

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the 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.

Mayor Pruitt indicated that Mr. Skorborg 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.

**II. WORK SESSION**

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.

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. Skorborg to address the council concerning this work session item. Mr. Skorborg 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. Skorborg would consider 'zero lot line' single family homes in lieu of townhomes. Mr. Skorborg 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.

Mr. Skorborg 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)).

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

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*  
24 *past year. I hope to continue this conservative trend.*  
25

26 *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.*  
48 *However, unfortunately, in recent years, communication has broken down*  
49 *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*



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

#### Roadways/Transportation

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

#### Parks

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

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

#### Volunteerism

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

If you want to get involved in this city, we will do our very best to find you a spot that gels with your experience level, interests, or available time commitment. It doesn't matter if you have ever been involved before. If you want a voice in this city, come talk to us at city hall or go onto our website [www.rockwall.com](http://www.rockwall.com).

202 **Schools**

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

214 **Customer Service**

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

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

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

231 **X. CONSENT AGENDA**

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



- 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**

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

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

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

#### **XIV. EXECUTIVE SESSION**

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

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

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

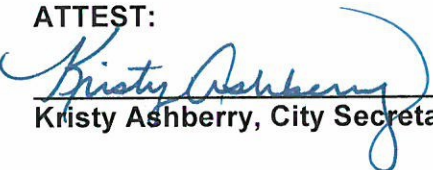
The council did not reconvene into Executive Session following the end of the public meeting agenda. See item VI. for actions taken as a result of the first Executive Session.

#### **XVI. ADJOURNMENT**

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
this 20<sup>th</sup> day of January, 2015.**

**ATTEST:**

  
Kristy Ashberry, City Secretary



  
Jim Pruitt, Mayor

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**MINUTES**  
**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**

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, and John Hohenshelt. Council Members Scott Milder and Bennie Daniels were absent from the meeting. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Patrick Lindner.

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

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding 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**

Executive Session was adjourned at 5:20 p.m.



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

**IV. RECONVENE PUBLIC MEETING**

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

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

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

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

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

**VII. CONSENT AGENDA**

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

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

89 VIII. APPOINTMENTS  
90

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

94 Chair of the Planning and Zoning Commission, Craig Renfro, came forth and briefed the  
95 council on recommendations of the Commission relative to planning-related items on  
96 tonight's city council meeting agenda. After brief discussion, the council took no action  
97 related to this agenda item.  
98

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

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

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

117 IX. PUBLIC HEARING ITEMS  
118

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

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



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

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

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

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

150 Ron Gilleland  
151 310 Meadowdale  
152 Rockwall, TX 75087

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

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

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

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

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

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

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

186

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

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

197  
198 Mr. Clark Staggs  
199 1601 Seascape Court  
200 Rockwall, TX  
201

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

209 Erica Lyle  
210 1603 S. Alamo Road  
211 Rockwall, TX 75087  
212

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

218 Tom Hawkins  
219 201 Dartbrook Street  
220 Rockwall, TX 75087  
221

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

228 Larry Wilcoxson  
229 301 Stonecrest  
230 Rockwall, TX 75087  
231

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



239 Mr. Mike Rogers  
240 1404 Ridge Road  
241 Rockwall, TX 75087  
242

243 Mr. Rogers indicated the moved to Rockwall with his parents in 1951. He indicated he and  
244 his wife have lived in their home since 1983. He believes Ridge Road is a great place to live,  
245 raise a family, and have pets. He believes it is a valuable neighborhood. He has concerns  
246 about allowing an office building to be built in this residential area. He generally spoke in  
247 opposition of this request and urged the council to vote 'no' on the rezoning request.  
248

249 Mrs. Rella Rogers  
250 1404 Ridge Road  
251 Rockwall, TX 75087  
252

253 Mrs. Rogers spoke in opposition of this item, indicating, in part, that it would be 'spot  
254 zoning' and would add to the devaluation of her home if this request is approved. She  
255 indicated that her home is in direct proximity to her home, and the lots in question overlook  
256 her private back yard and pool area. She believes that her home will be significantly  
257 devalued if this rezoning is granted. She suggested that there are other, appropriate  
258 locations in Rockwall for Mr. Dirske's commercial business. She respectfully asked the  
259 council to vote 'no' to this request.  
260

261 Mr. Bill Lofland  
262 1200 Ridge Road  
263 Rockwall, TX 75087  
264

265 Mr. Lofland indicated he has lived on Ridge Road for at least thirty-five years. He also owns  
266 the properties from 1026 Ridge Road to 1202 Ridge Road. When the city agreed to allow  
267 some of the smaller homes on Ridge Road to turn into offices, this was stopped at 1024  
268 Ridge Road. He indicated he believes that approval of this rezoning would represent 'spot  
269 zoning.' He has nothing personal against Mr. Dirkse; however, he did speak in opposition  
270 of this request and urged the council to vote 'no.'  
271

272 Mr. Rod Holland  
273 536 Loma Vista  
274 Heath, TX  
275

276 Mr. Holland indicated that he owns property at 1510 South Alamo. He has been a resident  
277 of Rockwall since 1972, has been in real estate in this area since the early 1990s and is also  
278 a real estate broker. Mr. Holland indicated that he purchased a lot located behind these  
279 lots, not knowing what would end up going there, because he is not concerned about what  
280 may end up being built on these lots. He is a real estate broker, and he does not represent  
281 Dan Bobst. He does not have concerns about it possibly turning into Commercial. He is in  
282 favor of this request.  
283

284 Mr. Timothy Greenawalt  
285 335 Dalton Road  
286 Rockwall, TX 75087  
287

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

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

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

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

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

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

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

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

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

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

330  
331 Marsha Mason

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



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

Mr. David Mitchell  
206 Dartbrook  
Rockwall, TX 75087

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

Ken Dickson  
205 Meadowdale  
Rockwall, TX

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

Freddie Jackson  
1812 Bristol Lane  
Rockwall, TX

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

Jim Greenwalt  
209 Tanya Drive  
Rockwall, TX

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

Gregg Napier  
1505 S. Lakeshore  
Rockwall, TX

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



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

Jennifer Ziesk  
7120 Hunt Lane  
Rockwall, TX 75087

Mrs. Ziesk read a letter on behalf of:  
Mary Stacey  
912 N. Goliad  
Rockwall, TX 75087

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

Shannon Greenberg  
404 Driftwood  
Rockwall, TX 75087

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

Kathy Oehler  
207 Tanya Drive  
Rockwall, TX

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

Alexia Fields  
1603 Seascape Court (next to Clark Staggs)  
Rockwall, TX

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

444 Tammy Tinkle  
445 1270 Antioch Drive  
446 Rockwall, TX 75087  
447

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

455 Renee Sneed  
456 310 Orbit Drive  
457 Lavon, TX 75166  
458

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

466 G. David Smith  
467 601 Stonebridge Drive  
468 Rockwall, TX  
469

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

478 Mrs. Terri Nevitt  
479 201 Becky Lane  
480 Rockwall, TX  
481

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

488 Greg Oehler  
489 207 Tanya  
490 Rockwall, TX  
491

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

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

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

Councilmember White made a motion to deny Z2014-036.

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

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

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

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

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

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

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

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

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

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



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

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

560  
561   **Mr. Bill Bricker**  
562   **505 Westway Drive**  
563   **Rockwall, TX**  
564

565   **Mayor Pruitt asked if anyone else would like to come forth and speak. There being no one**  
566   **indicating such, he then closed the public hearing**  
567

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

570  
571                                   CITY OF ROCKWALL  
572                                   ORDINANCE NO. 15-  
573                                   SPECIFIC USE PERMIT NO. S-  
574

575                   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
576                   TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.  
577                   04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,  
578                   SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT  
579                   INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE  
580                   DEALERSHIP/SHOWROOM LOCATED IN A 12,500 SQUARE FOOT BUILDING  
581                   INDICATED IN "EXHIBIT A" OF THIS ORDINANCE AND ADDRESSED AS 1200  
582                   E. WASHINGTON STREET, WHICH IS LOCATED ON A PORTION OF A  
583                   LARGER 50.826-ACRE TRACT OF LAND DESCRIBED AS TRACT 31 OF THE  
584                   R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL,  
585                   ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;  
586                   PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO  
587                   THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
588                   SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
589                   PROVIDING FOR AN EFFECTIVE DATE.  
590

591   **The motion passed by a unanimous vote.**  
592

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

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

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

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

Ben McMillian  
176 Hampton Drive  
Fate, TX

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

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

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

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.

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

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)

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

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

Michael Amick  
1957 Stevens Road  
Rockwall, TX

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

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

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

CITY OF ROCKWALL  
ORDINANCE NO. 15-\_\_

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

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

5. **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)

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

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

Tom Kirkland  
613 Willow Springs  
Heath, TX

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

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

Craig Renfro  
1556 Parkside Circle  
Rockwall, TX 75032

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

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

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

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

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

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



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

**X. ACTION ITEMS**

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.

Planning Director Robert LaCroix provided background information related to this agenda item, explaining that Mr. Swiercinsky has a large number of trees that he must mitigate for concerning these tracts of land. Under the city's tree mitigation ordinance, the applicant may either donate trees or make a monetary payment to the city in order to mitigate for the trees. Mr. LaCroix explained that the applicant would like to make a lump sum payment of \$111,262.00, which represents the applicant's costs to purchase the required trees and pay to have them delivered to the City. 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.

Michael Swiercinsky  
307 Russwood  
Rockwall, TX

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

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

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.

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

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.

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

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

#### 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

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

#### XIII. ADJOURNMENT

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

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

ATTEST:

  
Kristy Ashberry, City Secretary

  
Jim Pruitt, Mayor







# **MINUTES**

## **ROCKWALL CITY COUNCIL**

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

### **I. CALL PUBLIC MEETING TO ORDER**

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

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

### **II. WORK SESSION**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

161  
162 **III. EXECUTIVE SESSION.**

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

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

179  
180 **IV. ADJOURN EXECUTIVE SESSION**

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

183  
184 **V. RECONVENE PUBLIC MEETING**

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

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

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

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

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

196  
197 **VIII. PROCLAMATIONS / AWARDS**

- 198  
199 1. Constable Randy Earl Parks: Life-Saving Recognition Day  
200

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

207 2. Rockwall Community Playhouse 20th Anniversary Recognition  
208

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

213 3. 800th Anniversary of the Magna Carta  
214

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

219 IX. OPEN FORUM  
220

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

25 X. CONSENT AGENDA  
26

- 27 1. Consider approval of the minutes from the January 20, 2015 regular city  
228 council meeting, and take any action necessary.
- 229 2. Consider authorizing the City Manager to enter into a contract extension  
230 with Clean Harbors Inc. to manage Household Hazardous Waste  
231 Collection Day April 18, 2015 and take any action necessary.
- 232 3. Consider approval of the First Amendment to the RCH Water Supply  
233 Corporation Wholesale Water Contract and take any action necessary.
- 234 4. Consider approval of a resolution calling a General Election to be held on  
235 May 9, 2015 in the City of Rockwall for the purpose of electing a mayor  
236 and city council members for Places 1, 3 and 5, each for two-year terms,  
237 and a Special Election to be held in conjunction with the General Election  
238 for the purpose of filling a one-year unexpired term associated with City  
239 Council Place 2, and take any action necessary.
- 240 5. P2015-001 - Consider a request by Harold Fetty of H. D. Fetty Land  
241 Surveyor, LLC on behalf of the owner J-BR2, LLC for the approval of a  
242 final plat for Lots 1, 2 & 3, Block A, Buffalo Crossing Addition being three  
243 (3) non-residential lots currently identified as Tract 17-12 of the W. W.  
244 Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas,  
245 being a 7.32-acre tract of land zoned Commercial (C) District, generally  
246 located at the southeast corner of the intersection of S. Goliad Street [SH-  
47 205] and FM-549, and take any action necessary.



- 248 6. **Z2014-037** - Consider approval of an **ordinance** for a request by Bill  
249 Bricker of Bricker Enterprise Company (DBA Brick House Cars) on behalf  
250 of Rockwall Commercial Property Management for the approval of a  
251 Specific Use Permit to allow for an Indoor Motor Vehicle  
252 Dealership/Showroom on a one (1) acre portion of a larger 50.826-acre  
253 tract of land, identified as Tract 31 of the R. Ballard Survey, Abstract No.  
254 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI)  
255 District, addressed as 1200 E. Washington Street, and take any action  
256 necessary. **(2nd Reading)**
- 257 7. **Z2014-038** - Consider approval of an **ordinance** for a request by Ben  
258 McMillian of Hazel & Olive on behalf of the owner of the property for the  
259 approval of a Specific Use Permit to allow for a General Retail Store in  
260 conjunction with an office and photography studio within Planned  
261 Development District 50 (PD-50) for two (2) parcels of land, being 0.43-  
262 acres of land, identified as Lots 19A & 19B of the Amick Addition, City of  
263 Rockwall, Rockwall County, Texas, zoned Planned Development District  
264 50 (PD-50) for Residential-Office (RO) District land uses, addressed as  
265 503 N. Goliad Street [SH-205], and take any action necessary. **(2nd**  
266 **Reading)**
- 267 8. **Z2014-039** - Consider approval of an **ordinance** for a request by Zack  
268 Amick of Gordon Rockwall Investments, LLC for the approval of a zoning  
269 change from an Agricultural (AG) District to a Light Industrial (LI) District  
270 for a 21.684-acre tract of land identified as Tract 4 of the N. M. Ballard  
271 Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas,  
272 zoned Agricultural (AG) District, located in between Commerce Street and  
273 T. L. Townsend Drive, and take any action necessary. **(2nd Reading)**

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

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

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

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

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

CITY OF ROCKWALL  
ORDINANCE NO. 15-04

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

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

XI. APPOINTMENTS

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

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

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



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

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

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

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

## **XII. PUBLIC HEARING ITEMS**

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

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

**Sol Villasana**  
809 Village Green Drive  
Rockwall, TX

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

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

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

## **XIII. ACTION ITEMS**

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



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

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

Dub Douphrate  
Douphrate & Associates  
2235 Ridge Road  
Rockwall, TX

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

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

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

2. **Z2014-040** - 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)

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

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

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

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

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

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

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

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

CITY OF ROCKWALL  
ORDINANCE NO. 15-\_\_  
SPECIFIC USE PERMIT NO. S-1\_\_

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.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

There was no action taken at this time concerning this item.

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

1. Departmental Reports
  - Building Inspections Monthly Report - December 2014
  - Fire Department Monthly Report - December 2014
  - Fire Department Annual Report - 2014
  - Harbor PD Monthly Report - December 2014
  - Internal Operations Department Monthly Report - December 2014
  - Meals on Wheels Senior Services Quarterly Report
  - Police Department Monthly Report - December 2014
  - Recreation Monthly Report - December 2014
  - Rockwall Animal Adoption Center Report - December 2014

2. City Manager's Report

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

#### **XV. EXECUTIVE SESSION**

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

1. Discussion regarding 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)
2. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
3. Discussion regarding possible claim or settlement agreement related to enforcing the city's sign ordinance regarding a billboard pursuant to Section 551.071 (Consultation with Attorney).



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

601  
602 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

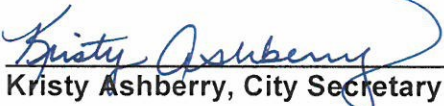
603  
604 The Council did not reconvene in Executive Session following the close of the public  
605 meeting agenda.

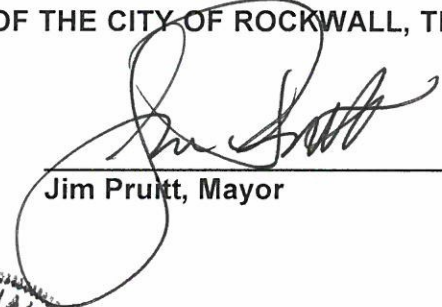
606  
607 **XVII. ADJOURNMENT**

608  
609 The meeting was adjourned at 7:18 p.m.

610  
611  
612 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
613 **this 16<sup>th</sup> day of February, 2015.**

614  
615  
616 **ATTEST:**

617   
618 \_\_\_\_\_  
619 Kristy Ashberry, City Secretary

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



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

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

122 Councilmember Milder suggested that three council members be selected to form a  
123 subcommittee of the council in order to further explore this topic.  
124

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

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

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

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

145 Following the work session items, Mayor Pruitt read the below listed discussion items  
146 into the record before recessing the public meeting into Executive Session at 4:45 p.m.  
147  
148  
149  
150



151 **III. EXECUTIVE SESSION**

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

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

165  
166 **IV. ADJOURN EXECUTIVE SESSION**

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

169  
170 **V. RECONVENE PUBLIC MEETING**

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

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

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

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

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

182  
183 **VIII. PROCLAMATIONS / AWARDS**

- 184  
185 1. **Engineers Week**

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

189  
190 **IX. CONSENT AGENDA**

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

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

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

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

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

#### **X. 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.

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

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

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

#### **XI. PUBLIC HEARING ITEMS**

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



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

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

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

Mr. James Jackson  
608 White Hills Drive

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

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

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

The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-  
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) ALLOWING FOR VEHICLES TO BE STORED OUTSIDE OVERNIGHT IN CONJUNCTION WITH AN EXISTING AUTOMOTIVE REPAIR GARAGE, MINOR WITHIN A COMMERCIAL (C) DISTRICT, BEING A 0.88-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2B-2, BLOCK A, PANEX LTD ADDITION, AND GENERALLY LOCATED AT 608 WHITE HILLS DRIVE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED 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.

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

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

309 Planning Director Robert LaCroix provided background information related to this  
310 agenda item. He generally explained that the SUP will continue to allow the property to  
311 be used in conjunction with the current Hyundai dealership while also allowing the  
312 applicant flexibility to pursue other brands. The development enhancements would be  
313 phased in over a three year period, and the SUP would be reviewed after three years.  
314 The first phase would deal with the paving, drainage and detention ponds (engineering).  
315 Part two would be to complete the concrete paving area, add some lighting and  
316 landscaping. Lastly, the existing building would be remodeled to match the existing  
317 Hyundai dealership adjacent to it. Mr. LaCroix indicated that thirty-three notices were  
318 sent out to property owners located within 500' of the subject property. One notice was  
319 received back today in favor of the request. The Planning & Zoning Commission did  
320 recommend approval of this agenda item by a unanimous vote.  
321

322 Mayor Pruitt opened the public hearing and called the applicant forth.  
323

324 Zack Amick  
325 1957 Stevens Road  
326 Rockwall, Texas  
327

328 He indicated that he is requesting this SUP for the primary reason of expanding the  
329 business. He explained that they are exploring having another brand come to Rockwall.  
330 He explained that the dealership is owned by Mr. Young, who has been in the car  
331 dealership business his whole life. It is possible that the higher end product of Hyundai,  
332 Genesis, may be brought to this location.  
333

334 Mayor Pruitt asked if anyone else would like to come forth and speak. There being no  
335 one else, Mayor Pruitt then closed the public hearing.  
336

337 Councilmember Milder asked Mr. Amick what he would do with the property if the SUP  
338 were not approved. Mr. Amick expressed that he is unsure what would be done with it if  
339 the SUP is not approved. He explained that, prior to it being purchased and opened for a  
340 Hyundai dealership, an RV storage and sales business operated out of this property. Mr.  
341 Amick explained that Mr. Young, the current owner of the property and the Hyundai  
342 dealership, intends to own and operate a car dealership out of this location for a long  
343 time into the future.  
344

345 Councilmember Townsend expressed that it makes him somewhat uneasy to not know  
346 what type of car dealership business will eventually end up operating out of this location  
347 in future years since the project is being proposed to be phased in over a three-year  
348 period.  
349



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

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

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

367 CITY OF ROCKWALL  
368 ORDINANCE NO. 15-XX  
369 SPECIFIC USE PERMIT NO. S-107  
370

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

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

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

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

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

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

408  
409 Jeff Wagner  
410 3937 S. 26<sup>th</sup> Avenue  
411 DFW Airport, Texas  
412

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

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

419  
420 Freddie Jackson  
421 1812 Bristol Lane  
422 Rockwall, TX  
423

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

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

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

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

436  
437 CITY OF ROCKWALL  
438 ORDINANCE NO. 15-  
439 SPECIFIC USE PERMIT NO. S-  
440

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



SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

**XII. ACTION ITEMS**

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

Building Official Jeffrey Widmer provided brief background information related to this agenda item.

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

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

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

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

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

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

2. **Z2014-040** - 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.  
(2nd Reading)

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

3. **SP2014-034** - 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 waivers to Planned Development District 32 (PD-32) [Ordinance No. 10-21] and variances to the Unified Development Code associated with a site plan 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.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **XIII. EXECUTIVE SESSION**

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

1. Discussion regarding 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)



- 650 3. Discussion regarding legal claim related to back up of city sewage line in Random Oaks  
651 Subdivision pursuant to Section 551.071 (Consultation with Attorney)  
652 4. Discussion regarding Economic Development prospects and potential incentive  
653 agreement pursuant to Section 551.087 (Economic Development)

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

656 The council did not reconvene in Executive Session following the close of the public  
657 meeting agenda.  
658

659 **XV. ADJOURNMENT**  
660

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

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

666  
667  
668 **ATTEST:**

669   
670 Kristy Ashberry, City Secretary  
671

  
Jim Pruitt, Mayor



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

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

**I. CALL PUBLIC MEETING TO ORDER**

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

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

**III. ADJOURN EXECUTIVE SESSION**

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

**IV. RECONVENE PUBLIC MEETING**

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



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

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

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

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

62  
63 VII. PROCLAMATIONS / AWARDS

64  
65 1. Severe Weather Awareness Week

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

72  
73 VIII. OPEN FORUM

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

78  
79 IX. CONSENT AGENDA

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

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104
5. **Z2015-002** - Consider approval of an **ordinance** for a request by Lawrence H. Ringley of Ringley & Associates, Inc. on behalf of Jill Fisher of Steger Dunhill, LLC for the approval of a Specific Use Permit to allow an automobile rental facility on a 0.215-acre portion of a larger 4.218-acre parcel of land identified as Lot 3, Block A, Steger Towne Crossing, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located at 898 Steger Towne Drive, and take any action necessary. **(2nd reading)**
- 105  
106  
107
6. Consider approval of a resolution establishing the pro rata equipment fee related to the City's mandatory neighborhood park land dedication regulations and take any action necessary.
- 108  
109  
110
7. Consider approval of a resolution regarding the cost per acre related to the City's mandatory neighborhood park land dedication regulations and take any action necessary.
- 111  
112  
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116  
117  
118
8. **P2015-005** - Consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of the owner Andrea Holliman for the approval of a replat for Lot 1, Block A, Hoardstroms Addition being a 0.47-acre tract of land identified as a portion of Lot 1 of the W. D. Austin Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 904 N. Goliad Street, and take any action necessary.
- 119  
120  
121  
122  
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125  
126
9. **P2015-006** - Consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of the owners Chris and Jill Blasé for the approval of a replat for Lot 3, Block A, Blasé Addition being a 4.28-acre tract of land currently identified as Lot 3, Block A, Blasé Addition and a portion of Tract 11-3 of the A. Hanna Survey, Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 1220 East Fork Drive, and take any action necessary.
- 127  
128  
129  
130  
131  
132
10. Consider authorizing the city manager to execute a contract with MHS Planning and Design for the Stone Creek Neighborhood Park construction plans in the amount of \$71,200 to be funded from fees collected from developer contributions in accordance with the Mandatory Neighborhood Park Land Dedication ordinance and take any action necessary.
- 133  
134  
135  
136
11. Consider approval of a professional engineering services contract with Birkhoff, Hendricks & Carter, LLP. for the Wastewater Flow Monitoring Study in the amount of \$285,800.00 to be funded from Revenue Bonds, and take any action necessary.
- 137  
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12. Consider approval of a resolution authorizing the city manager to apply for and accept grant funding from the Violent Crimes Against Women (VCAW) Grant Program through the Criminal Justice Division of the Governor's Office for continuation of a previously received grant associated with the Domestic Violence Investigator / Prevention Officer, and take any action necessary.



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

CITY OF ROCKWALL  
ORDINANCE NO. 15-06  
SPECIFIC USE PERMIT NO. S-132

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

CITY OF ROCKWALL  
ORDINANCE NO. 15-07  
SPECIFIC USE PERMIT NO. S-133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR AN AUTOMOBILE RENTAL FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A 0.215-ACRE PORTION OF A LARGER 4.218-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK A, STEGER TOWNE CROSSING, PHASE 1 ADDITION, AND GENERALLY LOCATED AT 898 STEGER TOWNE DRIVE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, 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.

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

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

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

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

**X. APPOINTMENTS**

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

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

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

**Rick Bernas  
Republic Services / Allied Waste  
171 Pelican Cove Drive  
Rockwall, TX**

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

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

**XI. PUBLIC HEARING ITEMS**

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

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



- 248  
249           2.       **Z2015-005** - Hold a public hearing to discuss and consider approval of an  
250                   **ordinance** for a City initiated request for the purpose of designating the  
251                   Historic Downtown Courthouse as a Local Landmark per the designation  
252                   procedures stipulated by Section 6.2, Historic Overlay (HO) District, of the  
253                   Unified Development Code, being a 0.918-acre parcel of land identified  
254                   as Rockwall O T Addition, City of Rockwall, Rockwall County, Texas,  
255                   zoned Downtown (DT) District, addressed as 101 E. Rusk Street, and  
256                   take any action necessary. **(1st Reading)**

257   Planning Director, Robert LaCroix, provided background information related to this  
258   agenda item. He indicated that the city is bringing forth this item for consideration on  
259   behalf of the city's Historic Preservation Advisory Board. It is related to designating the  
260   courthouse on the historic downtown square as a local landmark property. City staff has  
261   received positive support for this designation from the Rockwall County Historic  
262   Foundation, the Rockwall County Historic Commission and the Rockwall County  
263   Commissioners Court. The ultimate goal will be to seek entry of the courthouse into the  
264   National Registry. He explained that this designation will, in essence, result in a zoning  
265   change. One-hundred and fifty-five notices were sent out to property owners located  
266   within 500' of the subject property. Six notices were received back in favor of the request.  
267   Also, the Planning & Zoning Commission has unanimously recommended approval of  
268   this request.

269   Mayor Pruitt asked if there are other properties that are designated as historic in the area.  
270   Mr. LaCroix explained that there are about eight properties in and around the area that are  
271   also designated as historic.

272   Councilmember Townsend asked if this designation will inhibit any future updates to the  
273   courthouse. Mr. LaCroix generally indicated that, no, this would not be inhibited.

274   Mayor Pro Tem Lewis asked for clarification regarding if approval of this item will result in  
275   any additional restrictions. Mr. LaCroix indicated that, no, it will not result in any more  
276   restrictions beyond those that may already be in place. He indicated that the Rockwall  
277   courthouse, like most all other courthouses in Texas, have to go through the Texas  
278   Historic Commission for approval of various things. Those rules were already in place,  
279   and approval of this designation this evening will not result in any further rules.

280   Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
281   speak. There being no one indicating such, Mayor Pruitt then closed the public hearing.

282   Councilmember Milder made a motion to approve Z2015-005. Councilmember White  
283   seconded the motion. The ordinance was read as follows:

284                               CITY OF ROCKWALL  
285                               ORDINANCE NO. 15-  
286

287       AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
288       TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
289       NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED  
290       SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN  
291       ZONING BY IN ACCORDANCE WITH THE PROCEDURES OF ARTICLE V,  
292       SECTION 6.2 HISTORIC OVERLAY DISTRICT FOR THE PURPOSE OF  
293       DESIGNATING A LANDMARK DISTRICT ON PROPERTY KNOWN AS THE  
294       HISTORIC DOWNTOWN COURTHOUSE, BEING A 0.918-ACRE PARCEL  
295       OF LAND IDENTIFIED AS ROCKWALL O T ADDITION, AND LOCATED AT  
296       101 EAST RUSK STREET, AND MORE SPECIFICALLY DEPICTED IN

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

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

## **XII. ACTION ITEMS**

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

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR AN AUTOMOBILE RENTAL FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A 0.215-ACRE PORTION OF A LARGER 4.218-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK A, STEGER TOWNE CROSSING, PHASE 1 ADDITION, AND GENERALLY LOCATED AT 898 STEGER TOWNE DRIVE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, 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.

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

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

2. **Z2014-040** - 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. (2nd Reading)

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

**CITY OF ROCKWALL  
ORDINANCE NO. 15-08  
SPECIFIC USE PERMIT NO. S-134**

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.

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

- 3. SP2014-034** - 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 waivers to Planned Development District 32 (PD-32) [Ordinance No. 10-21] and variances to the Unified Development Code associated with a site plan 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.

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

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

397 that was utilized on the Trend Tower. In addition, the applicant would like to utilize an  
398 efface type material on the remainder of the building. It is a product that would be  
399 applied in a three-part process. It is the same sort of higher grade efface material that  
400 was utilized on the Hilton Hotel. Mr. LaCroix went on to explain that the applicant would  
401 like to utilize alternative type trees that will be more of accent trees in lieu of canopy type  
402 trees.  
403

404 The Planning & Zoning Commission has recommended approval of these waivers and  
405 variances by a vote of 6 in favor with 1 against. The one dissenting vote pertained to  
406 concerns surrounding the alternative tree mitigation plan.  
407

408 Mr. Tom Kirkland, applicant, came forth and addressed the council. He explained that  
409 this particular site location presents several challenges related to development. For  
410 example, the need to have only surface level parking for, not only the hotel guests but  
411 also for the meeting space visitors, has posed challenges. He explained that regarding  
412 the building materials, a Tuscan type stone cladding will be utilized with a three part  
413 application process. Regarding the request related to tree mitigation, he explained that  
414 requiring canopy type trees would negatively impact the surface level parking availability  
415 by limiting the number of spaces. So, he is requesting to plant some alternative type  
416 trees that are smaller in size. The site will be heavily landscaped, though, he explained.  
417

418 Mayor Pruitt asked for clarification regarding the parking lot that comes from the Oar  
419 House. He asked if there is a requirement for that parking lot to adjoin with the parking  
420 lot on the hotel site. Mr. LaCroix explained that the applicant could include 'cross  
421 access' to the adjacent property (owned by Mr. Clements), and the council could require  
422 this. However, he explained that the existing plat on Mr. Clement's property does not  
423 show any sort of 'cross access' between it and the adjacent property on which the hotel  
424 will be located. This would have to be a mutual agreement between Mr. Clements and the  
425 applicant.  
426

427 Councilmember Milder made a motion to approve SP2014-034. Councilmember Daniels  
428 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.  
429

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

433 Building Official Jeffrey Widmer provided brief background information related to this  
434 agenda item. He generally explained that the applicant is making this request because  
435 placement of a sign in front of the building poses challenges related to the city's set back  
436 requirements due to the fact the 'front yard' is not very deep.  
437

438 Mayor Pro Tem Lewis made a motion to approve the variance request associated with a  
439 monument sign at 204 N. Fannin Street. Councilmember Townsend seconded the  
440 motion, which passed unanimously of council present.  
441

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



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

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

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

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

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

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

1. Departmental Reports
  - Building Inspections Monthly Report - January 2015
  - Fire Department Monthly Reports - January 2015
  - Harbor PD Monthly Report - January 2015
  - Internal Operations Department Monthly Report - January 2015.
  - Police Department Monthly Report - January 2015
  - Recreation Monthly Report - January 2015
  - Rockwall Animal Adoption Center Monthly Report - January 2015
2. City Manager's Report

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

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

494 **XIV. EXECUTIVE SESSION**

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

- 499
- 500 1. Discussion regarding proposed Development Agreement with Lakefront  
501 Trail Rockwall Hotel pursuant to Section 551.071 (Consultation with  
502 Attorney).
  - 503 2. Discussion regarding possible claim or settlement agreement related to  
504 enforcing the city's sign ordinance regarding a billboard pursuant to  
505 Section 551.071 (Consultation with Attorney).
  - 506 3. Discussion regarding Rockwall Harbor Landing, Inc. vs. City of Rockwall  
507 pursuant to Section 551.071 (Consultation with Attorney)
  - 508 4. Discussion regarding right-of-way land acquisition located near Justin  
509 Road and John King Blvd. pursuant to Section 551.072 (Real Property)  
510 and status of Temunovic condemnation proceeding pursuant to Section  
511 551.071 (Consultation with Attorney).
  - 512 5. Discussion regarding Economic Development prospects and potential  
513 incentive agreement pursuant to Section 551.087 (Economic  
514 Development)
  - 515 6. Discussion regarding the position of Chief of Police pursuant to Section  
16 551.074 (Personnel Matters)

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

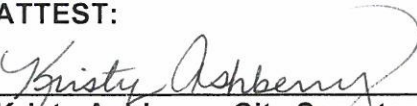
518  
519 **The Council did not reconvene in Executive Session following the close of the public**  
520 **meeting. See action taken as a result of the first Executive Session (at start of 6:00 p.m.**  
521 **public meeting).**

522  
523 **XVI. ADJOURNMENT**

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

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

530  
531  
532 **ATTEST:**

533   
534 **Kristy Ashberry, City Secretary**  
535

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





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

**I. CALL PUBLIC MEETING TO ORDER**

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

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

**III. ADJOURN EXECUTIVE SESSION**

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

**IV. RECONVENE PUBLIC MEETING**

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

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

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

**VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT**

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

48 VII. PROCLAMATIONS / AWARDS

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

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

59 VIII. CONSENT AGENDA

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

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

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

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



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

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

105 IX. APPOINTMENTS  
106

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

110 Planning and Zoning Commission Chairman Craig Renfro came forth and provided  
111 background information regarding recommendations of the Commission relative to items  
112 on tonight's council meeting agenda. The council took no action related to this agenda  
113 item.  
114

115 X. PUBLIC HEARING ITEMS  
116

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

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

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

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

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

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

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

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 TRUCK RENTAL FACILITY IN CONJUNCTION WITH AN EXISTING MINOR AUTOMOTIVE REPAIR GARAGE, BEING A 2.0-ACRE TRACT OF LAND, ZONED LIGHT INDUSTRIAL (LI) DISTRICT AND IDENTIFIED AS TRACT 23-01 OF THE R. IRVING SURVEY, ABSTRACT NO. 120, AND LOCATED AT 3920 E IH-30, , CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Chris Blasé  
1220 East Fork Drive  
Rockwall, Texas

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

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

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



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

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

314  
315 **XI. ACTION ITEMS**

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

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

- 331 • To allow for not meeting the 10-ft. landscape buffer requirements by allowing  
332 parking spaces to be located within the buffer as established in Art. VIII, Sec. 5.7,  
333 A. as depicted in the landscape plan submitted.  
334 • To allow for not meeting the 20 percent natural or quarried stone  
335 requirements established in Art. V, Sec. 6.8 of the Scenic Overlay (SOV)  
336 District standards, as depicted in the building elevations submitted.  
337 • To allow for not meeting the requirements for secondary materials and  
338 allowing an exterior wood product to exceed 10% as a secondary material as  
339 established in Art. V, Sec.6.8 of the Scenic Overlay  
340

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

343  
344 Jimmy Strohmeyer  
345 1620 Fair Lakes Point  
346 Rockwall, Texas  
347

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

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

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

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

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

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

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

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

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



398  
39 Mayor Pro Tem Lewis read the below listed discussion items into the public record  
40 before then recessing the public meeting into Executive Session at 6:47 p.m.

