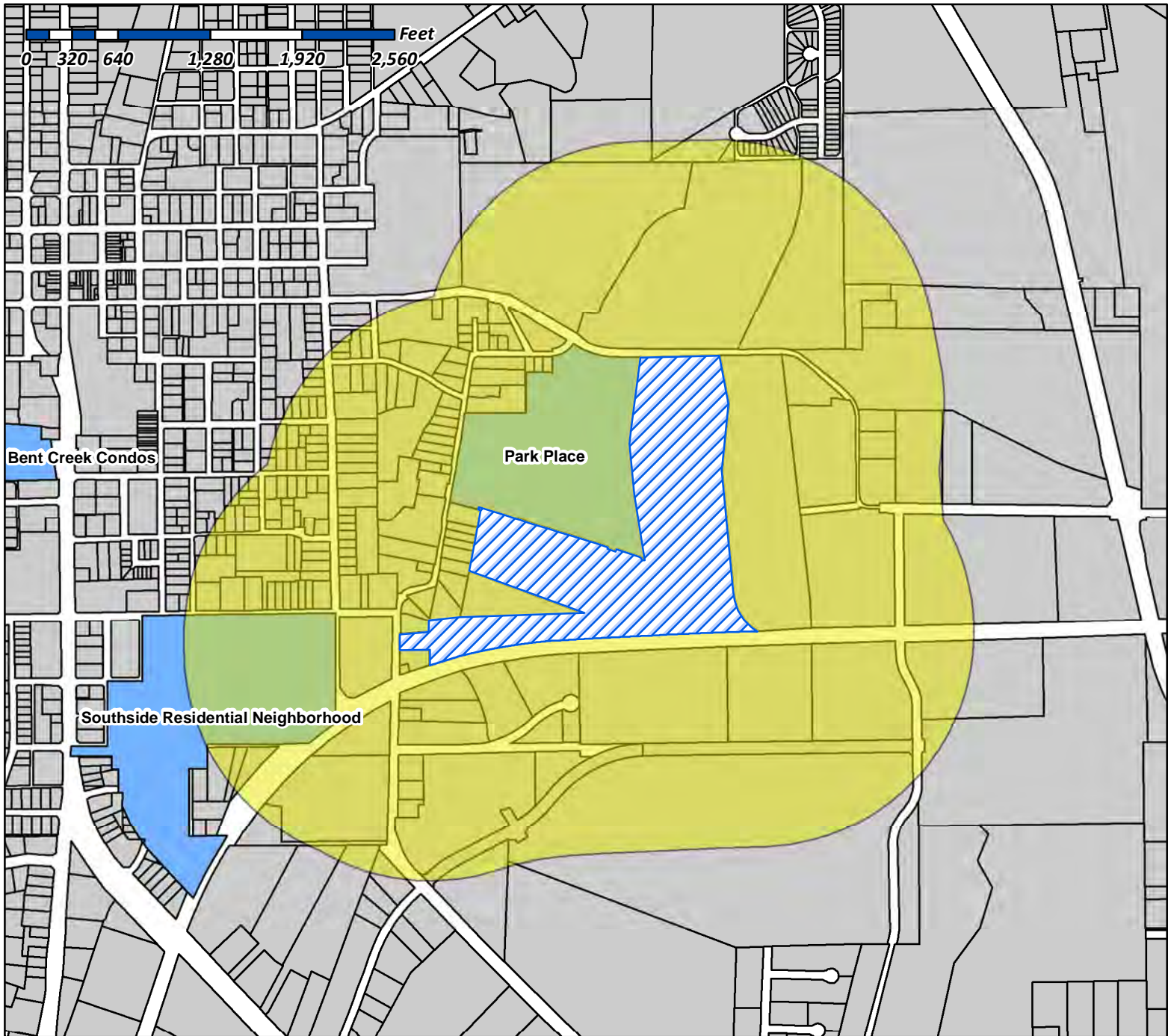
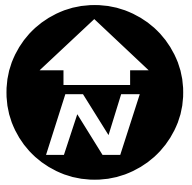
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



City of Rockwall

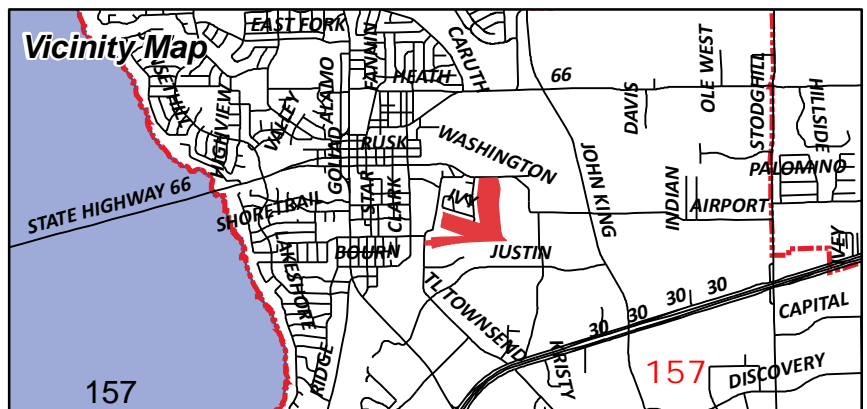
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2014-038
Case Name: 1200 E. Washington St
Case Type: Specific Use Permit
Zoning: LI
Case Address: 1200 E. Washington St

Date Created: 12/19/2014
For Questions on this Case Call (972) 771-7745



Bricker Enterprise Company, Inc.

December 8, 2014

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, TX 75087

Dear Sirs;

I am requesting an SUP be granted for the purpose of establishing an indoor display only, used car business or businesses within a building on the property at 1200 E Washington St., Rockwall, TX 75087.

The business is for the purpose of buying and selling used cars on a wholesale/retail basis. No outdoor storage is necessary to operate and there will not be any outdoor storage. This type of business is by appointment only and thus no drive by or impulse shopping will occur. The business activity will be housed in a building that is 1,000 feet from the road and thus there will be no impact to the streetscape on Washington.

The building is noted on the attached map from Rockwall.com and the building shown is in the northwest corner of the property and is about 12,500 square feet. Not all of this space will be utilized initially but may be in the future depending on business growth.

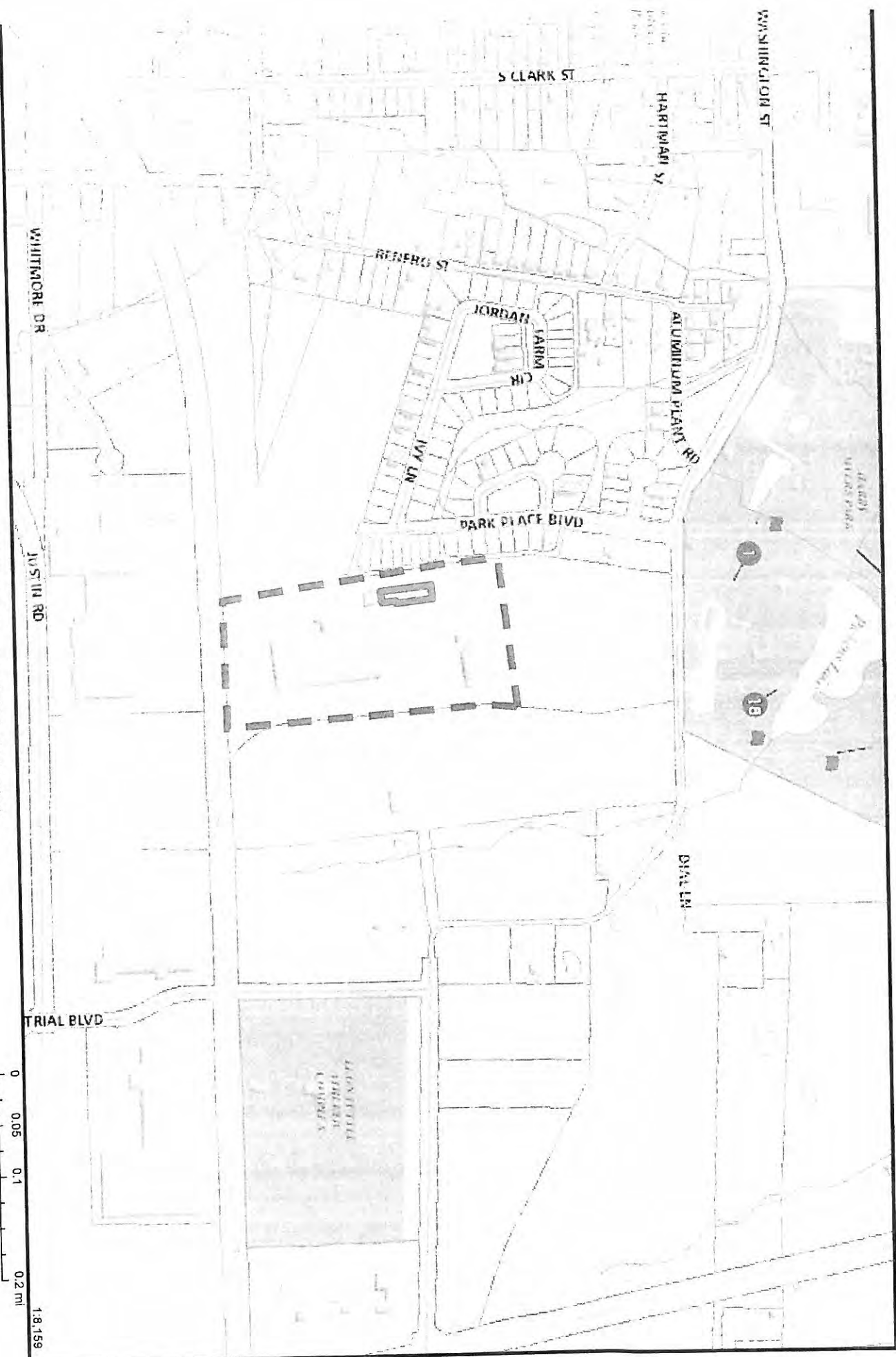
Please contact me for any questions or clarifications.

Sincerely,



CW Bricker

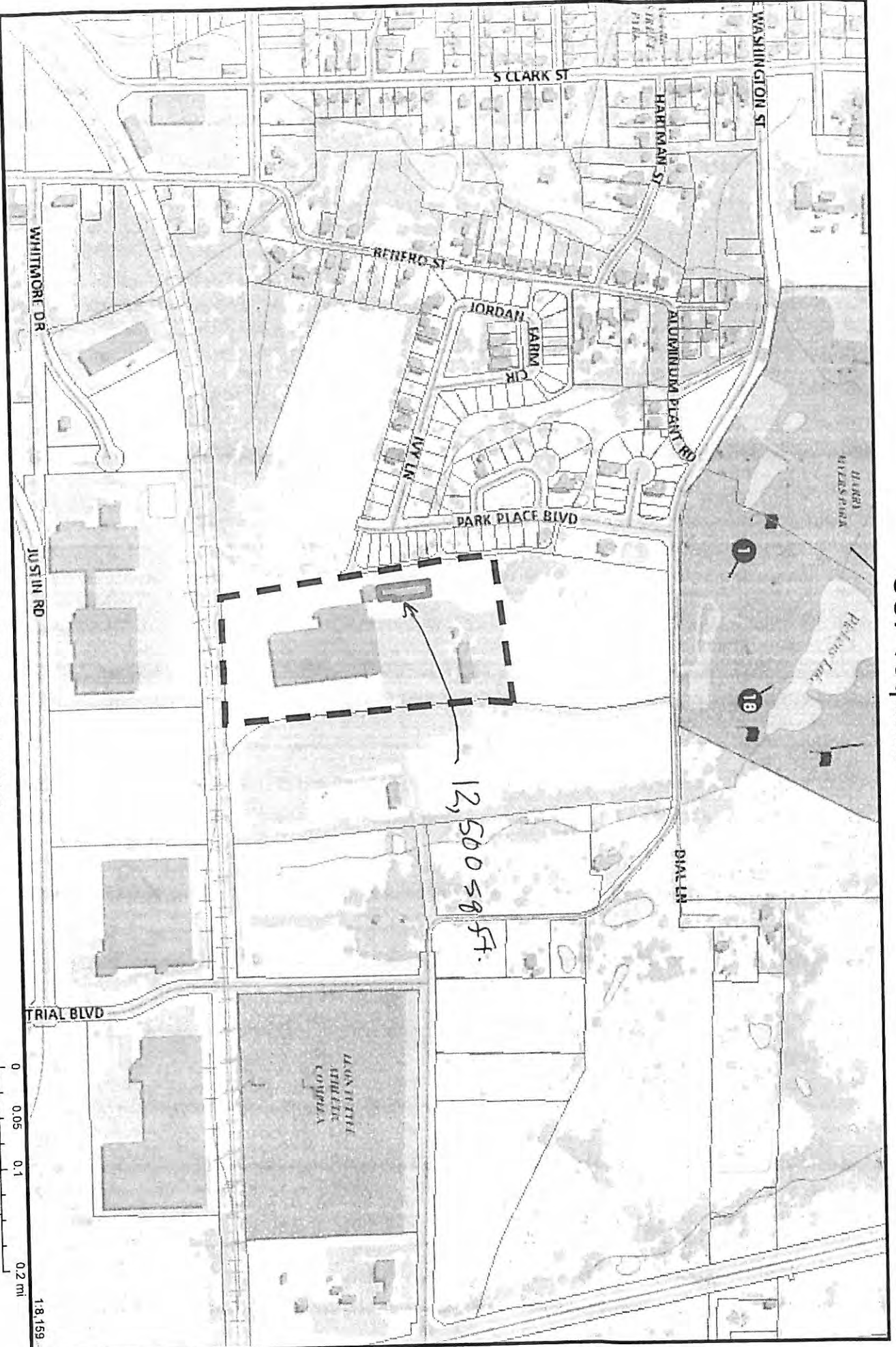
SUP request



Thank you for using the
City of Rockwall
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The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided As Is with no warranty being made, either expressed or implied.

SUP request



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December 3, 2014

CITY OF ROCKWALL

ORDINANCE NO. 14-

SPECIFIC USE PERMIT NO. S-

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) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM LOCATED IN A 12,500 SQUARE FOOT BUILDING INDICATED IN "EXHIBIT A" OF THIS ORDINANCE AND ADDRESSED AS 1200 E. WASHINGTON STREET, WHICH IS LOCATED ON A PORTION OF A LARGER 50.826-ACRE TRACT OF LAND DESCRIBED AS TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, 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.

WHEREAS, a request has been made by Bill Bricker of Bricker Enterprise Company (dba Brick House Cars) on behalf of Rockwall Commercial Property Management for a Specific Use Permit within a Light Industrial (LI) District allowing for an Indoor Motor Vehicle Dealership/Showroom located in a 12,500 square foot building indicated in "Exhibit A" of this ordinance and addressed as 1200 E. Washington Street, which is located on a portion of a larger 50.826-acre tract of land described as Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the Unified Development Code of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit allowing for an Indoor Motor Vehicle Dealership/Showroom within a Light Industrial (LI) District, located in a 12,500 square foot building indicated in "Exhibit A" of this ordinance and addressed as 1200 E. Washington Street, which is located on a portion of a larger 50.826-acre tract of land described as Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Section 2.1.8, Auto and Marine-Related Use Conditions, of Article IV, Permissible Uses and Section 5.3, "LI" Light Industrial (LI) District, of Article V, District Development Standards, of the City of Rockwall Unified Development Code (Ordinance No. 04-38)** as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE ____ DAY OF _____, 2015.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: _____

2nd Reading: _____

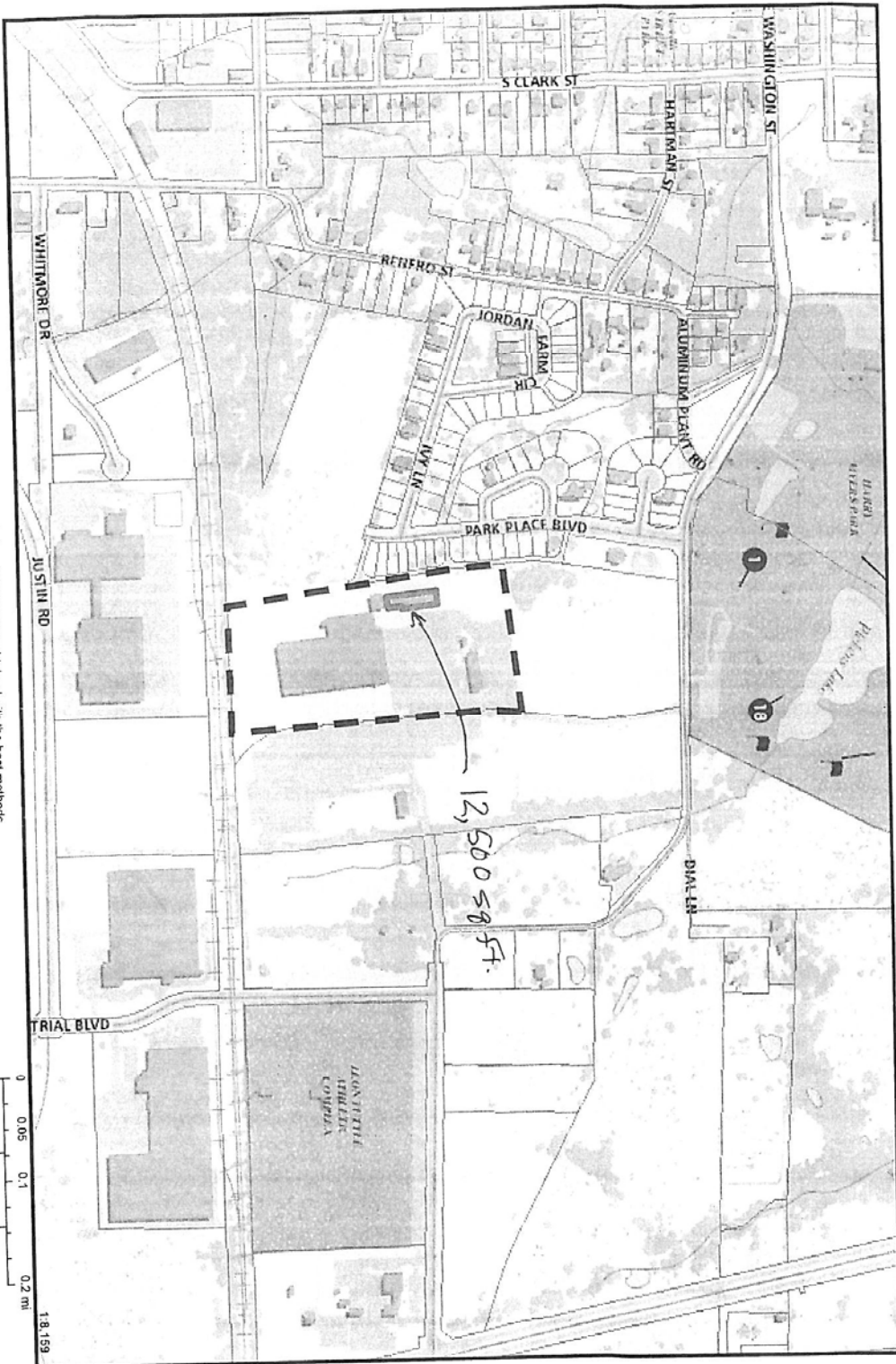
Exhibit "A" – Site Plan



Thank you for using the
City of Rockwall
 GIS INTERACTIVE MAPPING SITE

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December 3, 2014



SUP request

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 01/20/2015

APPLICANT: Ben McMillian

AGENDA ITEM: Z2014-038; 503 N. Goliad SUP

SUMMARY:

Hold a public hearing to discuss and consider a request by Ben McMillian of Hazel & Olive on behalf of the owner of the property for the approval of a Specific Use Permit to allow for a *General Retail Store* in conjunction with an office and photography studio within Planned Development District 50 (PD-50) for two (2) parcels of land, being 0.43-acres of land, identified as Lots 19A & 19B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, addressed as 503 N. Goliad Street [*SH-205*], and take any action necessary.

BACKGROUND INFORMATION:

The applicant, Ben McMillian of Hazel and Olive, is requesting a Specific Use Permit (SUP) to allow for a *General Retail Store* in conjunction with an office and photography studio on two (2) parcels of land that are currently vacant. The properties are within Planned Development District (PD-50) No. 50 and the North Goliad Corridor Overlay (NGC OV) District, has an underlying zoning of Residential Office (RO) District, and is generally located at 503 N. Goliad Street. Based on the conceptual floor plan submitted, the office space and storage area will be comprised of ~2,730 sq. ft. in area while the photography studio and *general retail* will occupy 1,200 sq. ft. The office and photography studio uses are established by right; however, the *general retail* component will require an SUP.

Should the SUP be approved, the applicant intends to build a facility with a ~3,540 sq. ft. building footprint, which will meet the architectural and building design standards for new construction established in the NGC OV. This district establishes design standards to guide the new construction of buildings, streetscapes, and architectural styles to be consistent with the existing historical residential homes and businesses located along the corridor. Building elevations will be submitted as part of the site planning process and will be reviewed by the Historic Preservation Advisory Board (HPAB) to assure consistency with the architectural styles and the standards of the district. The HPAB will forward its recommendation to the Planning and Zoning Commission.

Based on the conceptual site plan submitted, the applicant is proposing the installation of thirteen (13) parking spaces for the development. The required parking for both the retail store and photography studio is one (1) space for each 250 sq. ft., while the office is calculated at one (1) space per 500 sq. ft. for a total of eleven (11) parking spaces, which meets the requirements for the site. Also, the conceptual site plan indicates the parking spaces to be located behind the front façade of the building; meeting the requirements for PD-50 and the RO district where parking is not to be located in the front yard.

NOTIFICATION:

On December 30, 2014, staff mailed one hundred-ten (110) notices to property owners within 500 feet of the subject property; however, since there are no HOA/Neighborhood Organizations within 1500 feet participating in the notification program, there was no additional notice forwarded by e-mail. Additionally, staff posted a sign on the property as required by the Unified Development Code (UDC). At the time this report was drafted, staff has received two (2) notice “for” and one (1) notice “opposed to” the zoning change requested.

RECOMMENDATIONS:


Should the Specific Use Permit be approved, staff would offer the following conditions:

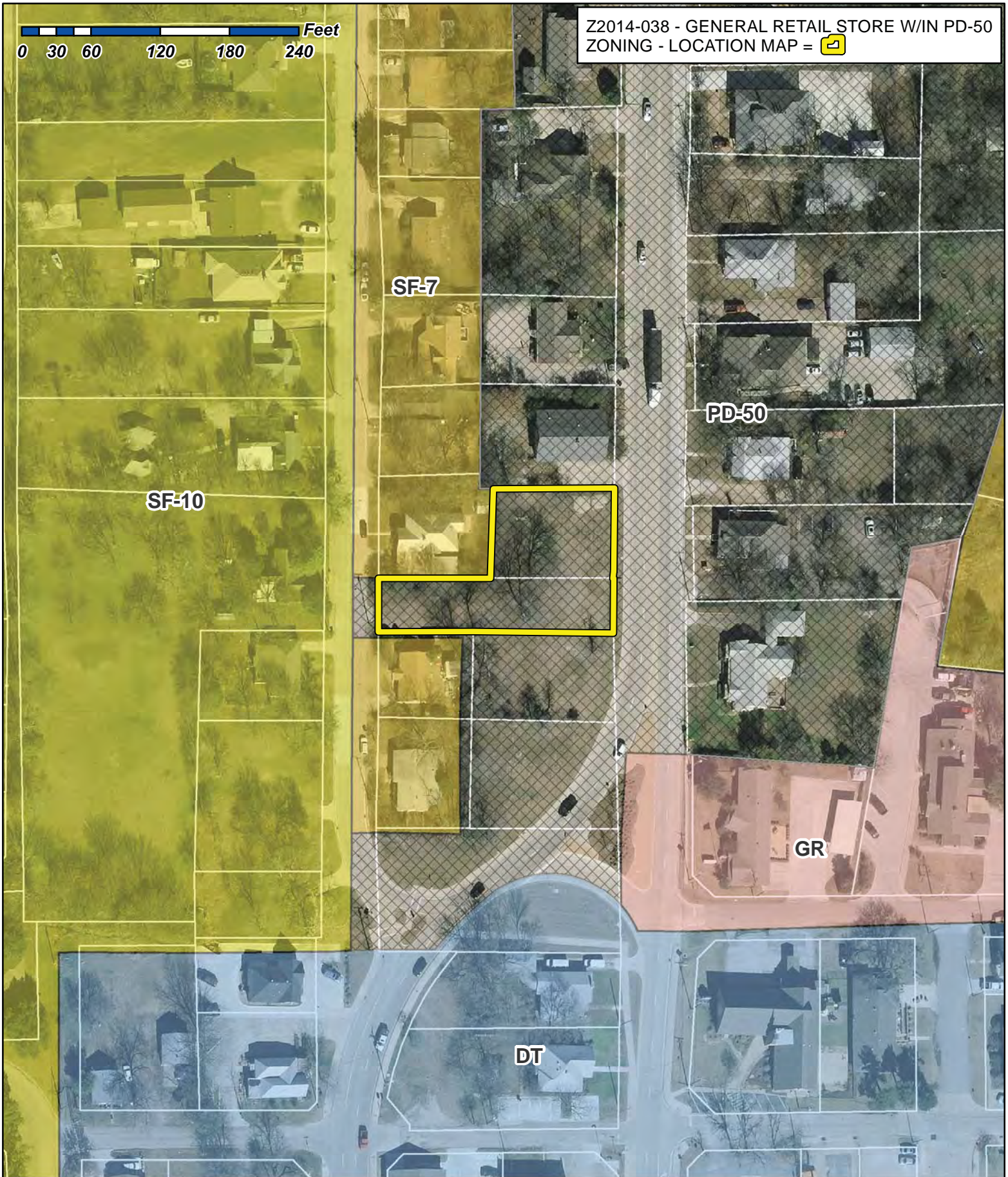
- 1) Adherence to Engineering and Fire Department standards.
- 2) That the proposed conceptual site plan shall be attached to the SUP Ordinance for the purpose of establishing a property boundary for the purpose of developing a *General Retail Store*.
- 3) That the *General Retail Use* will be generally limited to 1,200 sq. ft. as depicted on the floor plan.
- 4) That submittal and approval of a site plan and replat will be required prior to issuance of building permit.
- 5) That all signage requires a separate permit and must conform to the standards established for the North Goliad Overlay District.
- 6) That joint or shared access shall be provided to the property directly north of the subject property.
- 7) That no parking shall be allowed in the SH205 right-of-way or in front of the building.
- 8) The City Council reserves the right to review the Specific Use Permit one year after approval.