401  
402 **XII. EXECUTIVE SESSION**

403  
404 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
405 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
406 CODE:

- 407  
408 1. Discussion regarding the position of Chief of Police pursuant to Section  
409 551.074 (Personnel Matters)
- 410 2. Discussion regarding possible claim or settlement agreement related to  
411 enforcing the city's sign ordinance regarding a billboard pursuant to  
412 Section 551.071 (Consultation with Attorney).
- 413 3. Discussion regarding Gary Jackson vs. City of Rockwall pursuant to  
414 Section 551.071 (Consultation with Attorney)
- 415 4. Discussion regarding appointments to the Board of Adjustments (city  
416 regulatory board) pursuant to Section 551.074 (Personnel Matters)
- 417 5. Discussion regarding City Manager performance evaluation pursuant to  
418 Section, § 551.074 (Personnel Matters).

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

420  
421 Mayor Pro Tem Lewis reconvened the public meeting at 7:00 p.m. with six of the seven  
422 city council members being present (Mayor Pruitt was absent).

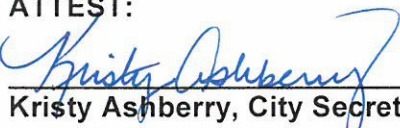
423  
424 Councilmember Townsend made a motion to authorize the city manager to execute a  
425 settlement agreement with B&B Outdoor Advertising. Councilmember Daniels seconded  
426 the motion, which passed unanimously of those present (Pruitt absent).

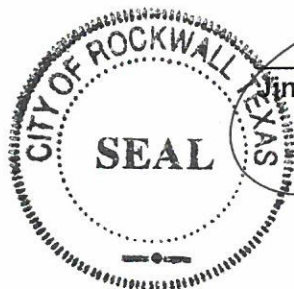
427  
428 **XIV. ADJOURNMENT**

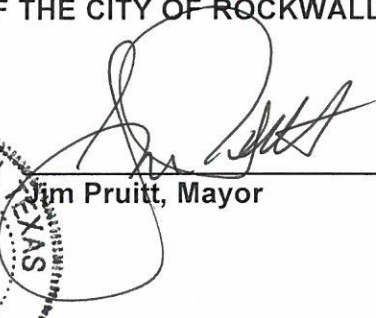
429  
430 The meeting was adjourned at 7:01 p.m.

431  
432  
433 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
434 THIS 6<sup>th</sup> DAY OF APRIL, 2015.

435  
436  
437  
438 ATTEST:

439   
440  
441 Kristy Ashberry, City Secretary



  
Jim Pruitt, Mayor





# MINUTES

## ROCKWALL CITY COUNCIL

Monday, April 06, 2015

4:00 p.m. Regular City Council Meeting

City Hall - 385 S. Goliad, Rockwall, Texas 75087

### I. CALL PUBLIC MEETING TO ORDER

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

### II. WORK SESSION

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

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

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

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

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

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

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

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

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

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



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

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

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

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

128  
129 **III. EXECUTIVE SESSION.**

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

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

143 **IV. ADJOURN EXECUTIVE SESSION**

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

146  
147 **V. RECONVENE PUBLIC MEETING**

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

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

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

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

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

159  
160 **VIII. PROCLAMATIONS / AWARDS**

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

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

168  
169 **IX. OPEN FORUM**

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

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

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

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

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



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

Mike Marler  
P.O. Box 449  
Peyton, CO 80831

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

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

#### X. CONSENT AGENDA

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

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

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

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

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

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

295 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
296 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**  
297 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED**  
298



299 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN  
300 ZONING FROM AN AGRICULTURE (AG) DISTRICT TO A SINGLE-FAMILY  
301 ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 4.502-ACRE TRACT OF LAND  
302 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO.  
303 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE  
304 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;  
305 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY  
306 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
307 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY  
308 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN  
309 EFFECTIVE DATE.

310  
311 CITY OF ROCKWALL  
312 ORDINANCE NO. 15-12  
313 SPECIFIC USE PERMIT NO. S-136  
314

315 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
316 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
317 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
318 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW  
319 FOR A DETACHED GARAGE THAT DOES NOT CONFORM TO THE  
320 REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND  
321 LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES,  
322 BEING A 4.05-ACRE PARCEL OF LAND, ZONED SINGLE-FAMILY  
323 RESIDENTIAL (SF-10) DISTRICT, AND IDENTIFIED AS LOT 1, BLOCK 1,  
324 BLASÉ ADDITION, AND LOCATED AT 1220 EAST FORK DRIVE, CITY OF  
325 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY  
326 DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS;  
327 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF  
328 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
329 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
330 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
331

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

333  
334 XI. APPOINTMENTS  
335

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

339  
340 Mr. LaCroix indicated that neither the Chairman nor the Vice Chairman of the Planning &  
341 Zoning Commission was able to attend the meeting this evening. Therefore, this item  
342 was not discussed, and no action was taken as a result of this item.  
343

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

346 Mr. James Smith  
347 609 Amherst Drive  
348 Rockwall, TX 75087  
349

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

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

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

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

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

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

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

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

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

398  
399 Mr. Kevin Fowler  
400 7115 Hunt Lane



401 Rockwall, TX

402  
403 Mr. Fowler suggested that the city council may want to look into the golf cart policy  
404 currently in place within the Chandlers Landing subdivision, as he believes a lot of work  
405 went into its development, and it is a pretty sound policy.  
406

407 Thomas Campion  
408 108 Chaphill Drive  
409 Rockwall, TX  
410 (in Stone Creek subdivision)  
411

412 Mr. Campion came forth and encouraged the city to initiate additional regulations and  
413 clarify for citizens what will and will not be allowed as far as golf carts and their  
414 operation are concerned. He encouraged the city to perhaps allow the vehicles within a  
415 neighborhood like Stone Creek but not on a major street. He is in favor of an age  
416 restriction. He feels the state regulations are ambiguous.  
417

418 Mayor Pro Tem Lewis mentioned that he did make copies of the Chandler's Landing golf  
419 cart policy available to city council members for review. He believes it is mostly good;  
420 however, he disagrees with the age restriction of that particular policy being only  
421 fourteen (14) years old – he believes it should be higher.  
422

423 Mayor Pruitt made a motion to instruct the city attorney to draft a model ordinance that  
424 has several different options for the city council to review and then have staff go and  
425 actually talk to residents to get their input before any passage / implementation of such  
426 regulations. Mayor Pro Tem Lewis seconded the motion.  
427

428 Mr. Garza indicated that he believes the city could draft an ordinance to require that a  
429 golf cart driver have a valid driver's license; however, he does not believe the city could  
430 restrict it to only drivers 18 years or older. In addition, a golf cart being utilized on a  
431 public street is required to carry liability insurance.  
432

433 Councilmember White asked staff to also research if liability insurance would be required  
434 for neighborhood electric vehicles and/or golf carts. Mr. Garza indicated that state law  
435 does require liability insurance; however, there are exceptions to this insurance  
436 requirement (being that it's being operated in a master planned community, is two miles  
437 from a golf course or on a golf course, on a public beach, etc.). Mr. Garza clarified that  
438 the HOA of a master planned community can place restrictions on golf cart usage if they  
439 so choose.  
440

441 Mr. Garza explained that the city cannot restrict golf cart usage within two miles of a golf  
442 course going to and from a golf course, or they are in a master planned community. The  
443 city could, however, restrict their use elsewhere in the city. The city could place an age  
444 restriction in a master planned community, or elsewhere, regarding operation of golf  
445 carts. It was clarified that, according to the Texas Attorney General's opinion, a golf cart  
446 user does not have to carry liability insurance if they are operating it in a master planned  
447 community.  
448

449 After lengthy discussion, the motion on the floor passed by a vote of 6 in favor with 1  
450 absent (Townsend).  
451

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

455  
456 **XII. PUBLIC HEARING ITEMS**

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

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

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

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

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

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



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

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

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

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, BY AMENDING SECTION 11.1 OF ARTICLE IX, *TREE PRESERVATION*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

**XIII. ACTION ITEMS**

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

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

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

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

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

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

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

1. Departmental Reports
  - Building Inspections Monthly Report - February 2015
  - Fire Department Monthly Reports - February 2015
  - Harbor PD Monthly Report - February 2015
  - Internal Operations Department Monthly Report - February 2015
  - Police Department Monthly Report - February 2015
  - Recreation Monthly Report - February 2015
  - Rockwall Animal Adoption Center Monthly Report - February 2015
  - Rockwall County Meals on Wheels Senior Services Quarterly Report

2. City Manager's Report

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

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

**XV. EXECUTIVE SESSION**

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

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



599 3. Discussion regarding proposed development and possible vesting issues  
600 under Chapter 245 Local Government Code pursuant to Section 551.071  
601 (Consultation with Attorney).

602 4. Discussion regarding City Manager performance evaluation pursuant to  
603 Section 551.074 (Personnel Matters).

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

605  
606 Mayor Pruitt reconvened the public meeting at 7:48 p.m. with all council members, except  
607 Mike Townsend (absent), being present.

608  
609 Mayor Pro Tem Lewis made a motion to amend the City manager's contract per  
610 Executive Session discussion and bring the contract back before the city council for  
611 approval. Councilmember Milder seconded the motion. The motion passed by a vote of  
612 6 in favor with 1 absent (Townsend).

613  
614 Mayor Pro Tem Lewis made motion to appoint Allan Dennard to serve on the Board of  
615 Adjustments and Peter Flores to serve as an Alternate Member on the Board of  
616 Adjustments. Councilmember White seconded the motion, which passed by a vote of 6  
617 in favor with 1 absent (Townsend).

618  
619 **XVII. ADJOURNMENT**

620  
621 The meeting was adjourned at 7:49 p.m.

622  
623  
624 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
625 **THIS 20<sup>th</sup> DAY OF APRIL, 2015.**

626  
627  
628  
629 **ATTEST:**

630 *Kristy Ashberry*  
631 \_\_\_\_\_  
632 **Kristy Ashberry, City Secretary**

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



**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, April 20, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

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

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

**III. EXECUTIVE SESSION**

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

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



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

50  
51 **IV. ADJOURN EXECUTIVE SESSION**

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

54  
55 **V. RECONVENE PUBLIC MEETING**

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

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

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

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

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

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

75  
76 **VIII. PROCLAMATIONS / AWARDS**

77  
78 **1. Motorcycle Safety and Awareness Month**

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

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

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

90  
91 **3. Animal Control Officer Appreciation Day**

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

97 **IX. CONSENT AGENDA**

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

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

125 **on in the meeting.**

126

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

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

129

130 **CITY OF ROCKWALL**

131 **ORDINANCE NO. 15-13**

132

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

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

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

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

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

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

139 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**

140 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

141

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

143

144



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

Public Hearing items were addressed next by Council.

#### **X. APPOINTMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



242 Mayor Pro Tem Lewis indicated that his brother lives near the Marsh's, on the same  
243 street in fact. His brother has indicated to him that he has experienced some smell-  
244 related problems.  
245

246 Mayor Pruitt thanked Mr. and Mrs. Marsh and their neighbors for coming forth and  
247 sharing these concerns with the city council. He then explained that the City Council will  
248 address Consent Agenda item #2, which deals with taking steps to repair the  
249 broken/damaged sewer line underneath the retaining wall that the HOA's contractor  
250 impacted while doing work on the wall. The council took no action concerning this  
251 Appointment Item.  
252

#### 253 XI. PUBLIC HEARING ITEMS 254

- 255 1. Z2015-012 - Hold a public hearing to discuss and consider the approval  
256 of an ordinance for a request by Cindy Levandowski on behalf of the  
257 owner Terry Rowe for the approval of an amendment to a Specific Use  
258 Permit [Ordinance No. 09-28] to allow for a General Retail Store within  
259 Planned Development District 50 (PD-50) for a 0.16-acre parcel of land  
260 identified as Lot 1, Block 1, Henry Addition, City of Rockwall, Rockwall  
261 County, Texas, zoned Planned Development District 50 (PD-50) for  
262 Residential-Office (RO) District land uses, situated within the North Goliad  
263 Corridor Overlay (NGC OV) District, addressed as 907 N. Goliad Street,  
264 and take any action necessary [1st Reading].  
265

266 Senior Planner David Gonzales provided background information related to this agenda  
267 item. He explained that the owner is currently wishing to open up a boutique type store  
268 selling merchandise for ladies and babies. It will occupy about 500 square feet of the  
269 existing 1,000 square foot home/business. A description of the operation being  
270 proposed, including the anticipated days and hours of operation were included in council  
271 member packets. Notices were sent out to property owners and HOA's located within  
272 500' of the subject property. Two notices were received back in favor, and one was  
273 received back in opposition. The Planning & Zoning Commission has recommended  
274 approval of this item as previously indicated by Chairman Renfro.  
275

276 Mayor Pruitt opened the public hearing and asked if the applicant or anyone in the  
277 audience would like to come forth and speak at this time. There being no one indicating  
278 such, he then closed the public hearing.  
279

280 Councilmember White made a motion to approve Z2015-012 with staff recommendations.  
281 Councilmember Townsend seconded the motion.  
282

283 The ordinance was read as follows:  
284

285 CITY OF ROCKWALL  
286 ORDINANCE NO. 15-  
287 SPECIFIC USE PERMIT NO. S-  
288

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

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

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

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

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

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

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

## 325 XII. ACTION ITEMS 326

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

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

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



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

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

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

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

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

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

394 6750 Hillcrest Plaza, Suite #325  
395 Dallas, Texas 75230  
396

397 Mr. Clark came forth and indicated that he and several representatives of Kroger are  
398 present this evening. He respectfully requested approval of this item tonight.  
399

400 Gary Huddleston  
401 Director of Public Affairs, Kroger  
402 1331 East Airport Freeway  
403 Irving, Texas 75062  
404

405 Mr. Huddleston explained that normal deliveries would occur between 6:00 a.m. and  
406 11:00 p.m.; however, they are happy to comply with any expressed city requirement.  
407 Mayor Pruitt expressed concerns about trucks making deliveries having trouble coming  
408 out onto Memorial and then trying to make a tough turn onto SH-205. He is also  
409 concerned about truck traffic accessing the loading dock only to / from Memorial Drive.  
410

411 Mr. Clark indicated that he envisions truck traffic coming in on Quail Run and then onto  
412 Memorial Drive.  
413

414 Councilmember Milder asked the applicant to consider flipping the proposed location of  
415 the loading dock in order to locate it at the other end of the building instead of where it is  
416 currently proposed to be located. Councilmember Milder went on to express some  
417 concern about the large square footage that is being proposed associated with this  
418 particular Kroger development. He believes this square footage is perhaps out of sorts  
419 with the large, residential area that exists in the north part of town. It was clarified that  
420 this particular Kroger store will be the same size as the currently expanded store located  
421 in the south part of town.  
422

423 Councilmember White asked if this proposed store is allowed to be 90,000 square feet on  
424 this particular lot. Mr. Crowley indicated that, yes, the store is allowed to be that size  
425 without special approval by Council. The only reason it is coming before the city council  
426 this evening is for review and votes concerning the variance requests.  
427

428 Councilmember Daniels asked what implications would be posed if the loading dock  
429 were flipped to the south side rather than the north side of the building. Mr. Clark  
430 indicated that it would pose some significant problems because the distance from the  
431 ground up to the loading dock would be significantly increased due to the elevation of  
432 the ground on the south end of the building versus the north end.  
433

434 Mr. Crowley indicated that flipping the loading dock to the other side of the building  
435 would result in some aesthetic impacts as well.  
436

437 Mr. Huddleston indicated that the pharmacy traffic will be much more significant than the  
438 delivery truck traffic, and these customers will be better served on the Quail Run side of  
439 the building.  
440

441 Lengthy discussion took place related to delivery truck traffic.  
442

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

588  
589 **XIII. EXECUTIVE SESSION**

590  
591 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
592 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
593 CODE:  
594

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

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

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

**XV. ADJOURNMENT**

The meeting was adjourned at 8:36 p.m.

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

**THIS 4<sup>th</sup> DAY OF MAY, 2015.**

**ATTEST:**

  
Kristy Ashberry, City Secretary



  
Jim Pruitt, Mayor



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

**Monday, May 04, 2015**  
**5:00 p.m. Regular City Council Meeting**  
**City Hall - 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza.

Mayor Pruitt read the below listed items into the public record before recessing the meeting into Executive Session.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)

**III. ADJOURN EXECUTIVE SESSION**

Executive Session was adjourned at 5:40 p.m.

**IV. RECONVENE PUBLIC MEETING**

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

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

No action was taken as a result of Executive Session.

**VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**

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

**VII. PROCLAMATIONS / AWARDS**

1. Recognition of Rockwall Police Department Award Recipients

Police Chief Mark Moeller came forth and introduced the Assistant Chief of Police as well as several other members of the command staff. He then recognized Officer Russell Lambert for receiving the Lifesaving Award when he performed CPR and helped save the life of worker who was working on repairing a transformer when he became electrocuted.

50 He also acknowledged Officer Mike McCreary for receiving a Certificate of Merit for his  
51 clever police work which helped end a rash of motor vehicle burglaries. Chief Moeller  
52 went on to recognize several narcotics officers who received Certificates of Merit for  
53 their work to bust up a large drug trafficking operation that had been under investigation  
54 for several years.

55  
56 2. Police Week Proclamation

57  
58 Mayor Pruitt thanked the city's professional, dedicated police officers for their hard work  
59 and dedication to the City of Rockwall and its citizens. He then read a proclamation  
60 declaring it to be Police Week in the City of Rockwall.

61  
62 3. National Safe Boating Week

63  
64 This item was deferred until the next meeting.

65  
66 4. National Day of Prayer

67  
68 Mayor Pruitt reminded everyone about the Mayor's Prayer Breakfast at The Center on  
69 Thursday morning, May 7 at 7:30 a.m. as well as the noon day event out front of city hall.  
70 He then read a proclamation for National Day of Prayer into the public record.

71  
72 VIII. OPEN FORUM

73  
74 Mrs. Carrie Martin  
75 119 Westminster Drive  
76 (Carrington Farms subdivision)  
77 Fate, Texas

78  
79 Mrs. Martin expressed that she moved here from California and explained the various  
80 reasons why she moved to Fate. She explained that she has concerns about Rochelle  
81 Road, and she would like to see the City of Rockwall and the City of Fate make  
82 improvements to this gravel road to allow it to be traversed by the public without damage  
83 to personal vehicles. She suggested that paving the road as a two-lane roadway would  
84 be a good option at this point. She does not believe paving it as four-lane roadway  
85 would be necessary at this time, and she is not in favor of blocking it completely. She  
86 thanked the council for its consideration.

87  
88 IX. CONSENT AGENDA

- 89  
90 1. Consider approval of the minutes from the April 20, 2015 regular city  
91 council meeting, and take any action necessary.
- 92 2. **Z2015-012** - Consider approval of an **ordinance** for a request by Cindy  
93 Levandowski on behalf of the owner Terry Rowe for the approval of an  
94 amendment to a Specific Use Permit [Ordinance No. 09-28] to allow for a  
95 General Retail Store within Planned Development District 50 (PD-50) for  
96 a 0.16-acre parcel of land identified as Lot 1, Block 1, Henry Addition, City  
97 of Rockwall, Rockwall County, Texas, zoned Planned Development  
98 District 50 (PD-50) for Residential-Office (RO) District land uses, situated



99 within the North Goliad Corridor Overlay (NGC OV) District, addressed as  
100 907 N. Goliad Street, and take any action necessary **[2nd Reading]**.

- 101 **3. P2015-013** - Consider a request by Tony Rangel of Rangel Land  
102 Surveying Co. on behalf of Shawn Valk of Platinum Storage for the  
103 approval of a final plat for Lot 1, Block A, Platinum Storage Addition being  
104 a 5.549-acre tract of land identified as a portion of Tract 2 of the J. Cadle  
105 Survey, Abstract No. 65 and the N. M. Ballard Survey, Abstract No. 48,  
106 City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,  
107 situated within the IH-30 Corridor (IH-30 OV) Overlay District, located on  
108 the west side of Townsend Road south of E. IH-30 and north of SH-276,  
109 and take any action necessary.

110 **Councilmember Daniels made a motion to approve the entire Consent Agenda (#s 1, 2,**  
111 **and 3). Mayor Pro Tem Lewis seconded the motion. The ordinance for #2 was read as**  
112 **follows:**

113  
114 **CITY OF ROCKWALL**  
115 **ORDINANCE NO. 15-14**  
116 **SPECIFIC USE PERMIT NO. S-137**  
117

118 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
119 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**  
120 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**  
121 **AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-68**  
122 **[ORDINANCE NO. 09-28] TO ALLOW FOR A GENERAL RETAIL STORE IN**  
123 **A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF**  
124 **LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY**  
125 **LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED**  
126 **DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL,**  
127 **ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;**  
128 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**  
129 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**  
130 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**  
131 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**  
132

133 **The motion passed unanimously of those present (7-0).**  
134

135 **X. APPOINTMENTS**  
136

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

140 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the**  
141 **council on the Public Hearing item on tonight's city council meeting agenda.**

- 142 **2.** Appointment with representative(s) of Eastridge Church of Christ to hear  
143 concerns related to expiration of an existing facilities agreement between  
144 the City of Rockwall and the church, and take any action necessary.

145 **Indication was given that Councilmember White would be recusing himself from this**  
146 **item. However, indication was given that the representative(s) was not present.**  
147 **Therefore, this item was not discussed.**  
148

- 149           3.     Appointment with Mike Clark of Winkelmann and Associates,  
150           representing Kroger Stores, to discuss the variance decision relative to  
151           the four (4) sided architecture requirement for the proposed Kroger store  
152           location at the southeast corner SH 205 and Quail Run Road and take  
153           any action necessary.

154     **Mike Clark**  
155     **Winkelmann and Associates**  
156     **6750 Hillcrest Plaza, Suite 325**  
157     **Dallas, Texas 75230**

158  
159     **Mr. Clark explained that he is representing Kroger. He thanked the Council for allowing**  
160     **him to bring this item forward. He expressed that the four-sided architecture-related**  
161     **variance was not really discussed much at the last council meeting. He explained that he**  
162     **would be appreciative if the council might consider this particular issue as a stand-alone**  
163     **item rather than lumping it together with any of the other three variance requests that**  
164     **were presented at the last meeting.**

165  
166     **Christina Conrad**  
167     **Project Manager, Kroger Company**  
168     **1331 East Airport Freeway**  
169     **Irving, Texas**

170  
171     **Ms. Conrad explained that this variance is associated with the elevations on the**  
172     **articulation at the rear of the building. She explained that this side of the building will all**  
173     **be screened with a fence and with buffer landscaping.**

174  
175     **Mr. Clark explained that the articulation on the rear of the building involves separation**  
176     **from the back of the building and residents beyond the rear. There is a 30' landscape**  
177     **buffer of trees planned.**

178  
179     **Mayor Pruitt asked for clarification regarding some "chimney like" elevations that would**  
180     **be present on the top of the roof of the building, asking if these would be visible from**  
181     **nearby residential homes. Mr. Clark explained that, generally, residents might see these,**  
182     **but likely they will not.**

183  
184     **Councilmember White asked for clarification regarding if this item would have to go back**  
185     **on the agenda, or if the council can vote on these variance requests separately as four**  
186     **separate action items tonight. Mr. Garza, city legal counsel, confirmed that Council is**  
187     **able to take action this evening if it so chooses.**

188  
189     **Councilmember White made a motion to approve the variance request for the four-sided**  
190     **architecture requirement, specifically regarding the rear of the building. Councilmember**  
191     **Townsend seconded the motion. The mayor commented that this must be a super**  
192     **majority vote if it is to be approved. Councilmember Milder indicated that he does not**  
193     **believe the size of this proposed store is way too large for this lot, and he is concerned**  
194     **about delivery truck traffic on Memorial Drive. Mayor Pruitt also indicated that he is not**  
195     **in favor of the entire development; however, he does not have a problem with granting**  
196     **the variance on the four-sided architecture (rear). The motion passed unanimously (7-0).**

197  
198     **Councilmember White asked if the applicant (Kroger) will be coming back to ask for**



reconsideration of the natural stone versus cultured stone variance that was denied at the last council meeting. Ms. Conrad indicated that they are waiting to see what the Council decides to do on the Action Item related to the subject matter later on in tonight's meeting. Mr. Clark indicated that, depending on how that item ends up, they may decide to come back and seek reconsideration; however, they may just continue on with using natural stone as decided at the last meeting.

#### **XI. PUBLIC HEARING ITEMS**

1. **Z2015-013** - Hold a public hearing to discuss and consider a request by Cole Franklin of the Skorburg Company on behalf of Breezy Hill 405, LTD for the approval of an **ordinance** amending Planned Development District 74 (PD-74) to change the concept plan to allow for additional single-family residential lots and allow for changes to the development standards contained in Exhibit 'C' of Ordinance 14-26 for 405.184-acres of land identified as Tract 7 & 7-1 of the J. Strickland Survey, Abstract No. 187, Rockwall, Rockwall County, Texas, generally located north of FM-552 and west of Breezy Hill Road, and take any action necessary. (1st Reading)

Mr. Ryan Miller, Planning Manager, provided background information related to this agenda item. He explained that the applicant is asking for about fourteen acres of currently designated retail land to be changed to allow for additional single-family residential lots instead. If this were to be approved, it would result in an increase of 742 to 762 lots, which is a total increase of about twenty lots. He went on to explain that the developer has been able to stay within guidelines on the city's density requirements (2 units per acre and 20% open space). Thirty-three property owners located within 500' of the subject property received notifications of this proposed change. Three notifications were returned back from residents in the subdivision, all of whom were opposed to this request. The Planning & Zoning Commission voted 6-1 to recommend approval of this request.

Adam Buczek  
Skorburg Company  
8214 Westchester Drive, Ste. 710  
Dallas, TX 75225

Mr. Buczek provided a history of the Breezy Hill subdivision development over the last several years. He explained that, if approved, these 50x120' lot sized homes will be sold at a price point of the high \$200's to mid-\$300's and will be between 1,800 to 4,000 square feet.

Mayor Pruitt then opened the public hearing and asked if anyone would like to come forth and speak at this time.

Mrs. Caroline Nuytten  
304 Wooded Trail  
Rockwall, TX 75087

Mrs. Nuytten came forth and generally expressed opposition to these smaller lots. She explained that children and their parents already do not have a lot of space to play outdoors in the Breezy Hill neighborhood, so children are often in the streets playing.

249 She believes this poses a great safety concern. She is generally not in favor of this  
250 request.

251  
252 Mr. Freddie Jackson  
253 1812 Bristol Lane  
254 Rockwall, TX 75032  
255

256 Mr. Jackson asked for some clarification on the lot sizes originally and what is being  
257 proposed now. He expressed that he believes the residents in the neighborhood prefer  
258 the larger lots in lieu of smaller ones. He explained that those residents are not present  
259 this evening; however, several were in attendance at the P&Z meeting and expressed  
260 these sorts of sentiments.

261  
262 Mayor Pro Tem Lewis expressed that he is torn between feeling that this proposed size  
263 lot is a product that is needed by young families and residents who already bought  
264 homes and live there likely expecting the larger lots within the neighborhood.

265  
266 Mr. Buczek came forth and explained that he believes these residential lots will be a more  
267 desirable product than retail would be, as there will not be retail buildings, backs of  
268 those buildings, trash receptacles, etc. present if this area were developed as retail. He  
269 believes residential homes will be more helpful to the residents than retail would be.

270  
271 Councilmember Pruitt expressed that he generally feels the developer should stick to  
272 what was originally proposed and approved within this subdivision, especially since  
273 residents who already purchased homes and are living there have had certain  
274 expectations ever since they bought their home (they have been expecting retail).

275  
276 Councilmember Townsend expressed concern about the applicant expressing that any  
277 retail development in this location would be a horrible thing for the existing residents  
278 and the area. He does not believe this to be true. He is concerned about the developer  
279 referring to any residential lots as a "buffer area" between other residential homes on  
280 bigger lots and retail areas. He believes this sends a very negative message to people  
281 living in that community. He also has concerns about what the developer might allow to  
282 go into the retail areas.

283  
284 Mr. Buczek indicated that even the 50' lots will not be cheap / inexpensive lots. He  
285 explained that he does not believe retail is 'negative,' stating that he is excited about it.  
286 He went on to explain that the current market is different than the original market, and  
287 therefore they no longer need as much retail as originally planned. Instead, they need  
288 more of the 50' lot product because they are almost out of these lots.

289  
290 Councilmember Daniels expressed that fifty foot lots with front end garages will  
291 eventually become unsightly. He also offered concern about the applicant 'borrowing  
292 density' from elsewhere within the development in order to 'artificially' stay in  
293 compliance with the city prescribed / approved density requirements. He shared that he  
294 lives in a community that has very narrow lots and high density, and, in his experience,  
295 this combination does pose safety concerns for children and drivers who may drive over  
296 10 mph. He feels that is how some of the residents in Breezy Hill may feel as well as far  
297 as allowing smaller/more narrow lots. He is generally concerned about developers  
298 coming in and not staying true to what they originally propose to put on the ground.



Councilmember Hohenshelt asked if the 50' lot product in Stone Creek was always, originally a part of that development, or if they were asked for and granted later on. Mr. Buzchek explained that the 50' lots were there and included originally.

Mr. Buczek explained that DCRs are in place in this neighborhood and will help with any concerns about property maintenance over time.

Mayor Pruitt reflected on 60' lots that were previously approved in Breezy Hill by a 5-2 vote. He believes residents who bought in Breezy Hill were already expecting that the subdivision would have large lots and some retail, and now he is hearing concerns from those residents about the city potentially allowing the developer to change what these residents believed they were originally buying into when they purchased their homes.

Councilmember Milder asked for the Planning & Zoning Chairman, Craig Renfro, to come forth and further explain discussions of the Commission relative to this agenda item. Mr. Renfro indicated that the commissioners had originally expressed a lot of similar concerns to those that city council members have expressed this evening. However, he and others on P&Z understand that a developer typically has an original vision and intent going into a project; however, sometimes, due to extenuating and other circumstances, the developer runs into a need to modify and make a course correction. Furthermore, he explained, after hearing from residents and thereafter talking through it, the P&Z cautioned residents to be careful what they wish for as far as the potential retail development areas are concerned and what could end up going in there. He went on to explain that Commissioner Logan was the one dissenting vote concerning the recommendation that this item be approved because she felt that the developer should stick to 60' lots.

Councilmember Hohenshelt asked for and received clarification from Mr. Buchek about the lot sizes being 50'. Mr. Buchek explained that they will be running out of fifty-foot lot sizes in about a year, so it makes sense to make more of this product available. Hohenshelt asked if he felt he would have any trouble selling 60' lot sizes, and Mr. Buchek indicated, no; however, he explained that there are significantly more 60' lots in inventory than there are 50' lots.

The public hearing was closed. Mayor Pruitt then made a motion to deny the request for this zoning change (change in concept plan). Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 against (White).

## **XII. ACTION ITEMS**

1. Discuss and consider possible amendment(s) to the Unified Development Code (UDC) related to approved building materials (natural vs. quarried stone) and associated variances, and take any action necessary.

Councilmember White indicated that he placed this item on the agenda for discussion this evening.

Councilmember White made a motion to have the Planning & Zoning Commission and staff evaluate and bring back to the council for consideration a standard of high-quality, cultured stone that would be acceptable and durable for use in overlay districts. Councilmember Daniels seconded the motion.

Councilmember Hohenshelt suggested that perhaps leaving the ordinance regulations "as is" might result in applicants bringing forth before council, not only requests for variances associated with natural versus cultured stone, but also with perhaps some other high quality or unique architectural designs or materials that they would like the council to consider (which may be a positive thing). He generally cautioned the council to carefully consider the bigger picture before making a decision to change the ordinance regulations currently in place in overlay districts.

After additional discussion, the motion passed by a vote of 7 in favor with 0 against.

2. Discuss and consider amending the "Policies and Procedures of the Rockwall City Council and Other Boards and Commissions" to call for Open Forum to be held at each regular city council meeting, and take any action necessary.

Mayor Pruitt indicated that he asked that this item be placed on the meeting agenda for consideration. He believes that allowing Open Forum at each regularly scheduled city council meeting, rather than only at the first meeting of the month, is more inclusive for citizens who may wish to speak.

Councilmember White made a motion to modify the "Policies and Procedures of the Rockwall City Council and Other Boards and Commissions" to add language that will call for Open Forum to be held at each regularly scheduled city council meeting. Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider scheduling the official canvass of the May 9, 2015 General and Special Elections as well as swearing in of newly elected city council members, and take any action necessary.

City Manager Rick Crowley provided the city council with some options pertaining to when the official canvass could be scheduled and when city council members who are newly elected could be sworn in.

Councilmember Lewis made a motion to move forward with the second option described in staff's memo (as follows):

Schedule the canvass on 05/18 during Action Items on the regular agenda; formally swear in newly elected members (by city secretary) at the very end of the 6PM public meeting agenda; recognizing and thanking outgoing members; with this option, newly elected council members' first official meeting would be Monday, June 1st (unless a special meeting were called in between)

Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0 against.

4. Discuss and consider granting permissions for the City's May 16, 2015 Founders Day Festival at Harry Myers Park related to Chapter 30, Article I, Sec. 30-2, Regulated Activities in Parks of the Code of Ordinances, and take any action necessary.



Councilmember White made a motion to approve this item, allowing alcohol to be brought in by residents/visitors/attendees and personally consumed at Harry Myers Park during the 2015 Founders Day Festival. Councilmember Hohenshelt seconded the motion. Councilmember Daniels indicated that he is opposed to the idea of having alcohol in the city's public parks because it is prohibited by ordinance. He does not believe the city council should be promoting alcohol in public parks. Mayor Pruitt indicated that he is also against alcohol in city parks. After brief comments, the motion passed by a vote of 4 in favor with 3 against (Pruitt, Milder and Daniels).

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

**1. Departmental Reports**

Building Inspections Monthly Report - March 2015  
Finance Department Monthly Report - March 2015  
Fire Department Monthly Reports - March 2015  
Harbor PD Monthly Report - March 2015  
Internal Operations Department Monthly Report - March 2015  
Recreation Monthly Report - March 2015  
Rockwall Animal Adoption Center Monthly Report - March 2015

**2. City Manager's Report**

City Manager Rick Crowley updated the council on various current and upcoming events. Lake Lavon has begun releasing water into Lake Ray Hubbard, which indicates we are in a significantly better position than we were as far as water and lake levels are concerned. He indicated that a recent bill in the legislature has been approved by the House, and it is a bill for which the council recently passed an ordinance of support. The San Jacinto music series is ongoing on Friday and Saturday evenings on the downtown square. Concert by the Lake begins this Thursday, and Founders Day is set for May 16. Staff is working through a lot of applications for the position of Chief of Police. Mayor Pruitt thanked staff for offering various, ongoing live music events to the public, which do help make the City of Rockwall the Live Music Capital of North Texas.

Councilmember White asked if there were any issues with members of the public needing to use the restroom while attending the San Jacinto music event. Mr. Crowley indicated that a few people did inquire, and they were told that The Center was available, however, a number of those in attendance went to a nearby restaurant or to 7-11 to use the restroom.

**XIV. EXECUTIVE SESSION**

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)

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

Council did not convene in Executive Session at the end of the public meeting agenda.

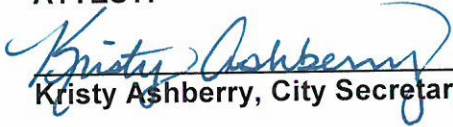
**XVI. ADJOURNMENT**

The meeting was adjourned at 7:46 p.m.

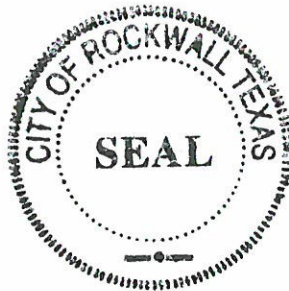
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

**THIS 18<sup>th</sup> DAY OF MAY, 2015.**

**ATTEST:**

  
Kristy Ashberry, City Secretary

  
Jim Pruitt, Mayor





**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, May 18, 2015**  
**5:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Brad Griggs. City Attorney Frank Garza was absent from the meeting.

Mayor Pruitt read the below listed item into the public record before recessing the meeting into Executive Session.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)

**III. ADJOURN EXECUTIVE SESSION**

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

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council members present (Pruitt, Lewis, White, Townsend, Hohenshelt, Milder, and Daniels).

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

No action was taken as a result of Executive Session.

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

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

**VII. PROCLAMATIONS / AWARDS**

1. Safe Boating Week (U.S. Coast Guard Auxiliary)

Mayor Pruitt called forth Randy Greenlee of the U.S. Coast Guard Auxiliary. He then read and presented a proclamation declaring this week to be Safe Boating Week in the City of Rockwall. Mr. Greenlee encouraged the public to be safe on local lakes, especially during the upcoming Memorial Day weekend. He also cautioned to be aware of floating debris, as a lot of debris has surfaced in local lakes after recent, heavy rains. Lastly, he asked that everyone ensure they wear a life jacket. He inquired about the possibility of placing a radio on our dispatch center. Mayor Pruitt asked Chief Poindexter to get with him on this issue.

## 2. National Public Works Week

Mayor Pruitt called forth City Engineer, Tim Tumulty, who brought several members of his Public Works staff forward. Mayor Pruitt then read a proclamation to recognize public works staff for the work they do to benefit the citizens of Rockwall daily.

At this point in the meeting, Mayor Pruitt called forth Councilmember Bennie Daniels and his wife, Gloria to address item XIII on the meeting agenda. Mayor Pruitt provided several pieces of information on Daniels, including his past leadership roles and that he has served on city council since 2011. Rockwall County Judge David Sweet came forth and provided positive comments and expressions of gratitude to Daniels for his service, integrity and leadership. Then, each member of the city council also thanked Daniels for his service and offered positive comments and well wishes. Mayor Pruitt provided Councilman Daniels with a clock to recognize him and thank him for his four years of service on the city council.

## VIII. OPEN FORUM

John White, Rockwall resident, came forth and offered comments regarding the city's parks system, thanking city staff and council for the wonderful parks system that we enjoy in Rockwall. Mayor Pruitt went on to thank the city's Parks & Recreation staff for their "on the fly" contingency plans that led to a great Founder's Day Festival over the weekend despite the threat of rain.

## IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 4, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution amending the Parks and Open Space Master Plan to update the Neighborhood Park District Map, and take any action necessary.
3. **P2015-017** - Consider a request by Ashley Malone on behalf of Lay Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

Councilmember Townsend made a motion to approve all Consent Agenda items (#1, 2 and 3). Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0 against.



99     **X.     APPOINTMENTS**

- 100  
101           1.     Appointment with the Planning and Zoning Chairman to discuss and answer  
102                   any questions regarding cases on the agenda and related issues and take  
103                   any action necessary.

104     **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and thanked**  
105     **Councilmember Bennie Daniels for his service on the city council. He then briefed the**  
106     **council on recommendations of the Commission relative to items on tonight's city council**  
107     **meeting agenda. The council took no action concerning this particular agenda item.**

- 108  
109           2.     Appointment with members of the Rockwall Youth Advisory Council (YAC) to  
110                   hear year-end program report and to recognize graduating high school  
111                   seniors, and take any action necessary.

112     **Isabella Burzair, Chair of the YAC, and Elsa Castro, YAC member, came forth and provided**  
113     **a report to the City Council on various activities that the group participated in throughout**  
114     **the 2014-2015 school year. Graduating seniors, Elsa Castro and Mie Pighee, were**  
115     **recognized and thanked for their service and leadership this past year while serving on the**  
116     **Youth Council.**

- 117  
118           3.     Appointment with Todd Parks, Fixed Base Operator at the Ralph M. Hall /  
119                   Rockwall Municipal Airport, to hear annual report regarding Airport  
120                   operations, and take any action necessary.

121     **Mr. Parks briefed the council on the year-end report for the Rockwall Municipal Airport.**  
122     **Mayor Pro Tem Lewis thanked Mr. Parks for his report, commenting that it is perhaps the**  
123     **best report he has heard regarding the airport. Councilmember White thanked Mr. Parks for**  
124     **his efforts and work at the airport since he was hired by the city. He commented that the**  
125     **city's airport is one amenity that the city has worked hard to improve over time, and the city**  
126     **will continue to strive to improve it. He mentioned that the biggest roadblocks to positive**  
127     **change are the FAA and TXDOT Aviation. White encouraged Mr. Todd to bring to the**  
128     **council any airport-related needs he may have in the future. Mayor Pruitt commented about**  
129     **various physical and aesthetic improvements that have been made at the airport over the**  
130     **last year or two since Mr. Parks has taken over the operation. He generally thanked Mr.**  
131     **Parks and staff for their efforts towards positive change.**

- 132  
133           4.     Appointment with representative(s) of Eastridge Church of Christ to hear  
134                   concerns related to the expiration of an existing facilities agreement between  
135                   the City of Rockwall and the church, and take any action necessary.

136     **Councilmember White recused himself from this discussion and associated vote on this**  
137     **item, filing associated paperwork with the City Secretary.**

138  
139     **Mike Singleton came forth and indicated that he lives in Rockwall, is a member of Eastridge**  
140     **Church, and he serves as an elder in the church. He indicated it has been nearly ten years**  
141     **since the church moved into the facility it now occupies on Stodgehill Road. He indicated**  
142     **that, when they moved into the facility, a water line had to be installed from IH-30 down**  
143     **Stodgehill Road to their building (about 1/3 to 1/2 mile), which was necessary for a fire**  
144     **suppression system. He explained that the Blackland Water Supply Corporation services**  
145     **the building for water. He explained that payments have been being made by the church**  
146     **over the last ten years, they are current on all payments, and a \$47,725.00 balance is**  
147     **currently still owed. He explained that the church is now requesting that the city consider**

releasing the church for the remaining balance, and the church would release the city from the requirement to remit developer pro rata share of the water line cost back to the church.

Assistant City Manager Mary Smith shared that the city attorney has advised that the city cannot forgive the debt because of Texas Constitution provisions. He suggested that an agreement be drafted to allow the amount due to be held in abeyance for five years. If, during that time development occurs, then the city would be paid by developers moving into this same area. If, at the end of five years, development has not occurred, then the church could begin to make payments again with the understanding that they would receive money back if and when future development occurs.

Mayor Pro Tem Lewis made a motion to instruct the city attorney to draft and bring back an agreement for council consideration. Councilmember Townsend seconded the motion, which passed unanimously of those present (6 in favor, 1 abstaining (White)).

#### **XI. PUBLIC HEARING ITEMS**

1. Hold a public hearing to discuss and consider approval of an **ordinance** amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to account for changes to the "Ultimate Dwelling Unit Holding Capacity" and "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions Report adopted by Resolution No. 14-16, and take any action necessary. (1st reading)

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, the public hearing was closed. Mayor Pruitt made a motion to approve the ordinance. Councilmember White seconded the motion. The ordinance was read as follows:

#### **CITY OF ROCKWALL ORDINANCE NO. 15-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.**

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

2. **Z2015-014** - Hold a public hearing to discuss and consider approval of an **ordinance** for a request by Cole Franklin of the Skorburg Company on behalf of the owner the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. (1st Reading)



The applicant is requesting to rezone approximately thirty acres of agricultural zoned land to a planned development district to accommodate an approximately 72 unit single family home subdivision. The applicant has submitted a concept plan and development standards, which have been summarized for Council in staff's case memo. The subdivision will have access from both John King Boulevard and East Quail Run Road. Forty-five of the lots will be 80'x125' (10,000 square foot homes). Eight lots will have an increased depth of 150'. The remaining twenty-seven lots will be 100'x150' (15,000 square foot homes) with a gross density of 2.466 units per acre. There will be 2.7 acres of open space adjacent to John King Boulevard which will also serve as a buffer between the homes and the road way. There will also be an amenity center and a 10' walking trail along John King Boulevard. Nineteen notices were mailed out to adjacent property owners living within 500', and no replies have been received back by staff to date. The Planning & Zoning Commission has voted 5-0 to recommend approval of this request to the city council.

Cole Franklin  
Skorburg Company  
8214 Westchester Drive  
Dallas, TX 75225

Mr. Franklin briefed the council on some of the past projects (subdivisions) in Rockwall, this property's location as well as its proposed development standards, concept plan, and his zoning request. He requested a variance on the open space requirement (proposing just over 9% versus the city's required 20%). He explained that a not required, but encouraged, 10' walking/hike/bike trail will be provided instead of the open space, and an amenity center with a swimming pool will also be provided. He explained that Breezy Hill, which has a large amount of open space, is just about a 10 minute walk away from where this subdivision will be located, suggesting that residents of this new subdivision could walk there to access open space.

Mayor Pruitt asked for clarification about the amenity center and trail. City Manager Rick Crowley asked the applicant to describe the amenity center in more detail. Adam Buzcek with the Skorburg Company then came forth and provided the council with additional details concerning the proposed amenity center, which he explained will consist of a swimming pool, covered area, cabana, restrooms and seating area.

Councilmember Milder asked for and received some clarification from Mr. LaCroix regarding the city's requirements for open space in planned development districts.

Mr. Buzcek clarified that, although residents in this proposed development could walk to and access open space in Breezy Hill or Stone Creek, for example, these residents would not be able to utilize the amenities center within those other subdivisions. So this particular pool/cabana/seating area amenity center would be the only amenity center to which these residents would have access.

Councilmember Daniels asked how close this amenity center will be located to John King Boulevard. It was explained that there will be a 50' landscape buffer between it and John King Blvd. Councilmember Daniels asked if this amenity center will eventually be turned over to a Homeowners Association by the developer. Mr. Buzcek indicated that, yes, it will be turned over to an HOA eventually, and the HOA would be responsible for monitoring its use.

Councilmember Townsend expressed concern about the applicant requesting that the open space acreage be reduced. Furthermore, he believes the idea of these residents walking to Breezy Hill or Stone Creek to access open space within those subdivisions is a 'hard sell' and is hard to believe.

Councilmember Daniels generally expressed that he hopes the applicant will not be back later on to try and squeeze in some more lots.

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

Richard Langley  
2401 Sandstone Court  
Rockwall, TX

Mr. Langley came forth and expressed that he has concerns about potential drainage problems associated with this development and the negative impact this may have on his property.

Mayor Pruitt asked for the City Engineer, Tim Tumulty, to speak to drainage concerns. Mr. Tumulty indicated that the city's Engineering staff will review the proposed plats carefully once they are submitted. He explained that this subdivision would have a detention pond located near Quail Run and John King, indicating that the Squabble Creek watershed is very touchy; however, he indicated that a hydraulics study was done back in 2006 to evaluate future development and associated drainage needs. This study called for a detention pond to be included on site. He offered assurance that any potential water that may come towards Mr. Langley's subdivision would be carefully evaluated.

Christy Utley  
(husband is Herman Utley)  
1815 E. Quail Run Road  
Rockwall, TX 75087

Mrs. Utley explained that the road she lives on, which is across the street from this proposed subdivision, is a lot like a private road. She has concerns related to traffic, as it is a small road. She also has concerns about potential drainage problems. She is unaware of any sort of engineering draining studies being done that may be needed in order to ensure draining will in fact not be an issue. She does not believe that an open space park is needed or necessary within this proposed development. She expressed that she is opposed to this development; however, if it is to be approved, she would like to see that it conform to the restrictions and requirements that were already in place prior to this zoning change request. She would like to see the density consist of larger lots. She also pointed out that there is a lot of wildlife in the area, so she hopes that Animal Control will be able to assist with any of those types of issues.

Mr. Nicholas Grant  
1569 E. Quail Run Road  
Rockwall, TX 75087

Mr. Grant came forth and encouraged the council to not approve this zoning change. He believes this development will be an experiment that will set a negative precedent for the



city. He believes the development will be an eyesore. He is concerned about it being a tight, cluttered subdivision, especially since it does not have any planned alleyways. He is opposed to the very little open / green space that is being proposed.

Brief discussion took place between council and staff concerning alleyways. It was indicated that council may grant a waiver to the alley way requirement included in the city's Comprehensive Plan, and that it has done so in the past on other subdivisions such as Stone Creek, Breezy Hill and Lakes of Somerset. Mr. LaCroix explained that each of those has had alleyway requirements waived in favor of front or side entry garages.

Jim Turner  
1691 E. Quail Run Road  
Rockwall, TX 75087

He pointed out that nothing about the John King Overlay District is being addressed or discussed in any of the developer's slides, and no conversations about it are occurring. He explained that John King Boulevard is likely, invariably going to become the "new SH-205." He encouraged the council to ask the developer to go back and read the guidelines for this overlay district and come back with a proposal that adheres to those standards. He is not in favor of this much density, and he encouraged the city council to only consider larger lots.

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

Councilmember Milder expressed concern about not having enough information in their informational meeting packet to make the best, most informed decision possible. He believes the two acres per lot standards is in place for a reason, and he believes this standard is what the residents who already live in and around the area have been expecting. He would like to see the developer come back with 2 units per acre and at least 20% open space.

Mr. LaCroix clarified some concerns regarding a buffer between the homes and John King Boulevard. He further clarified that what the council is being asked to consider this evening is an increase in density, waivers of alleyways and reduction of open space.

Mayor Pruitt made a motion to table this item to the next meeting to allow time to see what the developer's plan would look like if it were built to the standards of the city's Comprehensive Plan. Councilmember White seconded the motion.

Councilmember Hohenshelt encouraged the council to provide more direction to the developer as to what council would like to see from the developer. Mayor Pruitt clarified that he believes tabling the item is more so related to allowing the city council time to think about this further before taking action.

Councilmember White asked the developer if he is clear as to what the city council is asking of him. Mr. Buzcek indicated that, no, he is not clear as to what is being asked. Mr. Buzcek indicated that open space parks are located within both a quarter and a half mile from this area of proposed lots and homes.

352 Mayor Pruitt indicated that he would like to see what the developer would bring forth if he  
353 were to come forth with a proposal that adheres to the city's Comprehensive Plan. Mr.  
354 Buzcek indicated that, financially, coming forth with a development that strictly adheres to  
355 the city's Comp Plan, will not work and is not feasible from an economic / business  
356 standpoint.

357  
358 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and provided the  
359 council with some general thoughts and opinions of the Commission relative to this  
360 applicant's requests. He explained that not too many cities are approving alleyways in new  
361 home developments. His opinion, and the opinion of some P&Z members, is that alleyways  
362 are unsafe for kids. Also, he explained that he and all members of P&Z have read the city's  
363 Comp Plan cover to cover.

364  
365 Mayor Pruitt suggested to Mr. Buzcek that he do nothing in particular to prepare for the next  
366 council meeting. He explained that the City Council will schedule a separate work session  
367 to discuss development standards, in general, and policies. Mr. Crowley explained that if a  
368 work session is scheduled, that work session conversation would need to be limited to only  
369 discussing policies and not this particular zoning request.

370  
371 Mayor Pruitt amended his motion to table this agenda item until the Monday, June 15 city  
372 council meeting to allow council time to hold a work session on June 1<sup>st</sup> to become better  
373 educated on the existing development standards before addressing this particular zoning  
374 change request. Councilmember White seconded the motion, which passed by a vote of 7  
375 ayes to 0 nays.

- 376  
377 3. P2015-015 - Hold a public hearing to discuss and consider a request by  
378 Bradley G. Bischof for the approval of a residential replat creating Lot 26,  
379 Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently  
380 identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of  
381 Rockwall, Rockwall County, Texas, zoned Planned Development District 8  
382 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place,  
383 and take any action necessary.

384 Staff provided brief comments, indicating that thirty-nine notices were mailed out to  
385 property owners located within 200' of the subject property with one notice being received  
386 back in favor.

387  
388 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
389 speak. There being no one, the public hearing was closed.

390  
391 Councilmember White made a motion to approve P2015-015. Councilmember Lewis  
392 seconded the motion, which passed unanimously of council present (7 ayes to 0 nays).

393  
394 **XII. ACTION ITEMS**

- 395  
396 1. Discuss and consider a recommendation from the Atmos Cities Steering  
397 Committee regarding adoption of an **ordinance** approving a negotiated  
398 resolution between the Atmos Cities Steering Committee (ACSC) and Atmos  
399 Energy Corporation, Mid-Tex Division regarding the company's 2014 and  
400 2015 Rate Review Mechanism filings, approving a settlement agreement  
401 with attached rates, and take any action necessary. **(1st reading)**



Joey Boyd, Director of Internal Operations, provided a brief summary regarding this agenda item. After brief discussion, Mayor Pro Tem Lewis made a motion to approve the ordinance as presented. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS  
ORDINANCE 15-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

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

2. Discuss and consider (2) nominations for an "outstanding senior who is making a difference in the senior community," as requested by Meals on Wheels Senior Services of Rockwall County, and take any action necessary.

Mayor Pruitt explained that Meals on Wheels has asked the city to nominate two seniors who are making a difference in our community. After brief discussion, no action was taken concerning this agenda item.

3. Discuss and consider approval of a resolution canvassing the May 9, 2015 General and Special Elections, and take any action necessary.

City Manager Rick Crowley provided brief comments regarding this item. Mayor Pro Tem Lewis then made a motion to approve the resolution. Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0 against.

4. Discuss and consider approval of an **ordinance** entering an order into the city records declaring that a total of eight (8) Home Rule Charter amendments were approved by the voters of the City on May 9, 2015 and are hereby adopted, and take any action necessary.

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

The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 15-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ENTERING AN ORDER INTO THE CITY RECORDS DECLARING THAT A TOTAL OF EIGHT (8) HOME RULE CHARTER AMENDMENTS

WERE APPROVED BY THE VOTERS OF THE CITY ON MAY 9, 2015,  
AND ARE HEREBY ADOPTED; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 to 0.

**XIII. RECOGNITION OF OUTGOING CITY COUNCIL MEMBER, BENNIE DANIELS (PLACE 3)**

This item was addressed by the Council following the Proclamations/Awards portion of the meeting agenda.

**XIV. EXECUTIVE SESSION**

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

1. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)

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

City Council did not convene in Executive Session following the conclusion of the 6:00 p.m. meeting agenda.

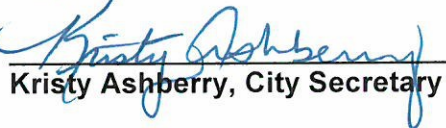
**XVI. ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

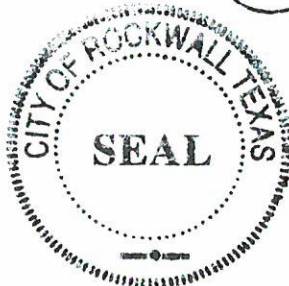
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

THIS 1<sup>st</sup> DAY OF June, 2015.

ATTEST:

  
Kristy Ashberry, City Secretary

  
Jim Pruitt, Mayor





# **MINUTES ROCKWALL CITY COUNCIL**

**Monday, June 01, 2015**

**4:00 p.m. Regular City Council Meeting  
City Hall - 385 S. Goliad, Rockwall, Texas 75087**

## **I. CALL PUBLIC MEETING TO ORDER**

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

## **II. WORK SESSION**

1. Hold work session to discuss city strategic planning, and take any action necessary.

Mayor Pruitt announced that this item will be discussed later on in the meeting.

(See pg. 11 under XVI for minutes concerning this item).

2. Hold work session with Stacy McVey regarding potential development of property located on the northeast corner of SH-276 and Rochelle Road, and take any action necessary.

Mayor Pruitt called forth Mr. Stacy McVey to hear a presentation from him concerning development of this property. Mr. McVey explained that this potential development is located on the northeast corner of SH-276 at Rochelle. They will be requesting that the property be rezoned from Light Industrial (LI) to a Planned Development District (PD). The property consists of 316 acres, and the objective for today's meeting is to present the concept plan and get feedback from the city council.

Craig Carney  
4588 Hinton Drive  
Plano, TX 75024

Mr. Carney indicated that Commercial is reflected on the concept plan (about 9 acres), two Soil Conservation Commission (SCS) ponds, and about 519 lots. Also, there is a recreational component on the very north side. He understands that density, lot sizes and open space are important to the council, and they are looking to donate about 42 acres of open space. He went on to explain that density is 1.7 houses per acre with green space greater than 30% and walk/hike/bike trails greater than 3 miles, with a lot mix consisting of some - 80x120's, 70x110's and 60x110's. One of the advantages of the residential development will be its proximity to the Rockwall Technology Park. Discovery Boulevard would be extended from the Tech Park over to and across this development. It will be a mixed use development, and they intend to have at least one hotel to service the Tech Park and possibly the recreational component up to the North, which may involve baseball tournaments (perhaps a Boys & Girls Club recreational component). Again, two SCS ponds will be present, surrounded by the residential subdivision. Infrastructure improvements will include a portion of Rochelle Road from SH-276 up to the NW corner of the property. Also, water and sewer infrastructure will be

installed, and a substantial upgrade will be made to the Timber Creek lift station. Two amenity centers (swimming pools, meeting rooms and activity spaces) will be included. Retail and restaurants are also anticipated in the Commercial portion as well as neighborhood-related services.

Mayor Pro Tem Lewis asked the density calculation includes the floodplain acreage. Lewis mentioned that the city is currently having problems with an SCS pond flooding a neighborhood. He also asked if the developer has spoken to the Rockwall Economic Development Corporation (REDC). Mr. McVey indicated that he believes the meandering nature of the property, coupled with the floodplain areas, does not make this property ideal for a large, LI development.

Mr. Carney indicated that they have meet with representatives of the SCS and have gleaned their feedback, indicating that some flood studies will need to be completed. Mr. Carney indicated that they spoke to the REDC about three to four weeks ago, and they left with a feeling that they were in support of it, but they perhaps want to find some replacement land for the Light Industrial (LI).

Lewis again asked if the floodplain area was included in the density calculation. Mr. Carney indicated that part of the floodplain area was used in the calculation, but not all of it.

Councilmember Hohenshelt expressed concern about the proposed SCS ponds, especially in light of the fact we have some flooding problems currently because of similar ponds. Mr. Carney indicated that once the concept plan is approved, more extensive drainage and flood engineering studies would be conducted.

Councilmember Milder expressed thanks for the developer staying in compliance with the city's comprehensive plan. He then asked what the expected price point would be on the homes in this development. Mr. McVey indicated that on the high end, the homes would be in the high \$200,000's and the high price point would be around \$400,000. He also asked what builders might be involved. Mr. Carney generally indicated that they are open to various builders as long as they can guarantee building a quality product. Milder asked if there will be any sort of pedestrian walkway from the development over to the Tech Park. Mr. McVey indicated that they are considering this, and they hope to include this in the plans.

Mayor Pruitt indicated that he has concerns about citizens who might move into this residential development if at some point the Rockwall Economic Development Corporation (REDC) has a future business client that wants to build or expand a warehouse right next door in the area that is zoned 'light industrial.' He is concerned that two hundred plus citizens would then come forth and complain that they are not in favor of a "light industrial" development going in right next to their homes. He strongly suggested that, if this development moves forward and comes to fruition, the developer / builders ensure that residents purchasing homes there are clearly made aware of the fact that "light industrial" could very well go in right next door to their homes / neighborhood. Councilmember Hohenshelt echoed similar concerns, indicating that a large buffer space/area is highly desirable between the residential development and the LI zoned area.



Councilmember White expressed that, on the surface, he is fully in support of this proposed development, expressing that improvements to Rochelle Road and the potential partnership with the Boys & Girls Club would both be beneficial.

The council took no action concerning this work session discussion item.

Work Session item #4 was addressed next by city council.

3. Hold work session to discuss the city's Comprehensive Land Use Plan, and take any action necessary.

Mayor Pruitt provided brief background information related to this agenda item, indicating that he wanted this item placed on the agenda for discussion. It stemmed from past discussions regarding how the city can encourage developers to come into the city and develop larger lots. He believes that, along with larger lots, developers may be requesting a reduction in the amount of required open space. He wonders how much the council is willing to compromise on required open space in order to achieve larger lots / larger homes.

City Manager Rick Crowley indicated that he would like to discuss the standards that the city has in place regarding 2.0 units and whether or not the council would be violating its own regulations if it were to grant higher density (i.e. 2.5 units per acre). He explained that the council does have discretion if a developer is proposing amenities within a development that the council feels are sufficient enough to warrant allowing a slight increase in the density. Also, the council may wish to discuss if certain development standards should apply to developments involving 50 acres or more. Regarding alleyways being required, fairly routinely this provision has been waived upon the council exercising its discretion. Regarding open space, Mr. Crowley clarified that this is distinguished from parks and parkland dedication requirements. Also, the John King Boulevard Overlay District design standards are in place and will need to be adhered to, or else a super majority vote of the council would be needed to waive them. Brief comments were made related to the buffer requirements for development off of John King.

Councilmember Fowler asked if it makes sense for city staff and the Planning & Zoning Commission to take a look at our Comp Plan and bring a list of recommended changes to the council to consider, taking into account what types of developments are most commonly occurring today. Mr. LaCroix, Planning Director, indicated that the city's Comp Plan has been reviewed since it was first established in 2000/2001. In 2004, the Downtown Plan was adopted and incorporated into the overall Comp Plan, and in 2007, clarifications regarding residential development standards were incorporated into the Comp Plan to clarify how those standards are associated with the Land Use Plan (addressed 2 units per acre, amenities and open space). Also, in 2010, a process to reevaluate the Comp Plan was started, and it took about eighteen months. So, additional amendments were adopted in 2012 as a result of that review. He indicated that once every six to eight years, cities typically review their Comp Plans to ensure they are still applicable with respect to how a city is growing.

Councilmember Milder indicated that, unless a developer presents a really compelling reason, he is inclined to believe that the council should not grant variances that waiver from the city's Comprehensive Plan. He does not believe that a developer's profit or bottom line is a compelling reason to grant variances. He believes the city council needs

to be more vigilant in honoring the intent of elements contained within the city's Comp Plan.

Councilmember Lewis indicated that when he served on the city's Planning & Zoning Commission, he was involved in an in-depth review of the city's Comp Plan, and it was quite an involved process. He indicated that the city is currently being faced with what it wants John King to ultimately look like. LaCroix clarified that part of the Comp Plan already contains design standard guidelines for the John King Boulevard Overlay corridor that reflect what the roadway itself is proposed to look like.

Councilmember Lewis indicated that he would like to see more creativity in the city's future subdivisions to get away from always having square lots.

Councilmember Hohenshelt expressed disagreement with Milder in that he believes a property owner should be able to sell his land and make a profit from doing so. He generally encouraged the city council members to educate themselves more so that they have a good handle on what the city's standards are and what they would and would not like to see from developers, especially concerning developments involving 50 acres or less. He expressed he believes these proposals will become more prevalent. Councilmember Milder suggested that perhaps there needs to be more specific guidelines incorporated into the Comp Plan that specifically address 50 acres or less. Councilmember White expressed that the more guidelines that are put in place, the more variances the city council will see come forth.

Mr. LaCroix explained that in 2007, guidelines were put in place to stipulate that low density is 2.0 units or less per acre; 2.0 - 3.0 units per acre is medium density and, if you come in as a PD, you might be granted 2.5 acres with the right amenity(ies). Also, there must be open space incorporated, so there is essentially no 'straight zoning' anymore. There are only PDs being proposed, and these sorts of standards were adopted and put into place in 2007.

Mr. LaCroix clarified that, if the council approves a PD, it essentially waives the alleyway requirement.

Following the discussion, the council took no action related to this item.

4. Hold work session to discuss the approaching expiration of the current solid waste collection contract with Allied Waste, and take any action necessary.

Assistant City Manager Mary Smith provided information concerning this item. She stated that the existing garbage contract will expire on December 31, and about six months prior to its expiration (by July 3), the City of Rockwall will need to provide notice to the existing garbage contractor regarding if we desire to extend the contract or go out for proposal. In the past, the City has conducted garbage surveys to glean feedback from Rockwall citizens regarding satisfaction with their garbage service; however, we have not done so in several years. She explained that the Council will need to discuss this topic in more detail and take action at the next city council meeting regarding. She further indicated that staff is happy to conduct a garbage survey of other cities to inquire about their garbage contractors and associated service and return the results to the council by the next meeting.

Mayor Pruitt asked Mr. Bernas of Allied Waste if there are any concerns from the company's standpoint.



**Rick Bernas  
171 Pelican Cove  
Rockwall, TX**

**Mr. Bernas indicated that Rockwall signed a five year contract with his company with a five year renewal clause. He is excited about the opportunity to renew the contract. The only thing that the company may need to consider is a couple of new pieces of equipment due to the increased population and increase in mature trees, but these items can be negotiated with the city. Mr. Bernas indicated that citizens of Rockwall really enjoy the twice per week garbage pickups, so that will likely not be proposed to change.**

**Mayor Pruitt has concerns about citizens having to make forced payments for recycling regardless of if they do or do not participate in it. He would like to see a breakdown of the benefit to the city regarding the recycling program.**

**Councilmember Milder indicated that he has been satisfied with the existing garbage company's service; however, he believes it would be in the best interest of tax payers to allow other garbage companies to bid on a request for proposals. Perhaps there is a way to save a little money or be more efficient in our trash service. Maybe there could be a 'bulk pickup' hotline, for example, where citizens could call to request bulk pickup only if and when they have those items to be picked up. Mr. Bernas explained that pre-scheduled pickups are done throughout the city in an effort to be mindful of the overall cleanliness and appearance of the city.**

**Mayor Pruitt asked staff to proceed with conducting a multi-city survey and put a discussion item on the next council meeting agenda to decide how the council would like to proceed concerning its garbage contract. No formal action was taken at this time.**

**Following Work Session item #3, the city council recessed into Executive Session. Mayor Pruitt read the following discussion items into the public record for discussion as well as Work Session Agenda Item #1. The public meeting was recessed at 5:00 p.m.**

### **III. EXECUTIVE SESSION**

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

- 1. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).**
- 2. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071 (Consultation with Attorney)**
- 3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).**
- 4. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)**
- 5. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)**

**IV. ADJOURN EXECUTIVE SESSION**

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

**V. RECONVENE PUBLIC MEETING**

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

**VI. SWEARING IN OF NEWLY ELECTED MAYOR & CITY COUNCIL MEMBERS**

**District Court Judge Brett Hall was present and administered Oaths of Office to newly elected Mayor Jim Pruitt and Council Members David White, John Hohenshelt, Scott Milder and Kevin Fowler.**

**VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

**No action was taken as a result of Executive Session at this point; however, see end of public meeting for action taken after the second Executive Session was held.**

**VIII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

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

**IX. OPEN FORUM**

**Mayor Pruitt explained how this portion of the meeting is conducted and asked if anyone would like to come forth and speak during this time.**

**Mary Puckett-Eckstine  
1605 Plummer Drive  
Rockwall, TX**

**Mrs. Puckett-Eckstine came forth and indicated that she has lived in her home in Rockwall since 1980. She shared a brief story about a recent observation she had concerning emergency vehicles and personnel being able to access some of the homes within The Shores if and when a major traffic accident on IH-30 causes an influx of traffic in and along Ridge Road and through The Shores neighborhood as drivers try to make it over to SH-66. She indicated that she recently called Mayor Pruitt to express her concerns and was pleased to learn that the mayor, council and city staff have already put plans in place to address this concern. She thanked the city council and staff for their forethought and plans.**

**John Fischer  
2620 Argyle Shore  
Rockwall, TX 75087**

**Mr. Fischer indicated that he has lived in his home since 2004. He has concerns about a home on his street (2610 Argyle Shore) that has been utilized as a 'group home' for seniors, which he believes is not an authorized use. He is concerned that the city does not have proper zoning regulations in place to prevent these types of operations from**



existing illegally within the city. He expressed that an elderly person who was living in that home recently passed away. He encouraged the city to strengthen its laws to ensure this does not happen again in the future. He stated that he believes the operation has now vacated the home, and he requested and had the police department perform a welfare check at the home just to be sure no one was left behind.