Planning and Zoning Commission Recommendation:

On January 13, 2015, the Planning and Zoning Commission recommended approval of the SUP with staff conditions by a vote of 6 to 0 (Fishman – absent).

0 30 60 120 180 240 Feet

Z2014-038 - GENERAL RETAIL STORE W/IN PD-50
ZONING - LOCATION MAP = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

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City of Rockwall

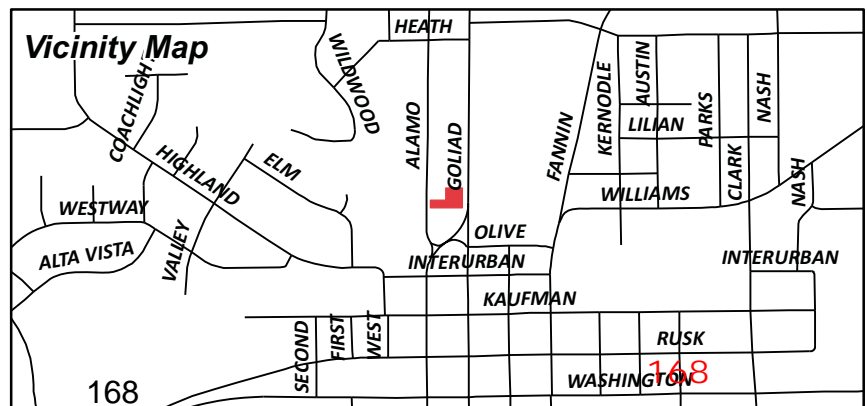
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Case Number: Z2014-038
Case Name: 503 N. Goliad Street
Case Type: Specific Use Permit
Zoning: PD-50
Case Address: 503 N. Goliad Street

Date Created: 12/19/2014
For Questions on this Case Call (972) 771-7745



MEYERS STUART A & BRENDA S
1614 S LAKESHORE DR
ROCKWALL, TX 75087

Current Occupant
506 N GOLIAD
ROCKWALL, TX 75087

FLEMING HALLIE B
507 N GOLIAD
ROCKWALL, TX 75087

PEOPLES DOSVILLE
208 W HEATH ST
ROCKWALL, TX 75087

Current Occupant
703 N ALAMO RD
ROCKWALL, TX 75087

RNDI COMPANIES INC
2255 RIDGE ROAD SUITE 216
ROCKWALL, TX 75087

Current Occupant
605 N ALAMO
ROCKWALL, TX 75087

HUTTON SCOTT W & JOANN Y HAMILTON
603 N ALAMO RD
ROCKWALL, TX 75087

Current Occupant
601 N ALAMO
ROCKWALL, TX 75087

TUCKER PAMELA
505 N ALAMO RD
ROCKWALL, TX 75087

Current Occupant
503 N ALAMO
ROCKWALL, TX 75087

KILLION OLIN R
8709 DALROCK RD
ROWLETT, TX 75089

Current Occupant
401 N ALAMO
ROCKWALL, TX 75087

CARDENAS CECILIO & CARMEN
602 N ALAMO ROAD
ROCKWALL, TX 75087

CASTILLO PEDRO
3161 S FM 551
ROYSE CITY, TX 75189

Current Occupant
604 N ALAMO
ROCKWALL, TX 75087

COLEBAUGH JACOB AND MELISSA METZNER
708 N ALAMO
ROCKWALL, TX 75087

IRBY DENNIS
703 N GOLIAD ST
ROCKWALL, TX 75087

TEEL BRITTON & BARBARA
10925 ROCKSTONE DR
BALCH SPRINGS, TX 75180

Current Occupant
706 N ALAMO
ROCKWALL, TX 75087

GUEVARA CARLOS & MONICA A
802 N ALAMO RD
ROCKWALL, TX 75087

Current Occupant
405 N ALAMO
ROCKWALL, TX 75087

BILLINGSLEY LAURA RENEE
0
101 AVERY LN
ROYSE CITY, TX 75189

Current Occupant
501 N ALAMO
ROCKWALL, TX 75087

CAWTHON RICK
2000 E INTERSTATE 30
ROCKWALL, TX 75087

Current Occupant
406 N ALAMO
ROCKWALL, TX 75087

Current Occupant
405 N GOLIAD
ROCKWALL, TX 75087

Current Occupant
503 N GOLIAD
ROCKWALL, TX 75087

SARRATT LARRY
1508 BAY VALLEY CIR
HEATH, TX 75032

Current Occupant
504 N ALAMO
ROCKWALL, TX 75087

DATAR CORPORATION
1508 BAY VALLEY CIRCLE
HEATH, TX 75032

Current Occupant
501.5 N GOLIAD ST
ROCKWALL, TX 75087

TAMEZ SILVINO & ARACELIA
502 N ALAMO RD
ROCKWALL, TX 75087

Current Occupant
501 N GOLIAD
ROCKWALL, TX 75087

STAINED GLASS CREATIONS INC
1391 ANNA CADE RD
ROCKWALL, TX 75087

Current Occupant
505 N GOLIAD
ROCKWALL, TX 75087

Current Occupant
506 N ALAMO
ROCKWALL, TX 75087

LAYTON ERIC A
PO BOX 998
ROCKWALL, TX 75087

SWIERCINSKY JOSHUA L
710 N ALAMO
ROCKWALL, TX 75087

MORGAN RHONA L &
508 N ALAMO RD
ROCKWALL, TX 75087

Current Occupant
705 N ALAMO RD
ROCKWALL, TX 75087

BARKER PERRY H & ELIZABETH D
104 SCENIC DR
ROCKWALL, TX 75032

CRISWELL BARBARA
1890 AVONLEA DR
ROCKWALL, TX 75087

Current Occupant
602 N GOLIAD
ROCKWALL, TX 75087

CRISWELL BARBARA
1890 AVONLEA DR
ROCKWALL, TX 75087

Current Occupant
604 N GOLIAD
ROCKWALL, TX 75087

SMITH G DAVID
702 N GOLIAD ST
ROCKWALL, TX 75087

STAMERJOHN ALEXANDER JAMES & KIMBERLY J
704 N GOLIAD
ROCKWALL, TX 75087

Current Occupant
105 OLIVE ST
ROCKWALL, TX 75087

R & S OPERATING CO LP
11508 ROYALSHIRE DR
DALLAS, TX 75230

BLACK SHIRLEY M
502 N GOLIAD ST
ROCKWALL, TX 75087

ODOM JAY & ALISON
405 N FANNIN STREET
ROCKWALL, TX 75087

HALL DOUGLAS A & MARCI
601 N FANNIN ST
ROCKWALL, TX 75087

JONES CYNTHIA WALLACE & KENNETH LYNN
401 N FANNIN STREET
ROCKWALL, TX 75087

Current Occupant
201 OLIVE ST
ROCKWALL, TX 75087

REDDEN POLLY & ROSS
509 E HEATH ST
ROCKWALL, TX 75087

Current Occupant
404 N GOLIAD
ROCKWALL, TX 75087

LAND HEADQUARTERS COMPANY INC
PO BOX 69
KEY BISCAVNE, FL 33149

ROCKWALL RUSTIC RANCH LLC
1506 SIGNAL RIDGE PL
ROCKWALL, TX 75032

Current Occupant
406 N GOLIAD
ROCKWALL, TX 75087

CRAWFORD STEVE
1709 GASLIGHT CT
SEABROOK, TX 77586

Current Occupant
504 N GOLIAD
ROCKWALL, TX 75087

Current Occupant
604 GOLIAD
ROCKWALL, TX 75087

Current Occupant
802 N GOLIAD
ROCKWALL, TX 75087

CONSELMAN EQUITIES LLC
PO BOX 2284
ROCKWALL, TX 75087

WRIGHT JOHN M & SUSAN L
1605 SEASCAPE CT
ROCKWALL, TX 75087

Current Occupant
603 N GOLIAD
ROCKWALL, TX 75087

WHITEHEAD EMILY SUE
304 HIGHLAND DR
ROCKWALL, TX 75087

WARREN PEGGY E
302 HIGHLAND DR
ROCKWALL, TX 75087

HOWINGTON RACHEL ANN
101 AVERY LN
ROYSE CITY, TX 75189

Current Occupant
302 ELM DR
ROCKWALL, TX 75087

GLASS KATHLEEN J
304 ELM DR
ROCKWALL, TX 75087

BELL MARY NELL
306 ELM DR
ROCKWALL, TX 75087

SCHWEIKERT FERN ELLEN
308 ELM DR
ROCKWALL, TX 75087

GATES CHARLES H & BRENDA F
310 ELM DR
ROCKWALL, TX 75087

Current Occupant
312 ELM DR
ROCKWALL, TX 75087

SMITH MARY SUE
502 W RUSK ST
ROCKWALL, TX 75087

KING BOBBY R ETUX
305 WILDWOOD LN
ROCKWALL, TX 75087

ANGLE GLENDA ANNE
303 WILDWOOD LN
ROCKWALL, TX 75087

BULLOCK HAROLD G AND HEATHER E
301 WILDWOOD LN
ROCKWALL, TX 75087

WAGNER GERALD P
112 LOS PECES
GUN BARRELL, TX 75156

Current Occupant
705 N GOLIAD ST
ROCKWALL, TX 75087

Current Occupant
202 INTERURBAN ST
ROCKWALL, TX 75087

ALSOBROOK DAVID
505 CARRIAGE TRL
ROCKWALL, TX 75087

LEAL CAROL RHEA & ROLAND
303 N ALAMO RD
ROCKWALL, TX 75087

BEDFORD AUSTIN J & TERRI W
301 N ALAMO RD
ROCKWALL, TX 75087

Current Occupant
303 N GOLIAD
ROCKWALL, TX 75087

ROCKWALL RENTAL PROPERTIES LP
PO BOX B
TERRELL, TX 75160

Current Occupant
301 N GOLIAD
ROCKWALL, TX 75087

ROCKWALL RENTAL PROPERTIES LP
PO BOX 818
TERRELL, TX 75160

Current Occupant
301 N SAN JACINTO
ROCKWALL, TX 75087

JOY LUTHERAN CHURCH
302 N GOLIAD ST
ROCKWALL, TX 75087

FERGUSON PROPERTIES LLC
307 N FANNIN ST
ROCKWALL, TX 75087

Current Occupant
304 N SAN JACINTO
ROCKWALL, TX 75087

CULLINS KENNETH L & HEATHER D
845 RAVENHURST DR
ROCKWALL, TX 75087

BRUCE DANA G & JEANNE L
302 N SAN JACINTO ST
ROCKWALL, TX 75087

ARISTA KAUFMAN LLC
1010 W RALPH HALL PARKWAY SUITE 100
ROCKWALL, TX 75032

Current Occupant
107 E KAUFMAN
ROCKWALL, TX 75087

HANCE ROY & RANDA & LARRY
1244 E QUAIL RUN RD
ROCKWALL, TX 75087

Current Occupant
109 E KAUFMAN
ROCKWALL, TX 75087

CAIN REVOCABLE FAMILY TRUST AND
DEWAYNE CAIN TRUSTEE
PO BOX 1119
ROCKWALL, TX 75087

Current Occupant
102 W KAUFMAN
ROCKWALL, TX 75087

RHODES TOM B
ATTN JEFF TARLTON
400 GALLERIA PARKWAY SE SUITE 1500
ATLANTA, GA 30339

Current Occupant
108 INTERURBAN
ROCKWALL, TX 75087

RAYWAY PROPERTIES LLC
3 GRANITE RIDGE
ROCKWALL, TX 75032

BOWEN PERRY
1006 TIMBERLINE DRIVE
HEATH, TX 75032

Current Occupant
203 N ALAMO
ROCKWALL, TX 75087

Current Occupant
204 N WEST ST
ROCKWALL, TX 75087

HOLLIMAN ANDREA J
332 SHEPARDS HILL
ROCKWALL, TX 75087

Current Occupant
801 N GOLIAD ST
ROCKWALL, TX 75087



**NOTICE OF PUBLIC HEARING
CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT**

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-038: Retail, Photography & Office

Hold a public hearing to discuss and consider a request by Ben McMillian of Hazel & Olive on behalf of the owner of the property for the approval of a Specific Use Permit to allow for a General Retail Store in conjunction with an office and photography studio within Planned Development District 50 (PD-50) for two (2) parcels of land, being 0.43-acres of land, identified as Lots 19A & 19B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, addressed as 503 N. Goliad Street [SH-205], and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 1/13/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Tuesday, 1/20/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**David Gonzales
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **1/20/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2014-038: Retail, Photography & Office

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

IT IS A GOOD USE FOR THE LOCATION

Name: G DAVID SMITH
Address: 702 N. GOLIAD

Tex. Loc. Gov. Code, Sec. 211.006 (d). If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Gonzales, David

From: Sanford, JoDee on behalf of Planning
Sent: Tuesday, January 06, 2015 11:12 AM
To: Gonzales, David
Subject: FW: Case# Z2014-038

JoDee Sanford

Planning Technician | City of Rockwall

P: 972.771.7745 | F: 972.771.7748

jsanford@rockwall.com | <http://www.rockwall.com>

From: Jay Odom [REDACTED]
Sent: Tuesday, January 06, 2015 11:07 AM
To: Planning
Subject: Case# Z2014-038

Hello,

I received a letter regarding the proposed zoning for the above referenced case and I am writing to show my support, as this type of business would be appropriate for this location.

Thank you,
Alison Odom
405 N Fannin St
Rockwall, TX 75087

----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2014-038: Retail, Photography & Office

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

I choose to live in a residential neighborhood NOT a commercial. TO much traffic on a small residential road.

Name: Glenda Angle

Address: 303 Wildwood Ln.

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

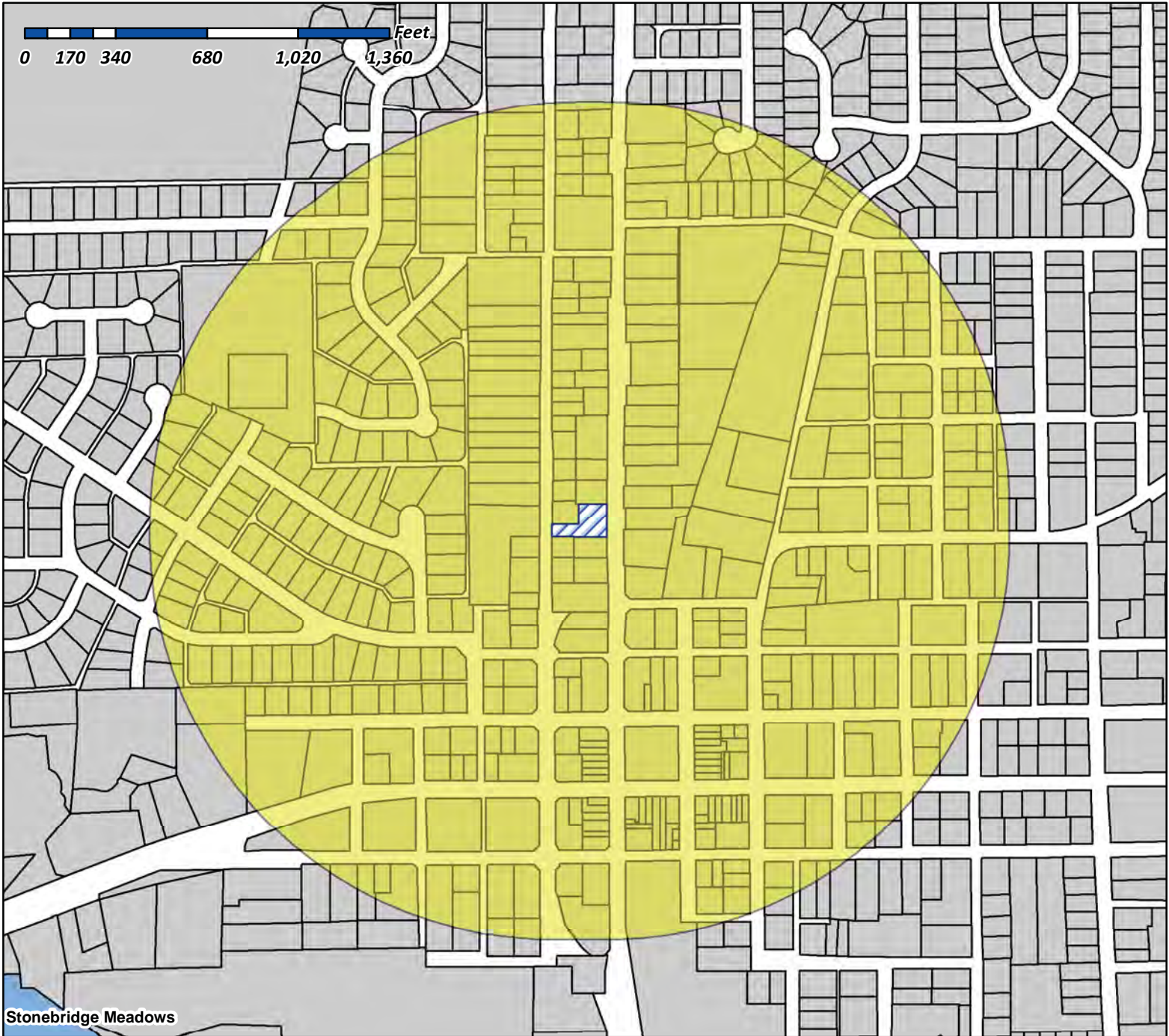
Notice of Public Hearing • City of Rowlett • 301 North Central Street • Rowlett, TX 75087 • Phone: (214) 211-1000 • Fax: (214) 211-1140



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

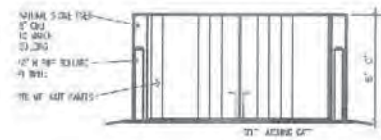
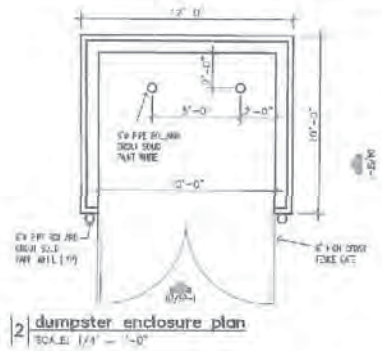
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2014-038
Case Name: 503 N. Goliad Street
Case Type: Specific Use Permit
Zoning: PD-50
Case Address: 503 N. Goliad Street

Date Created: 12/19/2014
For Questions on this Case Call (972) 771-7745

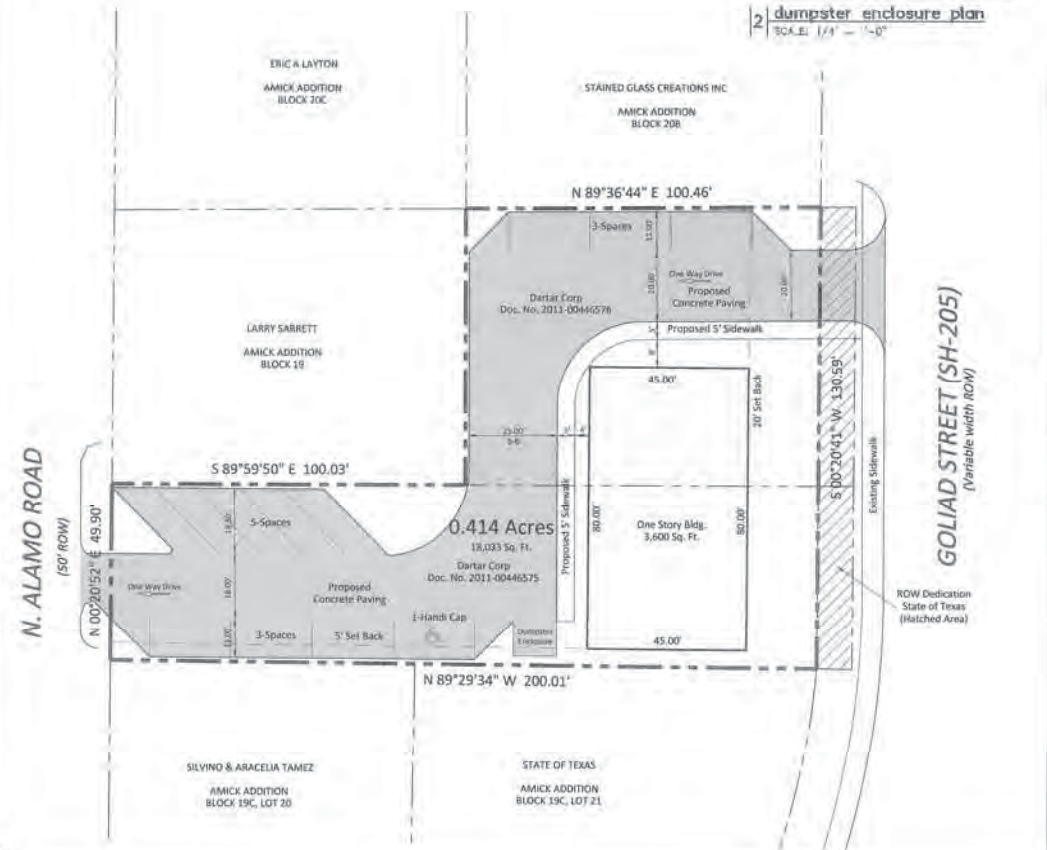




3 dumpster elevation
SCALE: 1/4" = 1' 0"



4 dumpster elevation (typ side)
SCALE: 1/4" = 1' 0"



Site Information:

Lot Area:	18033 SF, 0.414 AC
Building Square Footage:	1 Story 3600 SF
Zoning Existing Use:	Vacant, PD-50
Building Height / 1 Story:	15' at Parapet
Building Use/Type:	Office/Retail/Storage
Lot Coverage:	20%
Impervious Surface:	9455 SF (Drive and Parking)
Flatwork at Building:	785 SF
Parking Provided:	11 Spaces
Standard Spaces:	11 Spaces
Handicap Accessible:	1 Space
Total:	12 Spaces
Landscape Required:	2705 SF (15% total lot area)
Landscape provided:	4193 SF

NOTE:
Site utilities to be verified on Civil Plans.