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the May 18, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of an ordinance amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to account for changes to the "Ultimate Dwelling Unit Holding Capacity" and "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions Report adopted by Resolution No. 14-16, and take any action necessary. (2nd reading)
3. Consider award/approval of the bid presented by Roadway Solutions in the amount of \$197,829.00 for the construction of the traffic signal at the intersection of Ralph Hall Parkway at Mims Road, and take any action necessary.

**Councilmember White made a motion to approve all Consent Agenda items (#1, 2 and 3). Councilmember Lewis seconded the motion. The ordinance was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 15-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.**

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

**XI. APPOINTMENTS**

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

**Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the city council on recommendations of the Commission relative to items on tonight's city council meeting agenda. The council took no action concerning this agenda item.**

2. Appointment with representatives of the city's Main Street Advisory Board to hear update regarding the program and downtown, and take any action necessary.

Evan Matteson from the city's Main Street Advisory Board came forth and provided a brief presentation to council to update them on the program and activities in and around downtown. He stated that a big goal is to provide readily available public restrooms in the downtown area, expressing that the board views this as a necessity. He indicated that the board would also like to increase the presence of cultural arts, create new special events and support and grow existing special events. They would also like to more frequently update the Council and increase transparency as far as public awareness is concerned.

Mayor Pruitt acknowledged Bethany Browning, the city's Main Street Manager, for her work and for attending this evening. No action was taken concerning this agenda item.

## **XII. PUBLIC HEARING ITEMS**

1. P2015-014 - Hold a public hearing to discuss and consider a request by Jay Bedford of A.J. Bedford Group, Inc. for the approval of a residential replat creating Lots 6, 7, & 8, Block A, Grady Rash Subdivision, being a 3.727-acre tract of land currently identified as Lots 1, 2, 4, & 5, Grady Rash Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, addressed as 1 Soapberry Lane, 2 Soapberry Lane, 4 Soapberry Lane, & 5 Soapberry Lane, and take any action necessary.

Mr. LaCroix indicated that a public hearing is required by State law with regards to this residential replat. The original plat had a total of five residential lots and was a family development; however, some of the lots have since been sold outside of the family. He generally indicated that the owner would now like to divide up this property into three lots. This replat allows for a private access utility easement to be clarified and for some technical aspects of the plat to be cleaned up. The Planning & Zoning Commission did recommend approval of this item.

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

Jay Bedford of A.J. Bedford Group  
301 N. Alamo  
Rockwall, TX

Mr. Bedford came forth to answer any questions of the council. He explained that his understanding is that the owner wants to do this solely for tax purposes. Councilmember White made a motion to approve this item. Councilmember Milder seconded the motion, which passed by a unanimous vote (7 ayes to 0 nays).

## **XIII. ACTION ITEMS**

1. Discuss and consider adoption of a resolution appointing a Municipal Court Judge, and take any action necessary.

Mayor Pruitt indicated that this item will be discussed in Executive Session before the council considers taking action on it. In the end, no action was taken at this council meeting concerning this agenda item.



2. SP2015-012 - Discuss and consider a request by Jennifer Garcia of KBGE on behalf of Rockwall Ice Cream Holdings, LLC for the approval of a variance to horizontal articulation requirements as stipulated by Article V, District Development Standards, of the Unified Development Code in conjunction with an approved site plan for a general retail store on a 0.91-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

**This tract of land is owned by the same owner of the Dairy Queen. It is essentially a second lot that is under a sales contract right now, and a retail auto parts store is being proposed at this location. The Architectural Review Board (ARB) reviewed once and, as a result, some architectural changes were requested to be made. After those changes were made, the ARB and P&Z Commission reviewed it a second time. The Planning & Zoning Commission recommended approval of this request.**

**Councilmember Lewis made a motion to approve SP2015-012. Councilmember Townsend seconded the motion. Councilmember Milder expressed that he appreciates the development, however, he believes that putting a third auto parts store so close to two other existing ones is not an appropriate placement, especially considering this is a major corridor location. Following Milder's comments, the motion passed by a vote of 5 in favor with 2 against (Milder and Fowler).**

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

1. Departmental Reports
  - Building Inspections Monthly Report - April 2015
  - Fire Department Monthly Report - April 2015
  - Harbor PD Monthly Report - April 2015
  - Internal Operations Department Monthly Report - April 2015
  - Police Department Monthly Report - April 2015
  - Recreation Monthly Report - April 2015
  - Rockwall Animal Adoption Center Monthly Report - April 2015
2. City Manager's Report

**City Manager Rick Crowley briefed the city council on recent rains that caused flooding in the Lake Rockwall Estates neighborhood. He expressed that the flooded Soil Conservation lake is being managed at this time. He thanked Rockwall County Helping Hands for their prompt and continued assistance in rendering aid to those families whose homes have been flooded. He expressed heartfelt regret to families who have been adversely affected. Mr. Crowley stated that he would like the council's blessing to seek out additional private source funding that could be utilized by Helping Hands to continue helping families that have been affected on a more long-term basis. He thanked the County Emergency Management Coordinator for his continued assistance and work. He explained that a Presidential Disaster has been declared with regards to flooding in the State of Texas, and the families in Rockwall who have been affected by the floods are being encouraged to report their losses; however, this does not guarantee any Federal**

monetary assistance. The lake will continue to be managed; however, it will take at least thirty days for the lake level to recede. Mayor Pruitt indicated that he and the council are in support of Mr. Crowley seeking out monetary donations for Helping Hands so that they may continue helping affected families. Mr. Crowley indicated that electrical meters were pulled by Oncor at the request of the city for safety purposes. There is no gas in the area.

Fire Chief Mark Poindexter then came forth and shared photographs and a verbal report concerning homes that have been affected by the flooding in the Lake Rockwall Estates subdivision. He explained that an 8" siphon pipe has been installed to try and drain the lake level to some extent, and the Soil Conservation Commission is overseeing this; however, it is a very, very slow process.

Councilmember Lewis indicated that there are still some vacant lots for sale. If a buyer goes through a title company or bank, then it does have to be disclosed that the property is located in a 100 year floodplain. However, if the sale takes place on a 'note,' then it may not be disclosed. Councilmember White asked if the city would issue a building permit to someone who purchased a lot in a floodplain. Mr. Crowley and City Engineer Tim Tumulty indicated that no, the city would not. Regarding if a resident will be allowed to rebuild, Mr. Tumulty indicated that they are allowed to rehab the structure, and Building Inspections will be involved to assess the damage and ensure building codes are met if/when rehabbing takes place. The council took no action concerning this agenda item.

Regarding the application process for Police Chief candidates, Mr. Crowley indicated that interviews have been ongoing with eleven candidates, and the last interview is scheduled for tomorrow. He will then be significantly narrowing down the candidate pool and will begin conducting background checks. He has had assistance from the two assistant city managers and one of the directors; however, he will be the one ultimately making the final selection. He generally indicated that the process is going smoothly.

From the Executive Session discussion items below, Mayor Pruitt then read into the record #s 3, 4 and 5, as well as the wording for Work Session item #3, before recessing the meeting into Executive Session at 7:00 p.m.

#### **XV. EXECUTIVE SESSION**

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

1. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)



5. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)

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

Mayor Pruitt reconvened the public meeting at 8:20 p.m. and addressed Work Session Item #1 (regarding city's strategic plan).

Councilmember Hohenshelt began discussion of this Work Session Item, indicating he would like to develop the city's strategic plan with the purpose of giving guidance to staff as they manage day-to-day. He expressed the belief that land use has implications for the city's revenue stream, which then funds spending. Hohenshelt went on to talk about a revenue / expenditure model. Mayor Pruitt questioned how the spending model will be examined. Hohenshelt discussed the need to decide appropriate mixes of commercial, light industrial, etc. as far as zoning is concerned. Councilmember White discussed the importance of this city council setting things in motion for future city councils. No action was taken as a result of this Work Session discussion item.

The following actions were taken as a result of Executive Session:

Mayor Pro Tem Lewis made a motion to appoint Mr. Rick Carroll to serve on the Rockwall Economic Development Corporation (REDC) board to fill Kevin Fowler's unexpired term (through December of 2015). Councilmember White seconded the motion, which passed by a unanimous vote (7 ayes to 0 nays).

Councilmember Townsend made a motion to (re)name Dennis Lewis as Mayor Pro Tem. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 opposed (Pruitt).

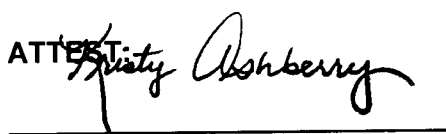
Mayor Pruitt made a motion to appoint Councilmember Kevin Fowler to serve on the city's Fire Department Pension Board (replacing former Councilmember Bennie Daniels). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 in favor with 0 against.

**XVII. ADJOURNMENT**

Mayor Pruitt adjourned the meeting at 8:55 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 15<sup>th</sup> DAY OF JUNE, 2015.**

ATTEST:

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

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

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]

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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, June 15, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold a work session to discuss Rockwall County Thoroughfare Planning update and the status of SH 205 Planning and take any action necessary.

Mayor Pruitt called forth Public Works Director, Tim Tumulty, to hear an update from him regarding this item. Mr. Tumulty stated that the Rockwall County Road Consortium has been updating the master thoroughfare plan and handed out copies of their draft update to council. Mr. Tumulty explained that he and City Manager Rick Crowley have a meeting the following day after the meeting with Rockwall County and their consultants, Innovative Transportation Solutions, Inc. (ITS), to discuss suggestions from the city. He went on to explain some of the concerns and suggestions that would be proposed so that their thoroughfare plan matches what the city's currently shows.

Staff reviewed the document and proposed some changes to the plan. The section of FM 3097 from Tubbs Road to FM 549 was left as a two lane roadway and should match the four lane divided road shown from FM 740 to Tubbs Road. The section of FM 3097 from IH 30 to FM 740 needs to reflect a four lane undivided as it is today. FM 549 from SH 276 to FM 3097 shows it to be a six lane divided thoroughfare. There is a question regarding if it needs to be a six lane or four lane road from SH 205 to FM 3097. FM 3549 shows to be a four lane divided road from IH 30 to the north city limits line. John King Boulevard is shown as a six lane thoroughfare. FM 552 from SH 205 to our east city limits has been reduced from a six lane divided roadway to a four lane divided roadway. SH 66 from John King Boulevard to our east city limits line has been reduced from a six lane divided thoroughfare to a four lane divided roadway. This map also shows SH 205 from downtown Rockwall to John King Boulevard reduced to a four lane divided roadway. SH 276 from SH 205 to our east City limits line remains a six lane divided thoroughfare.

Councilmember David White stated that the one project he is most concerned about is the north 205 project and felt that the city has made it clear what they would like to see. General discussion and statements from City Manager Rick Crowley took place, and there was no further action concerning this work session discussion item.

- 48                   2. Hold work session to discuss IH-30 ramp addition (near Ridge Road) and other  
49                   roadway improvements, and take any action necessary.

50 City Manager Rick Crowley gave brief background information on this work session item  
51 and explained that the I-30 ramp near Ridge Road is an onramp that would occur prior to  
52 Horizon Drive. He thinks that it's a project that has previous funding authorization from  
53 the city. Mr. Crowley stated that there are concerns about the cost of the engineering of  
54 the project and that the city will be looking at more cost effective alternatives.

55 The other project associated with this agenda item is primarily Rochelle Road. Council  
56 has communicated with several residents of the City of Fate and the City of Rockwall, as  
57 well as the school district. Mr. Crowley went on to say that the road is in poor condition  
58 and that he estimates the improvements would be around \$400K dollars. He indicated  
59 that this amount happens to be the amount that the county would be able to help with  
60 and that if the council will consider the funds from the county, the project could move  
61 forward.

62 Mr. Crowley went on to say that a couple of things to keep in mind are that the proposed  
63 amount would not result in the ultimate road improvements being made for that stretch  
64 of Rochelle Rd., but it would improve it enough to make it a safer road for the residents  
65 and the school district. The project could be promising if the City of Fate would agree to  
66 do their portion of the road and Rockwall do their own with the help of the county  
67 funding. Hehe stated he would like to get council feedback on their thoughts.

68 Councilmember David White explained that he felt none of the projects on Rochelle Rd.  
69 would benefit the citizens of the City of Rockwall, and he would rather spend the money  
70 on a city project in the city limits. He went on to state that eventually future developers  
71 would improve the road.

72 Councilmember Hohenshelt asked if the \$400K being proposed would only get the road  
73 to a base function. Mr. Tumulty answered the question by giving council the various  
74 improvements that would take place such as cement and asphalt, explaining these would  
75 not accommodate heavy trucks. Mr. Crowley added that the City of Fate is planning to  
76 budget for their cost in the upcoming budget year.

77 Councilmember Milder indicated that he was in support of partnering with other agencies  
78 for a mutual benefit.

79 Councilmember Townsend asked if a future developer came through, would the  
80 improvements made to the road with the \$400K dollars have to be redeveloped. City  
81 Engineer Tim Tumulty indicated that they would more than likely tear out the road and re-  
82 develop it at that point. Councilmember Townsend went on to express that he would hate  
83 for the city to pay the money for a temporary road, only to see it get torn out later for  
84 future development.

85 Councilmember Hohenshelt made a motion to direct staff to pursue discussion with the  
86 county and City of Fate regarding the usage of \$400K of funds on Rochelle Rd. with the  
87 contingency that if the land east of Rochelle Rd. is purchased that those funds would not  
88 be spent. Councilmember Townsend seconded the motion, which passed by a vote of 5  
89 in favor with 1 against (White).  
90

- 91                   3. Hold work session with the Parks & Recreation Advisory Board to discuss and  
92                   consider Parks and Recreation Business Plan Strategic Initiatives, and take any  
93                   action necessary.



94 Mayor Pruitt called forth Parks and Recreation Board President, Brad Bassett, to hear a  
95 presentation concerning this item.

96 Mr. Bassett started by introducing Park Board members present - Bob Lewis, Larry  
97 Denny, and Ray Harton. He then went on to state that the strategic initiatives proposed  
98 were unanimously approved by the board, and he went on with the presentation.

99 Councilmember Townsend and Milder expressed ideas of developing the city's website  
100 in the future and possibly having a full-time, in house marketing staff person to further  
101 the development of these projects. City Manager Rick Crowley indicated that nothing like  
102 that has been budgeted as of right now, this would be open to suggestions at a later date.

103 Councilmember Townsend made a motion to approve the strategic direction of the Parks  
104 & Recreation board as presented. Councilmember White seconded the motion. The  
105 motion passed unanimously of council present (Lewis absent).

106 Councilmember Townsend made another motion to direct staff to purchase the proposed  
107 software with a budget amendment. Councilmember Milder seconded the motion. The  
108 motion passed unanimously of council present.

109 Following Work Session item #3, the city council recessed into Executive Session.  
110 Mayor Pruitt read the following discussion items into the public record for discussion.  
111 The public meeting was recessed at 5:04 p.m.

112  
113 **III. EXECUTIVE SESSION**

114  
115 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
116 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
117 CODE:

- 118 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex  
119 RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
- 120 2. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071  
121 (Consultation with Attorney)
- 122 3. Discussion regarding purchase or lease of real property / land acquisition in the vicinity  
123 of the downtown area for municipal purposes pursuant to Section § 551.072 (Real  
124 Property).
- 125 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall  
126 pursuant to Section 551.071 (Consultation with Attorney).
- 127 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs. City of Rockwall,  
128 Texas pursuant to Section 551.071 (Consultation with Attorney).
- 129 6. Discussion regarding possible development-related legal claim in the vicinity of Bourne  
130 Street pursuant to Section 551.071 (Consultation with Attorney)
- 131 7. Discussion regarding appointment of city council subcommittees and board liaisons  
132 pursuant to Section, §551.074 (Personnel Matters).

133  
134 **IV. ADJOURN EXECUTIVE SESSION**

135  
136 Executive Session adjourned at 5:57 p.m.

138  
139 **V. RECONVENE PUBLIC MEETING**  
140

141 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all councilmembers present**  
142 **with the exception of Mayor Pro-Tem Lewis, who was absent.**  
143

144 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**  
145

146 **No action was taken as a result of Executive Session.**  
147

148 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**  
149

150 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**  
151

152 **VIII. OPEN FORUM**  
153

154 **Mayor Pruitt explained how this portion of the meeting is conducted and asked if anyone**  
155 **would like to come forth and speak during this time.**  
156

157 **Forrest Fenwick**  
158 **2715 Promenade Harbor**  
159 **Rockwall, TX 75087**  
160

161 **Ms. Fenwick brought materials to pass out to council regarding takeline maintenance**  
162 **and concerns. Ms. Fenwick went on to state that she has general concerns that shortly**  
163 **after the homes that were built in 2004, the City of Rockwall began maintenance of a**  
164 **small meadow area including mowing. Over the years the mowing has been kept up, but**  
165 **the maintenance of the area under the trees has not been done. Beyond that, she has**  
166 **more concerns about snakes in that area. She went on to ask that these areas continue**  
167 **to be kept up to avoid this problem. She then thanked council for their time to hear her**  
168 **concerns.**  
169

170 **Charles Miller**  
171 **821 Zion Hill Circle**  
172 **Rockwall, TX 75087**  
173

174 **Mr. Miller came forth to express concerns about the pot holes on the 549/Hwy 30 access**  
175 **road. City Manager Rick Crowley clarified that those areas are state roadways. Mr. Miller**  
176 **then urged the city to suggest to the appropriate authorities that the problem be fixed.**  
177 **Mayor Jim Pruitt thanked Mr. Miller for his comments and mentioned that a city staff**  
178 **member would be following up with him the next day regarding these concerns.**  
179

180 **IX. CONSENT AGENDA**  
181

- 182 **1. Consider approval of the minutes from the June 1, 2015 regular city**  
183 **council meeting, and take any action necessary.**  
184 **2. P2015-022 - Consider a request by Mike Whittle on behalf of Rockwall**  
185 **Rental Properties, LP for the approval of a replat for Lot 11 & 12, Block 2,**  
186 **Alliance Addition, Phase 2 being a 1.420-acre parcel of land currently**  
187 **identified as Lots 1 & 10, Block 2, Alliance Addition, Phase 2, City of**  
188 **Rockwall, Rockwall County, Texas, zoned Planned Development District**



189 57 (PD-57) for Commercial (C) District land uses, addressed as 6505 &  
190 6525 FM-3097, and take any action necessary.

191 **Councilmember White made a motion to approve all Consent Agenda items (#1 and 2).**  
192 **Councilmember Milder seconded the motion. The motion passed unanimously of council**  
193 **present (Lewis absent).**

194  
195 **X. APPOINTMENTS**

- 196  
197 1. Appointment with the Planning and Zoning Chairman to discuss and  
198 answer any questions regarding cases on the agenda and related issues  
199 and take any action necessary.

200 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the**  
201 **city council on recommendations of the Commission relative to items on tonight's city**  
202 **council meeting agenda. The council took no action concerning this agenda item.**

- 203 2. Appointment with Mr. Jack Youngkin to hear about the "International  
204 Campaign for Compassionate Cities" and to discuss and consider  
205 approval of a resolution affirming the "Charter for Compassion," and take  
206 any action necessary.

207 **Mayor Jim Pruitt first noted that this item has nothing to do with Section 8 housing in any**  
208 **way. He then called Jack Youngkin forward to hear a presentation regarding this item.**  
209 **Mr. Youngkin started by introducing his colleague, Dr. Charles Barker, who is also a**  
210 **board member of the Richardson Interfaith Alliance. Mr. Youngkin then proceeded with a**  
211 **presentation regarding the program. Dr. Barker then came forward to give a brief**  
212 **background of the proposed charter and adoption of the initiative.**

213 **Councilmember Townsend expressed concerns regarding what the city's role would be**  
214 **and thinks that we can change an atmosphere, and city and people's hearts and minds,**  
215 **but that we don't necessarily need government to do it. He believes that government will**  
216 **change when people change and added that he would like to see actions come from the**  
217 **citizens out in the community itself.**

218 **No formal action was taken on this item.**

- 219 3. Appointments to hear concerns related to city ordinance regulations  
220 contained in Chapter 6, Article VI, Sec. 6-162(b) (regarding the prohibition  
221 of owning or keeping chickens, ducks, turkeys, geese, peacocks, or  
222 guinea hens within the corporate limits of the city except in agricultural  
223 zoned districts), and take any action necessary.

224 a) Paul and Leah Freese,

225 **943 Lexington Drive, Rockwall, TX**

226 **Mayor Jim Pruitt called upon Mr. & Mrs. Freese to hear their concerns on this item. Mrs.**  
227 **Freese gave a short presentation in favor of amending the current city ordinance to allow**  
228 **for chickens in the city limits.**

229 b) Mike Dean,

230 **947 Lexington Drive, Rockwall, TX**

231 **Mr. Dean came forward in opposition of any change to the ordinance.**

233 c) Brent Polunsky,  
234 955 Lexington Drive, Rockwall, TX  
235 Mr. Polunsky came forward as the Turtle Cove HOA President in opposition of allowing  
236 any changes to the current ordinance prohibiting chickens.  
237 d) Sharon Worthy – Ms. Worthy was not able to attend the meeting.  
238 e) Ben Weible,  
239 215 Trout Street, Rockwall, TX  
240 Mr. Weible came forward in support of possibly changing the current ordinance,  
241 expressing that this particular issue should be taken to the Turtle Cove HOA.  
242 Thomas Gaili – Came forward in opposition of changing the ordinance.  
243 645 Stafford Circle  
244 Rockwall, TX 75087  
245  
246 Gina Celii – Came forward in opposition of changing the ordinance.  
247 667 Turtle Cove Blvd.  
248 Rockwall, TX 75087  
249  
250 Candace Jefcoat – Came forward in opposition of changing the ordinance.  
251 3115 Lakeside Drive  
252 Rockwall, TX 75087  
253  
254 Roman Linane – Came forward in support of changing the ordinance.  
255 919 Lexington Drive  
256 Rockwall, TX 75087  
257  
258 Nathan Sellers – Came forward in support of changing the ordinance.  
259 4053 Bass Rd.  
260 Rockwall, TX 75032  
261  
262 Nell Welborn – Came forward in opposition of changing the ordinance.  
263 810 Lake Meadows Circle  
264 Rockwall, TX 75087  
265  
266 Jay Bedford – Came forward in opposition of changing the ordinance.  
267 301 N. Alamo  
268 Rockwall, TX 75087  
269  
270 Bree McClusky – Came forward in support of changing the ordinance.  
271 4053 Bass Rd.  
272 Rockwall, TX 75032  
273  
274 Heather Canun – Came forward in support of changing the ordinance.  
275 784 Berrymore Drive  
276 Rockwall, TX 75087  
277  
278 Councilmember White expressed that he would be in favor of a possible change.  
279



Councilmembers Milder and Mayor Pruitt expressed that they have concerns regarding what sized lot would be allowed to have chickens if the ordinance is changed.

Councilmember Hohenshelt asked City Attorney, Frank Garza, a question regarding if the HOA already had a regulation prohibiting chickens, and the city changed it, could the HOA still prohibit them. Mr. Garza informed council that the HOA could indeed still prohibit chickens in their subdivision.

General discussion took place, and no action was taken.

4. Appointment with Chris Johnson to discuss changes to the Unified Development Code that would allow the operation of a Portable Beverage or Food Service Facility under a Specific Use Permit, and take any action necessary.

Indication was given that Councilmember Milder would be recusing himself from this item.

Mayor Pruitt called Mr. Johnson forth to speak on this item. Mr. Johnson generally expressed that he would like to request a variance to be able to operate a food truck longer than 150 days at 803 N. Goliad Street, which is Councilmember Milder's lot. He explained that Councilmember Milder has granted him permission for use of this property. He went further to explain that the menu and type of food being served hasn't been decided on yet. He would also like to partner with the Rockwall High School Culinary program to give some of the students an opportunity to work in this venue and that they would be giving a portion of profits to the RHS Culinary Program. He gave examples of what the trailer would look like and expressed that there would be paving, tables and umbrellas for seating as well as some possible outdoor games such as horseshoes.

Planning and Zoning Director, Robert LaCroix, explained that if the item comes back at direction of council, there would be an ordinance change, and the SUP chart would also change.

Councilmember White made a motion to send the item back to modify the UDC for the operation of a portable food facility, with the exception of the requested timeframe with the stipulation that the timeframe could be extended if needed. Councilmember Townsend seconded the motion. The motion passed by a vote of 4 ayes, 1 against (Pruitt), 1 abstention (Milder) and 1 absent (Lewis).

5. Appointment with representative(s) of Core Adventure Sports to discuss and consider entering into a contract with the City for the purpose of providing Stand-up Paddle Board services within the take line lease area at The Harbor and the SH 66 Public Boat Ramp, and take any action necessary.

Mayor Pruitt called forth Dean People and Stephanie Olsen to speak on this item. Mr. People gave a brief update on his company and its vision.

Mayor Pruitt expressed general concern about the area at the SH 66 Boat Ramp because he feels that ramp is not a park and is specifically used as a boat ramp only.

Councilmember Milder stated that he would be in favor of this activity being offered to citizens but shares Mayor Pruitt's thought that it should not be allowed at the SH 66 Boat Ramp.

Councilmember Milder made a motion to enter into a contract with Core Adventure Sports for the purpose of providing Stand-up Paddle Board services in the takeline lease area at The Harbor. Councilmember White seconded the motion, which passed unanimously of council (Lewis absent).

**XI. PUBLIC HEARING ITEMS**

1. **Z2015-017** - Hold a public hearing to discuss and consider a request by Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of an **ordinance** for a Specific Use Permit for Commercial Amusement/Recreation (Outside) to allow a baseball training facility to be constructed on a six (6) acre tract of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side of Airport Road west of the intersection of Airport Road and John King Boulevard, and take any action necessary **[1st Reading]**.

Planning Director Robert LaCroix gave a brief history of this item and provided a site plan to council. He stated that the complex is intended for select team training. One of the concerns expressed is related to the lighting at the complex. The applicant did indicate they would use a max height of 50 feet on the light poles. They have also made arrangements to get their FFA clearance.

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

**Kenneth Smith**  
**3888 N. SH 205**  
**Rockwall, TX**

Kenneth Smith came forth to speak on this item and explained his vision for this facility. He indicated it would be a two story building with a workout area, arcade, concession stand and pro shop. He further explained that it would include a turf field.

Following public comment, Councilmember Townsend made a motion to approve the SUP for Commercial Amusement/Recreation for a baseball training facility. Councilmember White seconded the motion, which passed unanimously of council (Lewis absent). The ordinance was read as follows:

**ORDINANCE NO. 15-18**  
**SPECIFIC USE PERMIT NO. S-138**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.



- 379 2. **Z2015-018** - Hold a public hearing to discuss and consider a request by  
380 Herman Douglas Utley for the approval of an **ordinance** for a zoning  
381 change from a Single Family Estate 2.0 (SFE-2.0) District to a Single  
382 Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land  
383 identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of  
384 Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-  
385 2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District,  
386 addressed as 1815 E. Old Quail Run Road, and take any action  
387 necessary. **[1st Reading]**

388 **Planning Director Robert LaCroix gave a brief history on this item. He indicated that**  
389 **notices went out to adjacent property owners, but none have been received back.**

390 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**  
391 **speak. Seeing no one, he closed the public hearing.**

392 **Councilmember Townsend made a motion to approve Z2015-018. Councilmember Milder**  
393 **seconded the motion, which passed unanimously of council. The ordinance was read as**  
394 **follows:**

395 CITY OF ROCKWALL  
396 ORDINANCE NO. 15-19  
397

398 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
399 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
400 AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
401 CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A  
402 SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND  
403 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF  
404 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN  
405 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
406 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
407 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
408 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
409

410 **XII. ACTION ITEMS**  
411

- 412 1. **MIS2015-002** - Discuss and consider a request by David Smith of the  
413 Rockwall Housing Development Corporation for the approval of a special  
414 exception to allow a manufactured home for the purpose of providing  
415 emergency housing on a 0.27-acre parcel of land identified as Lot 984A  
416 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County,  
417 Texas, addressed as 112 Chris Drive, and to consider a city initiated  
418 request for the approval of a special exception to allow for manufactured  
419 homes for the purpose of providing emergency housing on other lots  
420 currently owned by the City of Rockwall, zoned Planned Development  
421 District 75 (PD-75) [Ordinance No. 09-37], located within the Lake  
422 Rockwall Estates Subdivision, and take any action necessary.

423 **City Manager Rick Crowley gave council a brief update on the status of the homes in the**  
424 **Lake Rockwall Estates area that recently flooded. He explained that, of the four residents**  
425 **that receive funding, one other property owner owns several lots but has not come to**  
426 **terms with if he is able to move back into the home. He is getting help from Helping**  
427 **Hands. Other homeowners have stated that they do not have a desire to return to their**  
428 **homes.**

Fire Chief Mark Poindexter stated that the water had subsided a great deal, but it is still too deep, so the road remains closed at this time. There is potential for more flooding in the coming days with the future weather forecast.

The applicant, David Smith of RHDC, came forward to speak on this item and update council on the condition of the current homes. He stated that there are still two homeowners that are displaced and understand their homes were located in a flood plain. They are currently living at the Super 8 Motel short-term. Mr. Smith asked council to authorize the City Manager's office to send the designated organization a letter so that the families can be placed in better homes.

Mayor Pruitt asked what would happen to the trailer homes, if approved, after they are no longer needed.

City Manager Rick Crowley stated that he believed the city could find a spot on city land to park them after they are no longer being used as well as find a spot for them to go when the families move in.

Mr. Smith explained that the private corporation has a financing period that will take 60-90 days along with a planning period and a construction phase. FEMA also has the stipulation that the trailers be owned for at least 18 months by the municipality.

Councilmember Townsend made a motion to approve MIS2015-002 and give staff direction to send a letter to ask for the assistance. Councilmember White seconded the motion, which passed unanimously of council.

2. **P2015-021** - Discuss and consider a request by Jay Bedford of A. J. Bedford Group, Inc. on behalf of the owners G. Kent and Kay Loy Smith for the approval of a final plat for Lots 1-4, Block A, Breezy Hill Estates being a 7.873-acre tract of land identified as Lots 10-13, Breezy Hill (Unrecorded), Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located on property currently addressed as 575 Breezy Hill Lane, and take any action necessary.

Planning Director Robert LaCroix gave a brief update on this item. He explained that the tract is located on Breezy Hill and is in the city's ETJ. The applicant would like to sell these tracts of land. Two tracts of land would have street frontage access but do not have street front drives. He stated that the Planning & Zoning Commission approved this item.

Mr. A.J. Bedford, 301 N. Alamo Drive, Rockwall, came forth to address council and give a brief update on their intentions with said properties.

Councilmember Townsend made a motion to approve P2015-021. Councilmember Milder seconded the motion. It passed unanimously of council present (Lewis absent).

3. **Z2015-014** - Discuss and consider approval of an ordinance for a request by Cole Franklin of the Skorburg Company on behalf of the owner of the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. **(1st Reading)**



Mayor Jim Pruitt called representatives forth to deliver a presentation they would like to give.

Cole Franklin with the Skoburg Company came forward to address council and briefly updated council on the intentions for the requested zoning change. He stated that they do not meet the 20% open space requirement, but the proposal does have alternatives included, such as a small park and a swimming pool/amenities center. He explained the benefits of what's being proposed.

Mayor Jim Pruitt called forth two citizens wishing to address council on this item.

John Yingling & Lynelle Yingling  
570 E. Quail Run Rd  
Rockwall, TX 75087

Mr. and Mrs. Yingling generally expressed concerns with allowing variances and urged the council to please follow the guidelines for the current comprehensive plan as it relates to open space.

Mayor Pruitt asked Mr. LaCroix what the comprehensive plan calls for in this area. Mr. LaCroix explained that in 2007, they took those policies and tried to work them into the code, and council had the ability to take various factors into consideration. It was ultimately decided that the area would call for a mixed use of lots and specificity density.

Nick Grant  
1569 E. Quail Run Rd.  
Rockwall, TX 75087

Mr. Grant asked that council not approve this item for failure to meet the guidelines of the current comprehensive plan.

Mike Larriviere  
1425 E. Quail Run  
Rockwall, TX 75087

Mr. Larriviere stated that he is in opposition of this item.

Councilmember White made a motion to approve Z2015-014 to include a playground area. Councilmember Hohenshelt seconded the motion, which passed with 5 ayes, 1 nay (Townsend), and 1 absent (Lewis).

The ordinance was read as follows:

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-77) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

4. Discuss and consider approval of an **ordinance** adding Sections 26-290 to 260-297 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of

524 the Municipal Code of Ordinances to authorize the operation of golf carts  
525 within the city limits, and take any action necessary. **(1st reading)**

526 **Mayor Pruitt called forth citizens wishing to address council on this item.**

527  
528 **Jim Smith & Shirley Smith**  
529 **609 Amherst**  
530 **Rockwall, TX**

531 **Mr. & Mrs. Smith came forth to address council on proposed revisions to the ordinance.**  
532 **They gave extensive recommendations as specified in an email sent to council in**  
533 **advance of the meeting**

534 **Councilmember Fowler felt that having an ordinance with regulations would be too**  
535 **restrictive. Councilmember Milder felt that there should be some regulations related to**  
536 **drivers of golf carts needing to have a valid driver's license.**

537 **Councilmember White asked Assistant Chief Riggs if the police department gets very**  
538 **many complaints about reckless driving and younger drivers on golf carts. Chief Riggs**  
539 **indicated that there may be a few calls a year, but they are more specifically about**  
540 **younger drivers in general, not necessarily that they are driving recklessly.**

541 **Mayor Pruitt made a motion to table this item for work session discussion before it**  
542 **comes back for an action item and vote. Councilmember Townsend seconded the**  
543 **motion, which passed by a vote of 5 ayes, 1 nay (White) and 1 absent (Lewis).**

544 **5. Discuss and consider update related to an erosion control project located**  
545 **near 2065 Lake Forest Drive, and take any action necessary.**

546 **City Engineer Tim Tumulty gave a brief update and background information on this item,**  
547 **explaining that erosion is slowly moving toward this home and toward the retaining wall**  
548 **near the back part of this property. He indicated that the city is ready to put out an open**  
549 **bid on this project on July 9<sup>th</sup>. Once bids are returned, staff would look for a direction**  
550 **from council to move forward. He added that the estimated cost of the project would be**  
551 **around \$200K.**

552 **Councilmember Hohenshelt asked if the resident, Mr. Carol, would be willing to allow**  
553 **access. Mr. Tumulty stated that access through the resident's property would not be**  
554 **possible. No formal action was taken.**

555 **6. Discuss and consider the provisions of Chapter 12. Businesses & Sales,**  
556 **Article XII. Ambulance Service of the Code of Ordinances, and take any**  
557 **action necessary.**

558 **Mayor Jim Pruitt explained the he doesn't think he and Mayor Pro Tem Lewis are ready to**  
559 **make a recommendation, and since Lewis is absent tonight, he would like to update**  
560 **council in two weeks.**

561 **Councilmember White made a motion to table this item until the next regular council**  
562 **meeting. Councilmember Townsend seconded, which passed unanimously of council.**

563 **7. Discuss and consider survey results and options related to the city's solid**  
564 **waste collection contract, and take any action necessary.**

565 **Assistant City Manager Mary Smith gave a brief update and background information on**  
566 **this item and further expressed that the current vendor, Allied Waste Management, would**  
567 **need to be notified by July 3<sup>rd</sup> regarding the city's intentions are concerning the contract.**



Mr. Rick Bernas of Allied Waste Management stated he would like the opportunity to sit down with the city to negotiate another 5 year extension.

Dick Demien, Progressive Waste  
1240 Coastal Drive  
Rockwall, TX

Mr. Demien generally explained that he is a competitor of Allied Waste Management and services several other cities in the area. He would like the opportunity to bid for this contract.

Councilmember Milder stated that he feels that the council owes it to the citizens in Rockwall to go out for an RFP to see what the options are.

Mayor Jim Pruitt made a motion to send the letter to Allied to allow for the possibility of an RFP and give them 45 days to talk with staff and come up with a proposal before deciding if the city wants to move forward with the RFP process. This motion failed for lack of a second.

Councilmember Hohenshelt made a motion to go out for competitive bid.

Councilmember Townsend asked City Attorney Frank Garza to clarify the difference between the two motions. Frank Garza stated that a letter has to be sent to notify the current provider that the city is not prepared to stay with the same contract. He then clarified that a letter would need to be sent either way under both motions that were made previously.

Councilmember Milder then made a motion to second Councilmember Hohenshelt's motion to go out for competitive bid. The motion failed by a vote of 3 ayes and 3 nays (Townsend, White, and Pruitt against) with 1 absent (Lewis).

Councilmember Milder made a motion to send the letter to Allied to allow for the possibility of an RFP and give them 45 days to talk with staff and come up with a proposal before deciding if the city wants to move forward with the RFP process. Councilmember David White seconded the motion, which passed by a vote of 4 ayes, 2 nays (White and Hohenshelt) and 1 absent (Lewis).

8. Discuss and consider amendments to the natural and/or quarried stone requirement stipulated by the overlay district standards contained in Article V, District Development Standards, of the Unified Development Code, and take any action necessary.

Planning Director Robert LaCroix gave brief background information on this item. He explained the differences between the materials of stone being proposed. He stated that an ordinance would come back before council for future consideration if this item is approved.

Councilmember White made motion to move forward with the ordinance change and recommendations by the Planning and Zoning Commission as presented. Councilmember Townsend seconded the motion, which passed by a vote of 5 ayes, 1 nay (Milder) and 1 absent (Lewis)

9. Discuss and consider options related to providing public restrooms in the downtown area, and take any action necessary.

Assistant City Manager Brad Griggs gave a brief update on this item, explaining that the best option at this time would be to utilize the public building at The Center for downtown events such as Farmers Market and the San Jacinto Music Series. This cost

would be around \$2K, and directional signs would be placed to let the public know where restrooms are available.

No action was taken on this item.

10. Discuss and consider an update related to public parking signage at The Harbor, and take any action necessary.

Mayor Jim Pruitt explained that he added this item to the agenda due to a recent event at The Harbor, Cars for CASA. He explained that there was general confusion as to where people could park, and he feels that the signs that are out there now don't adequately direct people to the city's available parking at Trend Tower. Mayor Pruitt suggested that getting a larger sign on the building so that traffic can be directed to the parking garage would help.

Councilmember Hohenshelt stated that he would like to see city signage along the public road access leading up to the building and then a larger sign on the garage itself.

Mayor Pruitt made a recommendation for staff to negotiate with Trend Tower to move forward with signage on the garage.

11. Discuss and consider maintenance within the take line area, and take any action necessary.

Mayor Pruitt gave a brief update on the background of this item. He expressed that there is general confusion as to whose responsibility it is to clean up debris and trees from the takeline area if there is not a lease on the property. He stated that he would like to give staff direction as to how to answer questions and phone calls from those that would like the city to clean up these areas because he would like there to be a consistent way of handling it. He then went on to say that the residents that do have leases on the takeline do clean up that area, but others that do not have a lease expect the city to do it.

Councilmember White asked staff where the \$350 dollars per year goes that the city collects from the takeline leases. Assistant City Manager, Brad Griggs explained that it goes into the Recreation Development fund. He further explained that the \$350 per year is to pay for the cost of the Neighborhood Improvement Services Department to rent a boat and take care of the maintenance of dangerous areas along the takeline.

Councilmember Hohenshelt asked for clarification on what such maintenance really includes - if it includes trees or other trash and things that float up to the takeline. City Manager Rick Crowley clarified that the maintenance could include both if the city is required to do regular maintenance.

Mr. Crowley explained that he would like the ability to determine if the debris is a danger and needs to be taken down.

Councilmember Townsend asked who mows the lots that are not leased. Brad Griggs explained that it's up to the property owner to mow, but if they don't, the land returns to its natural state. Councilmember Townsend asked who can determine if trees are dangerous. City Manager Rick Crowley stated that if a tree is already in the process of dying or is in a state that it could fall on someone, it's his opinion that the city should go in and have it removed.

Council's suggestion for staff was to determine on a case-by-case basis if trees are dangerous enough for the city to handle. City Manager Rick Crowley stated he would get the cost related documents together for council to review.



659 From the Executive Session discussion items below, Mayor Pruitt then read #7 into the  
660 record before recessing the meeting into Executive Session at 10:27 p.m.

661  
662 **XIII. EXECUTIVE SESSION**

663  
664 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
665 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
666 **CODE:**

- 667  
668 1. Discussion regarding the city's concession agreement with Suntex Marina  
669 / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation  
670 with Attorney)
- 671 2. Discussion regarding possible legal claim related to Oncor pursuant to  
672 Section 551.071 (Consultation with Attorney)
- 673 3. Discussion regarding purchase or lease of real property / land acquisition  
674 in the vicinity of the downtown area for municipal purposes pursuant to  
675 Section § 551.072 (Real Property).
- 676 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of  
677 Rockwall pursuant to Section 551.071 (Consultation with Attorney).
- 678 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs.  
679 City of Rockwall, Texas pursuant to Section 551.071 (Consultation with  
680 Attorney).
- 681 6. Discussion regarding possible development-related legal claim in the  
682 vicinity of Bourne Street pursuant to Section 551.071 (Consultation with  
683 Attorney)
- 684 7. Discussion regarding appointment of city council subcommittees and  
685 board liaisons pursuant to Section, §551.074 (Personnel Matters).

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

687  
688 Mayor Pruitt reconvened the public meeting at 10:37 p.m. and there was no action taken.

689  
690 **XV. ADJOURNMENT**

691  
692 Mayor Pruitt adjourned the meeting at 10:40 p.m.

693  
694  
695 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

696 **THIS 6<sup>th</sup> DAY OF JULY, 2015.**

697  
698  
699 **ATTEST:**

700  
701 *Jacky Casey*  
702 **Jacky Casey, Assistant City Secretary**



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





# MINUTES

## ROCKWALL CITY COUNCIL

Monday, July 06, 2015

4:00 p.m. Regular City Council Meeting

City Hall - 385 S. Goliad, Rockwall, Texas 75087

### I. CALL PUBLIC MEETING TO ORDER

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

### II. WORK SESSION

1. Hold Work Session to discuss the Public Outreach Action Plan for reconstruction of South Lakeshore Drive/Summit Ridge Drive from SH 66 to FM 740, and take any action necessary.

City Engineer Tim Tumulty provided a brief presentation to the city council concerning the reconstruction of this stretch of roadway. Mayor Pruitt generally expressed a desire to have sidewalks or some sort of separation between the vehicular traffic and individuals walking between the street and the houses along the stretch of Summit Ridge Dr. Mr. Tumulty expressed that some portion of people's front yards, including some trees and the need for retaining walls all make the idea of sidewalks a little challenging. Mayor Pruitt encouraged getting the residents' input concerning their preference for sidewalks versus no sidewalks. Mayor Pruitt expressed concern about when traffic accidents occur on IH-30 and drivers come through this area in order to cut over to SH-66, indicating that there is typically a long line of traffic that results. The city's consultant, Brad Tribble with Kimley Horne, came forth and explained various ways that the roadway might be designed in order to create various "friction" techniques to dissuade drivers from wanting to use this roadway as a cut-across if and when accidents on IH-30 occur.

Mr. Tumulty indicated that as part of this Public Outreach Action Plan, he plans to ask residents to answer survey questions electronically. Mayor Pro Tem Lewis encouraged the use of paper surveys in addition to electronic ones for some residents who may not be inclined to answer a survey electronically. Councilmember Milder shared that he is in support of conducting a resident survey. He also supports sidewalks and anything that might slow down drivers. Councilmember White stressed that he is most interested in gleaning feedback from the residents that actually live along this roadway in this neighborhood.

Mr. Tumulty indicated that he believes the city may be faced with updating the water/sewer lines in this area before a new street and/or sidewalks are (re)built, and he feels confident that citizen feedback will echo this need.

Councilmember White and Mayor Pruitt summarized that council would like to see staff conduct a survey(s) as well as hold a public town hall meeting to glean resident input on

50 this project. Mr. Tumulty indicated that he would like to start with asking for feedback  
51 from homeowner/property owners whose property directly abuts the roadway and then  
52 widen the survey further thereafter to glean additional input. The council generally  
53 agreed with this plan. Councilmember White stressed that he does not believe Mr.  
54 Tumulty could ask for and obtain too much resident feedback, as he feels this is very  
55 important. After the discussion, no formal action was taken concerning this agenda  
56 item.

- 57  
58 2. Hold Work Session to discuss potential regulations regarding the use and operation  
59 of golf carts, and take any action necessary.

60  
61 Councilmember Fowler asked if the city has to have an ordinance in place in order for  
62 residents to operate golf carts within residential neighborhoods. City Attorney Frank  
63 Garza indicated that, no, no ordinance is needed for individuals to operate golf carts.  
64 Councilmember Hohenshelt generally indicated that he does not really see the need to  
65 pass an ordinance, especially since there doesn't appear to be an overabundance of  
66 complaints or much of a problem. Mayor Pruitt asked if there is a state law calling for a  
67 certain age limit before a person can operate a golf cart. Mr. Garza indicated that, no,  
68 currently there is no state prescribed minimum age limit. Councilmember Fowler asked  
69 if the city would assume any liability if no ordinance is passed. Mr. Garza indicated that,  
70 no, the city assumes no liability either way, pointing out that a local government has  
71 'governmental immunity' anyway.

72  
73 Discussion ensued regarding operating golf carts in master planned communities. Mr.  
74 Garza indicated that any local ordinance that might pass would not apply to master  
75 planned communities in the city because state law allows their operation in master  
76 planned communities whether they're gated or not gated. Mayor Pruitt asked if a golf  
77 cart driver could cross a state roadway to get from one master planned community over  
78 to another. Mr. Garza indicated that a driver could do this as long as doing so is within a  
79 2 mile radius of a golf course.

80  
81 To clarify, Councilmember Townsend summarized that this ordinance would only apply  
82 to those residents not located in a master planned community, not living in a PD, and not  
83 located within 2 miles of a golf course. Mr. Garza concurred. Garza went on to indicate  
84 that a health and safety restriction probably could be applied, but he would have to  
85 check on this. However, such ordinance regulations would still not apply in a master  
86 planned community. Several city council members generally expressed that perhaps an  
87 ordinance is not needed at this time, as complaints about this issue are not prevalent  
88 and are very few. No action was taken concerning this item.

89  
90 At 4:38 p.m., Mayor Pruitt read the below listed items (1-8) into the public record before  
91 recessing the meeting into Executive Session.

92  
93 **III. EXECUTIVE SESSION.**

94  
95 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
96 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
97 CODE:  
98



1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property / land acquisition in the north part of the city for municipal purposes pursuant to Section § 551.072 (Real Property).
4. Discussion regarding possible development-related legal claim in the vicinity of Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
6. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
7. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney).
8. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (personnel matters)

**IV. ADJOURN EXECUTIVE SESSION**

**Executive Session was adjourned at 5:20 p.m.**

**V. RECONVENE PUBLIC MEETING**

**The public meeting reconvened at 6:00 p.m.**

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

**Mayor Pro Tem Lewis made a motion to reappoint Kathy Mason Penn to serve as Municipal Court Judge. Councilmember White seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**Mayor Pro Tem Lewis made a motion to appoint David Mallard to serve as Associate Municipal Court Judge. Councilmember Milder seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**Mayor Pro Tem Lewis made a motion to approve a settlement of a legal claim with Dewayne Cain in the amount of \$11,664.01. Councilmember White seconded the motion, which passed unanimously (7 ayes to 0 nays).**

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

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

**VIII. OPEN FORUM**

**Charles Miller  
821 Zion Hills Circle**

146 Rockwall, TX

147  
148 Regarding the potholes on FM-549 and IH-30, Mr. Miller expressed thanks to the city's  
149 pothole repair staff person in the Streets Department, expressing that it seems like  
150 something may be happening to address pothole concerns in this area. He went on to  
151 state that the weeds coming into town on SH-66 and along IH-30, as well as along other  
152 roadways within the city, are out of control and need to be addressed. He also has had  
153 recent problems with bulk pick up by the city's trash provider.  
154

155 Martin Ramirez  
156 Rockwall County EMS  
157 809 S. Goliad  
158 Rockwall, TX  
159

160 Mr. Ramirez came forth indicating that he would like to speak to the council about the  
161 possible rescinding of the city ordinance related to exclusivity of EMS service provision.  
162 He pointed out that rescinding this ordinance would open up the flood gates to allow any  
163 provider to come in and service any of the twelve medical facilities in Rockwall, including  
164 Presby, Baylor, nursing homes and assisted living centers. He went on to explain that  
165 because of the exclusivity ordinance being in place, Rockwall County EMS has been able  
166 to cut subsidy costs by about 20% or just under \$100,000 for the most recent year. He  
167 generally expressed that revocation of this ordinance would likely result in more subsidy  
168 money being requested on an annual basis.  
169

170 Richard Langley  
171 2401 Sandstone Court  
172 Rockwall, TX  
173

174 Mr. Langley indicated that he previously spoke before Council expressing concern about  
175 drainage associated with the project the council is considering approving along John  
176 King Boulevard. He thanked the staff, including Mr. LaCroix, for assuring him that the  
177 drainage will be safe. Regarding the issue of raising chickens, he encouraged the  
178 council to consider shortening the time that residents have to speak on matters like this  
179 because doing so would allow the Council an ability to address their concerns in a more  
180 timely fashion.  
181

182 Mrs. Smith  
183 609 Amherst  
184 Rockwall, TX  
185

186 Regarding the draft golf cart ordinance that is being considered on Action Items this  
187 evening, she thanked the council and staff for the work that's gone into this ordinance  
188 draft. She went on point out a few, scrivener's errors that were in need of correction. In  
189 addition, she pointed out that ATVs have to have an orange, reflective flag attached on a  
190 6-8' pole, and she encouraged the council to consider adding a similar provision for  
191 placement on golf carts. She also suggested that the council consider adding break  
192 lights as a requirement for golf carts 24 hours/day. She is glad that the council's draft  
193 ordinance includes a provision that a driver be a licensed driver or that they successfully  
194 complete a required driver's safety course. She wanted drivers to be required to carry  
195 proof of either / both with them when driving a golf cart.  
196



197 IX. CONSENT AGENDA  
198

- 199 1. Consider approval of the minutes from the June 15, 2015 regular city  
200 council meeting, and take any action necessary.
- 201 2. **Z2015-018** - Consider approval of an **ordinance** for a request by Herman  
202 Douglas Utley for a zoning change from a Single Family Estate 2.0 (SFE-  
203 2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-  
204 acre tract of land identified as Tract 1 of the S. R. Barnes Survey,  
205 Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single  
206 Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass  
207 (SH-205 BY OV) District, addressed as 1815 E. Old Quail Run Road, and  
208 take any action necessary. **(2nd Reading)**
- 209 3. **Z2015-017** - Consider approval of an **ordinance** for a request by  
210 Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the  
211 owner Kenneth R. Smith of K. R. Smith Holdings, LLC for a Specific Use  
212 Permit for Commercial Amusement/Recreation (Outside) to allow a  
213 baseball training facility to be constructed on a six (6) acre tract of land  
214 identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of  
215 Rockwall, Rockwall County, Texas, zoned Commercial (C) District,  
216 situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV)  
217 District, located on the north side of Airport Road west of the intersection  
218 of Airport Road and John King Boulevard, and take any action necessary.  
219 **(2nd Reading)**
- 220 4. **P2015-019** - Consider approval of a request by Harold Fetty of H. D. Fetty  
221 Land Surveyor, LLC on behalf of the owner Doug Utley for the approval of  
222 a final plat for Lots 1 & 2, Block A, Utley Addition 4.49-acre parcel of land  
223 currently identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13,  
224 City of Rockwall, Rockwall County, Texas, zoned Single Family Estate  
225 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass Overlay (SH  
226 205 BY-OV) District, addressed as 1751 & 1815 E. Old Quail Run Road,  
227 and take any action necessary.
- 228 5. **P2015-020** - Consider approval of a request by Caprice Michelle of  
229 Rockwall Rustic Ranch, LLC for the approval of a replat for Lot 1, Block  
230 A, Rockwall Rustic Ranch Addition being a 0.53-acre parcel of land  
231 currently identified as Lot B, Block 123, B. F. Boydston Addition, City of  
232 Rockwall, Rockwall County, Texas, zoned Planned Development District  
233 50 (PD-50) for Residential Office (RO) District uses, situated within the  
234 North Goliad Corridor Overlay (NGC OV) District, addressed as 406 N.  
235 Goliad Street, and take any action necessary.
- 236 6. **P2015-027** - Consider approval of a request by Jimmy Strohmeier of  
237 Strohmeier Architects, Inc. on behalf of Dr. Umar Burney of the North  
238 Dallas Rockwall Land Investors, LLC for the approval of a replat for Lot 3,  
239 Block A, Ridge/Summer Lee Addition being a replat of 1.6121-acre tract  
240 of land identified as Lot 2, Block A, Ridge/Summer Lee Addition, City of  
241 Rockwall, Rockwall County, Texas, zoned Planned Development District  
242 9 (PD-9) for General Retail (GR) District land uses, located at the  
243 southwest corner of the intersection of Oak Drive and Summer Lee Drive,  
244 and take any action necessary.

- 245 7. **P2015-028** - Consider approval of a request by David Greer of Bannister  
246 Engineering on behalf of Ben McMillian of Ben McMillian Properties, LLC  
247 for the approval of a replat for Lot 1, Block A, Hazel and Olive Addition  
248 being a 0.421-acre tract of land composed of two (2) parcels of land  
249 identified as Block 19A & 19B, Amick Addition, City of Rockwall, Rockwall  
250 County, Texas, zoned Planned Development District 50 (PD-50) for  
251 Residential-Office (RO) District land uses, addressed as 503 N. Goliad  
252 Street [SH-205], and take any action necessary.
- 253 8. Consider authorizing the expenditure of funds from insurance claim  
254 proceeds in the amount of \$195,955.00 to make needed repairs at the  
255 Harbor boat docks and a contingency fund of \$10,000 from insurance  
256 claim proceeds, and take any action necessary.
- 257 9. Consider authorizing the city manager to enter into an agreement for the  
258 purchase of upgrades to the recreation facility and reservation system  
259 software in the amount of \$18,764.62 to be funded by Recreational  
260 Development Funds, and take any action necessary.
- 261 10. Consider authorizing the city manager to execute a contract with Binkley  
262 & Barfield, Inc. to perform the engineering design services for the  
263 Greencrest Drive Water Line Replacement Project in the amount of  
264 \$49,070 to be funded out of the 2008 water and sewer revenue bonds,  
265 and take any action necessary.

266  
267 **Councilmember Lewis pulled item #8 for further discussion. Councilmember Milder then**  
268 **made a motion to approve the remaining Consent Agenda items (#1, 2, 3, 4, 5, 6, 7, 9 and**  
269 **10). Mayor Pro Tem Lewis seconded the motion. The ordinances were read as follows:**

270  
271 CITY OF ROCKWALL  
272 ORDINANCE NO. 15-19  
273

274 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
275 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
276 TEXAS, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
277 CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A  
278 SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND  
279 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF  
280 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN  
281 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
282 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
283 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
284 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

285  
286 CITY OF ROCKWALL  
287 ORDINANCE NO. 15-18  
288 SPECIFIC USE PERMIT NO. S-138  
289

290 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
291 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
292 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)  
293 ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND  
294 MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C)  
295 DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N.  
296 BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST  
297 QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL,  
298 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND



299 AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
300 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)  
301 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
302 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
303

304 The motion passed unanimously of council (7 ayes to 0 nays).  
305

306 Regarding Consent Agenda Item #8, Mayor Pro Tem Lewis asked why the repairs  
307 associated with this project/expenditure were not placed out for bid. Assistant City  
308 Manager Brad Griggs indicated that the damage at the boat docks presents a need for  
309 immediate, emergency repairs because delaying the repairs may impede public safety.  
310 So, since the need is an emergency need, and since the boat docks were a custom-made  
311 product by a certain vendor, bids were not requested. Mayor Pro Tem Lewis then made a  
312 motion to approve Consent Agenda item #8. Councilmember White seconded the  
313 motion, which passed unanimously of council present (7 ayes to 0 nays).  
314

315 X. APPOINTMENTS  
316

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

320 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed  
321 the city council on recommendations of the Commission relative to the Public Hearing  
322 item on tonight's council meeting agenda. He indicated that Commissioner Conley and  
323 Commissioner Logan were not in attendance when this item was recently heard at the  
324 Planning & Zoning Commission Meeting. He stated that the P&Z Commission agreed by  
325 a vote of 3 in favor, 2 against to table this item at the request of the applicant. He  
326 explained that this is for a request to change zoning to allow for about 560 residential  
327 lots just west of the Rockwall Technology Park. He indicated that the applicant had  
328 previously explained, during a work session, that a baseball complex of some sort would  
329 be included with this development along with a location for the Boys & Girls Club and a  
330 generous donation of land to the city. However, when the zoning case came forward, the  
331 baseball complex had been removed from the proposal, as well as the Boys & Girls Club  
332 aspect, and the donation of land was discovered to be relatively unusable land located in  
333 a flood plain. He explained that these changes were not well received by some of the  
334 P&Z Commissioners. They also do not like front yard setbacks of 15' (instead of 20') that  
335 are being proposed, and they have concerns about traffic flow. They are also not  
336 comfortable with the proposed trail system access, and the fire department access being  
337 proposed was not sufficient either. So, the applicant requested that this item be tabled  
338 to allow them some time to make some revisions to be brought back for consideration.  
339 Therefore, the P&Z tabled this item.  
340

341 Following Mr. Renfro's comments, the Council took no action related to this appointment  
342 item.  
343

344 XI. PUBLIC HEARING ITEMS  
345

- 346 1. **Z2015-016** - Hold a public hearing to discuss and consider approval of an  
347 ordinance for a request by Stacey McVey of Double Eagle Properties on  
348 behalf of the owner 308 ON 276 LP for a zoning change from an Light  
349 Industrial (LI) District to a Planned Development District for Single Family

10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the northeast corner of the intersection of Rochelle Road and SH-276, and take any action necessary. **(1st Reading)**  
**(postponed due to P&Z Commission tabling)**

Mayor Pruitt announced and acknowledged that this case has been postponed. Therefore, no action was taken by council concerning this agenda item at this time.

## **XII. ACTION ITEMS**

1. **Z2015-014** - Discuss and consider approval of an **ordinance** for a request by Cole Franklin of the Skorborg Company on behalf of the owner of the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. **(2nd Reading)**

Regarding this item, Councilmember White made a motion to approve Z2015-014. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

### **CITY OF ROCKWALL ORDINANCE NO. 15-20**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 77 (PD-77) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. Discuss and consider approval of an **ordinance** adding Sections 26-290 to 260-296 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of the Municipal Code of Ordinances to authorize the operation of golf carts within the city limits, and take any action necessary. **(1st reading)**

City Attorney Frank Garza provided brief comments, indicating that, per council's direction at the last meeting, some changes were made to the previously proposed golf cart ordinance related to operation of golf carts on city streets. He pointed out that, by state law, the city may not regulate golf carts within a master planned community or if the golf carts being operated are located within two miles of a golf course.



Councilmember Milder pointed out that, during the work session that took place earlier this afternoon, it was discussed that passing an ordinance like this would not affect very many neighborhoods in the city because a lot of the neighborhoods are located within master planned communities.

After brief comments by Milder, no motion was presented, so no action was taken concerning this agenda item.

3. Discuss and consider the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, and take any action necessary.

Mayor Pro Tem Lewis asked for clarification regarding if he needs to recuse himself from this discussion item because his wife is a nurse at Presbyterian Hospital. Mr. Garza indicated that, unless his wife has direct input regarding the selection and use of an ambulance service provider, there is not a need for him to recuse himself. Lewis indicated that his wife does not have any input regarding the provision of ambulance service, so he stayed for the discussion.

Mayor Pruitt then provided detailed background information related to this agenda item, explaining the city's existing 'exclusivity ordinance' and how it impacts the local hospitals and the countywide ambulance service provider, both with regards to keeping the ordinance in place and regarding revoking it.

Mayor Pro Tem Lewis, who serves on the countywide Emergency Services Corporation Board (ESC) with Mayor Pruitt, provided brief comments as well, indicating that he understands that revoking our city ordinance may in fact result in Medic Rescue (service provider in the county) having to ask for an increased subsidy from the ESC in future years. He explained that Royse City was considering instituting an exclusivity ordinance; however, their city attorney advised against it because he believed it would create a monopoly. He pointed out that various cities around Ft. Worth who contract with MedStar maintain similar exclusivity ordinances; however, he is personally in favor of our city revoking its exclusivity ordinance.

City Attorney Frank Garza spoke briefly about how some of the other cities he represents do have exclusivity provisions in place regarding emergency transports, but that they generally do not have exclusivity provisions in place regarding non-emergency transports.

Councilmember Fowler pointed out that he does not believe it is a 'monopoly' any more than the city contracting exclusively with a trash service provider is a monopoly. The only difference is that a citizen does not commit a criminal offense if they use a different provider to pick up their trash. Fowler indicated that he would like to see a lot more information, have more extensive discussion and more time to consider this issue before voting to repeal the current ordinance.

Councilmember Townsend asked the city attorney for clarification regarding if the city could possibly amend the ordinance to still keep the exclusivity provision in place, yet not make it a criminal offense to violate its provisions. He expressed that he does have some level of concern with opening up the door to ambulance service providers with

451 whom our city is not familiar and does not have knowledge of regarding their level of  
452 service and care.

453  
454 Councilmember White indicated that he also does not feel he has enough information to  
455 take action on this agenda item this evening. He has never heard or personally received  
456 any complaints from the hospitals or any citizens or members of the public concerning  
457 Medic Rescue's service. He would like to see staff, Pruitt and Lewis assimilate additional  
458 information on past history that has transpired related to this issue. He would also like  
459 to see Mary Smith prepare some information on the potential financial impact. Pruitt  
460 indicated that Smith won't be able to do so because she does not have access to Medic  
461 Rescue's business financials. Pruitt indicated that the only thing the Council has been  
462 given in regards to the potential financial impact is Medic Rescue's email today stating  
463 that if they cannot keep Presby's business, they will lose \$600,000 per year.

464  
465 Councilmember Fowler indicated that he would like additional information on this issue,  
466 and he would like to have some conversations with Mitch and Tim, representatives of the  
467 current EMS service provider (Medic Rescue), before moving forward with any potential  
468 ordinance change.

469  
470 Councilmember Milder indicated that he too would like to receive some additional  
471 information before making any decision. He has some concerns that the city's ultimate  
472 cost (annual payment to the ES Corp. for ambulance service subsidy) may increase.

473  
474 Mayor Pruitt requested that a work session be scheduled for the Monday, July 20<sup>th</sup> city  
475 council meeting to further discuss this topic. White requested that Presby Hospital,  
476 Baylor, the EMS company representatives, etcetera be allowed to come forth to plead  
477 their case and express their concerns. Hohenshelt requested that such information  
478 submitted by the various stakeholders (Presby hospital and Medic Rescue) please be  
479 submitted to the city council for review and consideration in advance of the scheduled  
480 work session to allow ample time for thorough review of said information in advance.

- 481  
482 4. Discuss and consider animal surrender policies at the Rockwall Animal  
483 Adoption Center, and take any action necessary.

484 Mayor Pruitt provided background information on this agenda item, generally explaining  
485 that, more and more, animals are showing up in our city shelter that are suspected to  
486 have come from places and individuals living outside of our city limits. This is causing  
487 our space to be 'maxed out,' and it is beginning to cause problems with maintaining our  
488 90% live outcome. Molly Petterson who runs the shelter via contract has met with Pruitt  
489 to express that this is problematic, and she would like to see the city institute an  
490 ordinance that has some 'teeth' to it that would make it an offense, including an  
491 associated fine, to surrender animals to our shelter if they truly did not originate from  
492 within our city limits. Councilmember White suggested that perhaps the council could  
493 consider placing a limit on the number of animals that a citizen can surrender to our city  
494 shelter each year.

495  
496 Council directed the city attorney to draft an ordinance for the council to discuss and  
497 consider at its next meeting on July 20<sup>th</sup>.

- 498  
499 5. Discuss and consider approval of a policy for the construction of  
500 structures, including a dock deck, fixed pier or boathouse within Lake Ray



Hubbard for properties eligible to lease the Lake Ray Hubbard Takeline adjacent to the property, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this agenda item. Mr. LaCroix explained that the ability for a property owner to construct one of these structures in the lake depends on their eligibility to lease the 'take line' area adjacent to their property. All eligible properties were initially surveyed and identified along the perimeter of the lake prior to establishing the 'Take Line Overlay District,' creating the requirements and standards for the take line area. The setback requirements for structures in the leased 'take line' area are measured from the extension of the side property lines as indicated on the survey. However, the forty (40') feet of area into the lake, beyond the leased 'take line', that is allowed to be used for boathouses and docks was not clearly determined in measuring setback requirements. Generally staff has extended those imagery survey lines from each survey into the unleased lake area to determine the location of boathouses for construction. However, this practice has presented problems with certain properties that are allowed to lease but, due to the extension of the survey lines into the lake, has narrowed their building area to the point of having to reduce the size of their boathouse or completely eliminate the ability to build a boathouse. The intent of the 'Take Line Overlay District' was to establish consistency for all structures on the lake with similar materials and appearance and to allow property owners to enjoy and invest in their lake property and, in so doing, provide the needed erosion control that preserves the shoreline. He explained that staff is seeking some policy direction from the Council to have the flexibility to establish the imagery survey lines into lake that will allow all property owners the ability to build structures i.e. boathouses and docks.

Following Mr. LaCroix's explanation, Councilmember Hohenshelt made a motion to instruct staff to draft and bring back a policy for the council to consider at the next city council meeting. Councilmember Milder seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

6. Discuss and consider citywide roadway / thoroughfare planning, and take any action necessary.

City Engineer Tim Tumulty provided background information related to this agenda item. He indicated that the Rockwall County Master Thoroughfare Plan was previously brought forth to Council for review. Subsequently, Rockwall's requested changes were turned over to the County's consultant, who will review and make those changes accordingly. Eventually, the plan will be brought back to the city council for review/approval, and aspects of the County's master thoroughfare plan will be incorporated into the city's master thoroughfare plan. Mr. Tumulty explained that the city's thoroughfare plan would go through a process of going before the P&Z Commission for review and public hearing, and then it would come forth before Council for a public hearing and review. Following his presentation, council expressed general consensus on moving forward with this process. However, no formal action was taken by council concerning this agenda item.

Mayor Pruitt pointed out that this is the last city council meeting that Police Chief Mark Moeller will be attending prior to his upcoming retirement. He thanked the chief for his years of service to the city. Chief Moeller then thanked the council and expressed that

he has enjoyed his years of service here in Rockwall and is looking forward to his retirement.

Pruitt shared that City Manager Rick Crowley's mother passed away, and his mother's funeral is scheduled in Hamlin, TX tomorrow.