SITE PLAN
503 GOLIAD STREET
0.414 ACRES - 18033 SQUARE FEET

503 GOLIAD STREET
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

Client: DATAR CORP
1508 RAY VALLEY CIRCLE
HEATH, TEXAS 75042

Scale: 1" = 30'	Checked By: S.C. Bland
Date: January 1, 2014	DATE: 1/1/2014
Prepared By: S.C. Bland	Field No: 100000
Drawn By: S.C. Bland	Sheet No: 1

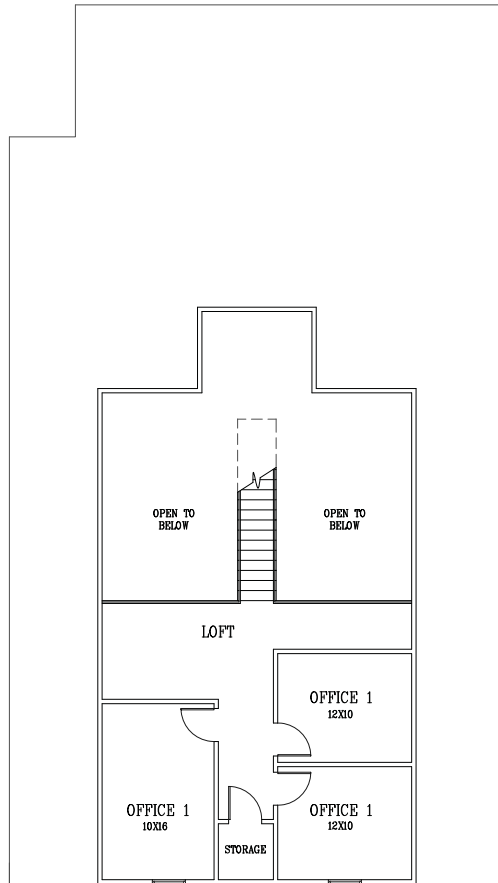
2014, Dallas, TX • Rockwall, Texas 75087
1000.000.0010 - www.bedfordgroup.com

Bedford Group, Inc.
Registered Professional Land Surveyors

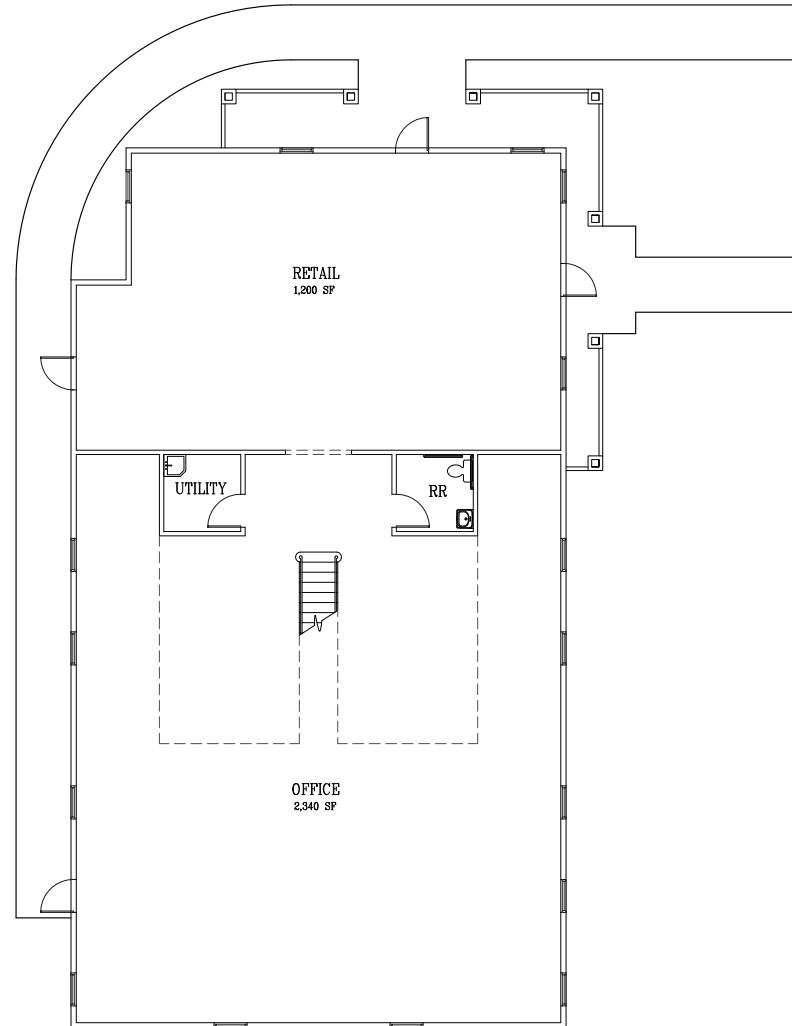
1993 (04/01/2014)

N:\AU_FRES\MAM\1009 N. Goliad\GOLIAD-ALAMO 1-5-15.dwg, 1/1/2015 10:12:49 AM

CONTRACTOR TO VERIFY PLANS AND TO VISIT SITE AND NOTIFY MERSHAWN ARCHITECTS OF ANY DISCREPANCIES BEFORE CONSTRUCTION.



SECOND FLOOR PLAN



FIRST FLOOR PLAN

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MEDICAL COMMERCIAL CHURCHES
RESIDENTIAL RESTAURANTS INSTITUTIONAL
MERSHAWN ARCHITECTS
303 BRICE ROAD #103
ROCKWALL, TEXAS 75087
PHONE: 972-276-3000
FAX: 972-246-2081

No.	Date	Revision	By

HAZEL AND OLIVE
503 GOLIAD ROCKWALL, TEXAS
FLOOR PLANS

Scale:	3/16" = 1'-0"
Date:	04/10/11
Project No.:	150102
Designed:	CM
Drawn:	CM
Checked:	W

SHEET
A2 OF



180



180

CITY OF ROCKWALL

ORDINANCE NO. 15-XX

SPECIFIC USE PERMIT NO. S-XXX

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 A GENERAL RETAIL STORE IN CONJUNCTION WITH AN OFFICE AND PHOTOGRAPHY STUDIO IN A RESIDENTIAL-OFFICE (RO) DISTRICT, ON TWO (2) PARCELS OF LAND, BEING 0.43-ACRES AND IDENTIFIED AS LOTS 19A & 19B OF THE AMICK ADDITION, AND GENERALLY LOCATED AT 503 NORTH GOLIAD STREET, ZONED PLANNED DEVELOPMENT DISTRICT NO. 50 (PD-50); AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Specific Use Permit (SUP) to allow for a *General Retail Store* in conjunction with an office and photography studio in a Residential-Office District and zoned Planned Development District No. 50 (PD-50) for residential-office land uses, has been requested by Ben McMillian of Hazel and Olive, on two (2) parcels of land, being 0.43-acres and identified as Lots 19A & 19B of the Amick Addition, and generally located at 503 North Goliad Street, and more specifically described in Exhibit 'A' of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) to allow for a *General Retail Store* in conjunction with an office and photography studio and zoned Planned Development District No. 50 (PD-50) for the *Subject Property*,

SECTION 2. That the Specific Use Permit shall be subject to the conditions set forth in *Planned Development District No. 50 (PD-50) & Section 4.2, Residential Office (RO) District, of Article V, District Development Standards, of the City of Rockwall Unified Development Code*

(Ordinance No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following additions:

2.1 Operational Conditions

The following conditions pertain to the operation of the General Retail Store on the subject property at 503 North Goliad Street and conformance to these stipulations is required for continued operations:

- 1) That the proposed conceptual site plan shall be attached to the SUP Ordinance for the purpose of establishing a property boundary for the establishment of a *General Retail Store* as attached hereto as Exhibit 'A'; and
- 2) That the *General Retail Use* will be generally limited to 1,200 sq. ft. as depicted on the floor plan attached hereto as Exhibit 'B'; and,
- 3) That submittal and approval of a site plan and replat will be required prior to issuance of building permit; and,
- 4) That all signage requires a separate permit and must conform to the standards established for the North Goliad Overlay District; and,
- 5) That joint or shared access shall be provided to the property directly north of the subject property; and,
- 6) That no parking shall be allowed in the SH205 right-of-way or in front of the building; and,
- 7) The City Council reserves the right to review the Specific Use Permit one year after approval.

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the

publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE ____ DAY OF _____, 2015.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading:

2nd Reading:

Exhibit A: Conceptual Site Plan

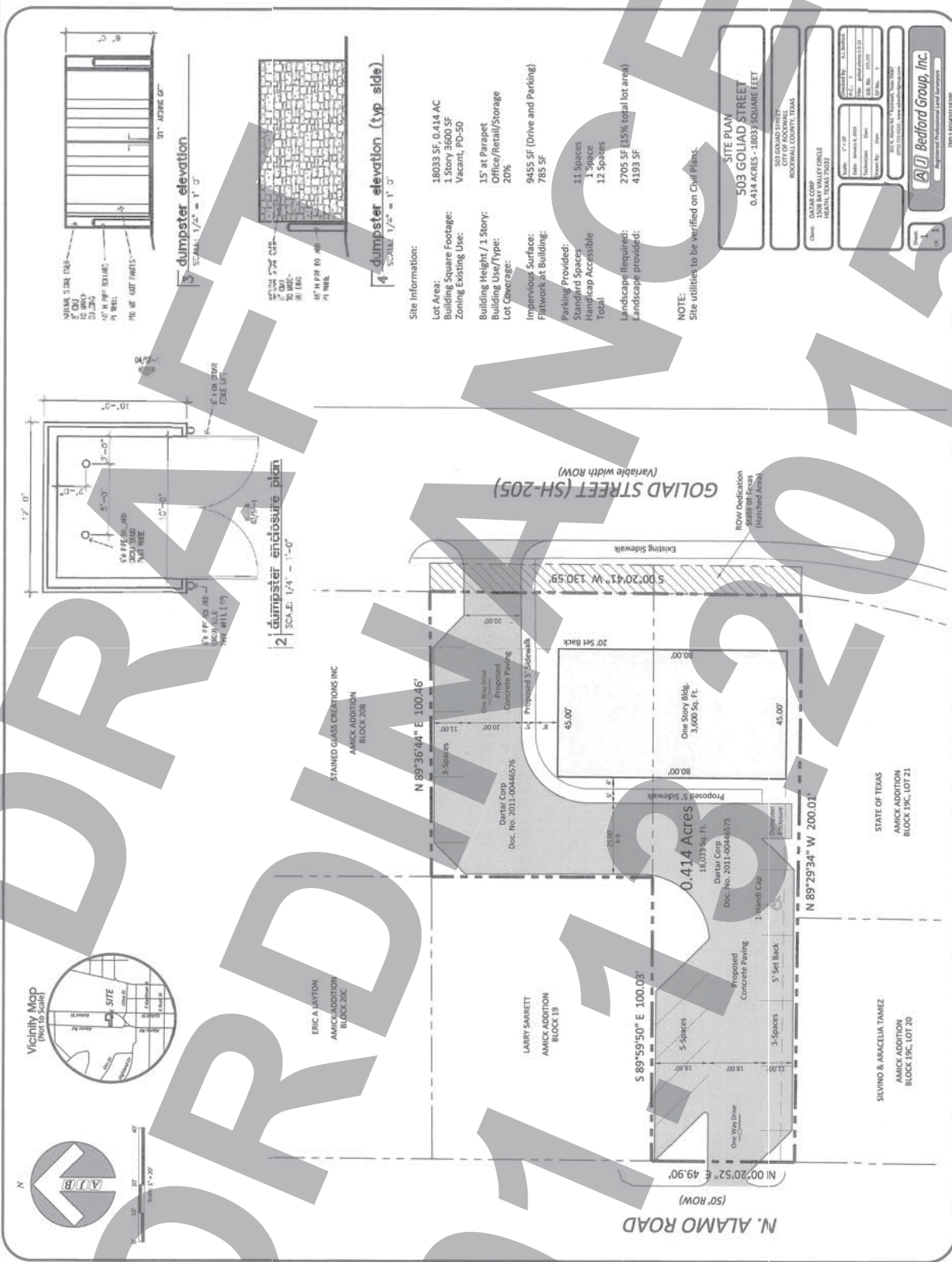
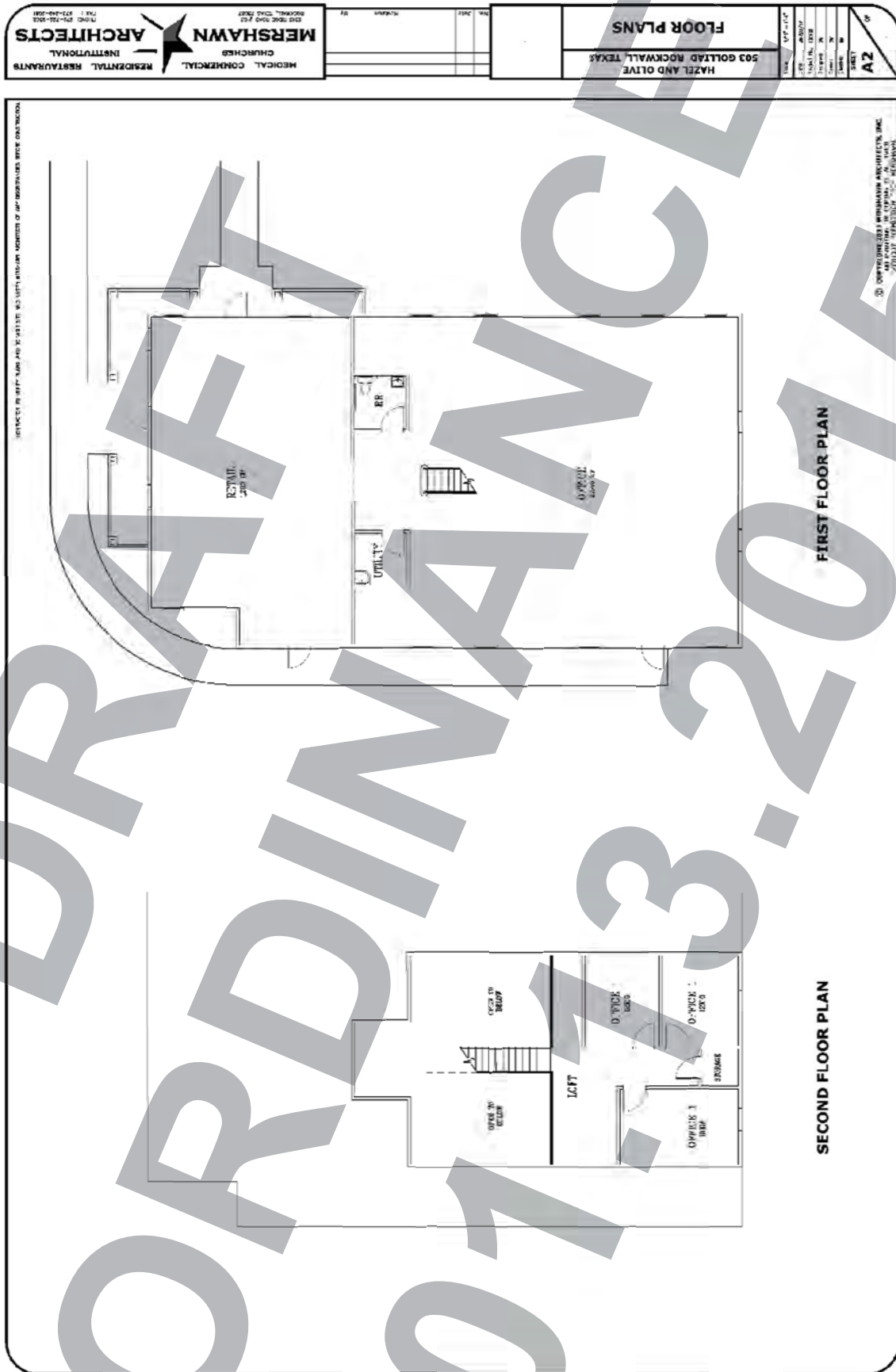


Exhibit B: Floor Plan



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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 1/20/2015

APPLICANT: Zack Amick

AGENDA ITEM: **Z2014-039**; Change from AG to LI

SUMMARY:

Hold a public hearing to discuss and consider a request by Zack Amick of Gordon Rockwall Investments, LLC for the approval of a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N. M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located in between Commerce Street and T. L. Townsend Drive, and take any action necessary.

BACKGROUND INFORMATION:

The applicant has requested to rezone approximately 21.68-acres on the south side of IH-30 between Commerce Street and T.L. Townsend Drive from Agricultural (AG) District to Light Industrial (LI) District. The owner intends to develop a small portion of the property to the north as additional display for the existing Hyundai car dealership. The remainder of the property will be subdivided into pad sites that will be added in the future. Commerce Street will also be extended to connect with T.L. Townsend Drive. The Future Land Use map indicates this area as a potential "Special District"; however, rezoning the property to LI is considered to be conforming with respect to the Future Land Use plan as the zoning change will create consistency with the surrounding properties.

The majority of properties to the north are zoned Light Industrial. The properties to the south and west are zoned Heavy Commercial and Light Industrial. The property to the east is zoned PD-10 with an underlying zoning of Multi-Family which is the existing site of the Mansions Apartments and Orion (age-restricted).


NOTIFICATION:

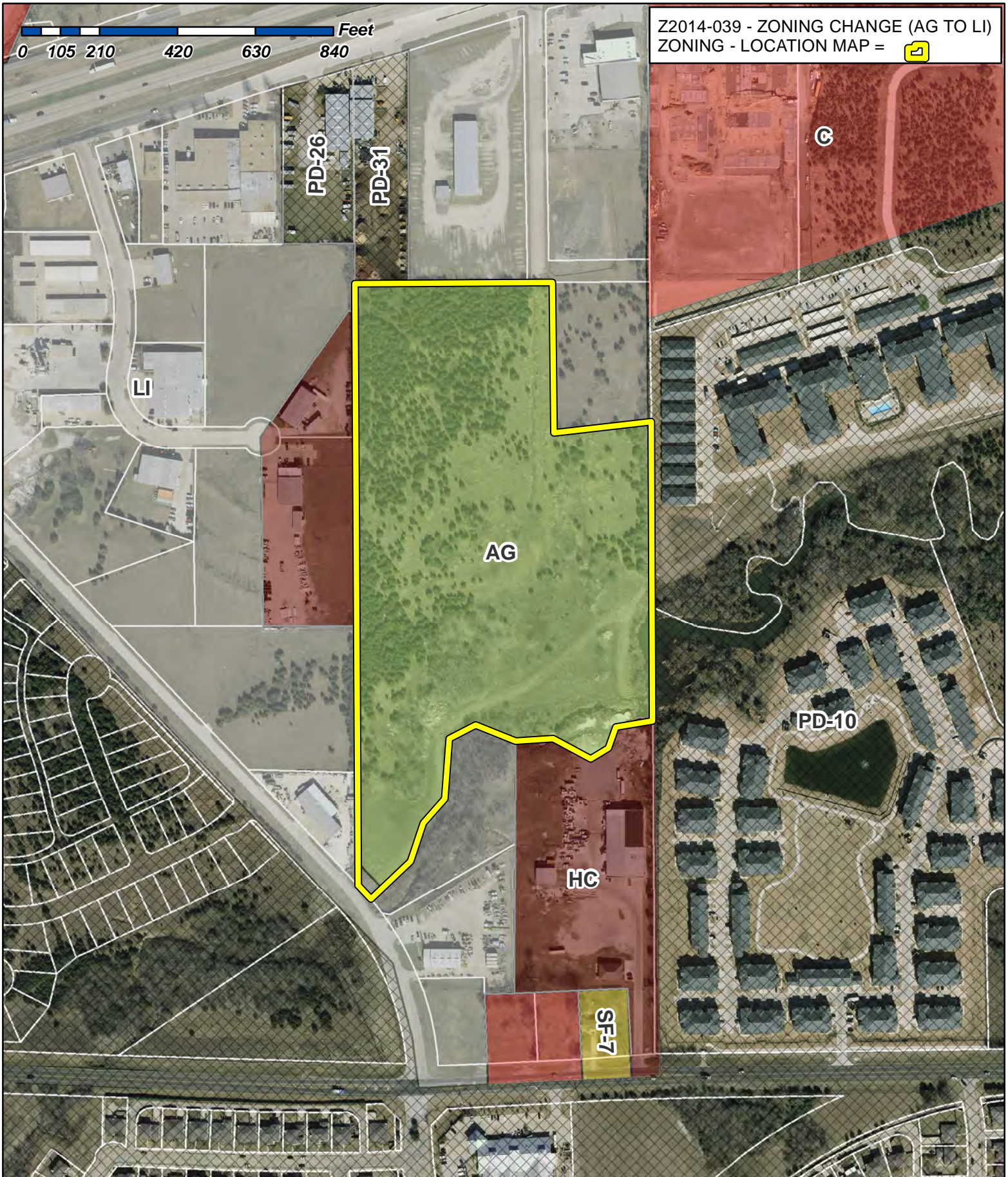
A notice was published in the Rockwall County Herald-Banner on December 26, 2014. Staff mailed forty-eight (48) notices to property owners and non-owner occupants within 500 feet of the subject property. Additionally, staff posted signage along the street frontage adjacent to the subject property as required by the UDC. At the time this case memo was drafted, staff had received two (2) responses in support of the request.

PLANNING & ZONING COMMISSION:

On January 13, 2015, the Planning & Zoning Commission recommended approval of the zoning change by a vote of 6-0 (Commissioner Fishman absent).

0 105 210 420 630 840 Feet

Z2014-039 - ZONING CHANGE (AG TO LI)
ZONING - LOCATION MAP = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user. 188



188

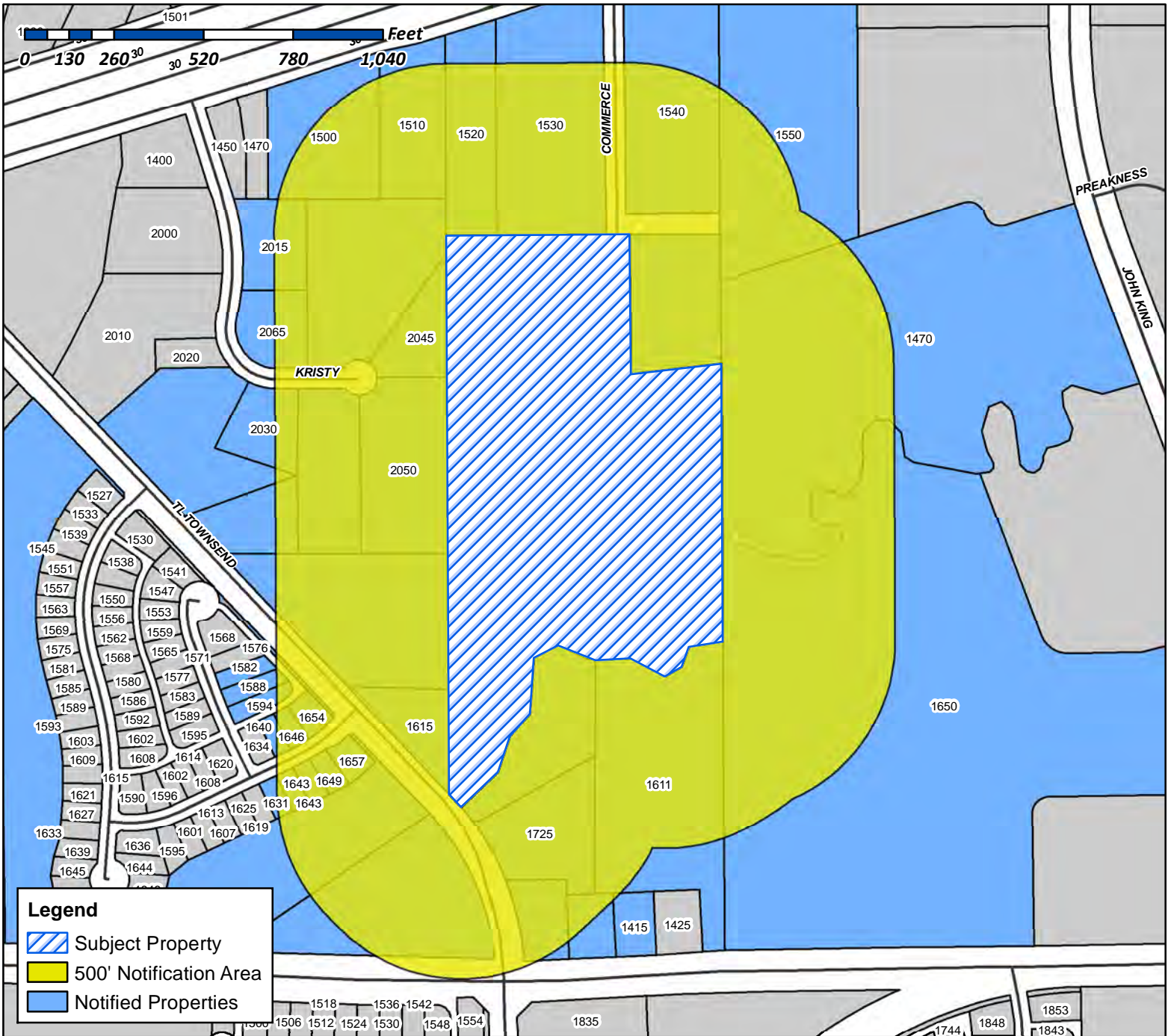
1:4,000



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2014-039
Case Name: Zoning Change (AG to LI)
Case Type: Zoning
Zoning: Agricultural
Case Address: Commerce & Townsend Dr.



Date Created: 12/23/2014

For Questions on this Case Call (972) 771-7745

Reference No.	Name	Legal Description	Address 1	Address 2	Address 3	City	State	Zip
0024-0000-0001-00-OR	HOYOS JOEL	A0024 N M BALLARD, TRACT 1, ACRES 0.500, FM276		11214 GARLAND RD		DALLAS	TX	75218
0024-0000-0001-00-OR	Current Occupant	A0024 N M BALLARD, TRACT 1, ACRES 0.500, FM276		1415 HWY276		ROCKWALL	TX	75032
0024-0000-0004-00-OR	COLLIN G PROPERTIES LTD	A0024 N M BALLARD, TRACT 4, ACRES 0.534		PO BOX 847		ROCKWALL	TX	75087
0024-0000-0004-02-OR	Current Occupant	A0024 N M BALLARD, TRACT 4-02, ACRES 4.922, FRONT I30		1530 S I30		ROCKWALL	TX	75087
0024-0000-0004-02-OR	GORDON ROCKWALL INVESTMENTS LLC	A0024 N M BALLARD, TRACT 4-02, ACRES 4.922, FRONT I30		1551 E I 30		ROCKWALL	TX	75087
0024-0000-0004-03-OR	SADEGHIAN KHOSROW	A0024 N M BALLARD, TRACT 4-03, ACRES 1.588		PO BOX 50593		DENTON	TX	76206
0024-0000-0004-04-OR	Current Occupant	A0024 N M BALLARD, TRACT 4-4, ACRES 2.160, FRONTS I30		1520 E I30		ROCKWALL	TX	75087
0024-0000-0004-04-OR	ROCKWALL CREDIT SERVICES LC	A0024 N M BALLARD, TRACT 4-4, ACRES 2.160, FRONTS I30		PO BOX 1870		ROCKWALL	TX	75087
0024-0000-0004-06-OR	KIM YONG JU	A0024 N M BALLARD, TRACT 4-6, ACRES 0.896, FM276 & HIGH SCHOOL DR		104 S CARROLL AVE		DALLAS	TX	75226
0024-0000-0004-08-OR	327 HOLDINGS LTD	A0024 N M BALLARD, TRACT 4-8, ACRES 1.827		1500 COUNTY ROAD 303		TERRELL	TX	75160
0024-0000-0004-08-OR	Current Occupant	A0024 N M BALLARD, TRACT 4-8, ACRES 1.827		1725 T L TOWNSEND		ROCKWALL	TX	75032
0065-0000-0002-00-OR	ROCKWALL SH205 VENTURE LLC	A0065, J CADLE, TRACT PT 2, ACRES 5.549		312 FOXWOOD LANE		WYLIE	TX	75098
0065-0000-0002-04-OR	CTMGT ROCKWALL 38 LLC	A0065, J CADLE, TRACT 2-4, ACRES 10.062		1221 N INTERSTATE 35E	SUITE 200	CARROLLTON	TX	75006
3130-0000-0001-00-OR	WAY BILL & JERRY	BODIN INDUSTRIAL TRACT, LOT TR 1 PART, ACRES 1.227	FAMILY TRUST	8441 S FM 549		ROCKWALL	TX	75032
3130-0000-0001-A0-OR	MULTI-METAL & MFG CO, INC	BODIN INDUSTRIAL TRACT, LOT TR 1-A, ACRES 2.77, (REPLAT 00)		1500 E INTERSTATE 30		ROCKWALL	TX	75087
3130-0000-0001-A1-OR	Current Occupant	BODIN INDUSTRIAL TRACT, LOT 1-A1, ACRES 2.974		2050 KRISTY LN		ROCKWALL	TX	75032
3130-0000-0001-A1-OR	HAWN HOLDINGS LC	BODIN INDUSTRIAL TRACT, LOT 1-A1, ACRES 2.974		PO BOX 1870		ROCKWALL	TX	75087
3130-0000-0001-B0-OR	HAWN HOLDINGS LC	BODIN INDUSTRIAL TRACT, LOT TR 1-B, ACRES 2.186		PO BOX 1688		ROCKWALL	TX	75087
3130-0000-0001-C0-OR	Current Occupant	BODIN INDUSTRIAL TRACT, LOT 1-C0, ACRES 1		2045 KRISTY LN		ROCKWALL	TX	75032
3130-0000-0001-C0-OR	IRT CONSTRUCTION, INC	BODIN INDUSTRIAL TRACT, LOT 1-C0, ACRES 1		3010 E INTERSTATE 30		FATE	TX	75087
3130-0000-0001-E0-OR	MOORE MICHAEL E & MARIJANE	BODIN INDUSTRIAL TRACT, LOT 1-E0, ACRES 1, 2025 KRISTY LN		2065 KRISTY LN		ROCKWALL	TX	75032
3130-0000-0001-F0-OR	Current Occupant	BODIN INDUSTRIAL TRACT, LOT 1-F0, ACRES 1.215, 2015 KRISTY LN		2015 KRISTY LN		ROCKWALL	TX	75032
3130-0000-0001-F0-OR	DAVIS FORREST B	BODIN INDUSTRIAL TRACT, LOT 1-F0, ACRES 1.215, 2015 KRISTY LN		PO BOX 826		FATE	TX	75132
3130-0000-0001-G0-OR	Current Occupant	BODIN INDUSTRIAL TRACT, LOT 1-G0, ACRES 1		2030 KRISTY LN		ROCKWALL	TX	75032
3130-0000-0001-G0-OR	OWENS REAL ESTATE INVESTMENTS LLC	BODIN INDUSTRIAL TRACT, LOT 1-G0, ACRES 1		7156 HUNT LN		ROCKWALL	TX	75087
3130-0000-0001-J0-OR	BODIN CONCRETE LP	BODIN INDUSTRIAL TRACT, LOT 1-J, ACRES 3		PO BOX 109		ROWLETT	TX	75030
3130-0000-0001-K0-OR	VALK TRUST THE	BODIN INDUSTRIAL TRACT, LOT 1-K, ACRES 1.000, 555 HIGH SCHOOL DR	JAMES VALK SR AND CAROLYN C TRUSTEES	1158 CHISHOLM RIDGE DR		ROCKWALL	TX	75032
3130-0000-0001-K0-OR	Current Occupant	BODIN INDUSTRIAL TRACT, LOT 1-K, ACRES 1.000, 555 HIGH SCHOOL DR		1615 T L TOWNSEND DR		ROCKWALL	TX	75032
3130-0000-0001-M0-OR	MOORE MICHAEL E & MARIJANE	BODIN INDUSTRIAL TRACT, LOT 1-M, ACRES 3.543		348 HARVEST HILL DR		ROCKWALL	TX	75032
3998-0001-0001-00-OR	Current Occupant	HONDA OF ROCKWALL, BLOCK 1, LOT 1, ACRES 8.6860		1550 E I30		ROCKWALL	TX	75087
3998-0001-0001-00-OR	REALTY HOLDINGS OF ROCKWALL LLC	HONDA OF ROCKWALL, BLOCK 1, LOT 1, ACRES 8.6860		1925 CEDAR SPRINGS ROAD	SUITE 204	DALLAS	TX	75201
4007-000A-0001-00-OR	Current Occupant	HOUSER ADDN, BLOCK A, LOT 1, ACRES 6.19		1611 HWY276		ROCKWALL	TX	75032
4132-000A-0001-00-OR	Current Occupant	LANE BUSINESS PARK, BLOCK A, LOT 1, 1.9689 AC		1510 E I30		ROCKWALL	TX	75087
4372-000A-0001-00-OR	Current Occupant	MANSIONS FAMILY ADDITION, BLOCK A, LOT 1, ACRES 32.6546		1650 S JOHN KING		ROCKWALL	TX	75032
4372-000A-0001-00-OR	BRE MF ROCKWALL LLC	MANSIONS FAMILY ADDITION, BLOCK A, LOT 1, ACRES 32.6546	C/O THE BLACKSTONE GROUP	345 PARK AVE		NEW YORK	NY	10154
4373-000A-0001-00-OR	Current Occupant	MANSIONS SENIOR ADDITION, BLOCK A, LOT 1, ACRES 18.1650		1470 S JOHN KING BLVD		ROCKWALL	TX	75032
4868-0001-0001-00-OR	Current Occupant	ROCKWALL RECREATIONAL ADDITION, BLOCK 1, LOT 2, ACRES 4.39		1540 I30		ROCKWALL	TX	75087
4868-0001-0001-00-OR	AUTOMOTIVE REAL ESTATE HOLDINGS LLC	ROCKWALL RECREATIONAL ADDITION, BLOCK 1, LOT 2, ACRES 4.39		3709 BRYN MAWR		DALLAS	TX	75225
5173-000A-0001-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK A, LOT 1		1657 MANNHEIM DR		ROCKWALL	TX	75032
5173-000A-0002-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK A, LOT 2		1649 MANNHEIM DR		ROCKWALL	TX	75032
5173-000A-0003-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK A, LOT 3		1643 MANNHEIM DR		ROCKWALL	TX	75032
5173-000A-0005-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK A, LOT 5		1631 MANNHEIM DR		ROCKWALL	TX	75032
5173-000B-0032-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK B, LOT 32		1582 CROMWELL CT		ROCKWALL	TX	75032
5173-000B-0033-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK B, LOT 33		1588 CROMWELL CT		ROCKWALL	TX	75032
5173-000B-0034-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK B, LOT 34		1594 CROMWELL CT		ROCKWALL	TX	75032
5173-000B-0036-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK B, LOT 36		1640 MANNHEIM DR		ROCKWALL	TX	75032
5173-000B-0037-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK B, LOT 37		1646 MANNHEIM DR		ROCKWALL	TX	75032
5173-000B-0038-00-OR	Current Occupant	TOWNSEND VILLAGE, BLOCK B, LOT 38		1654 MANNHEIM DR		ROCKWALL	TX	75032



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2014-039: Change from AG to LI

Hold a public hearing to discuss and consider a request by Zack Amick of Gordon Rockwall Investments, LLC for the approval of a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N. M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located in between Commerce Street and T. L. Townsend Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 1/13/2015 at 6:00 p.m.**, and the City Council will hold a public hearing on **Tuesday, 1/20/2015 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**JoDee Sanford
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087**

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **1/20/2015** to ensure they are included in the information provided to the City Council.

Sincerely,

Robert LaCroix, AICP
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTP://WWW.ROCKWALL.COM/PLANNING/PLANNINGDEVCASES.ASP](http://www.rockwall.com/planning/planningdevcases.asp)

PLEASE RETURN THE BELOW FORM

Case No. Z2014-039: Change from AG to LI

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Michael Moore

Address:

2065 TRINITY LAKE

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



NOTICE OF PUBLIC HEARING CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

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Director of Planning & Zoning

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----- PLEASE RETURN THE BELOW FORM -----

Case No. Z2014-039: Change from AG to LI

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

WAWay Trustee Bill + Jerry Way Family Trust

Address:

8441 S. FM 549 Heath, TX, 75032

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

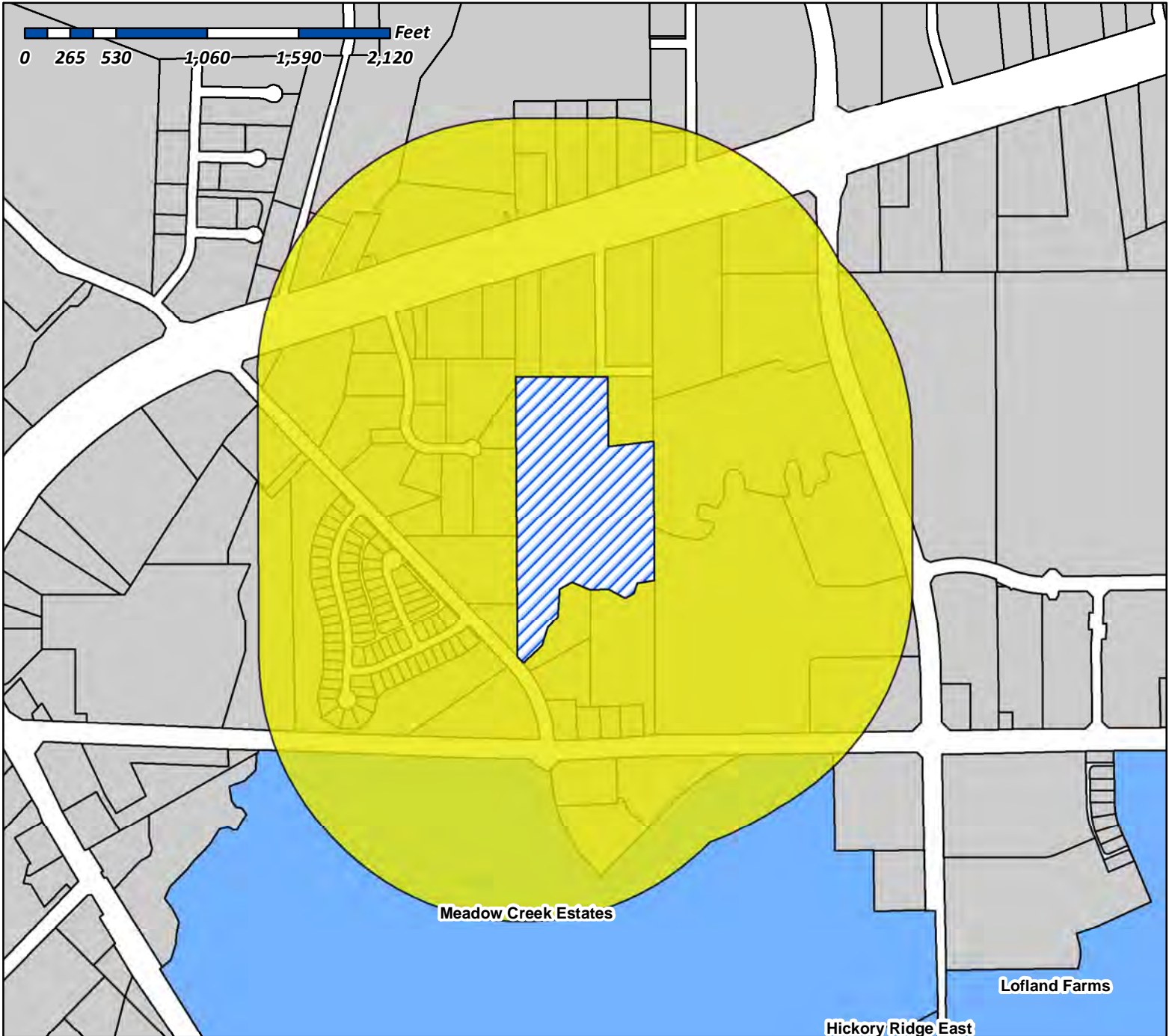
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



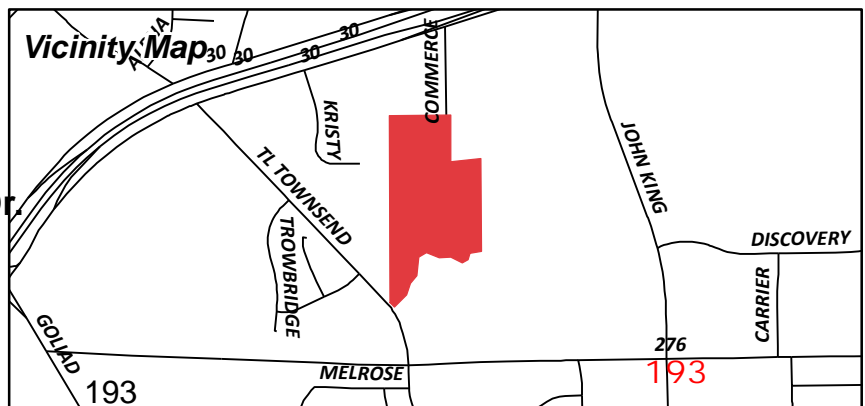
City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2014-039
Case Name: Zoning Change (AG to LI)
Case Type: Zoning
Zoning: Agricultural
Case Address: Commerce & Townsend Dr.



Date Created: 12/23/2014
For Questions on this Case Call (972) 771-7745

December 19, 2014

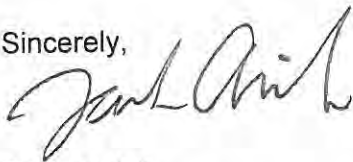
Robert LaCroix, AICP
Director of Planning
Planning and Zoning
City of Rockwall
385 South Goliad Street
Rockwall, TX 75087

Subject: Re-zoning 21.684 Acres located between Commerce St. and Townsend (High School Drive)

Dear Mr. LaCroix,

The purpose of this letter is to request a change from the existing AG zoning to LI. We respectfully request this change to facilitate an update to our current SUP on our adjoining property.

Sincerely,



Zack Amick
Gordon Rockwall Investments, LLC
1551 E. IH 30, Suite 100
Rockwall, TX 75087
214-507-9831

"Exhibit A"

TRACT 1
DESCRIPTION OF THE NET OF THE PROPERTY SURVEYED

BEING a 21.684-acre portion of a called 22.303-acre tract of land described in the deed from Thomas E. Haack to Thomas Real Estate, L.P. dated November 12, 1998, and recorded in Volume 1507, at Page 203 of the Deed Records of Rockwall County, Texas (DRRCT) and being situated in the N.M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, and also being part of a called 25.281-acre tract of land described in the deed from Haldeman, Inc. to Buddy R. Haldeman dated the 20th day of March, 1984, and recorded in Volume 193, at Page 406 DRRCT and being more particularly described as follows:

BEGINNING at a 1/2-inch steel rod found at the intersection of the northeasterly right-of-way line of High School Drive (a variable width right-of-way commonly known as T.L. Townsend Drive) with the easterly line of Bodin Industrial Tract according to the plat thereof recorded in Cabinet A, on Slide 347 of the DRRCT said 1/2-steel rod also marking the most southerly or southeasterly corner of a 1-acre lot, tract or parcel described in the deed from James Valk et ux to James Valk, Sr. et al dated the 23rd day of March, 2010, and recorded in Volume 6070, at Page 268 DRRCT, and having coordinates of:

X. 2,600,974.41 U. S. Survey Feet
Y. 7,019,534.15 U. S. Survey Feet;

THENCE:

- N 00°21'13"W with the westerly line of the 22.303-acre tract and with easterly line of the last mentioned Bodin Industrial Tract at a distance of 304.86 feet pass 1/2-inch steel rod found
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 376.39 feet pass one foot west of a 1/2-inch steel rod found
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 863.78 feet pass a 3/8-inch steel rod found marking the northeasterly corner of a 1-acre tract or parcel of land described in the deed from John W. McDaniel et ux to IRT Construction, Inc., dated December 31, 1997, and recorded in Volume 1314, at Page 250 of the DRRCT
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 71.85 feet for a total distance of 1,616.88 feet (called: 1,625.74 feet) to a 1/2-inch steel rod found for the southwest corner of a 2.16-acre tract of land described in the deed from Cibola Properties, Ltd, to Rockwall Credit Services, L.C. dated September 30, 2005, and recorded in Volume 4314, at Page 34 DRRCT;

THENCE N 89°22'30"E with the northerly line of the 22.303-acre tract and the southerly line of the last mentioned 2.16-acre Rockwall Credit Services tract at a distance of 153.71 feet pass a 3/8-inch steel rod marking the southeast corner of said 2.16-acre tract the same being the southwest corner of a 4.922-acre tract described in the deed from Marty K. Salley et vir to Gordon Rockwall Investments, LLC dated 2nd day of October, 2012, and recorded in Volume 6959, at Page 100 DRRCT and continuing on the same course with the northerly line of the 22.303-acre tract and the southerly line of the last mentioned 4.922-acre tract an additional distance of 317.00 feet for a total distance of 470.71 feet to a 3/8-inch steel rod found marking the southeast corner of said 4.922-acre tract;

THENCE N 68°46'16"E with the northerly line of the 22.303-acre tract for a distance of 63.21 feet to a 1/2-inch steel rod found in the westerly boundary line of Rockwall Recreation Addition according to the plat thereof recorded in Cabinet F, on Slide 379 DRRCT;

THENCE S 00°35'03"E with the westerly boundary line of said Rockwall Recreation Addition for a distance of 433.41 feet to a 5/8-inch steel rod found for the southwest corner of said addition;

THENCE N 89°28'30"E with a northerly line of the 22.303-acre tract and departing the Rockwall Recreation Addition for a distance of 261.25 feet to a 5/8-inch steel rod for its most easterly northeast corner from which a 1/2-inch steel rod marking the southeast corner of said Rockwall Recreation Addition bears N 01°02'39"W a distance of 24.60 feet;

THENCE S 00°31'33"E with the easterly line of said 22.303-acre tract at a distance of 389.26 feet pass 7.5 feet west of a Flood Plain Monument called on Sheet 2 of 6 of the plat of the Mansions Senior Addition according to the plat thereof recorded in Cabinet G, on Slide 389-394 DRRCT and continue on the same course and with the easterly line of said 22.303-acre tract for an additional distance of 378.14 feet for a total distance of 767.40 feet to a point on the platted northerly line of Lot 1, Block 1 Houser Addition according to the plat thereof recorded in Cabinet B, at Slide 174 of the Map Records of Rockwall County, Texas, and being N 73°16'24"W a distance of 8.07 feet from the northeast corner of said Lot 1;

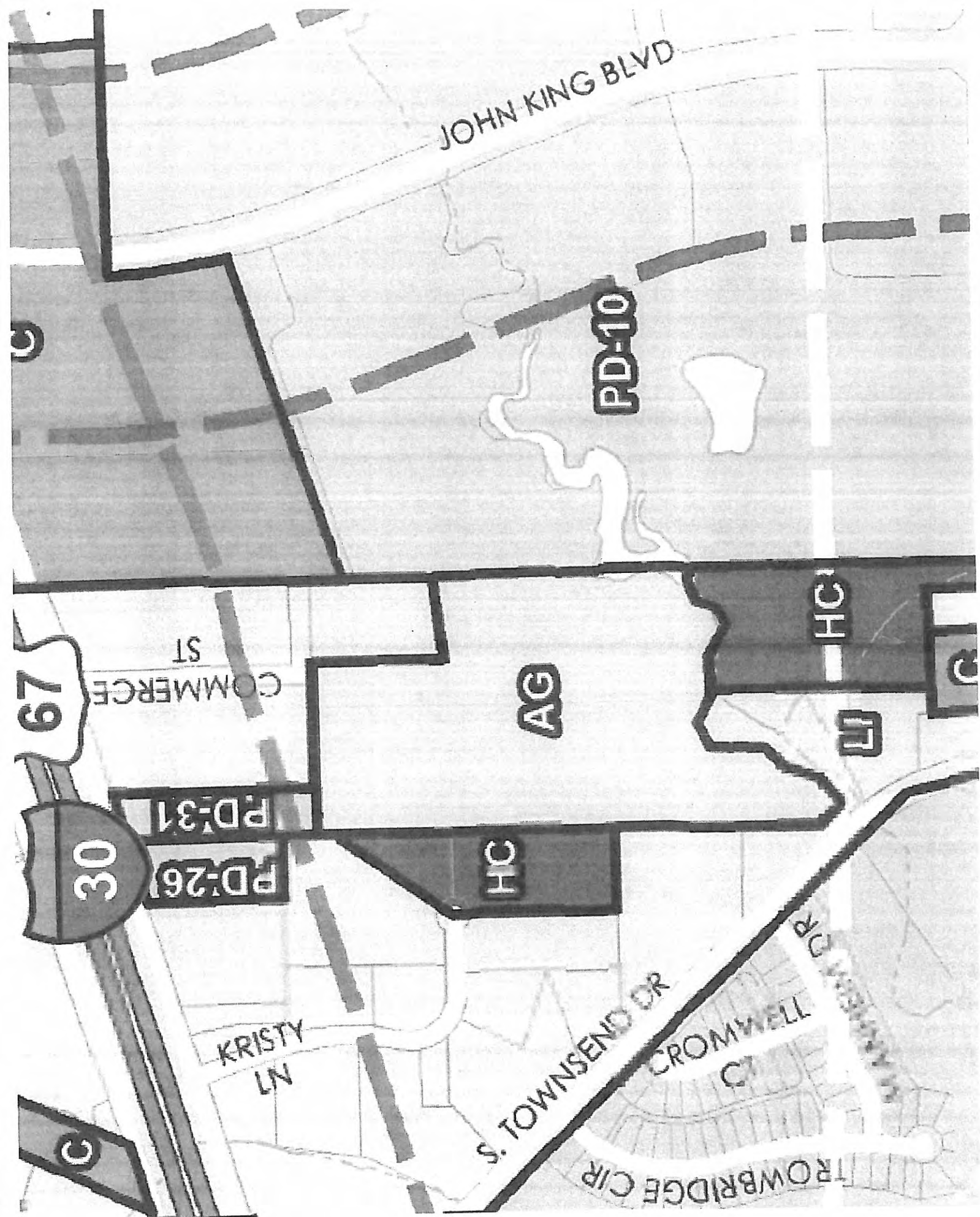
THENCE generally along the high bank of Buffalo Creek the following six (6) courses and distances:

- N 41°18'30"W a distance of 74.72 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 86°07'24"W a distance of 102.81 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 69°01'44"W a distance of 61.40 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 62°32'37"W a distance of 38.24 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 41°12'23"W a distance of 70.66 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 80°55'55"W a distance of 79.86 feet to the northwest corner of said Lot 1, Block 1 Houser Addition, from which a 1/2-inch steel rod found bears S 00°13'03"E a distance of 40.51 feet and a 5/8-inch steel rod set in the thread of Buffalo Creek with an orange plastic cap stamped "R-DELTA ENGINEERS" bears N 20°W a distance of 0.45 feet;

THENCE with the thread of said Buffalo Creek the following eight (8) courses and distances:

- S 74°05'53"W a distance of 31.97 feet;
- N 34°02'33"W a distance of 39.97 feet;
- S 73°38'14"W a distance of 97.75 feet;
- S 02°51'37"W a distance of 93.25 feet;
- S 16°31'48"E a distance of 69.66 feet;
- S 24°26'02"W a distance of 76.47 feet;
- S 38°41'24"W a distance of 251.24 feet;
- S 57°43'03"W a distance of 62.30 feet to a point on the northeasterly right-of-way line of High School Drive;

THENCE N 35°21'16"W with the northeasterly right-of-way line of High School Drive a distance of 87.69 feet to the PLACE OF BEGINNING and containing 944,552 square feet or 21.684 acres of land.