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

1. Departmental Reports
  - Building Inspections Monthly Report - May 2015
  - Police Department Monthly Report - May 2015
  - Fire Dept. Monthly Reports - May 2015
  - Harbor PD Monthly Report - May 2015
  - Internal Operations Department Monthly Report - May 2015
  - Recreation Monthly Report - May 2015
  - Rockwall Animal Adoption Center Monthly Report - May 2015
2. City Manager's Report

Mrs. Smith, Assistant City Manager, reminded the City Council of various, upcoming receptions scheduled to honor several staff members who are retiring. She thanked the Parks & Rec staff for all the recent work on the 4<sup>th</sup> of July fireworks event. Mayor Pruitt indicated that it was the best fireworks he's seen in Rockwall, and he thanked staff for their efforts.

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

**XIV. EXECUTIVE SESSION**

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

1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property / land acquisition in the north part of the city for municipal purposes pursuant to Section § 551.072 (Real Property).
4. Discussion regarding possible development-related legal claim in the vicinity of Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
6. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
7. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney).



- 598 8. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
599 committees including the Building and Standards Commission and Board of  
600 Adjustments pursuant to Section 551.074 (personnel matters)

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

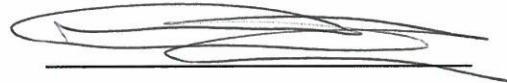
602  
603 The Council did not reconvene in Executive Session following the conclusion of the  
604 public meeting agenda.

605  
606 **XVI. ADJOURNMENT**

607  
608 The meeting was adjourned at 7:27 p.m.  
609  
610


611 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

612 **THIS 20<sup>th</sup> DAY OF JULY, 2015.**



Dennis Lewis, Mayor Pro Tem

613  
614  
615 **ATTEST:**

616   
617  
618 Kristy Ashberry, City Secretary







**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, July 20, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold work session with city's appointee to Rockwall County Open Space Alliance (RCOA) to hear update on the RCOA Master Plan and related board activities, and take any action necessary.

**Ken Dickson**  
**205 Meadowdale**  
**Rockwall, TX**

Mr. Dickson came forth and indicated that a community survey was recently conducted and a community work shop was held this past week in order to obtain citizen feedback. He indicated that, as the city's representative on this committee, he personally has some concerns. He shared that over fifty percent of respondents were residents currently living in the City of Rockwall, yet over 95% of the "wants" expressed in the survey are things that the City of Rockwall already provides. So, perhaps the citizens do not really have knowledge of what amenities the city offers as far as parks and open space are concerned. Mr. Dickson conveyed that some residents would like to have jogging/walking trails along the lake. He went on to explain that years ago, the city decided that it did not want Rockwall's Lake Ray Hubbard to be like White Rock Lake in Dallas. Instead, the city wanted lakefront, waterside lots with homes. He expressed that citizens need to be well informed about the fact that the city will likely never have jogging trails along the lake because such trails would go through homeowners' back yards, and this is not feasible.

The council generally asked that Mr. Dickson return to the RCOA and convey to them that the City of Rockwall does not have any plans (or ability) to construct jogging/walking trails along the lakefront.

**Nell Welborn**  
**Vice Chair of the RCOA**  
**810 Lake Meadows Circle**  
**Rockwall, TX 75087**

48 Mrs. Welborn came forth and made it clear that the RCOA understands the arrangements  
49 pertaining to takeline leases along the lake and the impossibility of having  
50 walking/jogging trails along the lake. She shared that the consultant and others have  
51 indicated that there may be a future opportunity to connect by walking/jogging trails the  
52 Harbor and the SH66 boat ramp (by other means / other routes).  
53

54 Mr. Dickson expressed that the City of Dallas and/or the Soil Conservation owns all of the  
55 lakes or ponds that are over one acre throughout the county. If the city or county were to  
56 try and take over any of these, doing so would come with a lot of responsibility regarding  
57 maintenance and upkeep of those lakes. After brief, additional comments, the council  
58 took no formal action as a result of Mr. Dickson's comments.  
59

- 60 2. Hold work session to discuss and consider the provisions of Chapter 12.  
61 Businesses & Sales, Article XII. Ambulance Service of the Code of  
62 Ordinances, and take any action necessary.

63 Alma Williams Howard  
64 219 Rush Creek Drive  
65 Heath, TX  
66

67 Mrs. Howard came forth indicating she represents Presbyterian Hospital of Rockwall.  
68 She thanked Medic Rescue for the services they have provided to the community over  
69 the years, especially early on when the city was growing and before a hospital was  
70 located within the City of Rockwall. Although she was a part of developing what is now  
71 the city's 'exclusivity ordinance' years ago, she now feels that lifting its provisions is  
72 prudent. She believes that competition and provider options will result in better patient  
73 care.  
74

75 Cindy Paris  
76 762 Black Oak Lane  
77 Rockwall, TX 75032  
78

79 Mrs. Paris spoke on behalf of Presbyterian Hospital Rockwall. She indicated that the  
80 hospital has been working diligently over the last eight years or so to be a good partner  
81 with Rockwall County EMS/Medic Rescue. She explained that the hospital has concerns  
82 related to delays in response times associated with patient transfers and patient care.  
83 Mrs. Paris had a heightened level of concern when, this past winter, Rockwall County  
84 EMS expressed during the ice days that they would not be helping the hospital with any  
85 transports in/out of the city. She feels the current EMS provider does not have the  
86 resources needed to adequately and sufficiently meet the demands of growth, both  
87 within the city and within the hospital.  
88

89 Tammy Hawkins  
90 103 Dunford Drive  
91 Rockwall, TX 75032  
92

93 Mrs. Hawkins came forth and generally indicated that she has worked for the hospital  
94 since 2007 before it opened. Over the years, delays associated with Medic Rescue's  
95 response times related to transports have become concerning, especially with regards to  
96 ensuring optimal patient care. She indicated that the ER staff has been told by the EMS



97 company that the hospital is not allowed to call another provider for transport because  
98 they will be fined.

99  
100 Gorman Warren  
101 CFO for Presbyterian Hospital Rockwall  
102 10211 W. Dublin  
103 Forney, TX 75126  
104

105 Mr. Warren came forth and provided the city council with documents related to billing  
106 issues they've encountered with Medic Rescue. He shared that the hospital has been  
107 encountering billing-related issues with Rockwall County EMS since he came on board in  
108 2012. Meetings were held in June and August of 2012 to try and work out the issues and  
109 provide information to Medic Rescue to resolve the billing concerns. In August, the  
110 hospital was presented with a bill that was close to \$200,000 from Rockwall County EMS.  
111 He explained that bills, even recent ones, often do not contain a lot of detail beyond just  
112 the patient's name and dollar amount. By about March, after working closely with Martin  
113 Ramirez of Medic Rescue, the bill was worked down to about \$74,000. He went on to  
114 explain different kinds of patient transfers that may occur and who pays for those (i.e.  
115 the hospital or the patient's insurance). He shared a lot of detail related to emails  
116 exchanged in the past related to billing-related issues.  
117

118 Councilmember Townsend engaged the Presbyterian Hospital reps in dialogue related to  
119 the billing issues and how changing the city's ordinance may or may not really aid in  
120 remedying those types of concerns that apparently exist between the hospital and the  
121 provider. He generally expressed that he does not believe the city revoking its ordinance  
122 will result in these sorts of issues being resolved. Mr. Warren went on to reiterate that  
123 additional bills have been arriving, and the hospital does not understand why or what the  
124 bills are for. They expect that the patients' insurance companies will be billed, and  
125 whatever collections result, that is what the ambulance company gets paid.  
126

127 Mrs. Hawkins again came forth, and she expressed the belief that allowing for options  
128 related to ambulance service providers will provide for more choices, more competition,  
129 more collaboration, and better customer service and care for residents.  
130

131 Councilmember Hohenshelt expressed that he believes the billing-related concerns are  
132 business related concerns, rather than concerns that would warrant the city council  
133 getting involved by changing its exclusivity ordinance.  
134

135 Mrs. Paris came forth and explained that they have been working to resolve issues for  
136 eight years. Furthermore, only having one option for an EMS provider and associated  
137 transport limits the options for ensuring optimal customer service and patient care. She  
138 went on to share that nurses and ER physicians have had instances of arguing with the  
139 ambulance provider's staff in the parking lot of the hospital, even at times screaming.  
140

141 Councilmember White asked questions concerning which entity in the County ultimately  
142 oversees ambulance service provision and the quality of that service that the EMS  
143 provider on contract provides within our city and the county. Mr. Crowley indicated that  
144 the Emergency Services Corporation (ES Corp.) is the body that is ultimately responsible  
145 for oversight of ambulance service and its provision, emergency calls or transports,  
146 within the County. He suggested that the ES Corp. should have an opportunity to receive

complaints like these from EMS customers, investigate those and make decisions related to management of the EMS provider that is under contract. Mr. Crowley indicated that there is a complaint handling process in place to receive, look into and resolve EMS related complaints. He explained that there have been some complaints over the years, but not many. Councilmember White expressed concern that none of these issues have been taken through the proper channels via the ES Corporation. Mrs. Hawkins explained that, if the city's ordinance were lifted, the hospital would still use Rockwall County EMS; however, the hospital would have more choices if the level of service that is being provided is subpar. She believes that, in turn, Rockwall County EMS might then be more receptive to meeting the hospital's and patient's needs. After various comments, Councilmember White went on to suggest that perhaps a compromise would be to still grant exclusivity to the EMS provider on contract in the county, but allow that provider a "first right of refusal" related to transports if they are tied up and unable to respond in an acceptable amount of time. He stressed that he believes the reason the hospital is not getting good service is because they have not taken their concerns to the ES Corp. Furthermore, he does not believe the reason they're not getting good service is attributed to the city's exclusivity ordinance.

Mayor Pro Tem Lewis indicated that he agrees a lot of these issues should be directed to and handled by the Emergency Services Corporation. Lewis explained that a lot of past complaints have been addressed by the ES Corporation, but some of these issues expressed today could be taken to the ES Corporation.

Dr. Gary Bonacquisti  
1114 Cambridge Court  
Rockwall, TX 75032

He came forth and indicated he believe that the 911 system is currently overwhelming to the EMS provider, especially as the city grows. He believes that competition breeds better service. He wants the same freedom that Lakepointe Medical Center has with regards to calling whatever provider they want to call for patient transfers. He feels that patient care is suffering due to delays in transport response times. He expressed that he has concerns about 'patient diversion' to other facilities. He explained that just because a certain hospital in the county provides certain equipment or services does not mean that particular hospital is the best place for patients to go. He is concerned about patients being transported, through what he views as "diversion," to other medical centers when they exhibit certain symptoms. He believes clinical decisions like this should not be being made by the ambulance provider. He feels patients are being convinced by the ambulance crew to go elsewhere rather than to the facility of their choice or to the nearest facility.

Councilmember White expressed that he would like the ES Corp. to evaluate and report back to the city on what it thinks, as a body, about Rockwall's 'exclusivity ordinance.' Also, he would like these complaints and concerns reviewed and some sort of formal opinion issued related to these matters. Mayor Pro Tem Lewis indicated that he will take these thoughts to the ES Corp. at its board meeting this Wednesday.

Councilmember Fowler inquired as to why the ambulance service provider may be diverting patients away from certain facilities in favor of taking them to others.



197 Councilmember Hohenshelt suggested that perhaps the existing 'service agreements'  
198 between the ES Corp. and the ambulance service provider could be revisited to add  
199 some language that addresses, in more detail, things like billing expectations (i.e. all  
200 billing shall be issued to the payee within 90 days).

201  
202 Mitch Ownby  
203 Rockwall County EMS / Medic Rescue  
204 255 Country Club Drive  
205 Heath, TX 75032  
206

207 Mr. Ownby came forth and expressed that the EMS system was designed back in 2002 in  
208 order to provide the most economical service to the citizens. Half or so of the EMS  
209 budget is provided for by non-emergency transport business. He explained that  
210 essentially, exclusivity allows for the ability to keep the subsidy paid to the ambulance  
211 company as economical (low) as possible. He explained that the County pays fifty  
212 percent of the 911 subsidy to the company, and the other member cities pay the  
213 remaining 50% on a pro rata basis (according to population). So, the City of Rockwall  
214 currently pays about \$150,000 per year for its 911 ambulance service (emergencies), and  
215 next year it is slated to drop to just under \$130,000. Other cities, he explained, may run  
216 their own ambulance services through their fire department, a service, in those  
217 instances, that is generally fully subsidized by public funds. He explained that his  
218 company remains in compliance with the contract it has in place with the ES  
219 Corporation, and it is in compliance with the contract it has with Presbyterian Hospital  
220 (which, he explained, was made in an effort to be a good partner). He shared that the  
221 purpose of an exclusivity ordinance, over all, is to save tax dollars and allow for a more  
222 consistent vetting process. General discussion took place related to the number of  
223 ambulances Medic Rescue has and how many staff it employs and when. Also, brief  
224 comments were exchanged related to any contracts that Medic Rescue has in place with  
225 facilities, be they nursing homes, hospitals or otherwise.  
226

227 At the request of Councilmember Townsend, Mr. Ownby explained how the process of  
228 patient transport works, including triage, emergency vs. non-emergency, and response  
229 times.  
230

231 Councilmember Townsend asked Mr. Ownby to address why patients would be diverted  
232 to one facility or another. Mr. Ownby explained that patient transport destinations are  
233 based on the best equipped, nearest hospital, and his company does have a 'destination  
234 protocol' in place. Townsend asked if the patient has an ability to express a preference.  
235 Mr. Ownby indicated that, yes, they do have an ability to express a preference; however,  
236 in certain instances, when there is a high acuity, certain hospitals are preferred. For  
237 example, burn patients go to Parkland. He asserted that the goal is to ensure the patient  
238 gets to the facility where he/she can be treated.  
239

240 Councilmember Fowler asked what would happen if the city revokes its existing  
241 exclusivity ordinance. Mr. Ownby indicated that nothing would change with regards to  
242 911 / emergency calls; however, most likely it would result in the EMS company having to  
243 approach the ES Corp. to renegotiate its contract because its subsidy costs would likely  
244 go up, being that funds generated from non-emergency transports would presumably go  
245 down. If every non-emergency call for transport out of Presby alone went away entirely,  
246 it would cost Medic Rescue about \$600,000 annually.

Councilmember Hohenshelt asked how the company arrives at the amount of subsidy it is going to request from the ES Corporation annually. Mr. Ownby generally indicated that it is based on a three page spreadsheet that reflects estimated growth, system demand and volume and the associated cost (based on an extrapolation of cost per trip). The annual projection is based on actual costs from the previous year.

Mayor Pro Tem Lewis requested that an agenda item be placed on the next city council meeting agenda for the city council to decide on repealing the exclusivity ordinance, leaving it in place or amending it. In the meantime, at this week's ES Corp. board meeting, he will solicit feedback from the board concerning Rockwall's exclusivity ordinance and its possible revocation.

3. Hold work session to hear from representative(s) of the Rockwall Area Chamber of Commerce concerning the "I Shop Rockwall Campaign," and take any action necessary.

**Robin Chouteau**  
166 Elm Hollow Court  
Sherman, TX 75092

Mrs. Chouteau came forth and indicated that she is on the Board of Directors of the Chamber of Commerce, and she is one of the owners of Honda Cars of Rockwall. Also, she is currently in the process of moving to Rockwall.

Mrs. Chouteau asked if she would be allowed, as part of this campaign, to place an "I Shop Rockwall" magnet on city vehicles in order to help promote the program and encourage people to shop locally in Rockwall. She explained that this program will begin to be advertised on Facebook and other social media sites

**Richard Redig**  
Blue Ribbon News  
Box 967  
Rockwall, TX 75087

Mr. Redig came forth and provided some additional information related to how this campaign will be marketed, including a Honda CRV that will be driven around and will reflect sponsorships for the program. He explained that he would like the city's help in allowing some additional signage around the city, including on city vehicles, that say "I Shop Rockwall" to help promote the program. They also have plans to conduct a contest to help promote the program as well.

Mrs. Chouteau explained that, as part of the program, they also hope to be able to purchase additional Christmas decorations that would benefit the city.

Mr. Crowley clarified that, if the city does allow for magnetic signage to be placed on city vehicles, those signs would only reflect "I Shop Rockwall" and would not reflect any names or information related to business sponsorships participating in the campaign. Mr. Crowley expressed that any additional signage around town would need to conform to the city's sign ordinance.



- 296
- 297 4. Hold a work session to discuss and consider animal surrender policies at
- 298 the Rockwall Animal Adoption Center, and take any action necessary.

299 **Mr. Griggs indicated that staff would like to propose that this issue be discussed at this**

300 **week's Rockwall Animal Adoption Center / Shelter Advisory Committee meeting, and**

301 **then have a proposed ordinance placed on the August 3 city council meeting for**

302 **consideration.**

303

304 **At 5:27 p.m. Mayor Pro Tem Lewis read the below listed discussion items into the record**

305 **before recessing the public meeting into Executive Session.**

306

307 **III. EXECUTIVE SESSION.**

308

309 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**

310 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**

311 **CODE:**

312

- 313 1. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of
- 314 Rockwall pursuant to Section 551.071 (Consultation with Attorney)
- 315 2. Discussion regarding the city's concession agreement with Suntex Marina
- 316 / Suntex RHCL Marina, LLC pursuant to Section § 551.071 Consultation
- 317 with Attorney)
- 318 3. Discussion regarding possible legal claim related to Oncor pursuant to
- 319 Section 551.071 (Consultation with Attorney)
- 320 4. Discussion regarding (re)appointments to city regulatory boards,
- 321 commissions, and committees including the Building and Standards
- 322 Commission, Planning & Zoning Commission, and Board of Adjustments
- 323 pursuant to Section 551.074 (personnel matters)

324

325 **IV. ADJOURN EXECUTIVE SESSION**

326

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

328

329 **V. RECONVENE PUBLIC MEETING**

330

331 **The meeting was reconvened at 6:00 p.m. with all council members except for Mayor**

332 **Pruitt and Councilmember Milder present.**

333

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

335

336 **No action was taken as a result of Executive Session.**

337

338 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

339

340 **Councilmember Fowler delivered the invocation and led the Pledge of Allegiance**

341

342

**VIII. OPEN FORUM**

**Brenda Cross  
1287 Stanford  
Rockwall, TX 75087**

Mrs. Cross came forward and indicated that she is speaking on behalf of the Rubber Duck Regatta. She thanked the Council for all of its support over the years. She handed out several rubber ducks, encouraging various city departments to have a fun challenge among themselves to see who can decorate the best duck. She thanked various city council members for taking part in the event since 2012, and she encouraged the ones who have not yet been involved to come out and join in the activities.

**Alma Williams Howard  
219 Rush Creek Drive  
Heath, TX 75032**

Mrs. Howard came forth and spoke in favor of Dr. Burney and his request for waiver of certain city assessed fees as he relocates his practice to the City of Rockwall. She believes his practice will bring to the community very high end, high volume benefits to the city and its citizens.

**Lance Holmes  
Senior Director of Business Development  
Presbyterian Hospital of Rockwall**

Mr. Holmes came forth to encourage the Council to consider granting waivers to Dr. Burney and his practice related to what seems to be an exorbitant amount of fees. He indicated that the closer to home a patient is able to receive care, the faster he/she heals. He believes Dr. Burney's practice will be of great benefit to the community.

**Mr. Bob Wacker  
806 Miramar Drive  
Rockwall, TX 75087**

Mr. Wacker indicated that he is a patient of Dr. Burney, and he believes him to be a great orthopedic surgeon. He went on to express that he is aware of a fire that somewhat recently occurred in Heath, and he had heard there was not an adequate water supply. He wonders if there is any similar type of danger within the City of Rockwall (related to inadequate water supply).

**Allison Haft  
2323 N. Houston Street #308  
Dallas, TX 75219**

She indicated that she is now a Dallas County resident, formerly a Rockwall County resident. She came forth and offered brief comments related to lakefront property values as well as lake views and lake access for residents who own homes and property along the takeline (Action Item #5). She generally encouraged the city council to not make any



modifications to the takeline provisions that have been in place pertaining to boat houses since the takeline was first established years ago.

Mr. Bill Swisher  
4422 Scenic Circle  
Garland, TX

Mr. Swisher came forth and indicated that he is a Garland resident and is a lakefront homeowner in that city. He was a member of the Lakeside Coalition some years ago. He explained that the intent of the coalition was to reduce, prevent and eliminate erosion along the Lake Ray Hubbard shoreline through quality, uniformity and consistency. The hope was to allow lakefront property owners access to the lake via lake houses/boat houses. He generally expressed that the extension of property lines out into the water has never been mentioned pertaining to properties along the lake in any of the lakeside cities. He believes that passing a policy that does call for extending property lines out into the lake would be contrary to the Lakeside Coalition's intentions to encourage lake access for property owners living along the lakeshore.

Mr. Charlie Shearer  
431 W. Main Street  
Denison, TX 75020

Mr. Shearer indicated that he served on the Lakeside Coalition that initially took a look at construction of boathouses and boat docks along the lake for all cities involved. He generally believes that the boathouse that would be constructed would enhance the property and its value. He expressed that passing the proposed policy with regards to extending property lines out into the lake would go against the Lakeside Coalition's original intent for lakeside properties.

Jannie Cullin  
1604 S. Lakeshore Drive  
Rockwall, TX 75087

Mrs. Cullin indicated that the policy being considered tonight under Action Item #5 affects her property and Mrs. Foster's property, who is her neighbor. She explained that Mr. Foster knew when he bought the property that he had a very small amount of lake frontage. She explained that Mr. Foster has only become concerned about the building of a boathouse as he is attempting to sell the home. In April of 2012, she explained that Mr. Foster had previously approached the Cullin's asking for a 10' waiver to allow Mr. Foster to build a boat dock, not a boat house. Mrs. Cullins indicated that Mr. Foster then took that letter that the Cullins had signed and presented it to the City of Rockwall. He was subsequently granted a boathouse permit. She requested that the council consider allowing the Cullins' letter to be rescinded since they were under the impression that the waiver granted would be associated with building a boat dock, not a boat house.

Mr. Mike Foster  
1600 S. Lakeshore Drive  
Rockwall, TX 75087

Mr. Foster indicated that when he purchased the property, there was no such thing in place as a 'takeline area.' He had been under the impression that this property had lake access of about 120' until the year 2012 when he began looking into getting a boathouse permit. Mr. Foster indicated that the waiver he requested from the Cullins property owner was to ask for a boat house because a waiver was not needed for a boat dock or a pier. Mr. Foster went on to display a series of photographs showing the boat house that the Cullins constructed a number of years ago. He also shared photos of the view of the lake and lakeside structures from another piece of property that the Cullins own in Chandlers Landing. He generally encouraged the council to allow him to build the boat house he would like to construct, as he does not believe property values will be adversely affected.

#### IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 6, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution authorizing the City Manager to execute an Interlocal Purchasing Agreement with the City of Midlothian, and take any action necessary
3. Consider approval of a resolution allowing a temporary partial closure of FM 552 (John King Boulevard to the Rockwall East City Limits), FM 549 (FM 3097 to SH 205) and SH 205 (FM 549 to South John King Boulevard) for the Hot Rocks Bike Ride on Saturday, August 8, 2015 from 6:30 AM to 3:00 PM, and take any action necessary.
4. Consider approval of a resolution authorizing the City Manager to execute an Interlocal Purchasing Agreement with the City of Frisco, and take any action necessary.
5. **P2015-023** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH 60's Pod, LTD for the approval of a final plat for Phase IXA of the Breezy Hill Subdivision, consisting of 55 single family lots on a 16.805-acre tract of land identified as Tract 7-13 of the T. R. Bailey Survey, Abstract No. 30 and J. Simmons Survey, Abstract No. 190, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located at the northwest corner of the intersection of FM-552 and Breezy Hill Lane, and take any action necessary.
6. **P2015-024** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Matt Alexander of the Cambridge Company, Inc. for the approval of a final plat for Phase 2 of the Rockwall Downes Subdivision, consisting of 30 single family lots on a 11.923-acre tract of land identified as a portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for residential land uses, located at the northeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.
7. **P2015-025** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Matt Alexander of the Cambridge Company, Inc. for the

Monday, July 20, 2015 City Council Minutes



488 approval of a final plat for Phase 3 of the Rockwall Downes Subdivision,  
489 consisting of 26 single family lots on a 8.559-acre tract of land identified  
490 as a portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of  
491 Rockwall, Rockwall County, Texas, zoned Planned Development District  
492 10 (PD-10) for residential land uses, located at the northwest corner of  
493 the intersection of John King Boulevard and Discovery Boulevard, and  
494 take any action necessary.

495 **Councilmember Townsend made a motion to approve the entire Consent Agenda.**  
496 **Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 in favor**  
497 **with 2 absent (Pruitt and Milder).**

498  
499 **Mayor Pro Tem Lewis indicated that the agenda would be reordered to address Action**  
500 **Item #1 next on the council agenda.**

501  
502 **X. APPOINTMENTS**

- 503  
504 1. Appointment with the Planning and Zoning Chairman to discuss and  
505 answer any questions regarding cases on the agenda and related issues  
506 and take any action necessary.

507 **Mr. Renfro, Chair of the P&Z Commission, came forth and briefed the board on**  
508 **recommendations of the Commission relative to items on tonight's city council agenda.**  
509 **No action was taken at this time.**

- 510  
511 2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson  
512 LLP to present information regarding a bid received for delinquent  
513 property taxes at 464 Evans at an amount less than the outstanding  
514 taxes, and take any action necessary.

515 **Representatives for this appointment item did not show up at the meeting. Therefore,**  
516 **this item was not addressed, and no action was taken.**

- 517  
518 3. Appointment with Joey Howell to discuss and consider initiating a  
519 development agreement, in accordance with Chapter 212 of the Texas  
520 Local Government Code, for a property identified as Tract 18 & 18-01 of  
521 the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas,  
522 being a ~98-acre tract of land situated within the City of Rockwall's  
523 Extraterritorial Jurisdiction (ETJ), located south of SH-276 on the east  
524 side of FM-548, and take any action necessary.

525 **Councilmember Hohenshelt indicated that he will be recusing himself from this agenda**  
526 **item (he owns this property), and he has filed an affidavit with the City Secretary.**

527  
528 **Planning Director Robert LaCroix provided brief background information related to this**  
529 **agenda item.**

530  
531 **Mr. Howell came forth and indicated that he has been developing properties in the area**  
532 **for about the last thirty years. He recently was a partner in developing the Trend Tower,**  
533 **but he has also been a part of developing residential subdivisions (i.e. Hillcrest Shores).**  
534 **Regarding this particular property, he would like to build one acre lots and utilize septic**  
535 **tank systems on these properties. He explained that he has been working with staff on**

how this project may be able to come to fruition because the County, where the property is currently located, requires 1.5 acre lots for septic systems. He shared that, although this area is not currently located within the city limits, it will eventually be in the city, as it is located in the city's ETJ (extraterritorial jurisdiction). In working with staff and in speaking with the Commissioners Court at the County, he believes that proceeding with the 212 development agreement will be the most agreeable, viable option since annexing into the city at this time is not possible.

Mr. LaCroix indicated that the county's main concern is related to the proposed septic systems and the lot coverage that they fear may limit an adequate septic area to ensure the systems run efficiently.

Mr. Howell went on to clarify that these lots will actually very likely end up being 1.5 acre lots anyway, because essentially the portions of the lots that are located in the floodplain will not 'count' towards the required 1.0 acre needed for the septic systems. He explained that this issue has in fact been discussed with Ron Merritt, the county's health-related authority that oversees septic tank systems.

Mr. Crowley asked how future homeowners would be informed of the fact that someday their home will be annexed into and located within the City of Rockwall city limits. He stressed a desire to have Mr. Howell and his developers / builders to ensure that people purchasing homes in this area are clearly and certainly informed that they will be annexed into the city at some point.

Councilmember Fowler made a motion to initiate this agreement. Mr. LaCroix indicated that staff would like to have some additional time for the city attorney to review the terms of this contractual agreement (the 212) before bringing it back to the city council for actual approval at the next city council meeting. Fowler subsequently withdrew his motion.

Council generally indicated they would like to have staff and the city attorney work with Mr. Howell to have an agreement brought back to Council for consideration at the next council meeting, indicating that some legal and contractual related items need to be worked out first. Also, the city would like to see a draft document that shows how future home buyers will be made aware that, at some point, their property will be annexed into and become part of the City of Rockwall. Therefore, no formal action was taken at this time related to this agenda item.

#### **XI. PUBLIC HEARING ITEMS**

1. **Z2015-015** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Rich Darragh of the Skorburg Company on behalf of the owner William Audy Riggs, SR Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 93.00-acre tract of land identified as Tract 33 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of Breezy Hill Road north of FM-552, and take any action necessary. *(1st Reading) (Applicant has requested to withdraw)*



585 Mayor Pro Tem Lewis indicated that the applicant has withdrawn this case at this time.  
586 So, he would have to go back through the process from the beginning if he wishes to  
587 bring it forth again.  
588

- 589 2. **Z2015-020** - Hold a public hearing to discuss and consider approval of an  
590 ordinance for a request by Wayne Mershawn of Mershawn Architects on  
591 behalf of Rex Walker of Life Springs Church for a Specific Use Permit  
592 (SUP) for a church in an Agricultural (AG) District for a seven (7) acre  
593 portion of a larger 28.881-acre tract of land identified as Tract 15-01 of  
594 the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall  
595 County, Texas, zoned Agricultural (AG) District, situated within the SH-  
596 205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the  
597 north side of John King Boulevard east of the intersection of John King  
598 Boulevard and SH-205, and take any action necessary. **(1st Reading)**

599 After brief comments from Mr. LaCroix, Mayor Pro Tem Lewis opened the public hearing.  
600 There being no one wishing to come forth and speak, he then closed the public hearing.  
601 Councilmember Townsend made a motion to approve Z2015-020. Councilmember White  
602 seconded the motion. The ordinance was read as follows:

603 CITY OF ROCKWALL

604 ORDINANCE NO. 15-\_\_

605 SUP NO. \_\_\_\_

606 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
607 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
608 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
609 SPECIFIC USE PERMIT TO ALLOW FOR A "CHURCH" WITHIN AN  
610 AGRICULTURAL (AG) DISTRICT, BEING A 7.00-ACRE PORTION OF A  
611 LARGER 28.881-ACRE TRACT OF LAND IDENTIFIED AS TRACT 15-01 OF  
612 THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, AND GENERALLY  
613 LOCATED ON THE NORTH SIDE OF JOHN KING BOULEVARD EAST OF  
614 THE INTERSECTION OF JOHN KING BOULEVARD AND SH-205, CITY OF  
615 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY  
616 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR  
617 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO  
618 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
619 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR  
620 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

621 The motion passed unanimously of Council present (2 absent – Pruitt and Milder).

- 622 3. **Z2015-021** - Hold a public hearing to discuss and consider approval of an  
623 ordinance for a request by Sam Ellis on behalf of the owner, the George  
624 Dewoody Estate, for a Specific Use Permit (SUP) for a daycare facility in  
625 an Agricultural (AG) District for a two (2) acre parcel of land identified as  
626 Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas,  
627 zoned Agricultural (AG) District, situated within the North SH-205 Corridor  
628 Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-  
629 205], and take any action necessary. **(1st Reading)**

630 Planning Director Robert LaCroix provided background information related to this  
631 agenda item. Notices were sent out to adjacent property owners (total of 66) located  
632 within 500' of the subject property. Nearby HOAs were notified as well, and two notices

Monday, July 20, 2015 City Council Minutes

633 were received back expressing support of this request. The applicant would need to  
634 come at a later date and submit a detailed site plan and go through an architectural  
635 review. The P&Z Commission has recommended approval of this case.  
636

637 Sam Ellis, the applicant, came forth and offered brief comments, generally explaining the  
638 purpose of his request and asking the council for approval.  
639

640 Mayor Pro Tem Lewis opened the public hearing and asked if anyone would like to come  
641 forth and speak.  
642

643 Bob Wacker  
644 806 Miramar Drive  
645 Rockwall, TX 75087  
646

647 Mr. Wacker indicated that he was involved in the townhome development behind CVS.  
648 He explained that he is concerned about traffic ingress and egress, suggesting that  
649 another entrance/exit be added on the north side.  
650

651 Troy Clark  
652 3025 N. Goliad  
653 Rockwall, TX  
654

655 Mr. Clark indicated that he is the property owner located immediately to the north of this  
656 location. He expressed support for approval of this item.  
657

658 Mr. LaCroix clarified that the owner could replat the property, but the zoning of this  
659 property would stay in place.  
660

661 Councilmember White made a motion to approve Z2015-021. Councilmember Townsend  
662 seconded the motion. The ordinance was read as follows:  
663

664 CITY OF ROCKWALL  
665 ORDINANCE NO. 15-\_\_\_\_  
666 SUP NO. \_\_\_\_\_  
667

668 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
669 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF  
670 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A  
671 SPECIFIC USE PERMIT TO ALLOW FOR A "DAYCARE FACILITY" WITHIN  
672 AN AGRICULTURAL (AG) DISTRICT, BEING A 2.00-ACRE PARCEL OF  
673 LAND IDENTIFIED AS LOT 1 OF THE DEWOODY ADDITION, AND LOCATED  
674 AT 3011 NORTH GOLIAD STREET, CITY OF ROCKWALL, ROCKWALL  
675 COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"  
676 ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
677 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
678 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
679 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
680 PROVIDING FOR AN EFFECTIVE DATE.  
681

682 The motion passed unanimously of those present (2 absent – Pruitt and Milder).  
683



- 684 4. **Z2015-022** - Hold a public hearing to discuss and consider approval of an  
685 **ordinance** for modifications to Article IV, Permissible Uses, and Article V,  
686 District Development Standards, of the Unified Development Code for the  
687 purposes of creating a standard for cultured stone, and adding standards  
688 for a Portable Beverage or Food Facility, and take any action necessary.  
689 **(1st Reading)**

690 Planning Director Robert LaCroix provided background information related to this  
691 agenda item. P&Z has recommended approval of this item. Mayor Pro Tem Lewis  
692 opened the public hearing and asked if anyone would like to come forth and speak.  
693 There being no one, the public hearing was closed. Councilmember White made a  
694 motion to approve Z2015-022. Councilmember Townsend seconded the motion. The  
695 ordinance was read as follows:

696  
697 CITY OF ROCKWALL  
698 ORDINANCE NO. 15-XX  
699

700 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
701 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT  
702 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS  
703 HERETOFORE AMENDED, BY AMENDING SECTIONS 1.1 & 2.1.6 OF  
704 ARTICLE IV, PERMISSIBLE USES, AND SECTION 6 OF ARTICLE V,  
705 DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR A  
706 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
707 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
708 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
709 PROVIDING FOR AN EFFECTIVE DATE.  
710

711 The motion passed unanimously of Council present (2 absent – Pruitt and Milder).  
712

- 713 5. **Z2015-016** - Hold a public hearing to discuss and consider approval of an  
714 **ordinance** for a request by Stacey McVey of Double Eagle Properties on  
715 behalf of the owner 308 ON 276 LP for a zoning change from an Light  
716 Industrial (LI) District to a Planned Development District for Single Family  
717 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre  
718 tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract  
719 No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial  
720 (LI) District, located at the northeast corner of the intersection of Rochelle  
721 Road and SH-276, and take any action necessary. **(1st Reading)**  
722 *(Applicant has requested to postpone to the Aug. 3, 2015 regular cc mtg.)*

723  
724 Mayor Pro Tem Lewis announced that this item has been postponed until the August 3,  
725 2015 city council meeting.  
726

727 **XII. ACTION ITEMS**  
728

- 729 1. Discuss and consider a request from Dr. Umar Burney for waiver of fees  
730 owed on a development which includes a medical office building (Ortho  
731 Specialists of Dallas) located on Summer Lee Drive behind the Aldi  
732 building, and take any action necessary.