Permitted Land Uses in a Light Industrial (LI) District

Date: March 17, 2014

P: Permitted by Right; S: Permitted by Specific Use Permit; A: Permitted Accessory to the Primary Use; Blank: Not Permitted; ¹: Additional Requirements

Rural & Animal-Related	
Agricultural Uses on Un-Platted Land	P
Animal Boarding/Kennel <i>without</i> Outside Pens	P
Animal Clinic for small animals, no outdoor pens ¹	P
Animal Hospital, Clinic	P
Animal Shelter	P

Residential & Lodging	
Accessory Building ¹	P
Caretakers Quarters/Domestic or Security Unit	P
Garage	A

Institutional & Community Service	
Blood Plasma Donor Center	P
Cemetery/ Mausoleum	P
Church/House of Worship ¹	P
College, University, or Seminary	P
Convalescent Care Facility/Nursing Home ¹	S
Crematorium	S
Day Care (7 or More Children) ¹	S
Emergency Ambulance Services, Ground	P
Government Facility	P
Hospice	S
Hospital	P
Library, Art Gallery or Museum (Public)	P
Mortuary or Funeral Chapel	P
Post Office, Local Service	P
Post Office, Regional	P
Prison/Custodial Institution	P
Public or Private School, Primary ¹	P
Public or Private School, Secondary ¹	P
Rescue Mission or Shelter for the Homeless	P
Social Service Provider, except Rescue Mission or Homeless Shelter	P

Office & Professional	
Financial Institution with Drive-Through ¹	P
Financial Institution without Drive-Through	P
Office, General	P
Office Building, less than 5,000 Sq. Ft.	P
Office Building, 5,000 Sq. Ft. or more	P

Recreation, Entertainment & Amusement	
Billiard Parlor or Pool Hall ¹	P
Carnival, Circus, or Amusement Ride, Temporary ¹	P
Commercial Amusement/ Recreation (Inside) ¹	P
Commercial Amusement/ Recreation (Outside)	S
Community or Recreation Club, Public or Private (Accessory)	P
Country Club, Private	P
Golf Driving Range	P
Fund Raising Events by Non-Profit, Indoor or Outdoor, Temporary ¹	P
Gun Club, Skeet or Target Range (Indoor)	P
Health Club	P



Permitted Land Uses in a Light Industrial (LI) District

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Private Club, Lodge or Fraternal Organization	P
Private Sports Arena, Stadium or Track	P
Public Park or Playground	P
Tennis Courts (Not accessory to a public or private club)	P
Theater	P

Retail & Personal Services	
Beverage Service Facility, Portable ¹	S
Business School	P
Catering Service	P
Christmas Tree Sales Lot & Similar Uses, Temporary ¹	P
Copy Center	P
Garden Supply/Plant Nursery	P
General Personal Service	S
General Retail Store	S
Hair Salon, Manicurist	S
Laundry, Drop-off/Pickup	P
Laundry, Self Service	P
Museum or Art Gallery (Private)	P
Night Club, Discoteque, or Dance Hall	S
Pawn Shop	P
Private Club ¹	P
Real Estate Sales Office, On-site, Temporary ¹	P
Rental Store, w/o Outside Storage and Display	P
Restaurant, Less than 2000 Sq. Ft., w/ Drive-Thru or Drive-in ¹	S
Restaurant, Less than 2000 Sq. Ft., w/o Drive-Thru or Drive-in	P
Restaurant, 2000 Sq. Ft. or more, w/ Drive-Thru or Drive-in ¹	P
Restaurant, 2000 Sq. Ft. or more, w/o Drive-Thru or Drive-in	P
Restaurant with accessory Private Club or Brew Pub ¹	P
Retail store with gasoline product sales limited to 2 dispensers and 4 vehicles	P
Retail store with more than 2 dispensers	P
Secondhand Dealer	P
Studio - Art, Photography or Music	P
Taxidermist Shop	P

Commercial & Business Services	
Bail Bond Service	P
Building & Landscape Material <i>with</i> Outside Storage	P
Building & Landscape Material <i>with Limited</i> Outside Storage ¹	P
Building Maintenance, Service & Sales <i>with</i> Outside Storage ¹	P
Building Maintenance, Service & Sales <i>without</i> Outside Storage	P
Cemetery or Mortuary	S
Cleaners, Commercial	P
Commercial, Other than Listed	P
Custom & Craft Work	P
Electrical, Watch, Clock, Jewelry & Similar Repair	P
Feed Store, Ranch Supply	S
Food Processing	P
Furniture or Cabinet Repair	P
Furniture Upholstery, Refinishing or Resale	P
Gunsmith Repair and Sales	P
Heavy Machinery & Equipment (Rental, Sales & Service)	P



Permitted Land Uses in a Light Industrial (LI) District

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Locksmith	P
Machine Shop	P
Medical or Scientific Research Lab	P
Research & Technology / Light Assembly	P
Trade School	P
Temporary On-site Construction Office ¹	P

Auto & Marine-Related	
Auto Repair Garage, Major ¹	P
Auto Repair Garage, Minor ¹	P
Automobile Rental	P
Boat & Trailer Dealership (New and Used) ¹	P
Car Wash/Auto Detail ¹	P
Car Wash, Self Service	P
Motor Vehicle Dealership, New (Cars and Light Trucks) ¹	P
Motor Vehicle Dealership, Used (Cars and Light Trucks) ¹	P
Parking, Commercial	P
Parking Lot, non-commercial	P
Recreational Vehicle (RV) Sales and Service	P
Service Station ¹	P
Towing & Impound Yard	S
Towing Service, No Storage	P
Truck Rental	P
Truck Stop with Fuel and Accessory Services ¹	S

Industrial & Manufacturing	
Asphalt or Concrete Batch Plant ¹	S
Asphalt or Concrete Batch Plant, Temporary ¹	P
Bottle Works, Milk or Soft Drinks	P
Brewery, Distillery or Winery (Excluding Brew Pub)	P
Carpet and Rug Cleaning	P
Environmentally Hazardous Materials ¹	S
Food Processing (No Slaughtering)	P
Light Assembly & Fabrication	P
Manufacturing, Heavy	S
Manufacturing, Light	P
Metal Plating, Electro Plating	S
Mining and Extraction (Sand, Gravel Oil & other) ¹	S
Printing & Publishing	P
Salvage or Reclamation of Products (Indoors)	P
Salvage or Reclamation of Products (Outdoors)	S
Sheet Metal Shop	P
Tool, Dye, Gauge and Machine Shop	P
Welding Repair	P

Wholesale, Distribution & Storage	
Cold Storage Plant	P
Heavy Construction Trade Yard	P
Mini-warehouse ¹	P
Outside Storage ¹	P
Recycling Collection Center	P
Warehouse/ Distribution Center	P



Permitted Land Uses in a Light Industrial (LI) District

Date: March 17, 2014

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Wholesale Showroom Facility	P
Utilities, Communications & Transportation	
Airport, Heliport or Landing Field	S
Antenna, Accessory ¹	P
Antenna, Commercial ¹	S
Antenna, Dish ¹	P
Antenna, Commercial, Free-Standing ¹	P
Antenna, Commercial, Mounted ¹	P
Bus Charter Service & Service Facility	P
Helipad	S
Utilities (Non-Municipally owned or Controlled), including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	S
Municipally Owned or Controlled Facilities, Utilities and Uses	P
Private Streets	S
Radio Broadcasting	P
Railroad Yard or Shop	S
Recording Studio	P
Satellite Dish ¹	P
Transit Passenger Facility	S
Trucking Company	P
TV Broadcasting & Other Communication Service	P
Utilities Holding a Franchise from City of Rockwall	P
Utility Installation, Other than Listed	S
Utility/ Transmission Lines	S
Wireless Communication Tower	S



CITY OF ROCKWALL

ORDINANCE NO. 14-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 THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 21.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE N.M. BALLARD SURVEY, ABSTRACT NO. 24, CITY AND COUNTY OF ROCKWALL, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Zack Amick of Gordon Rockwall Investments, LLC, for an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from an Agricultural (Ag) District to a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N.M. Ballard Survey, Abstract No. 24, City and County of Rockwall, Texas, and more specifically described in Exhibit "A" of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning from an Agricultural (Ag) District to a Light Industrial (LI) District for the *Subject Property*; and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a Light Industrial (LI) District as stipulated by *Section 1.1, "Use of land and buildings"*, *Article IV, "Permissible Uses"*, and in *Section 5.3, "Light Industrial (LI) District"*, *Article V, "District Development Standards"*, of the *Unified Development Code* of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

Section 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein.

Section 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS THE ____ DAY OF _____, 2015.

Jim Pruitt, *Mayor*

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading:
2nd Reading

Exhibit 'A':
Legal Description

"Exhibit A"

TRACT 1
DESCRIPTION OF THE NET OF THE PROPERTY SURVEYED

BEING a 21.684-acre portion of a called 22.303-acre tract of land described in the deed from Thomas E. Haack to Thomas Real Estate, L.P. dated November 12, 1998, and recorded in Volume 1507, at Page 203 of the Deed Records of Rockwall County, Texas (DRRCT) and being situated in the N.M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, and also being part of a called 25.281-acre tract of land described in the deed from Haldeman, Inc. to Buddy R. Haldeman dated the 20th day of March, 1984, and recorded in Volume 193, at Page 406 DRRCT and being more particularly described as follows:

BEGINNING at a 1/2-inch steel rod found at the intersection of the northeasterly right-of-way line of High School Drive (a variable width right-of-way commonly known as T.L. Townsend Drive) with the easterly line of Bodin Industrial Tract according to the plat thereof recorded in Cabinet A, on Slide 347 of the DRRCT said 1/2-steel rod also marking the most southerly or southeasterly corner of a 1-acre lot, tract or parcel described in the deed from James Valk et ux to James Valk, Sr. et al dated the 23rd day of March, 2010, and recorded in Volume 6070, at Page 268 DRRCT, and having coordinates of:

X. 2,600,974.41 U. S. Survey Feet
Y. 7,019,534.15 U. S. Survey Feet;

THENCE:

- N 00°21'13"W with the westerly line of the 22.303-acre tract and with easterly line of the last mentioned Bodin Industrial Tract at a distance of 304.86 feet pass 1/2-inch steel rod found
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 376.39 feet pass one foot west of a 1/2-inch steel rod found
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 863.78 feet pass a 3/8-inch steel rod found marking the northeasterly corner of a 1-acre tract or parcel of land described in the deed from John W. McDaniel et ux to IRT Construction, Inc., dated December 31, 1997, and recorded in Volume 1314, at Page 250 of the DRRCT
- And continuing on the same course and with the common line between the 22.303-acre tract and Bodin Industrial Tract at an additional distance of 71.85 feet for a total distance of 1,616.88 feet (called: 1,625.74 feet) to a 1/2-inch steel rod found for the southwest corner of a 2.16-acre tract of land described in the deed from Cibola Properties, Ltd, to Rockwall Credit Services, L.C. dated September 30, 2005, and recorded in Volume 4314, at Page 34 DRRCT;

THENCE N 89°22'30"E with the northerly line of the 22.303-acre tract and the southerly line of the last mentioned 2.16-acre Rockwall Credit Services tract at a distance of 153.71 feet pass a 3/8-inch steel rod marking the southeast corner of said 2.16-acre tract the same being the southwest corner of a 4.922-acre tract described in the deed from Marty K. Salley et vir to Gordon Rockwall Investments, LLC dated 2nd day of October, 2012, and recorded in Volume 6959, at Page 100 DRRCT and continuing on the same course with the northerly line of the 22.303-acre tract and the southerly line of the last mentioned 4.922-acre tract an additional distance of 317.00 feet for a total distance of 470.71 feet to a 3/8-inch steel rod found marking the southeast corner of said 4.922-acre tract;

THENCE N 68°46'16"E with the northerly line of the 22.303-acre tract for a distance of 63.21 feet to a 1/2-inch steel rod found in the westerly boundary line of Rockwall Recreation Addition according to the plat thereof recorded in Cabinet F, on Slide 379 DRRCT;

THENCE S 00°35'03"E with the westerly boundary line of said Rockwall Recreation Addition for a distance of 433.41 feet to a 5/8-inch steel rod found for the southwest corner of said addition;

Exhibit 'A':
Legal Description

THENCE N 89°28'30"E with a northerly line of the 22.303-acre tract and departing the Rockwall Recreation Addition for a distance of 261.25 feet to a 5/8-inch steel rod for its most easterly northeast corner from which a 1/2-inch steel rod marking the southeast corner of said Rockwall Recreation Addition bears N 01°02'39"W a distance of 24.60 feet;

THENCE S 00°31'33"E with the easterly line of said 22.303-acre tract at a distance of 389.26 feet pass 7.5 feet west of a Flood Plain Monument called on Sheet 2 of 6 of the plat of the Mansions Senior Addition according to the plat thereof recorded in Cabinet G, on Slide 389-394 DRRCT and continue on the same course and with the easterly line of said 22.303-acre tract for an additional distance of 378.14 feet for a total distance of 767.40 feet to a point on the platted northerly line of Lot 1, Block 1 Houser Addition according to the plat thereof recorded in Cabinet B, at Slide 174 of the Map Records of Rockwall County, Texas, and being N 73°16'24"W a distance of 8.07 feet from the northeast corner of said Lot 1;

THENCE generally along the high bank of Buffalo Creek the following six (6) courses and distances:

- N 41°18'30"W a distance of 74.72 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 86°07'24"W a distance of 102.81 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 69°01'44"W a distance of 61.40 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 62°32'37"W a distance of 38.24 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 41°12'23"W a distance of 70.66 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA ENGINEERS"
- S 80°55'55"W a distance of 79.86 feet to the northwest corner of said Lot 1, Block 1 Houser Addition, from which a 1/2-inch steel rod found bears S 00°13'03"E a distance of 40.51 feet and a 5/8-inch steel rod set in the thread of Buffalo Creek with an orange plastic cap stamped "R-DELTA ENGINEERS" bears N 20°W a distance of 0.45 feet;

THENCE with the thread of said Buffalo Creek the following eight (8) courses and distances:

- S 74°05'53"W a distance of 31.97 feet;
- N 34°02'33"W a distance of 39.97 feet;
- S 73°38'14"W a distance of 97.75 feet;
- S 02°51'37"W a distance of 93.25 feet;
- S 16°31'48"E a distance of 69.66 feet;
- S 24°26'02"W a distance of 76.47 feet;
- S 38°41'24"W a distance of 251.24 feet;
- S 57°43'03"W a distance of 62.30 feet to a point on the northeasterly right-of-way line of High School Drive;

THENCE N 35°21'16"W with the northeasterly right-of-way line of High School Drive a distance of 87.69 feet to the PLACE OF BEGINNING and containing 944,552 square feet or 21.684 acres of land.

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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 01/20/2015

APPLICANT: Cameron Slown; *FC Cuny Corporation*

AGENDA ITEM: **Z2014-040**; *Spring Hill Suites Hotel (Marriott) SUP*

SUMMARY:

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

ADJACENT LAND USES AND ACCESS:

The land uses adjacent to the subject property are as follows:

- North:* Directly north of the subject property is a restaurant (*The Oar House Restaurant*), which is situated on a 0.65-acre parcel of land zoned Planned Development District 32 (PD-32) for residential/office uses. North of this use is the IH-30 Frontage Road followed by the main lanes of IH-30.
- South:* Directly south of the subject property is an office building (*Land Headquarters Company, Inc.*), which is situated on a 0.57-acre parcel of land zoned Planned Development District 32 (PD-32). Beyond this use is a surface parking lot that is currently being used by the existing Harbor development.
- East:* Directly east of the subject property is a 6.34-acre parcel of land zoned Planned Development District 32 (PD-32). A *PD Development Plan [Ordinance No. 13-16]* proposing the construction of residential condominiums and retail/restaurant pad sites was approved on June 17, 2013.
- West:* Directly west of the subject property is the proposed roundabout at the junction of Shoreline Trail and Harbor Heights Drive. Beyond this is land designated for retail/restaurant pad sites per *Ordinance No. 13-16*.

PURPOSE AND CHARACTERISTICS OF THE REQUEST:

The applicant is requesting a Specific Use Permit (SUP) for the purpose of establishing a *Hotel and Conference Center* on the subject property. The subject property is a 2.968-acre parcel of land situated within the *Freeway Frontage Subdistrict* of Planned Development District 32 (PD-32) [*Ordinance No. 10-21*]. According to the *Subdistrict Land Use Chart* located in *Exhibit 'D'* of *Ordinance No. 10-21* the *Hotel, Full Service* land use requires a SUP in all subdistricts. As part of this request, staff has included a requirement in the SUP ordinance that a minimum of a 3,000 SF *Conference Center* shall be included with the development of the hotel. A *Conference Center* in this case is understood to be an area that is exclusively used to host conferences, exhibitions, large meetings, seminars, training session, and other similar events. In addition, the SUP ordinance also includes a stipulation that the hotel not be utilized as an *Extended Stay*,

Transient or Residence Hotel. An Extended Stay, Transient or Residence Hotel in this case is understood to be any hotel facility in which the majority of the rooms contain facilities (*i.e. storage, refrigeration, food preparation area, and etcetera*) that accommodate long-term inhabitation and which are advertised, designed and utilized for weekly or monthly occupancy.

With the submittal of the SUP application, the applicant has also submitted an application for site plan (Case No. SP2014-034); however, the site plan has been tabled until corrections are submitted by the applicant. The conceptual site plan and building elevations that will be included in the SUP ordinance are conceptual in nature and should not affect changes that are required through the site planning process. The approval of this case does not have an impact on the outcome of the site plan; however, the site plan case does contain a condition of approval that requires a SUP to be approved prior to acceptance of the site plan.

NOTIFICATION:

On December 30, 2015, staff mailed 18 notices to property owners and residents within 500-feet of the subject property. Staff also emailed notice of the request to the Lakeside Village and Lago Vista Homeowner's Associations (HOAs), which are the only HOAs located within 1,500 feet of the subject property. Additionally, staff posted a sign at the northwest corner of the intersection of the IH-30 Frontage Road and Lakefront Trail as required by the Unified Development Code (UDC). At the time this case memo was drafted no responses were received by staff.

RECOMMENDATIONS:

If the Planning and Zoning Commission chooses to approve the applicant's request for a Specific Use Permit (SUP) for a *Hotel, Full Service* land use on the subject property then staff would recommend the following conditions of approval:


- 1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and summarized as follows:
 - a) The development of this property shall generally conform to the *Site Plan* depicted in the zoning ordinance;
 - b) The development of this property shall generally conform to the *Building Elevations* depicted in the zoning ordinance;
 - c) The development of a hotel on the subject property shall incorporate a minimum of 3,000 SF of floor area that will be utilized for the operation of a Conference Center (*i.e. an area that is exclusively used to host conferences, exhibitions, large meetings, seminars, training sessions, etcetera*); and,
 - d) The *Subject Property* is prohibited from being utilized as an *Extended Stay, Transient or Residence Hotel*.
- 2) The applicant shall comply with all Planning, Engineering and Fire comments prior to the approval of the SUP;
- 3) Prior to the issuance of a Certificate of Occupancy the applicant shall be required to submit a replat that indicates the location of all easements on the subject property; and,
- 4) Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the 2009 International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION:

On January 13, 2015, the Planning and Zoning Commission voted to recommend approval of the applicant's request per staff's recommendations by a vote of 6-0, with Commissioner Fishman absent.

0 137.5 275 550 825

Feet
MEDITERRANEAN

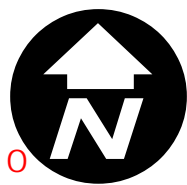
Z2014-040 - SPRING HILL SUITES [MARRIOTT] HOTEL
SITE PLAN - LOCATION MAP = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





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Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
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Case Number: Z2014-040
Case Name: Spring Hill Suites Hotel
Case Type: Specific Use Permit
Zoning: PD-32
Case Address: NEC of Lakefront Trail and IH-30 Frontage Road

Date Created: 12/19/2014
For Questions on this Case Call (972) 771-7745



Current Occupant
295 I30
ROCKWALL, TX 75087

ROCKWALL RENTAL PROPERTIES LP
PO BOX 818
TERRELL, TX 75160

Current Occupant
311 E I30
ROCKWALL, TX 75087

EASTER TERESE M
3502 LAKESIDE DR
ROCKWALL, TX 75087

LAKESIDE VILLAGE HOMEOWNERS
4100 VILLAGE DR
ROCKWALL, TX 75087

TF HARBOR, LLC
C/O CREDIT UNION LIQUIDITY SERVICES LLC
777 E CAMPBELL RD STE 650
RICHARDSON, TX 75081

JBR2 LLC
1400 RIDGE RD
ROCKWALL, TX 75087

Current Occupant
205 I30
ROCKWALL, TX 75087

ARKOMA REALTY LTD
A TEXAS LTD PARTNERSHIP
203 E INTERSTATE 30
ROCKWALL, TX 75087

Current Occupant
201 E I30
ROCKWALL, TX 75087

DRZW HOLDINGS LTD
4515 DORSET RD
DALLAS, TX 75229

Current Occupant
309 E I30
ROCKWALL, TX 75087

Current Occupant
303 E I30
ROCKWALL, TX 75087

CLEMENTS BOB L
PO BOX 1850
MCKINNEY, TX 75070

LAKE FRONT TRAIL LP
166 YORKSHIRE DR
HEATH, TX 75032

Current Occupant
2850 SHORELINE TRL
ROCKWALL, TX 75032

FAULKNER INVESTMENT CO. LTD
3401 MAIN ST
ROWLETT, TX 75088

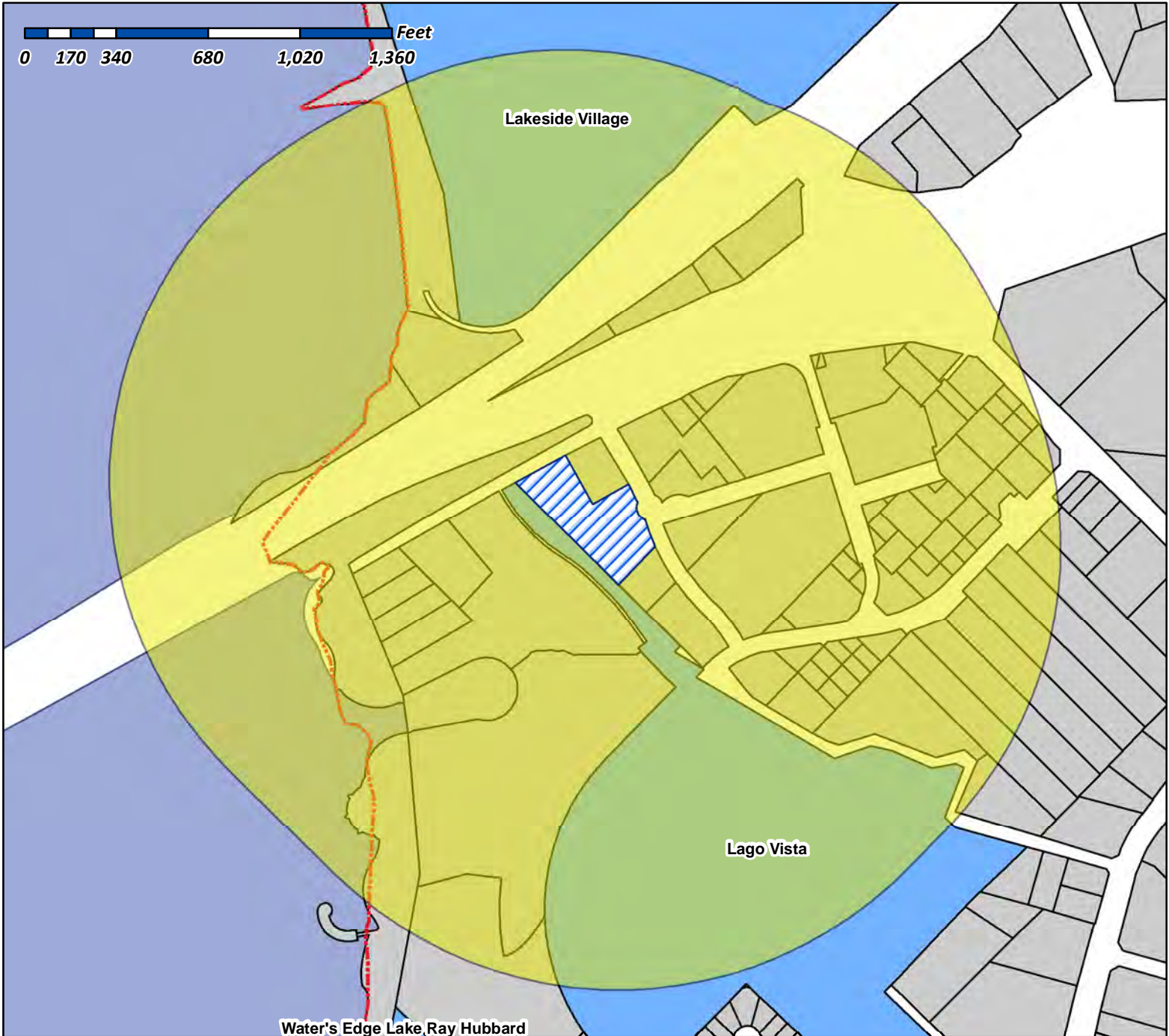
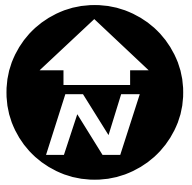
THE GAB FAMILY TRUST
C/O ELIZABETH BURKS
603 WOODED TRAIL
ROCKWALL, TX 75087



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2014-040
Case Name: Spring Hill Suites Hotel
Case Type: Specific Use Permit
Zoning: PD-32
Case Address: NEC of Lakefront Trail
 and IH-30 Frontage Road

Date Created: 12/22/2014
 For Questions on this Case Call (972) 771-7745





Design, Inc.
 112 NW 24th
 Suite 116
 Fort Worth, TX, 76164
 phone. 972.489.9132



SPRINGHILL
 SUITES
 Marriott

Revisions

Springhill
 Suites

Lakefront Trail
 Rockwell, TX 77070

City Review
 December 16, 2014
 TX-14054

sheet description

Front & Rear
 Elevations

sheet number

A2.00



1 FRONT ELEVATION
 SCALE: 3/32" = 1'-0"



2 REAR ELEVATION
 SCALE: 3/32" = 1'-0"



1 RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



2 LEFT ELEVATION
SCALE: 3/32" = 1'-0"



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SUITES
Marriott

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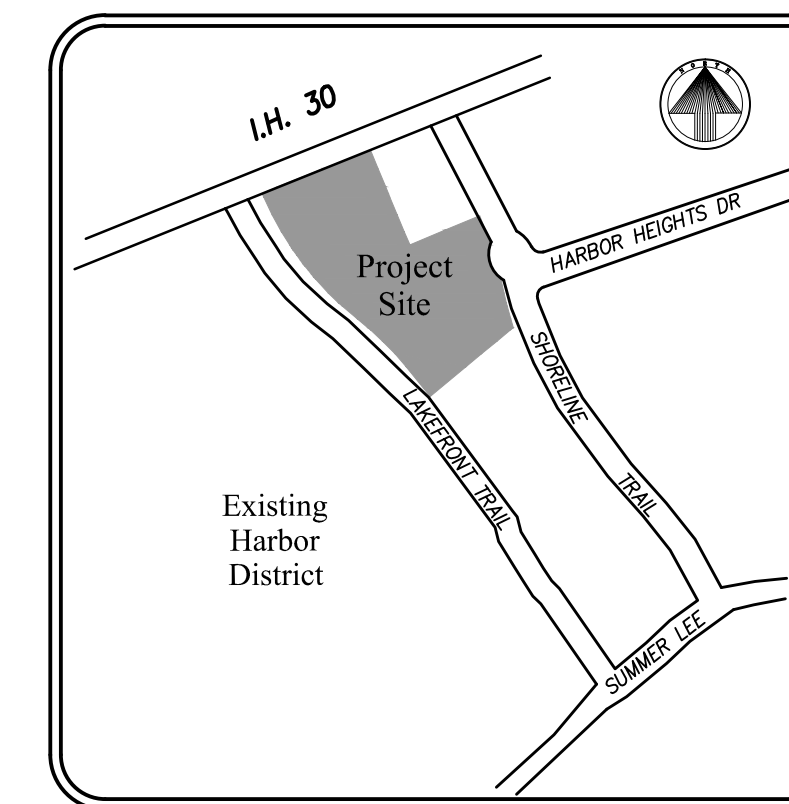
City Review
December 16, 2014
TX-14054

sheet description

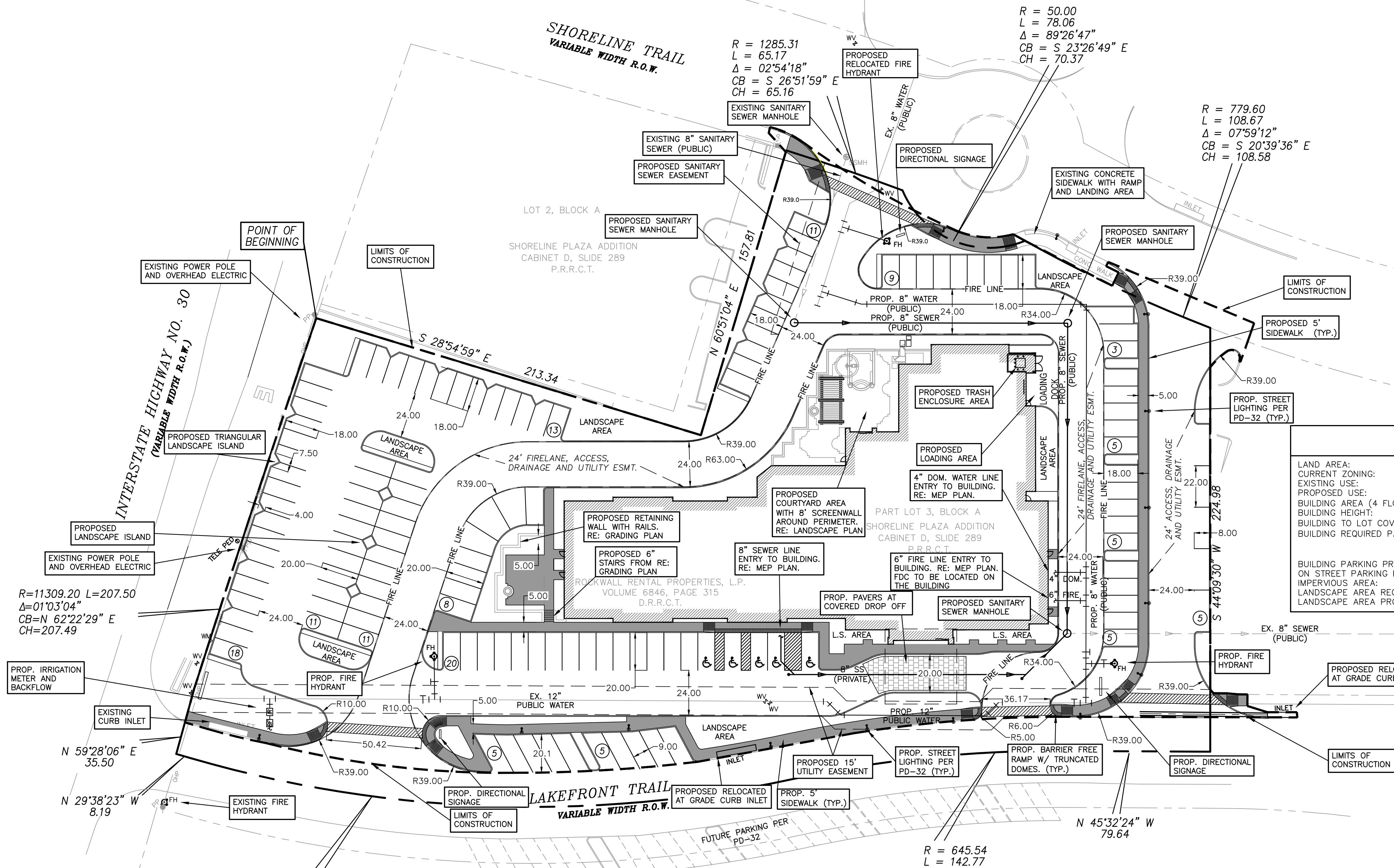
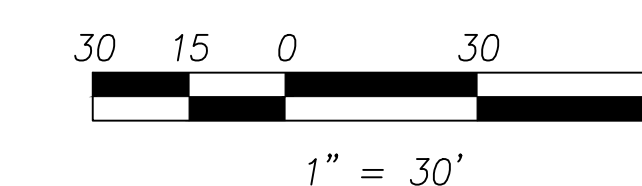
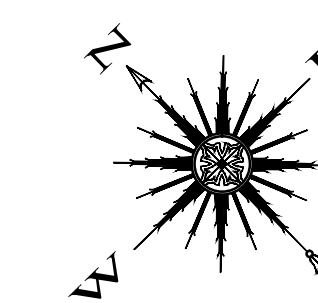
Left & Right
Elevations

sheet number

A2.00



LOCATION MAP



SITE INFORMATION

LAND AREA:	2,968 ACRES (129,286 S.F.)
CURRENT ZONING:	PD-32 UNUSED
PROPOSED USE:	HOTEL
BUILDING AREA (4 FLOORS):	±73,000 S.F. (24,400 1st FLOOR FOOTPRINT)
BUILDING HEIGHT:	62 FT.
BUILDING TO LOT COVERAGE:	24,400/129,286=18.9% → 18.9%
BUILDING REQUIRED PARKING:	HOTEL: 1/ROOM=105 SPACES CONFERENCE AREA: 1/250 S.F. → 3,000/250=12 SPACES =117 TOTAL 129 TOTAL (INCLUDES 5 HANDICAP SPACES)
BUILDING PARKING PROVIDED:	5
ON STREET PARKING PROVIDED:	129
IMPERVIOUS AREA:	109,607 S.F.
LANDSCAPE AREA REQUIRED:	0 S.F.
LANDSCAPE AREA PROVIDED:	19,149 S.F.

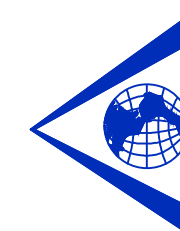
NOTE: EXISTING CITY AND FRANCHISE UTILITIES AND EASEMENTS ARE IN CONFLICT WITH THE LOCATION OF THE PROPOSED MARRIOTT BUILDING. THESE UTILITIES AND EASEMENTS ARE TO BE REMOVED AND RELOCATED. NEW EASEMENT LOCATIONS WILL BE REPLATTED.

Revision	Date	Description

Owner:
TEKMAK Development Company
10000 N. Central Expressway, Suite 400
Dallas, TX 75231
Phone: (214) 890-9225

SPRINGHILL SUITES
Marriott

~ Civil Engineer ~
F.C. CUNY CORPORATION
#2 Horizon Court • Heath, Texas 75032 • (409) 402-7700
Texas Registered Engineering Firm F-7449



12/19/2014
Drawn By: F.C. CUNY
Checked By: F.C. CUNY
Date: 12/14
Project No.:
Sheet Title:
Site Plan
Scale: 1" = 30'
Sheet No.: 4 of 8

CITY OF ROCKWALL

ORDINANCE NO. 15-XX

SPECIFIC USE PERMIT NO. S-1XX

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) FOR A HOTEL WITHIN PLANNED DEVELOPMENT DISTRICT 32 (PD-32), FOR A 2.968-ACRE LOT, CONTAINING TWO (2) PARCELS OF LAND IDENTIFIED AS LOT 3A, BLOCK A, SHORELINE PLAZA ADDITION (1.824-ACRES) AND LOT 1-1, BLOCK A, HENRY AFRICA ADDITION (1.143-ACRES), 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.

WHEREAS, a request has been made by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of Tekmak Development Company for the approval of a Specific Use Permit (SUP) to allow a *Hotel* on a 2.968-acre lot containing two (2) parcels of land identified as Lot 3A, Block A, Shoreline Plaza Addition (1.824-acres) and Lot 1-1, Block A, Henry Africa Addition (1.143-acres), City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), located within the IH-30 Overlay (IH-30 OV) District, and more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall should be amended as follows:

NOW AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for a *Hotel* within the *Freeway Frontage Subdistrict* as stipulated by *Exhibit 'D': Subdistrict Land Use Chart* of Planned Development District 32 (PD-32) [Ordinance No. 10-21] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be developed and/or used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance, Planned Development District 32 (PD-32) [Ordinance No. 10-21 & 14-44] and as stipulated by Section 4.1, *General Commercial District Standards*, of Article IV, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions and compliance standards:

2.1 Operational Conditions

The following conditions pertain to the operation of a *Hotel* on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) The development of this property shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) The development of this property shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance;
- 3) The development of a hotel on the subject property shall incorporate a minimum of 3,000 SF of floor area that will be utilized for the operation of a *Conference Center* (i.e. an area that is exclusively used to host conferences, exhibitions, large meetings, seminars, training sessions, etcetera); and,
- 4) The *Subject Property* is prohibited from being utilized as an *Extended Stay, Transient or Residence Hotel*.

SECTION 3. That the official zoning map of the City of Rockwall be corrected to reflect the changes described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have to adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 18TH DAY OF AUGUST, 2014.

Jim Pruitt, Mayor

ATTEST:

Kristy Ashberry, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: January 20, 2015

2nd Reading: February 2, 2015

DRAFT
ORDINANCE
01.20.2015

Exhibit 'A': Location Map & Legal Description

Subject Property: Lot 3A, Block A, Shoreline Plaza Addition & Lot 1-1, Block A, Henry Africa Subdivision



Exhibit 'B': Site Plan

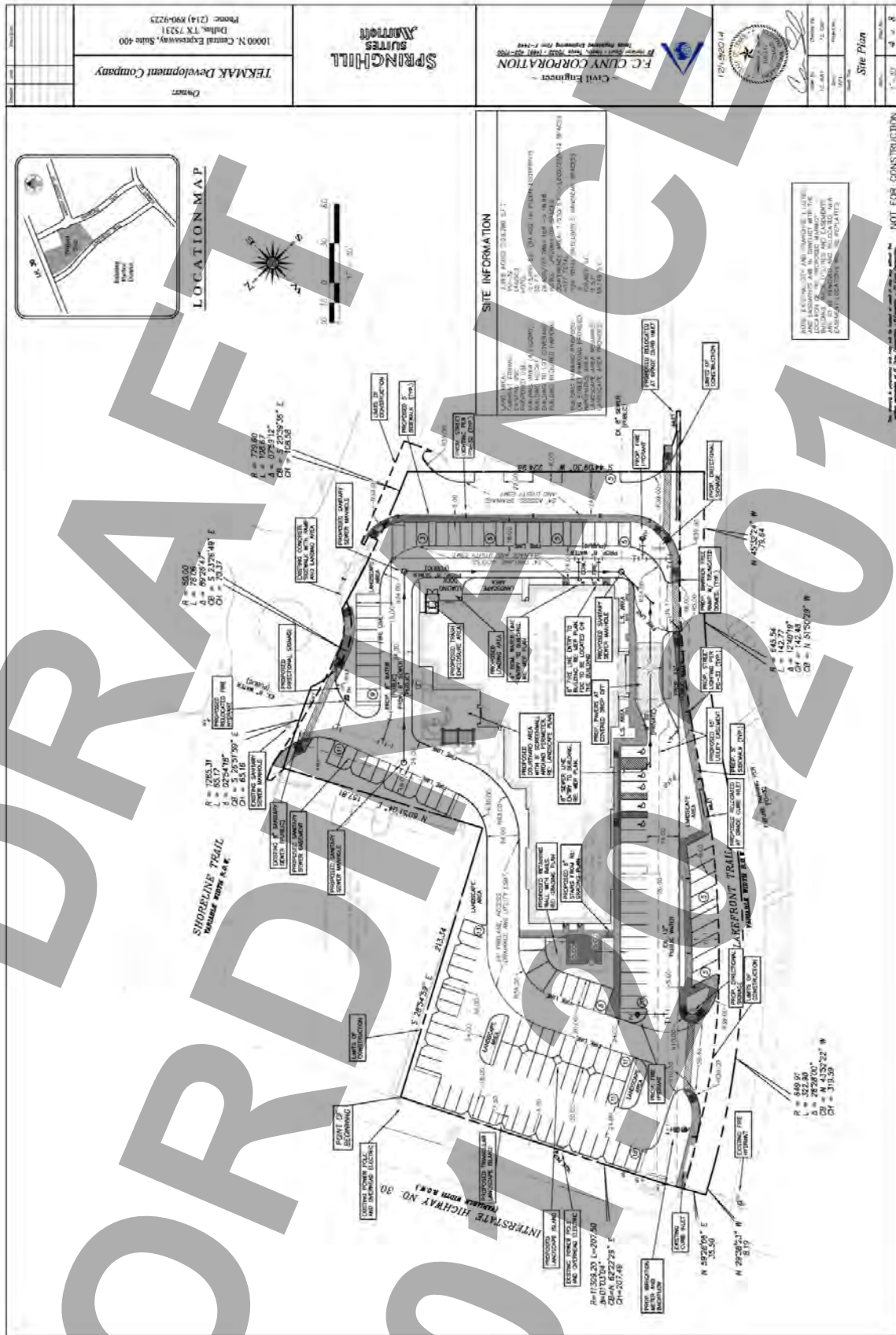
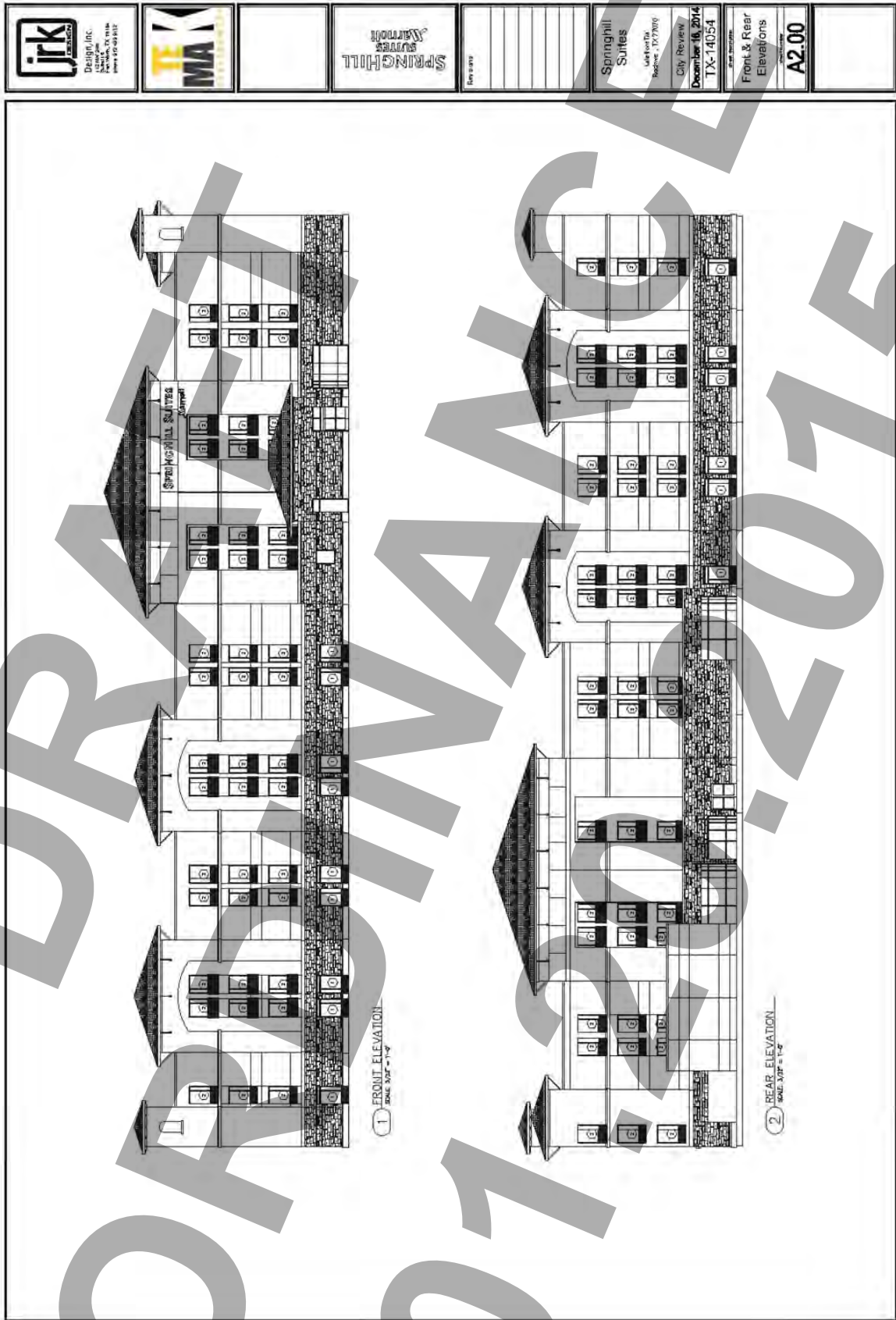




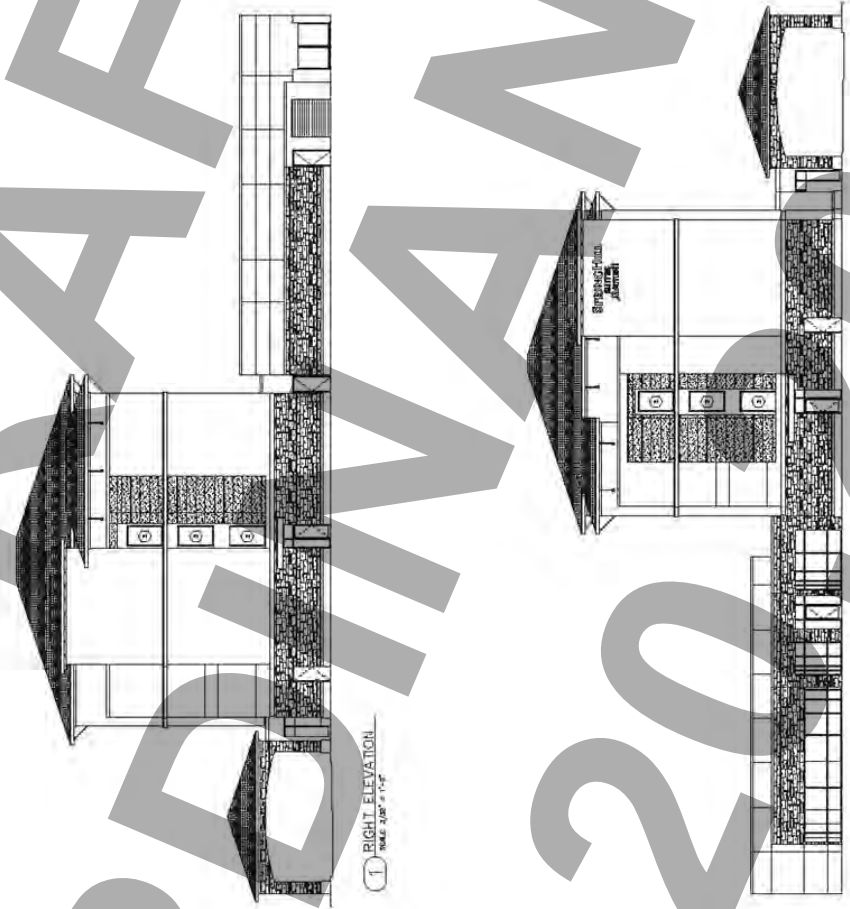
Exhibit 'C': Building Elevations



<p>Design, Inc. 15000 Rockwell Blvd. Rockwell, TX 78087 www.jrk.com</p>			<p>City Review / December 18, 2014 TX-14054</p>	<p>Front & Rear Elevations A2.00</p>
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Exhibit 'C': Building Elevations

 Design, Inc. 10000 W. PARKWAY SUITE 100 ROCKWALL, TX 75087 PHONE 972-462-8121			SPRINGHILL SUITES MARriott		Springhill Suites Location: 150 Rockwall, TX 75087 City Review / December 18, 2014 TX-14054	Left & Right Elevations Scale: AS SHOWN A2.00
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1 RIGHT ELEVATION
SCALE: 3/32" = 1'-0"