Mr. Crowley indicated that Mr. Burney has contacted the city to ask for consideration of waiver of pro rata fees associated roadway and water line impact fees.

Dr. Umar Burney  
825 Roth Avenue  
Richardson, TX

Mr. Burney came forth and thanked those who have expressed support today for this new facility that is slated to be opened in Rockwall. He explained that the impact fees that are being presented to him equate to nearly six figures. He went on to explain the various advantages and services that his business will provide to the citizens of Rockwall. He generally indicated that he has been surprised by these fees. Furthermore, based in the services his business will bring that will benefit the community, he requested that the city council consider reviewing the proposed impact fees and waive them at this time.

Councilmember Hohenshelt asked if any other business that would otherwise be moving in at this particular location would be faced with the same fees. Mr. Crowley explained that the larger cost of the roadway in front of the city was paid for by the city up front as well as the water line in as an effort to attract the hospital. However, pro rata shares associated with these expenses have since been paid for by the other businesses that have since located along this particular roadway. Dr. Burney is now requesting special consideration from Council concerning his pro rata fees.

City Engineer Tim Tumulty clarified that impact fees are discussed upfront when a business first sits down in pre-meetings with staff members. So, while he understands that this is contrary to what Dr. Burney has shared (that they just very recently found out about these fees), it is normal practice to present these fees upfront when development is forthcoming.

It was stated that impact fees are normal practice, and other cities commonly impose such fees as well.

After brief comments, the item received no motions, so no action was taken by the Council concerning this agenda item.

Following this item, Mayor Pro Tem Lewis went on to address Appointment Item #1 (with P&Z Commission Chairman).

2. **SP2015-015** - Discuss and consider a request by Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of Elias Pope of 8020 Restaurants, LLC for the approval of variances to the natural stone and masonry material requirements stipulated by Article V, District Development Standards, of the UDC in conjunction with an approved site plan for a restaurant on a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District Addition, 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 IH-30 Frontage Road and Sunset Ridge Drive, and take any action necessary.



Mr. LaCroix explained that this request is associated with a restaurant that would be located next to the Trend Tower down near The Harbor. He explained that H&G Supply is a restaurant that also has a location on Lower Greenville Avenue in Dallas. He described the various building materials that the applicant is proposing to use. He shared that all of the rooftop equipment would be screened, so people in the Trend Tower who might look down on the building would not see it. He explained that the Architectural Review Board did review these concept plans, and they generally agree that this is a nice design that, although it is a little modern, will fit in well with the existing, surrounding area. After some, slight revisions were made by the applicant at the request of the ARB, the P&Z did recommend approval of this item.

Cameron Sloan  
F. C. Cuny Corporation  
Civil engineer firm  
4316 Belmar Avenue  
Dallas, TX

Mr. Sloan explained he is with the Cuny Corporation and is representing the applicant on this case. His office is very near the existing restaurant location on Greenville Avenue, and he believes this will be a great addition to this area in Rockwall.

Mayor Pro Tem Lewis made a motion to approve SP2015-015. Councilmember White seconded the motion, which passed unanimously of council present (2 absent – Pruitt and Milder).

3. **A2015-001** - Discuss and consider the expiration of an existing 212 Development Agreement for four (4) tracts of land contiguous with the City of Rockwall's city limits and being identified as approximately 94.05-acres of land situated within the City's Extraterritorial Jurisdiction (ETJ), generally located south of SH-276 along Zollner Road, and take any action necessary.

Mr. LaCroix indicated that this item is related to a 212 agreement that the city entered into with the property owners, the Zolner family, about 6.5 years ago. The initial term was for a period of seven years. The state law allows for these agreements to be for a term up to fifteen years. If the Council does not wish to sign a new 212 agreement, then the city would proceed with annexation.

Councilmember White made a motion to approve A2015-001, extension of a 212 agreement, for a period of seven years. Councilmember Townsend seconded the motion, which passed unanimously of council present.

4. Discuss and consider status of Franchise Agreement with Legends Batting Cages, and take any action necessary.

Andy Hesser, Parks Manager, came forth and provided brief background information related to this agenda item. He explained that in May of 2014, the city council approved entering into this franchise agreement at the recommendation of the Park Board. In January of 2015, the Park Board asked for a status update from Legends. An update was given, and the Park Board requested to see progress, in the form of drawings, within ten days. Legends did provide said drawings. This past meeting, July 7, the Park Board did

831 hear from the representative of the Legends Batting cages, who indicated that he is  
832 having delays getting a concrete contractor out to pour concrete. However, some  
833 progress has been made, for example with poles, nets and machines. Park Board is now  
834 recommending that the contract be terminated if substantial progress had not been made  
835 on site by September 1, 2015 and that the 30 day written notice be given concurrently to  
836 correspond with the September 1st deadline. Councilmember Townsend made a motion  
837 to accept this Park Board recommendation as conveyed. Mayor Pro Tem Lewis  
838 seconded the motion, which passed by a vote of 4 in favor, 1 against (White), and 2  
839 absent (Pruitt and Milder).

- 840  
841 5. Discuss and consider approval of a policy for the construction of  
842 structures, including a dock deck, fixed pier or boathouse within Lake Ray  
843 Hubbard for properties eligible to lease the Lake Ray Hubbard Takeline  
844 adjacent to the property, and take any action necessary.

845 Robert LaCroix provided background information related to this agenda item. He  
846 indicated that staff received an email from the City of Dallas indicating that modifications  
847 to sublease property boundaries and general layout locations of takeline subleases are  
848 the responsibility of the City of Rockwall. Structure dimensions and building materials  
849 must adhere to the interlocal agreement with the City of Dallas. He explained that Dallas  
850 is only concerned with water quality. He went on to explain the process associated with  
851 those property owners who sublease for applying to build a boat dock or a boat house  
852 structure. He indicated that plans have to be submitted to the City, and the City has to  
853 review those plans and approve them prior to issuing a building permit. He explained  
854 that any imaginary property lines extending out into the lake are currently not part of any  
855 takeline leases; however, the policy being proposed tonight would allow staff to extend  
856 those imaginary lines into the water in order to make considerations for setbacks before  
857 issuing any related building permits.

858  
859 Councilmember White clarified that when a property owner subleases the takeline,  
860 he/she only leases the dirt and not the water. Mr. LaCroix concurred. Assistant City  
861 Manager Brad Griggs explained that staff has attempted to determine with certainty  
862 where a particular boat house is going to be built in order to ensure there is ample room  
863 for maneuvering a boat so as to not encroach on a neighbor's boat house or other,  
864 adjacent boats being backed out.

865  
866 Mayor Pro Tem Lewis clarified that the City of Dallas allows for those who sublease to  
867 build boathouses that extend 40' into the water as long as they go through the City of  
868 Rockwall to obtain a permit.

869  
870 After extensive discussion, Councilmember White made a motion to approve the policy  
871 with the understanding that item #3 will be changed to remove the language about  
872 imaginary lines that do not exist that extend into the water. Councilmember Townsend  
873 seconded the motion, which passed by a vote of 5 in favor with 2 absent (Pruitt and  
874 Milder).

875  
876 The Council did not reconvene in Executive Session following the close of the public  
877 meeting.

878  
879 **XIII. EXECUTIVE SESSION**



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

1. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
3. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

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

**XV. ADJOURNMENT**

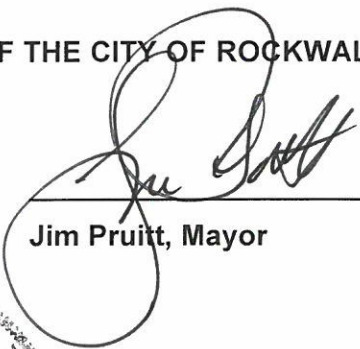
The meeting was adjourned at 7:59 p.m.

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

THIS 3<sup>rd</sup> DAY OF AUGUST, 2015.

ATTEST:

  
Kristy Ashberry, City Secretary

  
Jim Pruitt, Mayor



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# MINUTES

## ROCKWALL CITY COUNCIL

Monday, August 03, 2015  
4:00 p.m. Regular City Council Meeting  
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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

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19  
20  
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22  
23  
24

II. WORK SESSION

- 25  
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27  
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29  
30  
31  
32  
33  
34  
35  
36  
37
1. Hold a work session to hear a presentation by Doug Duffie LLC representing First Texas Homes to request consideration of a 380 Agreement for Use Taxes, and take any action necessary.

Doug Duffie  
1816 Grosvenor Green  
Colleyville, TX 76034

Mr. Duffie came forth and shared details pertaining to a proposed 380 agreement regarding use taxes. Briefly, he explained that First Texas Homes and their construction subs currently pay sales tax on home building materials at the point of sale rather than at point of use. For example, if First Texas Homes purchases Acme Brick the sales tax is paid either to Dallas or to Denton where their sales offices are located instead of in Rockwall where the home is being built. Mr. Duffie has said that he has researched their suppliers and none of them are located in Rockwall. First Texas Homes proposed to change this by altering their accounting systems and paying Use Tax rather than sales tax. For the effort and expense to alter their systems and processes, they are asking for 40% of the Use tax paid to the City. Several area cities have entered into this kind of agreement, Rowlett several years ago with DR Horton, and Frisco has agreements with several builders. Frisco is considering an agreement with First Texas Homes at this time.

Mayor Pro Tem Lewis asked Mrs. Smith, Finance Director / Assistant City Manager, what disadvantages may exist concerning such arrangement. Mrs. Smith indicated that so far she has not been able to identify any. Mr. Crowley, City Manager, shared that the city attorney has advised that entering into this 380 agreement with First Texas Homes does not set a precedence that would mean the council has to enter into a similar agreement with any and all future builders who may request such. Instead, the council may pick and choose with which builders it would like to enter such agreements.

Regarding the terms of the agreement, Mr. Duffie indicated that his company tries to utilize the same terms regardless of the city with which they're entering into such agreement.



Council generally indicated that it would like staff to check into this further to ensure all is okay with such agreement and then bring an Action Item back to the council for consideration at the next city council meeting.

2. Hold work session to discuss and consider the city budget, and take any action necessary.

City Manager Rick Crowley and Assistant City Manager Mary Smith provided background information related to this agenda item. He indicated that he would like direction from Council regarding if they would like to see him present a budget that is based on future adoption of the current effective rate or the current tax rate. Mayor Pro Tem Lewis indicated that he would like to see a budget presented by staff at the upcoming budgets retreat that reflects the current "effective tax rate." Councilmember Hohenshelt indicated that he is unsure what direction to provide to staff regarding which rate he would like to see associated with the budget proposal that is brought forth. He indicated he is inclined to suggest we should spend less, so he is not prepared to provide a firm answer on the matter at this time. Mayor Pruitt indicated that he is fine with staff presenting a budget that reflects the "effective tax rate." Councilmember Milder expressed concern about continually adopting the 'effective tax rate' in lieu of raising the proposal to reflect the current 'tax rate' solely because funds generated year by year have increased. Generally, he feels that this could eventually prove to be a dangerous practice. Milder expressed he would like to see both budget proposal options presented – a budget reflecting the "effective tax rate" and one reflecting the "current tax rate." Mr. Crowley acknowledged having received sufficient direction from the Council at this time. No action was taken following discussion of this item.

At 4:38 p.m. Mayor Pruitt read the below listed items into the public record before recessing the meeting into Executive Session.

### III. EXECUTIVE SESSION.

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

1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
3. Discussion regarding possible settlement of City of Rockwall v. Temunovic Partnership, LTD., Case No. 1-14-878; 382nd District Court of Rockwall, Texas pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

### IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:35 p.m.

98 V. RECONVENE PUBLIC MEETING (6:00 P.M.)

99  
100 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all city council members  
101 except Councilmember Townsend present.

102  
103 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

104  
105 Mayor Pro Tem Lewis made a motion to settle the City of Rockwall v. Temunovic  
106 Partnership Condemnation litigation case (Case No. 1-14-878; 382nd District Court of  
107 Rockwall), for \$120,000.00 and to authorize execution of all documents necessary to  
108 settle the case and transfer ownership of the Justin Road right-of-way to the city.  
109 Councilmember White seconded the motion, which passed by a vote of 6 ayes with 1  
110 absent (Townsend).

111  
112 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS

113  
114 Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance.

115  
116 VIII. OPEN FORUM

117  
118 Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the  
119 audience would like to come forth and speak at this time.

120  
121 Martin Ramirez  
122 Rockwall County EMS  
123 809 South Goliad  
124 Rockwall, TX 75087

125  
126 Mr. Ramirez came forth and provided comments related to the issue of ‘ambulance  
127 exclusivity.’ He stated he is a Rockwall native and most of his family and friends live  
128 here. He generally indicated a willingness and proactive effort to work with Presbyterian  
129 Hospital of Rockwall to work out any differences that exist between Rockwall County  
130 EMS and the hospital. He indicated that his company has offered to park an ambulance  
131 at the hospital, but the offer has not been accepted. He again offered that his company is  
132 willing to do so. He spoke to allegations that have been previously made regarding  
133 “bypassing” Presby Rockwall (patient diversion), offering various reasons why an  
134 ambulance crew may elect to do so. He went on to state that in 2014, 2,020 patients were  
135 transported to Presby, while 1,461 were taken to Lakepointe Hospital. He further  
136 indicated a willingness to sit down with Presbyterian Hospital of Rockwall to try and  
137 address their concerns.

138  
139 Cindy Paris  
140 762 Black Oak Lane  
141 Rockwall, TX 75032

142  
143 Mrs. Paris came forth and indicated that she is the President and CEO of Presbyterian  
144 Hospital of Rockwall. She spoke regarding the ‘exclusivity of ambulance service’ in the  
145 city. She explained that she is an RN and she arrived to work at the hospital here in  
146 Rockwall before it was officially opened. She indicated a desire to have safe medical  
147 care in the community, and she has ongoing concerns regarding Rockwall County EMS’  
148 ability to meet the demands associated with rapid growth. She shared that the hospital



has met with Rockwall County EMS many times in the past, but the hospital has seen no improvement regarding concerns that have been expressed. Also, the hospital has never denied Rockwall County EMS' offer to park an ambulance on their hospital campus. She explained that this issue was placed on a 'future follow up' action plan but that it has not yet been followed up on. She explained that everyone at the hospital would agree that Rockwall County EMS provides quality care to members of the community, and she indicated that the hospital will continue to call Rockwall County EMS first simply because they are the closest and they are known to provide good care to their patients. The hospital's main concerns center around patient transports to higher level care facilities in both urgent and emergent situations. She generally urged the council to make a very informed decision before acting upon the exclusivity ordinance at hand.

#### IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 20, 2015 regular city council meeting, and take any action necessary.
2. **Z2015-020** - Consider approval of an **ordinance** for a request by Wayne Mershawn of Mershawn architects on behalf of Rex Walker of Life Springs Church for a Specific Use Permit (SUP) for a church in an Agricultural (AG) District for a seven (7) acre portion of a larger 28.881-acre tract of land identified as Tract 15-01 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King Boulevard and SH-205, and take any action necessary. **(2nd Reading)**
3. **Z2015-021** - Consider approval of an **ordinance** for a request by Sam Ellis on behalf of the owner, the George Dewoody Estate, for a Specific Use Permit (SUP) for a daycare facility in an Agricultural (AG) District for a two (2) acre parcel of land identified as Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the North SH-205 Corridor Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-205], and take any action necessary. **(2nd Reading)**
4. **Z2015-022** - Consider approval of an **ordinance** for modifications to Article IV, Permissible Uses, and Article V, District Development Standards, of the Unified Development Code for the purposes of creating a standard for cultured stone, and adding standards for a Portable Beverage or Food Facility, and take any action necessary. **(2nd Reading)**
5. **P2015-029** - Consider approval of a request by Maria Bonilla of Winkelmann & Associates on behalf of Mark Matise of Makko Goliad I, LP for the approval of a replat for Lots 1, 2 & 3, Block A, Kroger 205 Addition being a replat of 11.236-acre tract of land identified as Lots 2 & 3, Block A, Quail Run Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the southeast corner of E. Quail Run Road and SH-205, and take any action necessary.

- 197 6. **P2015-031** - Consider approval of a request by Mike Whittle on behalf of  
198 Rockwall Rental Properties, LP for the approval of a replat for Lot 13,  
199 Block 2, Alliance Addition, Phase 2 being a 0.571-acre parcel of land  
200 identified as Lot 4, Block 2, Alliance Addition, City of Rockwall, Rockwall  
201 County, Texas, zoned Planned Development District 57 (PD-57) for  
202 Commercial (C) District land uses, addressed as 6540 Alliance Drive, and  
203 take any action necessary.
- 204 7. **P2015-032** - Consider approval of a request by Cameron Slown of FC  
205 Cuny Corporation on behalf of Lowdent LLC, Hall and Lee Land  
206 Company LLC, and Temunovic Partnership LTD for the approval of a  
207 replat for Lots 4, 5 & 6, Block A, Temunovic Addition being a 2.582-acre  
208 tract of land currently identified as Lots 1, 2 & 3, Block A, Temunovic  
209 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
210 Development District 9 (PD-9) for General Retail (GR) District land uses,  
211 situated within the Scenic Overlay (SOV) District, addressed as 1320 &  
212 1350 Summer Lee Drive, and take any action necessary.
- 213 8. **P2015-033** - Consider approval of a request by Cameron Slown of FC  
214 Cuny Corporation on behalf of Tom Kirkland of Lakefront Trail Rockwall  
215 Hotel, LP for the approval of a replat for Lot 1, Block A, Marriott Addition  
216 being a 2.968-acre tract of land identified as a portion of Lot 3A, Block A,  
217 Shoreline Plaza Addition and all of Lot 1-1, Block A, Henry Africa  
218 Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned  
219 Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30  
220 OV) District, located at the southeast corner of the intersection of the IH-  
221 30 Frontage Road and Lakefront Trail, and take any action necessary.
- 222 9. Consider authorizing the City Manager to execute a purchase order with  
223 Freedom CDJR for the purchase of a 2015 Dodge Charger for Police  
224 Traffic Division in the amount not to exceed \$36,000 to be funded by  
225 General Fund Reverses, and take any action necessary.

226 **Councilmember Milder pulled item #9 for further discussion.**

227  
228 **Mayor Pro Tem Lewis made a motion to approve the remaining consent agenda items**  
229 **(#1, 2, 3, 4, 5, 6, 7 and 8). Councilmember White seconded the motion. The ordinances**  
230 **were read as follows:**

231 **CITY OF ROCKWALL, TEXAS**  
232 **ORDINANCE NO. 15-21**  
233 **SUP NO. 139**  
234

235 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
236 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**  
237 **TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT**  
238 **TO ALLOW FOR A "CHURCH" WITHIN AN AGRICULTURAL (AG) DISTRICT, BEING**  
239 **A 7.00-ACRE PORTION OF A LARGER 28.881-ACRE TRACT OF LAND IDENTIFIED**  
240 **AS TRACT 15-01 OF THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, AND**  
241 **GENERALLY LOCATED ON THE NORTH SIDE OF JOHN KING BOULEVARD EAST**  
242 **OF THE INTERSECTION OF JOHN KING BOULEVARD AND SH-205, CITY OF**  
243 **ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY**  
244 **DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL**  
245 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM**  
246 **OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR**



247 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING  
248 FOR AN EFFECTIVE DATE.

249  
250 CITY OF ROCKWALL, TEXAS  
251 ORDINANCE NO. 15-22  
252 SUP NO. 140  
253

254 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
255 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,  
256 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT  
257 TO ALLOW FOR A "DAYCARE FACILITY" WITHIN AN AGRICULTURAL (AG)  
258 DISTRICT, BEING A 2.00-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1 OF THE  
259 DEWOODY ADDITION, AND LOCATED AT 3011 NORTH GOLIAD STREET, CITY OF  
260 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY  
261 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL  
262 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM  
263 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR  
264 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING  
265 FOR AN EFFECTIVE DATE.

266  
267  
268 CITY OF ROCKWALL, TEXAS  
269 ORDINANCE NO. 15-23  
270

271 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
272 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE  
273 CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTIONS 1.1  
274 & 2.1.6 OF ARTICLE IV, PERMISSIBLE USES, AND SECTION 6 OF ARTICLE V,  
275 DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR A PENALTY OF FINE  
276 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
277 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
278 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

279  
280 The motion passed by a vote of 6 in favor with 1 absent (Townsend).

281  
282 Regarding Consent Agenda item #9, Councilmember Milder expressed concern regarding  
283 purchase of a police vehicle now in lieu of waiting to address this need during the  
284 upcoming budget discussions for next fiscal year. Mr. Crowley explained that this  
285 particular item is related to replacement of a vehicle that the department had that has  
286 become unusable. However, if the council would prefer to hold off on this item until  
287 during the budget process, Mr. Crowley indicated that doing so is certainly  
288 understandable and doable. Mr. Crowley indicated that last year, the Police Department  
289 neither requested nor received any funding for new vehicles.

290  
291 After brief comments from Chief Riggs, Mayor Pruitt made a motion to authorize the City  
292 Manager to execute a purchase order with Freedom CDJR for the purchase of a 2015  
293 Dodge Charger for Police Traffic Division in the amount not to exceed \$36,000 to be  
294 funded by General Fund Reverses. Councilmember White seconded the motion, which  
295 passed by a vote of 5 in favor, 1 against (Milder), and 1 absent (Townsend).

301 **X. APPOINTMENTS**

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

306 **Mr. Renfro briefed the council on recommendations of the Commission relative to Public**

307 **Hearing Item #1 (Double Eagle Properties). He generally pointed out that the P&Z**

308 **Commission initially recommended that this case be voted down (they voted against it).**

309 **However, the developer has since gone back and reworked the plans and is now bringing**

310 **back a revised plan for the council to consider at this meeting. He pointed out that the**

311 **revised plans do seem to have taken into account the P&Z's comments, and the**

312 **applicant has made what appear to be 'significant changes' to the plan. After brief,**

313 **additional comments, the Council took no action related to this agenda item.**

- 314 2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson
- 315 LLP to present information regarding a bid received for delinquent
- 316 property taxes at 464 Evans at an amount less than the outstanding
- 317 taxes, and take any action necessary.

318 **Mr. Lambeth came forth and briefed the Council on this agenda item. He indicated that**

319 **this property was recently involved in a judicial foreclosure procedure. A recent**

320 **judgement on this property took place, and the property was struck off the tax rolls to the**

321 **City of Rockwall. The Rockwall Housing Development Corporation has submitted a bid**

322 **for \$6,000 to try and rehabilitate the property. The total judgement was for \$13,290.00,**

323 **and the adjudged value of the property is \$19,670.00. He explained that the County had**

324 **this item on its agenda last week, and they approved it. Furthermore, it is expected that**

325 **the RISD will vote on the item next week as well.**

326

327 **Mayor Pruitt made a motion to accept/approve the proposed \$6,000.00 bid.**

328 **Councilmember White seconded the motion, which passed unanimously of those present**

329 **(6 ayes with Townsend absent).**

- 330
- 331 3. Appointment to hear presentation from Mark Spencer of MHS Planning
- 332 and Design regarding The Park at Stone Creek development plan, and
- 333 take any action necessary.

334 **Mr. Spencer came forth and showed conceptual plans to the City Council concerning**

335 **proposed design associated with the Park at Stone Creek. Assistant City Manager Brad**

336 **Griggs indicated that if the council agrees to approve this item, then staff and Mr.**

337 **Spencer and staff would move forward with construction plans and associated bid**

338 **documents. Mayor Pro Tem Lewis made a motion to approve the design plan, as**

339 **presented, for the Park at Stone Creek. Councilmember White seconded the motion.**

340 **After brief comments, the motion passed by a vote of 6 in favor with 1 absent**

341 **(Townsend).**

342

343 **XI. PUBLIC HEARING ITEMS**

- 344
- 345 1. **Z2015-016 - Hold a public hearing to discuss and consider approval of an**
- 346 **ordinance for a request by Stacey McVey of Double Eagle Properties on**
- 347 **behalf of the owner 308 ON 276 LP for a zoning change from an Light**
- 348 **Industrial (LI) District to a Planned Development District for Single Family**
- 349 **10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre**



tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the northeast corner of the intersection of Rochelle Road and SH-276, and take any action necessary. (1st Reading)

Ryan Miller, Planning & Zoning Director, provided Council with background information related to this agenda item. The applicant is proposing 507 single family lots with 1.65 units per acre on a 316 acre tract of land near the intersection of SH-276 at Rochelle Road. Nine acres of commercial retail would be included in addition to the residential lots. Along with the commercial / retail, the applicant is asking for Hotel/motel, restaurant with drive-in/drive-thru service and a retail store with gasoline sales to be permitted by right. He explained that the council would have the ability to review those developments before they are actually submitted for site plans due to this being a proposed PD (planned development district) development. He went on to explain that the development would include an amenity center and a 55 acre park, which would include a Soil Conservation Commission pond. The 507 single family lots will consist of a mixture of 60', 70' and 80' lot sizes and an overall, average lot size of about 7,600 square feet. A mix of j-swing and front-entry products is being proposed, so the applicant is asking for a waiver to the city's rear entry / alleyway requirement, and they are requesting a setback variance associated with how far back the garage doors would be placed from the front property line (versus the front most part of the structure). He generally indicated that the applicant has pretty much addressed all of the Planning & Zoning Commission's previously expressed concerns when the plan was first brought forth, including infrastructure improvements to Rochelle Road and Discovery Boulevard. He explained that the city's future land use map currently shows this property to be slated for an 'employment office.' However, if the council approves the applicant's request this evening, the future land use map would need to be updated to designate it for low density residential / commercial. Nineteen notices were sent out to adjacent property owners and residents located within 500' of the subject property. One notice was received back in favor of the request. In addition, two Rockwall citizens (outside of the notification area) also wrote e-mails expressing support of this item. The P&Z Commission did previously make a recommendation to deny the case by a vote of 5 to 2; however, that was before numerous changes were made to the proposed plan. In addition, approval of this item will require a 3/4 majority vote of the Council for approval this evening (five out of the six council members currently present this evening).

Joel Steed, who indicated he represents the applicant, came forward and addressed the council at this time. He explained that he and his wife have owned property in Rockwall for about twenty-three years. They also live here and moved his law firm from Dallas to Rockwall some years ago. After thanking members of Council, the P&Z Commission, and staff, Mr. Steed went on to briefly explain the plans that the applicant is now proposing associated with this requested zoning change.

Craig Carney  
Carney Engineering  
4588 Hinton Drive  
Plano, TX

Mr. Carney came forth and briefed the Council on various, proposed aspects of the project, should the zoning change be approved by the Council this evening. He explained that the details of the plan presented this evening really do reflect changes

that were made as a result of taking into account concerns expressed by the Planning & Zoning Commission. He shared details concerning things such as the park/open space, streets, lot sizes, and commercial aspect of the proposed project.

Mr. Steed again came forth and shared a lot of details related to the history of this piece of land as well as the proposed zoning change. He expressed that he understands that if the council changes the zoning on this property, it means that the overall amount of Light Industrial zoned land will be decreased. However, he believes that the land that is 'lost,' so-to-speak, can be easily replaced. He shared that the land has been zoned "LI" for about ten years, and it was zoned "AG" prior to that time period. He does not believe this piece of property is conducive to "light industrial" because of the flood plain.

Mr. Byron Prescott  
1935 Creekside Drive  
Rockwall, TX

Mr. Prescott indicated that he is from a law firm out of Dallas (Sheef and Stone), and he represents the applicant. He explained that about three potential buyers have expressed interest in purchasing this property over the years, but none of those potential buyers have been interested in developing it for light industrial. So, the owner hired David English (realtor) to try and market the property for its highest and best use.

David English  
Ridgepointe Commercial Realty  
2255 Ridge Road, #208  
Rockwall, TX

Mr. English provided comments pertaining to the real estate aspects of the property. He indicated that some time ago, the REDC was approached about possibly purchasing this land; however, they indicated a disinterest in purchasing it due to the flood plain that is present on the property. He also asked some other potential buyers about their interest in the property; however, those individuals were not interested either. He believes this project may be the 'highest and best use' for the property given the past history and circumstances surrounding this property (including the flood plain) and the length of time it's been sitting vacant.

Mr. Joel Steed  
1010 Ralph Hall Parkway  
Rockwall, TX

Mr. Steed again came forth and offered extensive comments and information regarding various aspects of the applicant's request.

Mayor Pro Tem Lewis offered brief comments related to 'big truck' traffic on Discovery for trucks delivering into/out of the Tech Park. He expressed concerns about how the developer may be able to ensure that initial and future home buyers know, with certainty, that there will very likely be a warehouse located adjacent to their homes/neighborhood and associated truck traffic. Mr. Steed indicated that information would be included in the new homeowner packets as well as written into the DCRs (deeds covenants and restrictions).



451 Mayor Pruitt asked if the 9 acres of proposed "commercial" area is included in the  
452 density calculations of the residential lots. The applicant indicated that the residential  
453 density calculation did not include the 9 acres of commercial.

454  
455 Councilmember Hohenshelt asked what sort of future notifications might take place  
456 someday in the future if and when someone wants to construct a warehouse adjacent to  
457 this residential area. Mr. Miller indicated that there would be no notifications as long as  
458 there was no change in zoning taking place. The developer, in that case, would just need  
459 to meet requirements associated with residential adjacency (i.e. buffers, landscape  
460 screening).

461  
462 Councilmember Milder asked for clarification regarding which fire station would service  
463 this neighborhood. Chief Poindexter indicated that Fire Station #4 and #1 would serve  
464 this area until the station that would ultimately serve this area could be built. He  
465 explained that the REDC previously dedicated some land to the city on Springer Road  
466 near Rochelle Road for use as a future fire station.

467  
468 Mayor Pruitt opened the public hearing and asked if anyone would like to come forward  
469 and speak at this time.

470  
471 Matthew Nielsen  
472 676 St. Johns Place  
473 Rockwall, TX 75087  
474

475 Mr. Nielsen came forth indicating that he is speaking on behalf of the REDC, as he is  
476 currently a member of the REDC board. He indicated that he used to serve on the  
477 Planning & Zoning Commission in years past. He offered comments in favor of keeping  
478 this property zoned light industrial, as it makes the most sense since it is already located  
479 contiguous to the existing "LI" land located in the Tech Park. He expressed skepticism  
480 that someone would be willing to spend \$700,000+ on a home that is located so near  
481 warehouses and industrial type facilities. He acknowledged that the existing flood plain  
482 does present a bit of a hurdle for warehouse type facilities; however, he believes that  
483 "Class A office space" could likely be placed nicely on this property. He believes that if  
484 the Council changes the zoning, it will cut off the ability for that area to continue to be  
485 developed as an economic development corridor. He explained that he believes the  
486 developer has likely put a lot of thought into this proposal. He has no animosity towards  
487 the applicant and believes this development may work out well somewhere else in the  
488 city; however, from a zoning standpoint, he explained that the REDC is strongly opposed  
489 to this zoning change request on this particular piece of property. Councilmember White  
490 asked if Mr. Nielsen's comments are representative of the 'official position' of the REDC.  
491 Mr. Nielsen indicated that, yes, his comments do represent the sentiments of the full  
492 REDC board. Councilmember Hohenshelt asked for clarification regarding any vote that  
493 took place on the part of the full REDC board. Mrs. Franza, REDC President/CEO, came  
494 forth and generally indicated that a vote was taken at a May 14, 2015 REDC board  
495 meeting in which the board expressed opposition to the proposed zoning change. She  
496 explained that this action was taken following a May 6 Planning Committee meeting. Mr.  
497 Nielsen expressed large concern, again, regarding future residents being admittedly  
498 opposed to "light industrial" (i.e. warehouses) being constructed right next door to their  
499 homes.

501 Councilmember Milder expressed concern about him not having had knowledge that the  
502 REDC was officially opposed to the zoning change, while all along the developer was  
503 going back and making a lot of changes to the plan and investing a lot of time and effort  
504 in doing so after a June work session was held between the developer and the City  
505 Council.

506  
507 After various comments, Mrs. Franza indicated that a "corporate campus" might be a  
508 good use of this property as a transitional use prior to the introduction of nearby  
509 residentially zoned land. Councilmember White asked for clarification regarding if the  
510 REDC does or does not wish to purchase this land. Mr. Nielsen clarified that the REDC  
511 does not wish to personally purchase this land; however, he does not believe that  
512 whether or not the REDC wishes to purchase this particular "LI" land should determine  
513 the appropriate zoning.