2 LEFT ELEVATION
SCALE: 3/32" = 1'-0"

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CITY OF ROCKWALL, TEXAS

MEMORANDUM

TO: Mayor and City Council

CC: Robert LaCroix, *Director of Planning and Zoning*

FROM: Ryan Miller, *Planning Manager*

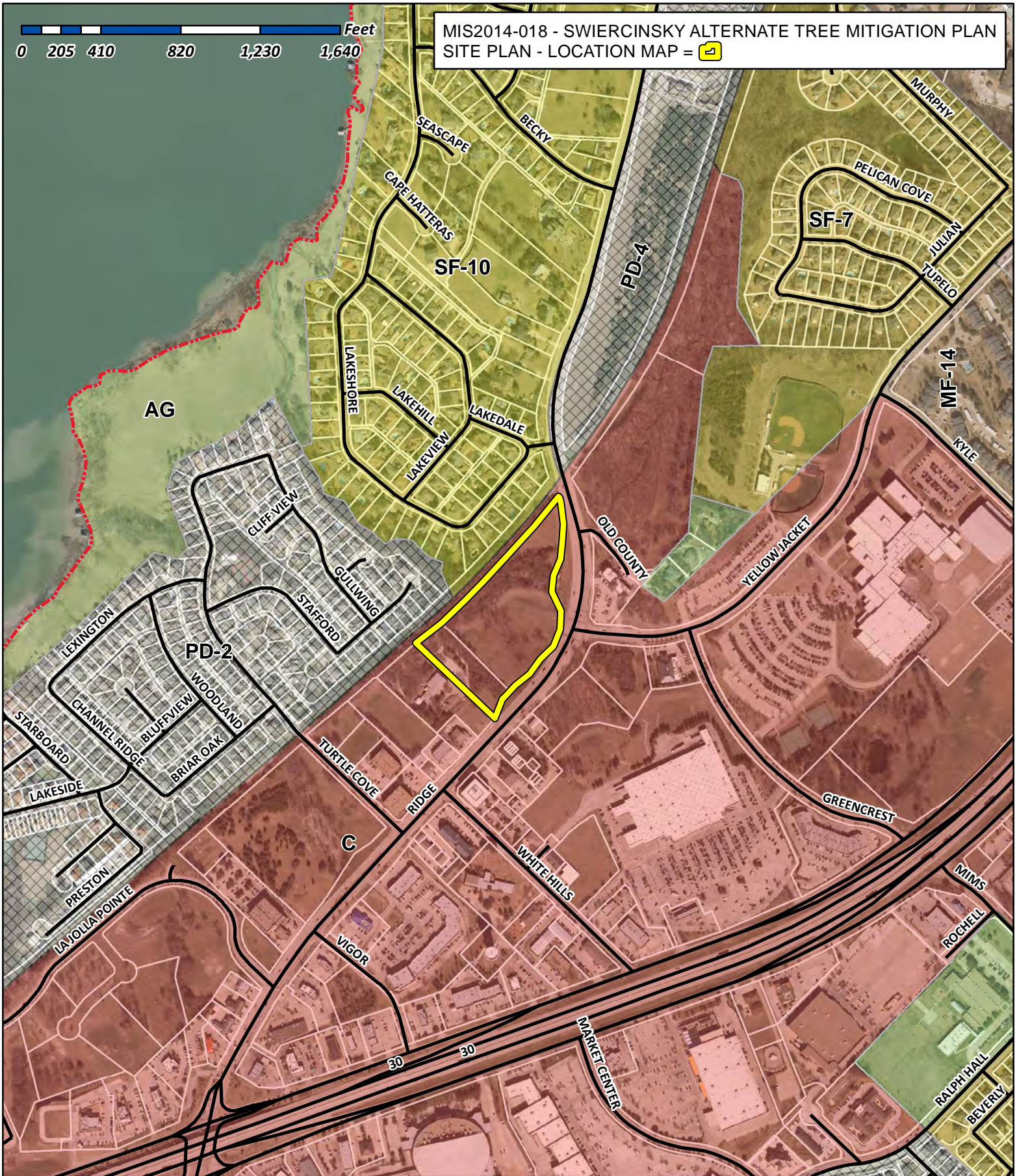
DATE: January 20, 2015

SUBJECT: MIS2014-018; *Treescape Plan (Mike Swiercinsky)*

The applicant, Mike Swiercinsky of Sky Interests Corporation, has submit a *Treescape Plan* indicating the majority of the existing trees situated on subject property (*i.e. Tracts 4 & 19, E. P. G. Chisum Survey, Abstract No. 64*) will be removed as part of a future development plan [*i.e. Exhibit 'B'*]. On January 13, 2015, the Planning and Zoning Commission approved the *Treescape Plan* in accordance with Section 4, *Plan Review and Approval*, of Article IX, *Tree Preservation*, of the Unified Development Code (UDC) by a vote of 6-0 with Commissioner Fishman absent. The approved plan requires a total mitigation of 1,532-inches OR 1,374-inches and \$19,700.00 (*i.e. remaining purchasable tree credit [157.60] at \$125.00 per inch*) to satisfy the requirements of the tree preservation ordinance (*a complete breakdown of the tree mitigation being requested has been provided in Exhibit 'D'*). In order to meet the mitigation the applicant is requesting to pay a lump sum of \$111,262.00 (*i.e. \$105,800 for Mitigation and \$5,462.00 for Delivery*) to the *Tree Fund*. This lump sum represents the applicant's costs to purchase the required trees and pay to have them delivered to the City (*see the invoice in Exhibit 'E'*). Staff has verified the estimate listed on the invoice for the trees and delivery costs. If the applicant's request is approved the lump sum payment would need to be satisfied prior to filing a final plat for the subject property; however, if the request is denied the applicant would be required to provide the Parks Department with the required mitigation (*i.e. 460, 3" caliper trees OR 407, 3" caliper trees and \$19,700.00*). The approval of the applicant's request is a discretionary decision for the City Council.

0 205 410 820 1,230 1,640 Feet

MIS2014-018 - SWIERCINSKY ALTERNATE TREE MITIGATION PLAN
SITE PLAN - LOCATION MAP = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





January 5, 2014

Ryan C. Miller, AICP
City of Rockwall
385 S Goliad Street
Rockwall, TX 75087

RE: Approximately 8.6 Acres of land located on the West side of
Ridge Road @ Yellow Jacket Lane.

Ryan,

Please allow this letter to serve as my formal request for approval
concerning a tree mitigation plan for the referenced property.

The trees I propose to remove are necessary in order to efficiently and
properly develop the site. The architect and engineers spent much time in
attempting to save as many trees as possible yet still leave the property a
viable and attractive project to future businesses interested in locating or
relocating within Rockwall.

What I have effectively proposed is to conform to today's present
mitigation requirements presently in place. That is, per the City's
requirements, the trees that will be removed will presently require that I
deliver to the City of Rockwall 460 X 3" caliper trees. I believe this may be
a logistics problem for the City of Rockwall and it would be easier for me
to pay to the City what would otherwise be my cost to provide these trees
rather than deliver same. This amount, including delivery, is \$111,262.

I appreciate your time and patience throughout this process. As always,
please contact me should you have further questions or should you need
additional information.

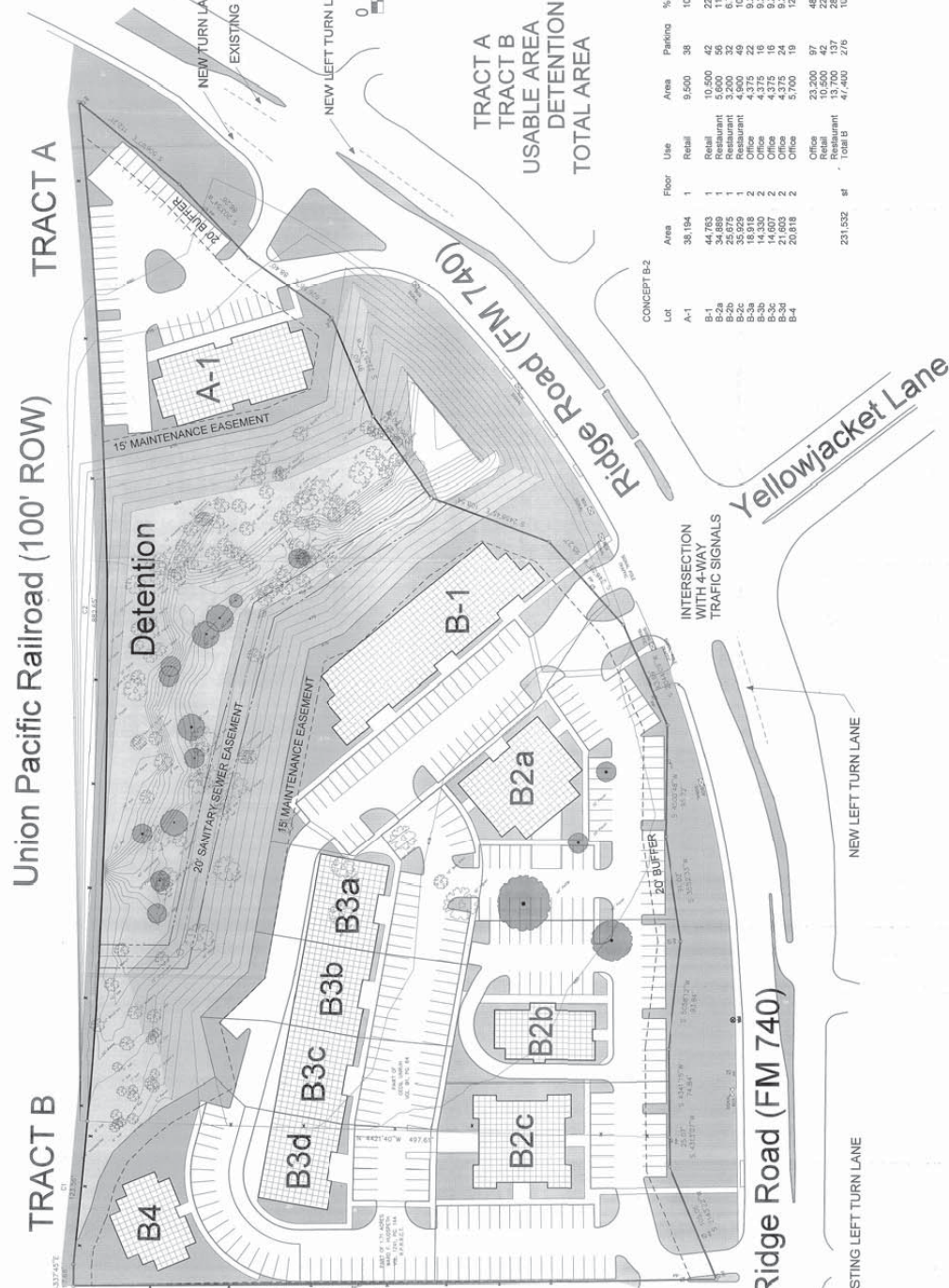
Respectfully submitted,

Michael Swiercinsky

106 E. Rusk. Suite 200 Rockwall, TX 75087
Phone: 972.771.7577 Fax: 972.924.0107 Mail@SkyInterests.com

Exhibit 'B': Future Development Plan

B&W
BURSON AND WILLIAMS
ARCHITECTS INC.
 6818 N. Central Exp., 11th - Dallas, TX 75206 817-439-0100



TRACT A 38,194 SF 0.877 AC
 TRACT B 231,532 SF 5.315 AC
 USABLE AREA 269,726 SF 6.192 AC
 DETENTION 105,138 SF 2.414 AC
 TOTAL AREA 374,864 SF 8.606 AC

Lot	Area	Floor	Use	Area	Parking	% of use	HC	New Area for Shared Parking
A-1	38,194	1	Retail	9,500	36	100.00%	2	9,500
B-1	44,783	1	Retail	10,500	42	22.15%	2	12,869
B-2a	34,899	1	Restaurant	5,900	25	6.91%	2	9,922
B-2b	35,529	1	Restaurant	4,900	49	10.34%	2	8,005
B-2c	18,818	2	Office	4,375	22	9.23%	1	5,362
B-3a	14,607	2	Office	4,375	16	9.23%	1	5,362
B-3b	21,603	2	Office	5,700	19	12.03%	1	6,885
B-3c	20,618	2	Office	23,200	97	48.95%	0	28,433
B-4	231,532	sf	Retail	10,500	137	22.90%	0	16,750
			Restaurant	10,500	112	22.90%	0	16,750
			Total B	47,400	276	100.00%	15	56,092

AREA ANALYSIS
 07/21/2014
 07/21/2014
 07/21/2014
 07/21/2014
 08/14/2014
 08/25/2014

8.6 ACRES - RIDGE ROAD @ YELLOWJACKET, ROCKWALL, TX

Exhibit 'C': Treescape Plan

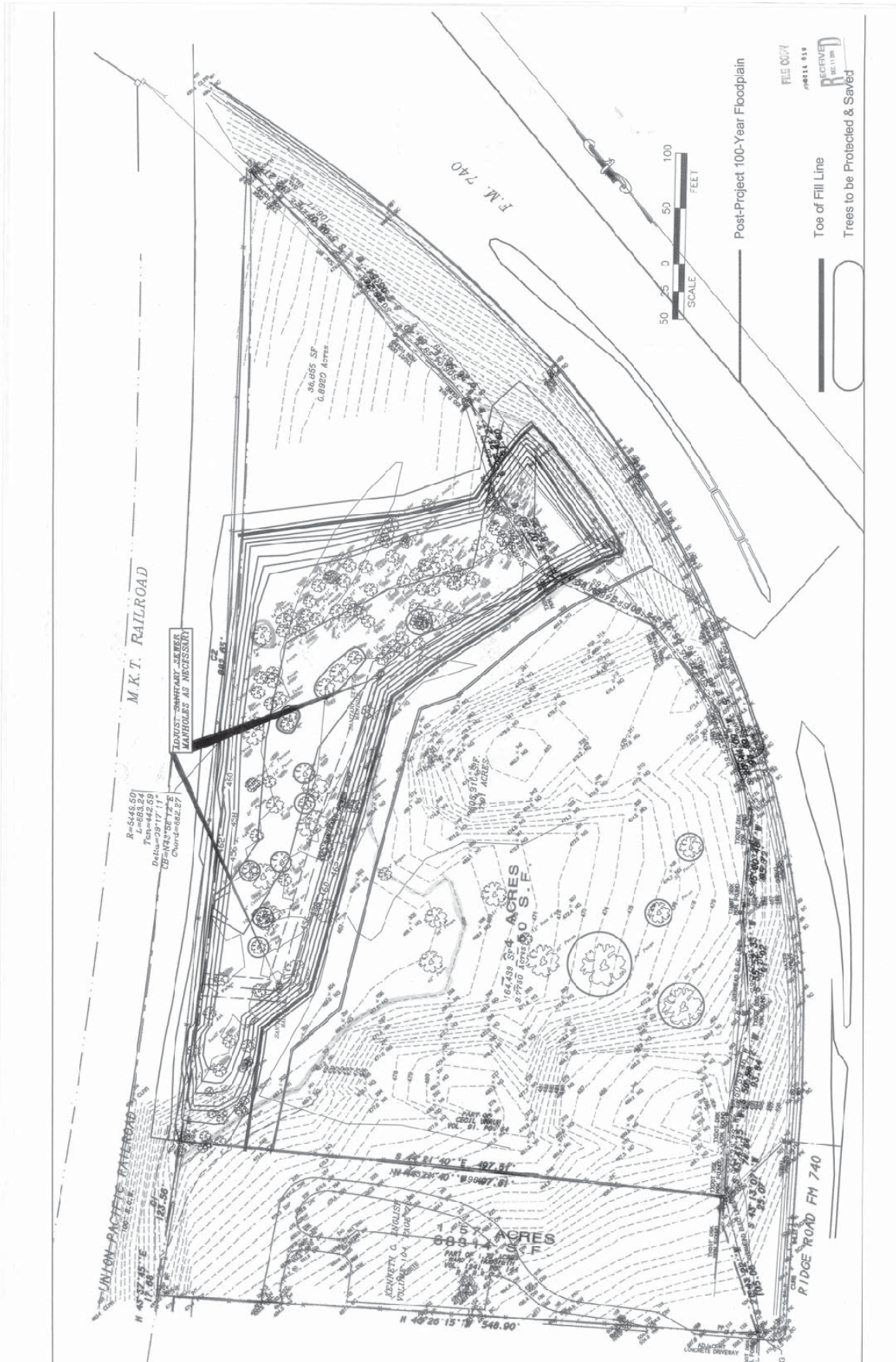


Exhibit 'D': Treescape Plan Detail

#	ELEV	DESC	Type	Inches	Class	Remove/Protect	Mitigation	Tree Credits
41	480.20	36" Pecan	Pecan	36	Feature Tree	Remove	72.00	
44	477.08	25" Pecan	Pecan	25	Protected	Remove	25.00	
74	476.57	32" Pecan	Pecan	32	Feature Tree	Remove	64.00	
77	474.44	44" Pecan	Pecan	44	Feature Tree	Remove	88.00	
112	466.74	40" Pecan	Pecan	40	Feature Tree	Remove	80.00	
120	474.73	30" Pecan	Pecan	30	Feature Tree	Remove	60.00	
123	470.59	12" Boisdarc	Boisdarc	12	None	Remove	-	
125	468.68	51" Pecan	Pecan	51	Feature Tree	Remove	102.00	
127	466.43	38" Pecan	Pecan	38	Feature Tree	Remove	76.00	
163	469.23	12" Pecan	Pecan	12	Protected	Remove	12.00	
164	466.20	9" Ash	Ash	9	Protected	Remove	9.00	
165	465.97	7" Ash	Ash	7	Protected	Remove	7.00	
166	466.72	7" Ash	Ash	7	Protected	Remove	7.00	
167	467.87	8" Ash	Ash	8	Protected	Remove	8.00	
168	468.79	7" Mulberry	Mulberry	7	Protected	Remove	7.00	
169	469.23	8" Ash	Ash	8	Protected	Remove	8.00	
170	466.86	8" Ash	Ash	8	Protected	Remove	8.00	
171	467.50	3-8" Hackberry	Hackberry	8	None	Remove	-	
172	465.88	7" Ash	Ash	7	Protected	Remove	7.00	
173	563.73	24" Pecan	Pecan	24	Protected	Protect	-	
174	466.94	3-9" Elm	Elm	9	Protected	Remove	9.00	
175	463.35	12" Mulberry	Mulberry	12	Protected	Protect	-	
176	464.19	7" Ash	Ash	7	Protected	Remove	7.00	
192	464.18	10" Boisdarc	Boisdarc	10	None	Remove	-	
200	462.19	10" Ash	Ash	10	Protected	Protect	-	
233	463.07	12" Cottonwood	Cottonwood	12	None	Protect	-	
248	456.80	7" Walnut	Walnut	7	Protected	Protect	-	
254	464.57	39" Pecan	Pecan	39	Feature Tree	Remove	78.00	
256	457.10	13" Ash	Ash	13	Protected	Protect	-	
278	461.02	17" Ash	Ash	17	Protected	Protect	-	
279	457.41	10" Pecan	Pecan	10	Protected	Protect	-	
280	461.35	18" Boisdarc	Boisdarc	18	None	Protect	-	
283	453.22	40" Cottonwood	Cottonwood	40	None	Protect	-	40.00
285	455.78	25" Ash	Ash	25	Protected	Protect	-	25.00
286	457.33	19" Ash	Ash	19	Protected	Protect	-	
288	461.82	20" Pecan	Pecan	20	Protected	Protect	-	

Exhibit 'D': Treescape Plan Detail

296	464.36	18" Boise	Boisdarc	18	None	Protect	-	
302	465.32	36" Pecan	Pecan	36	Feature Tree	Remove	72.00	
303	464.90	10" Ash	Ash	10	Protected	Remove	10.00	
304	464.31	8" Ash	Ash	8	Protected	Protect	-	
310	460.69	17" Ash	Ash	17	Protected	Protect	-	
311	460.98	20" Ash	Ash	20	Protected	Protect	-	
315	465.52	33" Pecan	Pecan	33	Feature Tree	Remove	66.00	
318	457.04	18" Ash	Ash	18	Protected	Remove	-	
319	451.61	18" Ash	Ash	18	Protected	Protect	-	
326	454.16	9" Oak	Oak	9	Protected	Protect	-	
330	459.02	14" Pecan	Pecan	14	Protected	Protect	-	
331	461.51	32" Ash	Ash	32	Feature Tree	Protect	-	32.00
332	454.62	26" Oak	Oak	26	Protected	Protect	-	26.00
338	464.96	15" Walnut	Walnut	15	Protected	Remove	15.00	
339	463.21	12" Twin Pecan	Pecan	12	Protected	Protect	-	
340	463.52	19" Pecan	Pecan	19	Protected	Protect	-	
341	464.00	9" Boisdarc	Boisdarc	9	None	Protect	-	
342	465.67	24" Pecan	Pecan	24	Protected	Protect	-	
343	464.09	13" Cedar	Cedar	13	Protected HC	Remove	6.50	
344	463.90	13" Pecan	Pecan	13	Protected	Protect	-	
345	466.96	16" Pecan	Pecan	16	Protected	Protect	-	
347	467.02	12" - 10" Pecan	Pecan	12	Protected	Remove	12.00	
350	454.05	18" Ash	Ash	18	Protected	Protect	-	
353	452.44	8" Ash	Ash	8	Protected	Protect	-	
359	467.56	16" Cottonwood	Cottonwood	16	None	Remove	-	
360	467.55	17" Cottonwood	Cottonwood	17	None	Remove	-	
361	467.64	9" Aspen	Aspen	9	Protected	Remove	9.00	
414	467.43	15" Cotton	Cottonwood	15	None	Remove	-	
484	468.11	13" Pecan	Pecan	13	Protected	Remove	13.00	
485	466.81	10" Ash	Ash	10	Protected	Remove	10.00	
486	467.22	23" Pecan	Pecan	23	Protected	Protect	-	
487	467.09	14" Pecan	Pecan	14	Protected	Protect	-	
488	467.27	9" Cedar	Cedar	9	None	Protect	-	
489	466.66	9" Cedar	Cedar	9	None	Protect	-	
490	468.01	8" Cedar	Cedar	8	None	Protect	-	
547	467.60	7" Boisdarc	Boisdarc	7	None	Protect	-	
548	467.50	8" Boisdarc	Boisdarc	8	None	Protect	-	

Exhibit 'D': Treescape Plan Detail

549	467.58	7" Cedar	Cedar	7	None	Protect	-	
550	466.73	12" Boisdarc	Boisdarc	12	None	Protect	-	
551	466.95	31" Pecan	Pecan	31	Feature Tree	Protect	-	31.00
552	466.98	14" Cottonwood	Cottonwood	14	None	Remove	-	
555	467.21	24" Pecan	Pecan	24	Protected	Protect	-	
556	467.27	24" Pecan	Pecan	24	Protected	Remove	24.00	
635	467.25	24" Pecan	Pecan	24	Protected	Protect	-	
636	466.85	8" Cedar	Cedar	8	None	Protect	-	
637	466.79	8" Cedar	Cedar	8	None	Protect	-	
639	466.26	15" Pecan	Pecan	15	Protected	Protect	-	
642	466.02	7" Cedar	Cedar	7	None	Protect	-	
648	459.65	8" Pecan	Pecan	8	Protected	Protect	-	
650	456.05	7" Ash	Ash	7	Protected	Remove	-	
652	456.17	7" Cedar	Cedar	7	None	Protect	-	
653	456.16	8" Ash	Ash	8	Protected	Protect	-	
658	461.96	19" Ash	Ash	19	Protected	Protect	-	
661	466.82	8" Ash	Ash	8	Protected	Remove	8.00	
662	464.67	9" Ash	Ash	9	Protected	Protect	-	
663	467.26	8" Cedar	Cedar	8	None	Protect	-	
664	467.25	10" Cedar	Cedar	10	None	Protect	-	
667	465.19	7" Ash	Ash	7	Protected	Remove	7.00	
669	467.53	12" Boisdarc	Boisdarc	12	None	Protect	-	
670	461.14	10" Tree	TREE	10	Protected	Protect	-	
672	467.02	12" Ash	Ash	12	Protected	Protect	-	-
673	460.01	12" Hackberry	Hackberry	12	Protected HC	Protect	-	-
674	460.04	8" Hackberry	Hackberry	8	None	Protect	-	-
675	460.06	13" Hackberry	Hackberry	13	Protected HC	Protect	-	-
677	461.50	8" Tree	TREE	8	Protected	Protect	-	-
678	467.75	11" Cedar	Cedar	11	Protected HC	Protect	-	-
694	466.62	8" Ash	Ash	8	Protected	Protect	-	-
695	467.62	10" Cedar	Cedar	10	None	Remove	-	

Exhibit 'D': Treescape Plan Detail

696	467.78	13" Cedar	Cedar	13	Protected HC	Remove	6.50	
697	468.10	10" Cedar	Cedar	10	None	Remove	-	
698	467.55	9" Hackberry	Hackberry	9	None	Protect	-	-
699	467.55	2-6" Boisdarc	Boisdarc	6	None	Protect	-	-
701	467.74	20" Boisdarc	Boisdarc	20	None	Remove	-	
703	467.71	8" Cedar	Cedar	8	None	Protect	-	-
720	466.66	8" Cedar	Cedar	8	None	Protect	-	-
721	473.91	8" Cedar	Cedar	8	None	Remove	-	
725	464.50	18" Ash	Ash	18	Protected	Remove	18.00	
727	457.77	18" Cottonwood	Cottonwood	18	None	Protect	-	-
728	459.39	9" Ash	Ash	9	Protected	Protect	-	-
731	456.89	7" Ash	Ash	7	Protected	Protect	-	-
735	457.51	16" Ash	Ash	16	Protected	Protect	-	-
738	457.30	10" Pecan	Pecan	10	Protected	Protect	-	-
742	456.98	24" Cottonwood	Cottonwood	24	None	Protect	-	-
743	456.83	32" Cottonwood	Cottonwood	32	None	Protect	-	32.00
744	457.05	14" Ash	Ash	14	Protected	Protect	-	-
745	457.09	12" Boisdarc	Boisdarc	12	None	Protect	-	-
746	463.84	12" Boisdarc	Boisdarc	12	None	Protect	-	-
747	460.61	22" Ash	Ash	22	Protected	Protect	-	-
748	455.93	8" Cedar	Cedar	8	None	Protect	-	-
749	459.16	18" Oak	Oak	18	Protected	Protect	-	-

Exhibit 'D': Treescape Plan Detail

750	460.97	12" Ash	Ash	12	Protected	Protect	-	-
751	464.28	12" Cedar	Cedar	12	Protected HC	Protect	-	-
752	463.00	12" Cedar	Cedar	12	Protected HC	Protect	-	-
753	464.20	10" Ash	Ash	10	Protected	Protect	-	-
754	464.77	9" Oak	Oak	9	Protected	Protect	-	-
759	455.38	9" Ash	Ash	9	Protected	Protect	-	-
760	455.27	21" Ash	Ash	21	Protected	Remove	-	-
761	456.51	22" Ash	Ash	22	Protected	Remove	-	-
1000			American Elm	20	Protected	Remove	20.00	
1001			Pecan	12	Protected	Remove	12.00	
1002			Cedar Elm	10	Protected	Remove	10.00	
1003			Cedar Elm	6	Protected	Remove	6.00	
1004			Cedar	14	Protected HC	Remove	7.00	
1005			Cedar	12	Protected HC	Remove	6.00	
1006			Cedar	10	None	Remove	-	
1007			Cedar	14	Protected HC	Remove	7.00	
1008			Cedar	14	Protected HC	Remove	7.00	
1009			Cedar	10	None	Remove	-	
1010			Cedar	16	Protected HC	Remove	8.00	
1011			American Elm	22	Protected	Remove	22.00	
1012			American Elm	36	Feature Tree	Remove	72.00	
1013			Hackberry	14	Protected HC	Remove	7.00	
1014			Hackberry	20	Protected HC	Remove	10.00	
1015			Hackberry	14	Protected HC	Remove	7.00	
1016			Hackberry	10	None	Remove	-	
1017			Hackberry	10	None	Remove	-	
1018			Cedar Elm	8	Protected	Remove	8.00	
1019			Cedar Elm	10	Protected	Remove	10.00	
1020			Hackberry	24	Protected HC	Remove	12.00	
1021			Cedar Elm	8	Protected	Remove	8.00	
1022			Cedar Elm	14	Protected	Remove	14.00	

Exhibit 'D': Treescape Plan Detail

1023			Hackberry	12	Protected HC	Remove	6.00	
1024			Hackberry	12	Protected HC	Remove	6.00	
1025			Cedar Elm	12	Protected	Remove	12.00	
1026			Hackberry	22	Protected HC	Remove	11.00	
1027			American Elm	6	Protected	Remove	6.00	
1028			American Elm	12	Protected	Remove	12.00	
1029			American Elm	14	Protected	Remove	14.00	
1030			American Elm	14	Protected	Remove	14.00	
1031			Cedar Elm	6	Protected	Remove	6.00	
1032			Cedar Elm	6	Protected	Remove	6.00	
1033			Cedar Elm	10	Protected	Remove	10.00	
1034			Hackberry	14	Protected HC	Remove	7.00	
1035			Ash	12	Protected	Remove	12.00	
1036			American Elm	10	Protected	Remove	10.00	
1037			Ash	10	Protected	Remove	10.00	
1038			Ash	6	Protected	Remove	6.00	
1039			Ash	8	Protected	Remove	8.00	
1040			Ash	10	Protected	Remove	10.00	
1041			Ash	8	Protected	Remove	8.00	
1042			Pecan	24	Protected	Remove	24.00	
1043			Ash	18	Protected	Remove	18.00	
1044			Ash	12	Protected	Remove	12.00	
1045			Cedar Elm	8	Protected	Remove	8.00	
1046			Hackberry	18	Protected HC	Remove	9.00	
1047			Hackberry	12	Protected HC	Remove	6.00	
1048			Ash	12	Protected	Remove	12.00	
1049			Ash	10	Protected	Remove	10.00	
1050			American Elm	8	Protected	Remove	8.00	
1051			American Elm	6	Protected	Remove	6.00	
1052			Cedar Elm	6	Protected	Remove	6.00	
1053			Hackberry	10	None	Remove	-	
1054			Hackberry	12	Protected HC	Remove	6.00	
1055			Cedar Elm	6	Protected	Remove	6.00	
1056			Bois D Arc	26	None	Remove	-	
1057			Hackberry	12	Protected HC	Remove	6.00	
1058			Ash	12	Protected	Remove	12.00	
1059			Hackberry	26	Protected HC	Remove	13.00	

Exhibit 'D': Treescape Plan Detail

1060			Hackberry	10	None	Remove	-	
1061			Ash	6	Protected	Remove	6.00	
1062			Ash	12	Protected	Remove	12.00	
1063			American Elm	4	Protected	Remove	4.00	
1064			Hickory	6	Protected	Remove	6.00	
1065			Hackberry	12	Protected HC	Remove	6.00	
1066			Hackberry	12	Protected HC	Remove	6.00	
1067			Hackberry	14	Protected HC	Remove	7.00	
1068			Hackberry	10	None	Remove	-	
1069			Hackberry	10	None	Remove	-	
1070			Bois D Arc	60	None	Remove	-	
1071			Mulberry	6	Protected	Remove	6.00	
1073			Ash	12	Protected	Remove	12.00	
1074			Ash	10	Protected	Remove	10.00	
1075			Hackberry	12	Protected HC	Remove	6.00	
1076			Hackberry	12	Protected HC	Remove	6.00	
1077			Hackberry	12	Protected HC	Remove	6.00	
1078			Hackberry	14	Protected HC	Remove	7.00	
1079			Hackberry	12	Protected HC	Remove	6.00	
1080			Hackberry	10	None	Remove	-	
1081			Ash	6	Protected	Remove	6.00	
1172			Prickly Ash	6	Protected	Remove	6.00	

<i>Initial Mitigation</i>	<u>1,718.00</u>	<u>186.00</u>	<i>Tree Credit Achieved</i>
<i>LESS: Tree Credit</i>	<u>1,532.00</u>	<u>343.60</u>	<i>Maximum Tree Credit Available (@ 20%)</i>
		<u><u>157.60</u></u>	<i>Remaining Credit Available</i>

<i>Total Inches in Mitigation Required</i>	<u>1,532.00</u>
<i>Mitigation Required w/ Maximum Purchase Credit</i>	<u>1,374.40</u>

Exhibit 'D': Treescape Plan Detail

LESS: Required Scenic Overlay (SOV) District Landscaping

<i># of Street Trees Required</i>	38
<i>Total Inches (@ 4" Caliper Trees)</i>	152.00

With Purchased Tree Credits

<i># of 3" Caliper Trees Owed</i>	407	
<i>OR # of 4" Caliper Trees Owed</i>	306	
<i>Dollar Amount Owed (@ \$125.00/Inch)</i>	\$ 19,700.00	<i>(i.e. 157.60 * \$125.00)</i>

Without Purchased Tree Credits

<i># of 3" Caliper Trees Owed</i>	460
<i>OR # of 4" Caliper Trees Owed</i>	345

Exhibit 'E': Applicant's Invoice for Tree Mitigation

WHOLESALE TO THE TRADE ONLY		
Catalog Pricing		
9780 CR 4530, La Rue, TX 75770 Paul Gandy (Sales) 903-245-0438 Office 1-800-517-9999 Fax: 1-903-675-8888		
paul@athenstreefarm.com office@athenstreefarm.com www.athenstreefarm.com		
15 Gallon	Price	Description, all black containers
Wax Leaf Ligustrum	\$55.00	4' tall, matching, limited numbers
30 Gallon	Price	Description, all black container
Bald Cypress	\$90.00	2 - 2 1/4" caliper, 8' plus tall, straight trunks, nice matching heads, new crop
Bradford Pear	\$90.00	2" caliper, 8' plus, straight trunks, matching heads, limited numbers
Burr Oak	\$90.00	2 - 2 1/4" plus caliper, 8 - 10' tall, straight trunks, beautiful new crop
Cedar Elm	\$90.00	1 3/4 - 2" caliper, 8 - 10' tall, straight trunks, matching heads, new crop
Chinquapin Oak	\$90.00	2" caliper, 8 - 10' tall, straight trunks, matching heads, new crop
Desert Willow	\$90.00	6 - 7' tall, new crop, beautiful, matching
Dura Heat Riverbirch	\$90.00	7' tall, 3-4 canes, matching, new crop
Eastern Red Cedar	\$90.00	5 1/2 - 6' tall, FTG, matching, no holes
Italian Cypress	\$90.00	6 - 7' tall, nice, matching, new crop
Lace Bark Elm	\$90.00	1 3/4 - 2" caliper, 8 - 10' tall, straight trunks, matching heads, new crop
Live Oak	\$90.00	2" plus caliper, 8 - 10' tall, straight trunks, matching heads, new crop
Loblolly Pine	\$90.00	2" plus caliper, 7 - 8' tall, nice, new crop
Mexican White Oak	\$90.00	2 - 2 1/4" caliper, 8 - 9', straight trunks, matching heads, limited numbers
Muskogee Crape Myrtle - Mulit Trunk	\$90.00	7' tall, 3-4 canes, matching, new crop
Muskogee Crape Myrtle (Tree Form)	\$90.00	1 3/4 - 2" caliper, 7' plus tall, new crop
Natchez Crape Myrtle (Tree Form)	\$90.00	1 3/4 - 2" caliper, 7' plus tall, new crop
Nellie R Stevens Holly	\$90.00	5 1/2 - 6' tall, no holes, new crops with a new flush
Red Tip Photinia	\$90.00	6' plus tall, FTG, extremely nice, no holes, new crop
Slash Pine	\$90.00	2 1/2" caliper, 8 - 9' tall, nice, new crop
Travelor Redbud	\$90.00	6' tall, full, beautiful new crop
Vitex	\$90.00	5 1/2 - 6' tall, beautiful, matching, new crop with a new flush
Wax Leaf Ligustrum	\$90.00	5' tall, beautiful new crop
45 Gallon	Price	Description, all black containers
Autumn Blaze Maple	\$160.00	2 1/4" caliper, 10 - 12' tall, straight trunks, big matching heads, new crop
Burr Oak	\$160.00	2 1/2 - 3" caliper, 11-12' tall, matching, new crop
Chinquapin Oak	\$160.00	2 1/2 - 3" caliper, 10-12' tall, matching, new crop
Desert Willow	\$185.00	7 1/2 - 8' tall, matching, full, new crop
Eastern Red Cedar	\$185.00	9 - 10' tall, nice, matching, new crop
Mexican White Oak	\$160.00	2 1/2-3" caliper, 10-12' tall, matching, new crop
Nellie R Stevens Holly	\$185.00	5 1/2 - 6' tall, FTG, matching, no holes, new crop
River Birch, Dura Heat	\$160.00	12 - 14' tall, matching new crop, beautiful
Shantung Maple	\$160.00	2 1/2 - 3" caliper, straight, matching, new crop
Texas Redbud	\$185.00	2 1/2 - 3" caliper, stragith trunks, beautiful matching heads, new crop
Wax Myrtle	\$185.00	7' plus tall, limbed up, new crop
65 Gallon	Price	Description, all Black containers
Bald Cypress	\$230.00	3" caliper, 12' plus tall, matching, new crop, limited numbers
Chinquapin Oak	\$230.00	3" caliper, 13' plus tall, beautiful, matching new crop, limited numbers
Loblolly Pine	\$230.00	3" plus caliper, 8' plus tall, matching, new crop
Slash Pine	\$230.00	3" plus caliper, 9' plus tall, matching, new crop
\$1,000 minimum order		
PRICING VALID September 1st - September 30th , 2014		

Exhibit 'E': Applicant's Invoice for Tree Mitigation

ID	TYPE	CLASS	INCHES	MITIGATION	TREE CREDITS
1075	Hackberry	12	Protected HC	Remove	6.00
1076	Hackberry	12	Protected HC	Remove	6.00
1077	Hackberry	12	Protected HC	Remove	6.00
1078	Hackberry	14	Protected HC	Remove	7.00
1079	Hackberry	12	Protected HC	Remove	6.00
1080	Hackberry	10	None	Remove	-
1081	Ash	6	Protected	Remove	6.00
1122	Prickly Ash	8	Protected	Remove	6.00

Initial Mitigation 1,718.00 186.00 Tree Credits Achieved
 LESS: Tree Credit 1,532.00 342.00 Maximum Tree Credit Available (@ 20%)
 186.00 Remaining Credit Available

Total Inches in Mitigation Required 1,532.00
 Mitigation Required w/ Maximum Purchase Credit 1,374.40

LESS: Required Static Overlay (SOV) District Landscaping

of Street Trees Required 88
 Total inches (@ 4" Caliper Trees) 152.00

With Purchased Tree Credits

of 3" Caliper Trees Owed 407
 OR # of 4" Caliper Trees Owed 306
 (Dollar Amount Owed (@ \$125.00/Inch) \$ 19,700.00 (i.e. 157.60 * \$125.00)

Without Purchased Tree Credits

of 3" Caliper Trees Owed 840
 OR # of 4" Caliper Trees Owed 645

460 x 230 = \$105,800

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Kristy Ashberry, City Secretary / Assistant to the City Manager

DATE: January 13, 2015

SUBJECT: Art Commission appointments (3 additional members needed)

At the January 5 meeting, the City Council appointed Kathleen Morrow and David Sweet to serve on the city's ART Commission. Three vacancies remain to be filled (a total of 5 are needed).

As a reminder, the provisions regarding the ART Commission's composition are as follows:

(a) (1) The art review team (ART) commission shall consist of five members, who shall all be "interested citizens" appointed by the city council. All team members should possess knowledge of or have an interest in contemporary, visual art, artistic principles and art media.

- a. The art review team (ART) commission shall consist of five regular members appointed by a majority of the city council. A staff liaison will be appointed by the city manager.*
- b. In the case of a vacancy of the commission, the city council, by a majority vote, may appoint a replacement member to the commission. Any person appointed shall serve until the expiration of the term of office of the vacated position.*
- c. Each member of the commission shall be a resident citizen and qualified voter of the city.*
- d. Upon the initial appointment of the commission by the city council, members shall draw lots for three two-year terms and two one-year terms of service. Thereafter, the term of office of members of the commission shall be for two years. Members may be removed, as determined by the city council.*
- e. Members shall serve without compensation.*

The council member assigned to oversee review of applications and make recommendations to the full council concerning appointments to this commission is now Councilmember Townsend.

Boards & Commissions Appointments

(Updated for 01/20/15 City Council Meeting)

THESE (ADVISORY) BOARD APPTS. MAY *NOT* BE DISCUSSED IN EX. SESSION

ARCHITECTURAL REVIEW BOARD (ARB) - Milder

(1) Need to replace

- *Mike Mershawn (attendance - has missed several mtgs.)
(new board member would serve partial term until Aug. 2015)*

ART REVIEW TEAM (ART) COMMISSION – Townsend

Need three (3) new, additional appointments (see memo)

THESE (REGULATORY) BOARD APPTS. MAY BE DISCUSSED IN EX. SESSION

BOARD OF ADJUSTMENTS (BOA) - Full Council

Need four (4) “alternate members” appointed (by city ordinance)

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and City Council

FROM: Rick Crowley, City Manager

DATE: January 15, 2015

SUBJECT: Citizen Volunteer Opportunities

Please find the attached memorandum which specifically outlines an expanded citizen volunteer program.

If the Council is interested in the Staff continuing work on implementation of such a program, the Council may consider the following actions at the meeting on Tuesday evening:

- Directing Staff to make any desired changes to the nature of the program
- Approving the concept of the expanded citizen volunteer program
- Instructing the Staff to develop an implementation plan (to include a proposed schedule), a proposed process for recruiting and appointing volunteers, and recruitment goals

If the Council is interested in the program, these items can be completed and returned to the Council at its next meeting.



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and City Council

FROM: Rick Crowley, City Manager

DATE: January 15, 2015

SUBJECT: New Volunteer Opportunities

For some time I have mentioned the possibility of a new volunteer opportunity program which would offer more residents an opportunity to share their expertise to help the City accomplish certain tasks. These would involve a focused commitment of several months rather than existing opportunities which typically involve two-year commitments to serve on boards and commissions or commitments for longer periods of time such as those commitments made by volunteer fire fighters, Citizens on Patrol, and CERT volunteers, and others. I am currently planning to bring this forward to the Council for consideration at the second meeting in January.

If this is a program that the Council finds acceptable, the Staff can begin development of a recruitment program following that finding. This work would also provide an opportunity for evaluation of our overall recruitment efforts and allow for the setting of volunteer recruitment goals for the coming year.

The information below is being provided to give the Council an opportunity to review it in advance of its placement on that agenda. If there is interest in these programs, the Staff will develop an implementation schedule and a plan for communicating with those in the City that might have an interest in participating. The implementation plan would include a timeline and take into account the need to include any of the applicable existing boards and commissions that may be involved in matters related to the subject of each project.

New Volunteer Opportunities

Engineering Design Standards

The *City of Rockwall Engineering Standards for Design* is a published document used to provide direction to engineering design professionals by conveying to them the minimum standards that are to govern design of new subdivisions and infrastructure in the City of Rockwall. The document provides local requirements and extensively references the regional design standards document that has been produced by the North Central Texas Council of Governments. The local document has been developed over the years by the Engineering Department and provides various technical requirements including methods of calculation used in design and standard details for various kinds of infrastructure construction and subdivision development. Through the development and adoption of the *City of Rockwall Engineering Standards of Design* the City seeks to clearly convey the standard requirements of

the City while leaving the appropriate level of discretion to the City Engineer to evaluate engineering plans in terms of the specific circumstances of a particular construction project. Local, State, and Federal law, generally accepted engineering design practices, and local quality control measures all influence the content and the requirements established by the document.

Current Circumstance:

The City's first comprehensive *City of Rockwall Engineering Standards of Design* was adopted around 1985 which accomplished several significant changes - probably most notably the adoption of the 100-year storm water drainage standard as opposed to use prior to that time of 10-year and later 25-year design criteria. Since that time, various changes to the document have occurred with some changes having been made over the years by formal adoption of a new manual and some having been made administratively by previous City Engineers.

City Engineer Tim Tumulty has expressed his thought that City Council, City Management, and the design professionals need to have full confidence that the City's design standards reflect the current best practices for design and that these standards reflect the quality that Rockwall seeks to achieve for both infrastructure and development projects. While it is not necessary that these groups all extensively study and understand engineering design, a high level of confidence that the standards reflect the City's desired quality outcome, compliance with applicable laws and regulations, and generally accepted engineering design practice is needed. At the same time this should be accomplished without unnecessary regulation. Further, the standards should allow the City Engineer a level of discretion to ensure that the standards are administered in a practical, fair, and equitable way.

Proposal:

That a volunteer opportunity project be implemented by the City Engineer to accomplish a technical review of the City of Rockwall Engineering Standards of Design seeking volunteer evaluation assistance from residents who have significant expertise in the area of civil engineering, infrastructure, construction or development.

It is anticipated that this would involve a commitment from these volunteers to meet monthly for a period of about 90 days to accomplish review of the document and its requirements. Upon completion of this review, the Engineering Department would submit the proposed revised *City of Rockwall Engineering Standards of Design* to the Council for re-adoption along with a summary of input provided during the process.

Landscape Ordinance Revisions

The City of Rockwall adopted the first Landscape Ordinance in the late 1980's. This was part of a very deliberate "quality of life" effort at that time to ensure that new non-residential development in the City include landscape that reflected the same type of visual attractiveness and community pride that, as a general rule, residential properties in the City exhibit. The Ordinance allowed for individual selection of landscape materials, but it did prohibit use of certain types of landscape materials that were not thought to be good selections for the local climate and soil conditions, were thought to have less desirable appearance, or were lacking in terms of providing long term landscape contributions. A list of suggested, "well-suited" landscape materials was also provided. This ordinance further required the non-residential property owner to maintain the required landscape installations over time. (Mitigation for trees potentially lost as a result of development was covered by a separate Ordinance and was adopted later.) The Landscape Ordinance established by the ordinance were initially adopted and subsequently amended at a time when there appeared to be no current issue of water availability for use in landscape establishment and maintenance.

Current Circumstance:

It is clear that current circumstances indicate significant limitations as to the availability of treated water for landscape irrigation use. It remains to be seen if longer-term demand for water for landscape irrigation will be influenced by the changes in demand that have occurred in the current drought period. This does not necessarily indicate that the goals applicable at the time of adoption of the Landscape Ordinance should be abandoned, but it does warrant a comprehensive re-evaluation to ensure that, at least, the idea of wise water use is incorporated in the City's landscape requirements in view of the current environment.

Regional recognition of these circumstances are evident in the current efforts of the North Texas Municipal Water District's "offer" to assist their member cities and customers to develop a regional approach to this form of water conservation. Further, NTMWD and the North Central Texas Council of Governments (NCTCOG) have begun to consider the possibility of a more inclusive effort involving the NCTCOG 16-County North Texas region. While there appears to be a significant sense of urgency among those involved in this effort, as the number of participants and the geographic area of the effort is expanded, it will also take more time to complete the work. For these reasons, and to be prepared to participate more fully in a regional effort that may result, the City of Rockwall should begin an immediate reevaluation of its local Landscape Ordinance and associated regulatory requirements. In the interest of both water conservation and to limit the possibility of wasted spending on landscaping for which water for irrigation may be limited, the City has been receptive to requests which have recognized the current circumstances and has generally exhibited appropriate levels of flexibility in these matters. A comprehensive study of the City's Landscape Ordinance would formalize our related approach to the current and future challenges of water supply as relates to landscape requirements. It may also be prudent to consider whether there should be a defined link between the City's Landscape Ordinance and the City's Water Conservation and Drought Management Plans.

Proposal:

That a volunteer opportunity project (involving local landscape professionals, local business representatives, those involved in development, and others with general interest in the subject) be implemented by the City Manager to accomplish a comprehensive review of the City's Landscape Ordinance which recognizes current and future availability of water supply for landscape irrigation uses.

It is anticipated that this would involve the participation of Rockwall residents and businesses that have both a stake in the outcome of the effort and expertise and interest in the subject. It is anticipated that this would involve a 90-day (meeting once or twice a month) volunteer commitment to complete the project.

Retail Recruitment

Rockwall currently has a varied and successful retail community. With the exception of COSTCO, these retailers have located in Rockwall without incentives and, frankly, with minimal recruitment efforts by the City in attracting them to locate in Rockwall. COSTCO's incentive included payments by the REDC for infrastructure. The improvements to downtown's public infrastructure (and the work that preceded it) might be considered as an incentive, although no incentives were paid to businesses located there.

There is sometimes a public misconception that the City has much more control and influence over which new businesses are or should be added to the current mix of existing business and retailers.

Some cities have exerted more influence over business and retail location through the use of various kinds of retail incentive payments. This is the case in a number of area cities.

As a general rule, new locations occur without incentive in markets where the new locations meet whatever criteria have been established by businesses seeking to expand to new locations or into new markets. Any change in the policies for retail incentives would be a Council decision. Current and historic practice has been that the City entertains requests for consideration that are made from individual retail prospects on a case-by-case basis. From a Staff perspective, efforts have been made to ensure that information about Rockwall is readily available for businesses as they consider their location decisions.

Current Circumstance:

There have been indications that Trader Joe's may allow their location decisions to be influenced by local support. In fact, there is currently local activity in the social media that seeks to provide an indication to Trader Joe's that there is significant local interest here to support the store if located in Rockwall.

Proposal

That an effort to recruit (without a change in the City's retail incentive practices) the company including volunteer work be initiated IF Trader Joe's is a business that the Council believes to be one that should be encouraged to locate in Rockwall.

This would involve a core group of volunteers with marketing skills, organizational skills, and general interest in the subject working with the Staff for about a 60-day period seeking to generate interest from the company to locate in Rockwall.

Neighborhood Communication

Over the course of the last several years, we have made significant efforts to improve communication with businesses to ensure that the City is providing quality services that contribute to their success. While we have also made every effort to be communicative with and be responsive to our residential customers, a more comprehensive, formalized neighborhood communication program could be implemented.

Current Situation

Many of the neighborhoods in the City have formal or informal Home Owners Associations. Other well-defined neighborhoods do not have these associations but are readily identified as distinct neighborhoods within the City. Communication at the "neighborhood level" would offer an opportunity to communicate with and to hear from residents as to the quality of services provided by the City. This would help identify areas for service improvement and ensure the City's focus on the things that matter most to our citizens.

Proposal

To enhance citizen communication (using the neighborhood organizations currently in place and identified participants from neighborhoods without existing formal or informal neighborhood organizations) through holding meetings (to include Council and Staff) with neighborhood representatives two times each year may be considered.

Each of these meetings would, if Council interest exists in implementing such a program, be designed in two parts – an opportunity for the City to provide information and an opportunity for the city to receive information. This would provide an opportunity to discuss, for example, issues related to specific services (police, fire, parks, water, garbage, code enforcement, animal control, planning and zoning, and others). Where there are identified areas of service concern or frustration from our citizens/customers, work to resolve these can begin. Nothing about the implementation of this program, however, should ever be construed to replace, diminish or interfere with the importance of our communication with individual residents and the City's efforts to address individual matters of concern that citizens may have.

Volunteer Recruitment

The City relies heavily on volunteers to fill important roles as members of Boards and Commissions, as firefighters, as members of Citizens on Patrol, as members of the CERT Team, as Parks and Recreation volunteers, and many others. If the City Council is interested in pursuing these programs, additional volunteers would be needed for short-term volunteer opportunities. This would test the theory that there may be numerous Rockwall residents (with varied but significant expertise) who would be interested in volunteering for shorter-term commitments to lend their assistance to the City (in addition to those who are interested in two-year board and commission appointments). This will also give the Staff an opportunity to re-evaluate the City's various volunteer recruitment efforts for changes that will result in more successful recruitment of volunteers.

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