514  
515 Mayor Pruitt called for a break at 7:42 p.m., indicating that the public hearing will  
516 continue after the meeting reconvenes.

517  
518 Mayor Pruitt called the meeting back to order at 7:55 p.m.

519  
520 Stacy McVey  
521 7218 Lakewood  
522 Dallas, TX 75214

523  
524 Mr. McVey, applicant, came forth and provided comments, generally indicating that in the  
525 research they have done, the property owner did not ever have a desire for the property  
526 to be zoned "LI." The three past purchase inquiries were all from potential buyers  
527 expressing 'residentially zoned' desired uses for this property.

528  
529 Craig Renfro of the Planning & Zoning Commission came forth and asked how many  
530 buyers have approached the property owners to date. The developer indicated that no  
531 buyers have approached the owners expressing a desire to buy it for the purpose of  
532 developing it as "light industrial." Mr. Renfro went on to comment that the economy has  
533 seen a notable slump and downturn over the last ten years; however, it seems as though  
534 the economy is now on an 'up tick.' He suggested that if the council approves this  
535 zoning change request, it could possibly inhibit the Tech Park from ultimately becoming  
536 what it could possibly be in future years. He also questioned why the developer could  
537 not take his residential/commercial development somewhere else in the city.

538  
539 Mr. English, the realtor associated with the project, indicated that no commercial  
540 campuses have been brought forth from any potential buyers associated with this  
541 property. He indicated that they did try to market the land as 'light industrial;' however,  
542 there was never any interest at all from buyers it when it was marketed as "LI."

543  
544 Mr. John White  
545 1929 S. Lakeshore Drive  
546 Rockwall, TX

547  
548 Mr. White indicated that he does not believe how long a property has sat on the market  
549 should be a driving factor as to what its zoning should be. He expressed general support  
550 of the REDC, indicating that the REDC is a viable representation of the citizens of



Rockwall, as the citizens voted on establishing the REDC years ago. He stated that he is opposed to rezoning the land and he agrees with the REDC's sentiments.

Mr. Joel Steed  
3065 N. Goliad Street  
1010 W. Ralph Hall Parkway  
Rockwall, TX

Mr. Steed came forth again and pointed out that there are existing residential homes east and south of this property. He stated that the homes that are proposed to be built will be nice homes. He generally encouraged the city to be good stewards of tax payer dollars, and he pointed out that this particular property has not made any money for the city as it has been sitting vacant for thirteen years. He shared that the owner would really like to sell this piece of property, and he has been trying to do so for a number of years as it has sat in trust.

Councilmember Hohenshelt made a motion to table Z2015-016 until the city council has an opportunity to complete its strategic plan. Councilmember Milder seconded the motion. Council commented that the estimated timeframe for completing this plan is approximately six weeks. Councilmember White offered comments, expressing full support for this zoning change.

Councilmember Milder expressed support for delaying action on this item until the council has time to consider it further.

The motion failed by a vote of three in favor with three against (Pruitt, Fowler, Lewis).

Councilmember White made a motion to approve Z2015-016. Mayor Pruitt seconded the motion. Councilmember Milder expressed that he believes allowing six weeks for the council to finish its strategic plan and be better prepared to make an informed decision is not too much to ask. After the comments, the motion to approve the zoning change passed by a vote of 5 in favor with 1 against (Milder) and one absent (Townsend). The ordinance was read into the record as follows:

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**XII. ACTION ITEMS**

1. Discuss and consider Construction Manager at Risk process for The Park at Stone Creek development, and take any action necessary.

Assistant City Manager Brad Griggs provided background information related to this agenda item. Councilmember Milder made a motion to approve the Construction Manager at Risk process as recommended by staff. Councilmember White seconded the motion, which passed by a vote of 6 ayes with 1 absent (Townsend).

2. **A2015-002** - Discuss and consider initiating a development agreement with Joey Howell, in accordance with Chapter 212 of the Texas Local Government Code, for a property identified as Tract 18 & 18-01 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, being a ~98-acre tract of land situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548, and take any action necessary.

Mayor Pruitt expressed that Councilmember Hohenshelt has recused himself from this item and has filed an affidavit with the City Secretary accordingly.

Planning Director Ryan Miller provided background information related to this agenda item. He explained that the city attorney and the applicant, Joey Howell, have worked on revising the agreement that was included in the council members' meeting packet. An updated version, which reflects some revised setbacks, has been provided to the city council in paper form this evening. Discussion took place between Mr. Crowley, Mr. Miller and Mr. Howell regarding future inspections of septic tanks, as this development would, in the immediate future, be located out in the county (within the city's ETJ). Mayor Pruitt asked what the development standard will be for this property. Mr. Howell indicated that these homes will meet the city's most recently adopted developments standards, which were put in place about six months ago.

Councilmember White made a motion to approve the 212 development agreement associated with A2015-002. Councilmember Milder seconded the motion, which passed by a vote of 5 in favor, 1 abstention (Hohenshelt), and 1 absent (Townsend).

3. Discuss and consider the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, and take any action necessary.

City Manager Rick Crowley provided brief background information related to this agenda item. Mayor Pro Tem Lewis followed Mr. Crowley's comments with some additional information, specifically concerning the ES Corporation's position concerning Rockwall revoking or keeping its "exclusivity" ordinance in place. He indicated that the ESC essentially declined to take an official position, indicating the ordinance falls under the city's purview.

Mr. Crowley explained that accurately predicting the financial impact associated with repealing this ordinance as far as how it might financially affect Medic Rescue is difficult to determine. However, Medic Rescue has provided some financial information in a memo provided to the city council in their packets.

Councilmember White expressed that, at this time, he is not in support of repealing the ordinance. He is generally "fifty / fifty" as far as a decision regarding leaving it in place



651 or repealing it. He would like to see a true, documented effort between the hospital and  
652 Rockwall County EMS, to resolve their differences. He would like to see a work plan on  
653 what the issues are, how they might be resolved and how they ultimately got resolved  
654 thereafter. He would like for this documented effort to take place very quickly on the part  
655 of both parties. Then, if the issues are not able to be worked out, he would not be  
656 opposed to possible revocation of the ordinance.

657  
658 Mayor Pruitt expressed concern about turning Presby representatives into ‘criminals’  
659 when they want to call a provider to help them perform their duties most efficiently.  
660 Mayor Pro Tem Lewis generally indicated that he believes these sorts of “fix the  
661 problems” efforts have been ongoing for a number of years, and the issues have been  
662 unable to be resolved.

663  
664 Councilmember White shared an excerpt from the 1993 city council meeting minutes  
665 back when this ordinance provision was first adopted and put into place.

666  
667 Councilmember Fowler asked for more information regarding Mr. Steve Athey of  
668 Healthcare Visions, who is evidently an EMS consultant to the Emergency Services  
669 Corporation (ESC) board. Mayor Pro Tem Lewis briefly indicated that he is an advisory  
670 consultant to the board, and he has indicated an opinion that ‘exclusivity’ ordinances are  
671 a good idea.

672  
673 At the request of Mayor Pro Tem Lewis, Mr. Garza clarified that most cities he provides  
674 legal services to do have ‘exclusivity’ ordinances in place for emergency ambulance  
675 services. However, most do NOT have ‘exclusivity’ ordinances in place for non-  
676 emergency ambulance service transfers.

677  
678 Mayor Pruitt generally expressed that both Presby and Rockwall County EMS have been  
679 “contracting around” the city’s exclusivity ordinance.

680  
681 Mayor Pro Tem Lewis made a motion to repeal the exclusivity ordinance provisions (only  
682 related to non-emergency transports), to authorize the city attorney to draft an ordinance  
683 accordingly, and to delay implementation of said repeal until November 1, 2015. Mayor  
684 Pruitt seconded the motion.

685  
686 Indication was given that the current ambulance service contract that is in place through  
687 the ESC expires in 2017.

688  
689 The motion passed by a vote of five in favor with two against (White and Fowler) and one  
690 absent (Townsend).

- 691  
692 4. Discuss and consider (re)appointments to city advisory boards, including  
693 the Animal Adoption Center/Shelter Advisory Committee, the Architectural  
694 Review Board, the ART Commission, the Historic Preservation Advisory  
695 Board and the Park Board, and take any action necessary.

696 Mayor Pruitt indicated that the council is not prepared to make any (re)appointments this  
697 evening. Staff liaisons will be contacted regarding these appointments, and council  
698 action will be taken at a future meeting.

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

**1. Departmental Reports**

Building Inspections Monthly Report - June 2015  
Fire Dept. Monthly Report - June 2015  
Harbor PD Monthly Report - June 2015  
Internal Operations Department Monthly Report - June 2015  
Meals on Wheels Senior Services Third Quarter Report  
Police Department Monthly Report - June 2015  
Recreation Monthly Report - June 2015  
Rockwall Animal Adoption Center Monthly Report - June 2015

**2. City Manager's Report**

**Mr. Crowley updated the Council on various items. He indicated that the grand opening of the new Yellow Jacket Park is scheduled for this Saturday. He shared that the Police Department is holding an upcoming National Night Out event tomorrow evening at Home Depot, which is in addition to the Texas Night Out, which will be held in a couple of months. Staff will be bringing this item to council for consideration at the next meeting. He then congratulated Mr. Widmer on recently achieving a "Certified Building Official" designation. Regarding planning for improvements to FM-549, the state has approached the city with a viable drainage improvement option. He indicated that a fire recently occurred in the downtown area, and our fire department responded very quickly. Also, staff is trying to track down the party(ies) who reported the fire. Once they find out who it was, staff will likely be coming before the council so that the person(s) may be formally recognized for this act.**

**XIV. EXECUTIVE SESSION**

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

- 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)**
- 2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).**
- 3. Discussion regarding possible settlement of City of Rockwall v. Temunovic Partnership, LTD., Case No. 1-14-878; 382nd District Court of Rockwall, Texas pursuant to Section 551.071 (Consultation with Attorney).**
- 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)**

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

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




748  
749  
750  
751  
752 **XVI. ADJOURNMENT**

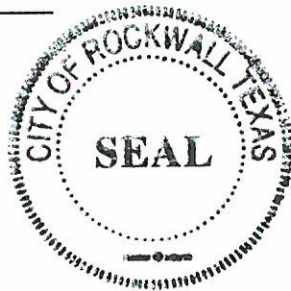
753  
754 **Mayor Pruitt adjourned the public meeting at 8:47 p.m.**

755  
756 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
757 **THIS 17<sup>th</sup> DAY OF AUGUST, 2015.**

758  
759  
760   
761 **Jim Pruitt, Mayor**

760 **ATTEST:**

761   
762 **Kristy Cole, City Secretary**  
763



**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, August 17, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold work session with representative(s) of STAR Transit to hear annual report of services provided to the Citizens of Rockwall, industry updates, and funding, and take any action necessary.

Councilmember Townsend, who is the city's representative on the STAR Transit board, briefed the council on this agenda item. He indicated that the county is the entity that actually holds the contract with STAR transit, and the City of Rockwall has traditionally provided some level of funding to the organization in the past for public transportation. He shared that there were some recent changes in Federal funding.

Omega Hawkins, Executive Director, Kim Britton, and Ashley Ando with Stat Transit made a presentation to the City Council. They stated that STAR has been providing transportation services in Rockwall since 2005. She stated that about 4,000 rides were provided in 2005. Approximately 18,000 rides were provided in 2010, and 29,000+ rides were provided in 2014. She anticipates that over 30,000 rides will be provided in the year 2015. The presentation gave an overview of STAR Transit's operations, number of rides in Rockwall County, and the current funding levels. STAR representatives further discussed the funding changes that the Federal government is implementing in April 2016 and how it will affect transportation service. Based on the 2010 census, Rockwall County's designation has changed from rural to urban. They then discussed the levels of funding under an urban designation and stated that there is still an abundance of funding for capital expenditures, but funding for operation of transit providers has changed under the new urban designation to a 50/50 match.

Additional information was provided for the next fiscal year. STAR proposes adding an 8th bus to the operation in Rockwall County. STAR Transit currently anticipates FY16 cost of service will average \$50.76 per hour or \$812,160.00 to provide transportation services in Rockwall County. STAR Transit will cover the 1st six months (Sept '15-April '16) of the local portion in FY16 only - \$203,040 and stated that by April 2016; a 50% operating local match will be needed from a source or sources within Rockwall County. It was estimated that based on ridership, the City of Rockwall share would be 84.96% or in \$172,502 in FY2016. STAR Transit needs partners from Rockwall County to provide 12 months of local match in FY17 and beyond. Following the presentation, a there was a series of questions and answers between their staff and council members.



51 **The Council took no action following this work session item.**

- 52  
53 2. Hold work session to discuss the June 21, 2015 flooding event, including impacts on homes  
54 and roadways, and take any action necessary.

55 **Mayor Pruitt called for a brief break at 5:07 p.m. The meeting was called back to order at**  
56 **5:13 p.m.**

57  
58 **City Engineer Tim Tumulty and Civil Engineer Jeremy White came forth and provided a**  
59 **presentation to Council recapping this flood event. They provided details related to**  
60 **twenty-three houses that flooded, nineteen roadway closures, and 5 other flood related**  
61 **issues. The council took no action concerning this work session item.**

62  
63 **Mayor Pruitt then read the below listed discussion items into the public record before**  
64 **recessing the public meeting into Executive Session at 5:40 p.m.**

65  
66 **III. EXECUTIVE SESSION.**

67  
68 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**  
69 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 70  
71 1. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of  
72 the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).  
73 2. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
74 committees including the Building and Standards Commission, Planning & Zoning  
75 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)  
76 3. **From Public Meeting Agenda: Action Item 2. MIS2015-004** - Discuss and consider the  
77 approval of a special request by David Smith on behalf of the owner Jose Contreras for a  
78 waiver to the Manufactured Home Replacement Minimum Standards as set forth in Exhibit  
79 'C' of Planned Development District 75 (PD-75) [Ordinance No. 09-37] to allow a new  
80 manufactured home to be located within the floodplain on a 0.17-acre property identified as  
81 Lot 1376, Rockwall Lake Estates #2, City of Rockwall, Rockwall County, Texas, zoned  
82 Planned Development District 75 (PD-75) for Single Family-7 (SF-7) District land uses,  
83 located at 142 Rene Drive, and take any action necessary.

84  
85 **IV. ADJOURN EXECUTIVE SESSION**

86  
87 **Executive Session was adjourned at 6:00 p.m.**

88  
89 **V. RECONVENE PUBLIC MEETING**

90  
91 **Mayor Pruitt reconvened the public meeting at 6:03 p.m.**

92  
93 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

94  
95 **No action was taken as a result of Executive Session.**

96  
97 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

98  
99 **Councilmember White delivered the invocation and led the Pledge of Allegiance.**

100  
101 **VIII. OPEN FORUM**  
102

103 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**  
104 **come forth and speak. There being no one, he then closed the Open Forum.**  
105

106 **IX. CONSENT AGENDA**  
107

- 108 1. Consider approval of the minutes from the August 3, 2015 regular city council meeting,  
109 and take any action necessary.
- 110 2. Consider approval of an interlocal cooperation agreement for governmental services  
111 relating to a school resource officer program between the City of Rockwall and The  
112 Rockwall Independent School District, and take any action necessary.
- 113 3. Consider authorizing the City Manager to enter into an agreement with the Texas  
114 Department of Transportation (TxDOT) under the City Pride Program for installation of  
115 signage at the intersection of SH-205 and Yellow Jacket Lane, and take any action  
116 necessary.
- 117 4. Consider approval of a resolution authorizing signatories for financial transactions, and  
118 take any action necessary.
- 119 5. Consider authorizing the City Manager to execute an interlocal Purchasing Agreement  
120 with the City of Allen for the purchase of materials, supplies and services and take any  
121 action necessary.
- 122 6. Consider approval of the additional expense (\$33,005.56 to be funded out of  
123 Engineering Dept. General Fund Budget) associated with providing higher level of  
124 protection from roadway inundation during storm event greater than a 25-year storm  
125 associated with the design and construction of a 100-year storm sewer system for FM  
126 549 from SH 205 to SH 276, and take the necessary action.
- 127 7. Consider awarding a contract for unit pricing for road marking material and striping  
128 services to Road Master Striping LLC through the City of Midlothian Cooperative  
129 Agreement to be funded through the General Fund Street Department Operating  
130 Budget, Street Repair and Maintenance, and take any action necessary.
- 131 8. Consider approval of a resolution allowing a temporary partial closure of FM 740 from  
132 Summer Lee Drive to the south City limits to facilitate the U.S. Open Triathlon on  
133 Sunday, October 18, 2015 from 6:00 AM to 1:00 PM, and take any action necessary.
- 134 9. **P2015-034** - Consider approval of a request by Joanne Vuckovic of the Pregnancy  
135 Resource Center for the approval of a replat for Lot 1, Block A, Pregnancy Resource  
136 Center being a 0.32-acre tract of land currently identified as Tract 21 of the B. J. T.  
137 Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned  
138 Planned Development District 53 (PD-53) for Residential-Office (RO) District land uses,  
139 situated within the Scenic Overlay (SOV) District, addressed as 1010 Ridge Road, and  
140 take any action necessary.

141 **Councilmember Milder made a motion to approve the entire Consent Agenda (#1, 2, 3, 4,**  
142 **5, 6, 7, 8, and 9). Councilmember White seconded the motion, which passed by a vote of**  
143 **6 ayes with 1 absent (Hohenshelt).**  
144

145 **X. APPOINTMENTS**  
146



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

150 **Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed**  
151 **the Council on recommendations of the Commission relative to planning-related items**  
152 **on tonight's city council meeting agenda.**

- 153 2. Appointment with Casey Kelly representing the Rockwall Girls Softball  
154 Association (RGSA) to hear proposal concerning partnering with the city,  
155 and take any action necessary.

156 **Casey Kelly**  
157 **7136 Harlan Drive**  
158 **Rockwall, TX**  
159

160 **Mr. Kelly came forth and clarified that he does not actually represent the RGSA. Instead,**  
161 **he is a concerned parent. He expressed that Andy and his staff who work for the city on**  
162 **the softball program do a wonderful job. However, he is concerned that kids are missing**  
163 **out on opportunities to play, generally indicating that these opportunities are fewer than**  
164 **perhaps they could otherwise be at this point if the city and RGSA were partnered in**  
165 **some way.**  
166

167 **Councilmember Townsend offered a brief history of past discussions regarding RGSA**  
168 **partnering with the city regarding girls' softball. He indicated that RGSA previously**  
169 **refused to partner with the city even after having participated in lengthy discussions with**  
170 **the city council's youth sports subcommittee and with staff. However, Councilmember**  
171 **Townsend indicated that the city's offer still stands, and he and the council**  
172 **subcommittee are still willing to sit down with RGSA's representatives to again discuss**  
173 **this possibility.**  
174

175 **Mr. Kelly expressed concern about non-Rockwall kids having to pay \$95 / season**  
176 **compared to \$55 / season for Rockwall residents' kids. He shared that umpires not**  
177 **showing up coupled with scheduling problems posed a lot of concerns last season. He**  
178 **personally would like to see girls from other cities come into Rockwall to play with**  
179 **Rockwall teams regardless of who pays the taxes to provide for them to play on fields.**  
180

181 **Mayor Pruitt encouraged Mr. Kelly to have RGSA representatives schedule an**  
182 **appointment with city representatives to further discuss these issues if they so desire.**  
183 **The council took no action on this item.**  
184

## 185 **XI. ACTION ITEMS**

186

- 187 1. **Z2015-016** - Discuss and consider approval of an **ordinance** for a  
188 request by Stacey McVey of Double Eagle Properties on behalf of the  
189 owner 308 ON 276 LP for a zoning change from an Light Industrial (LI)  
190 District to a Planned Development District for Single Family 10 (SF-10)  
191 and General Retail (GR) District land uses, on a 316.315-acre tract of  
192 land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100,  
193 City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI)  
194 District, located at the northeast corner of the intersection of Rochelle  
195 Road and SH-276, and take any action necessary. **(2nd Reading)**  
196 **(requires 3/4 majority vote)**

Councilmember White made a motion to approve Z2015-016. Mayor Pro Tem Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **MIS2015-004** - Discuss and consider the approval of a special request by David Smith on behalf of the owner Jose Contreras for a waiver to the Manufactured Home Replacement Minimum Standards as set forth in Exhibit 'C' of Planned Development District 75 (PD-75) [Ordinance No. 09-37] to allow a new manufactured home to be located within the floodplain on a 0.17-acre property identified as Lot 1376, Rockwall Lake Estates #2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single Family-7 (SF-7) District land uses, located at 142 Rene Drive, and take any action necessary.

Mayor Pruitt made a motion to table this item until the next council meeting. Councilmember Townsend seconded the motion, which passed unanimously of those present (Hohenshelt absent).

3. Discuss and consider authorizing the city manager to execute a 380 Agreement with First Texas Homes for Use Taxes, and take any action necessary.

Councilmember White made a motion to approve the agreement as presented. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

4. **SP2015-016** - Discuss and consider a request by Wayne Mershaw of Mershaw Architects on behalf of Rex Walker of Life Springs Church for the approval of variances to the articulation and residential screening requirements as stipulated by the Unified Development Code in conjunction with an approved site plan for a church on a seven (7) acre portion of a larger 28.881-acre tract of land identified as Tract 15-01 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King Boulevard and SH-205, and take any action necessary.



Planning Director Ryan Miller provided background information related to this agenda item, explaining that both of these variances will require a simple majority vote of Council. The Architectural Review Board did desire for the applicant to make some modifications to the horizontal articulation. The applicant made some adjustments, and a revised rendering was emailed out to ARB members. One ARB member did e-mail back to provide input on the updated articulations, indicating that he/she was not satisfied with the adjustments that were made. He explained that the church property has about 90' of separation from the adjacent residential area. In lieu of a 6' masonry wall requirement, the applicant is asking for a variance to plant about 17 live oak trees for screening instead at the rear of the property. Mr. Miller stated that the P&Z Commission did recommend approval of the proposed variances.

Mike Mershawn  
Mershawn Associates  
2313 Ridge Road

Mr. Mershawn came forth, indicating he is happy to answer any questions of Council.

Councilmember Milder asked for clarification regarding P&Z's recommendation. Mr. Miller indicated that P&Z did unanimously recommend approval of this item.

Councilmember Milder made a motion to approve the variance related to residential screening as presented. Councilmember White seconded the motion, which passed unanimously of those present (Hohenshelt absent).

Regarding the horizontal articulations, Councilmember White made a motion to approve those variances. Mayor Pruitt seconded the motion, which passed by a vote of 5 in favor, 1 against (Milder) and 1 absent (Hohenshelt). Councilmember Milder expressed some concern about the ARB seemingly not being on board with this particular variance request.

5. Discuss and consider adding a staff position and vehicle in the Street Department Budget to provide additional roadway cleanup services, and take any action necessary.

Indication was given that Councilmember Milder requested this agenda item. He generally expressed concerns about the overall cleanliness of streets and roadways within the city, including post-crash debris cleanup, which he recently learned is supposed to be the responsibility of the responding wrecker service. Brief comments were made related to streets/roadway clean up after weather/storm events.

At the request of Councilman Milder, Mr. Crowley indicated that the city has been operating with the same number of Street Department employees since 1998, clarifying, however, that the budget for that department has increased over time, and a lot of contractual work has taken place.

Councilman Milder suggested that the Council consider adding a new staff position and truck in the Streets Department during the upcoming budget work session discussions.

6. Discuss and consider (re)appointments to city advisory boards, including the Animal Adoption Center/Shelter Advisory Committee, the Architectural

Review Board, the ART Commission, the Historic Preservation Advisory Board and the Park Board, and take any action necessary.

After brief comments from Mr. Crowley, Councilmember White made a motion to appoint the following individuals to serve on the city's ART Commission: Jane Braddock, Betty Hoaglund, and Doug Agee (Kathleen Morrow and David Sweet were previously appointed in January of 2015). Councilmember Townsend seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

Councilmember Townsend made a motion to re-appoint to the Park Board (through August 2017) Mr. Ray Harton, Mr. Larry Denny and Mr. Bob Lewis. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

Councilmember Milder made a motion to reappoint Alan Dennard to the Board of Adjustments (BOA) (through August of 2017). Councilmember White seconded the motion, which passed unanimously of Council (Hohenshelt absent).

7. Discuss and consider continuation and oversight associated with the annual 4th of July parade, and take any action necessary.

Mr. Crowley provided brief comments on this item. Councilmember Townsend made a motion to direct the Parks & Recreation Department to provide oversight to the annual Fourth of July Parade. Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

Mr. Crowley indicated that, although there is not a City Manager's report on tonight's agenda, at the approval of City Attorney Frank Garza, Assistant City Manager Mrs. Smith will provide a brief statement regarding concerns associated with the City of Rockwall providing water to the RCH Water Supply Corporation for residents of McLendon Chisholm. Mrs. Smith went onto explain, in general, that the City of Rockwall supplies wholesale water to the RCH Water Supply Corporation. Through that agreement, Rockwall can provide 2.1 million gallons per day; however, RCH's single 8" pipe is not adequate to bring that much water into their system. After lengthy investigating, it was determined that a 16" pipe will need to be designed and constructed before these supply issues can sufficiently be remedied. Unfortunately, there is no short-term fix to help address these problems sooner.

## **XII. EXECUTIVE SESSION**

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

1. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

Council did not go back into Executive Session following the close of the public meeting.



347  
348 **XIV. ADJOURNMENT**  
349

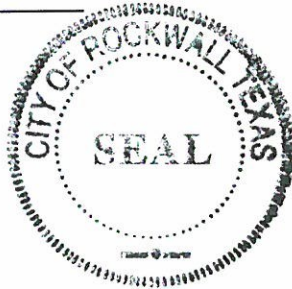
350 **Mayor Pruitt adjourned the meeting at 6:47 p.m.**  
351

352 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
353 **THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2015.**  
354

355  
356  
  
\_\_\_\_\_  
357 **Jim Pruitt, Mayor**

358 **ATTEST:**

359  
360   
\_\_\_\_\_  
**Kristy Cole, City Secretary**



**MINUTES  
ROCKWALL CITY COUNCIL**

**Monday, August 31, 2015**

**8:00 a.m. Budget Work Session**

**Municipal Court Building, 2860 SH-66 Rockwall, TX 75087**

**1. CALL TO ORDER**

Mayor Pruitt called the meeting to order at 8:00 a.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, department directors, and the city secretary.

**2. HOLD BUDGET WORK SESSION TO DISCUSS AND CONSIDER THE CITY OF ROCKWALL'S FISCAL YEAR 2016 BUDGET, AND TAKE ANY ACTION NECESSARY.**

Councilmember Hohenshelt shared information he assembled related to budget and tax rate related strategic planning data and information. After the discussion, it was decided that further dialogue related to these ideas would be scheduled for a separate meeting so that potential implementation strategies could be developed.

Councilmember Milder requested to have an in depth discussion pertaining to the Fire Department including staffing and the condition of Fire Station 1. Chief Poindexter indicated that funding to hire a consultant to study needs pertaining to Station 1 and its potential expansion or replacement is being proposed in this budget. Extensive discussion took place related to staffing of the department as a whole, at each of the various fire stations and on scene during structure fires. Discussion ensued regarding fire department volunteer recruitment efforts as well as volunteer training and experience. The need for goal setting pertaining to the fire department on the part of the city council was discussed. Councilmember Milder indicated that he would like the council to consider adopting the current tax rate instead of the effective tax rate this budget year, and he would like the council to consider funding six new, full-time firefighters.

Following the discussion, council and staff discussed the Water/Sewer Fund, Debt Service, and the General Fund and General Government budget proposals. Staff indicated that Animal Services will begin reporting to Andy Hesser starting October 1<sup>st</sup>, and Lieutenant Valliant in the Police Department will serve as an advisor. The Finance Department budget was discussed, followed by additional discussion related to the Fire Department and the proposed Police Department budget.

Mayor Pruitt recessed the meeting at 11:46 for a brief break. At 12:05 a.m. discussion took place related to a park grant to expand the SH-66 boat ramp, including the required local funding match. General discussion took place related to improvements to some sidewalks, including ADA accessibility of those sidewalks, in the downtown area (a portion not included in bond related improvements). Beginning at 12:30 p.m., the



49 Community Development, Parks, Public Works/Engineering, Special Revenue Fund, and  
50 Internal Services Fund budget proposals were discussed.  
51

52 At 1:40 p.m., wrap up comments were made. Brief comments were offered regarding  
53 adoption of the effective rate versus the current tax rate. Assistant City Manager, Mary  
54 Smith, provided an explanation of the remainder of the budget process, including  
55 required public notices, upcoming public hearings, and city council votes needed for  
56 ultimate adoption of the budget.  
57

58 3. ADJOURNMENT  
59

60 The meeting was adjourned at 1:55 p.m.  
61  
62

63 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
64 THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2015.

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68 ATTEST:

69 Kristy Cole  
70  
71 Kristy Cole, City Secretary

Jim Pruitt  
Jim Pruitt, Mayor



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# MINUTES ROCKWALL CITY COUNCIL

Tuesday, September 08, 2015  
4:00 p.m. Regular City Council Meeting  
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney (fill-in) Patrick Lindner. Councilmember Hohenshelt joined the meeting at 4:06 p.m. as reflected during Work Session item #1 noted below.

II. WORK SESSION

1. HOLD WORK SESSION TO HEAR AND DISCUSS PRESENTATION BY AECOM REGARDING PUBLIC TRANSPORTATION STUDY FINDINGS, AND TAKE ANY ACTION NECESSARY.

Jerry Smiley  
AECOM  
1950 N. Stemmons Freeway  
Dallas, Texas

Mr. Smiley explained that he is Vice President of AECOM and Business Unit Leader for Transit and Environmental Services and is out of the Dallas office. He introduced Kristen Lucan, Senior Planner, with AECOM and Andrew Idickson, Department Manager for Transit Planning with AECOM, who also spoke during the presentation.

John Hohenshelt arrived to the meeting at 4:06 p.m.

Ms. Lucan came forth and shared data concerning a peer comparison of seven other transportation service providers in Texas and one in Oklahoma. Consultant speakers from AECOM went on to share information on ridership and trending for Rockwall County as well as various service level and service type considerations. They also briefly touched on recommendations related to contracting for public transit services and monitoring said services. They indicated that AECOM representatives plan to hold a stakeholder meeting with STAR representatives and gather more data that is specific to Rockwall County to help the city make more informed decisions moving forward.

After brief comments by council members, Mr. Crowley indicated that it appears as though further analysis of STAR transit will not be able to conclude before it is time for both the city and county to adopt their upcoming fiscal year budgets. However, he indicated that the City of Rockwall will need to make some sort of cost-related budget decisions either this evening or at the September 21 council meeting before the fiscal year budget can be approved.



- 50           2.     HOLD WORK SESSION TO DISCUSS THE CURRENT SOLID WASTE COLLECTION  
51                   CONTRACT RENEWAL NEGOTIATIONS WITH REPUBLIC WASTE (ALLIED WASTE) AND  
52                   TAKE ANY ACTION NECESSARY  
53

54 Rick Burnis with Republic Waste came forth and briefed the council on a proposal  
55 currently being put forth regarding renewing the contract with his company for a period  
56 of an additional five years. Various comments were made regarding the city's current  
57 recycling program, including the more than 50% of residents who participate in recycling  
58 as well as current costs associated with the program. Discussion took place concerning  
59 the additional tonnage of garbage that might result if the recycling program went away  
60 entirely, as well as the need to consider associated cost implications that may result.  
61

- 62           3.     HOLD WORK SESSION TO DISCUSS AND CONSIDER LOCAL REGULATIONS REGARDING  
63                   NON-EMERGENCY AMBULANCE SERVICES AND ASSOCIATED TRANSPORTS, AND TAKE  
64                   ANY ACTION NECESSARY.  
65

66 City Manager Rick Crowley indicated that the council had previously instructed staff to  
67 come back with an ordinance to become effective November 1, 2015 to essentially do  
68 away with exclusivity of non-emergency EMS transfer services in the city. He went on to  
69 explain that the city council may or may not wish to consider also adopting an ordinance  
70 to establish a franchise agreement with non-emergency transport service EMS providers  
71 doing business in the city. He explained that the council must find that a public  
72 necessity exists in order to enter into those sorts of ordinance-based franchise  
73 agreements. Crowley indicated that associated with these sorts of franchise agreements  
74 would be payment to the city from ambulance providers that equates to about 3.5-3.6% of  
75 their gross revenue. This amount is somewhat of an industry standard, and would be  
76 owed to the city for the purpose of utilizing streets and roadways. The council may or  
77 may not have an interest in these sorts of franchise agreements and may or may not  
78 wish to regulate these providers. Staff is seeking direction from the council at this time.  
79

80 Mayor Pro Tem Lewis indicated that he is not necessarily interested in entering into  
81 franchise agreements; however, he does wish to ensure that providers that may be  
82 operating in the city are qualified. Mr. Crowley indicated that the State already regulates  
83 EMS service providers; however, the Council may or may not wish to do some sort of  
84 regulating of its own. Brief discussion took place related to how and to what extent  
85 providers may be regulated.  
86

87 Councilmember White indicated that he is against any sort of franchise fee, and he does  
88 not feel that the city should get involved in regulating ambulances since the state already  
89 licenses and regulates them.  
90

91 Councilmember Hohenshelt asked if the city would take any steps, as far as regulation is  
92 concerned, beyond that which the state would already take to regulate such companies.  
93 Mr. Crowley indicated that all that a franchise agreement would do is to allow the city to  
94 keep track of those companies doing business in our city, and a fee would be collected.  
95 Mayor Pruitt also indicated that the companies that would be performing non-emergency  
96 transport services in our city will also potentially impact the amount of annual funding  
97 the city will end up paying to the County of Rockwall Emergency Services Corporation  
98 (ESC) for the annual 'emergency transport' services contract in place and managed  
99 through the ESC.

100 Mayor Pro Tem Lewis indicated that he would like to hear some additional information  
101 from city attorney, Frank Garza, before making any sort of definitive decision on this  
102 topic. Councilmember Hohenshelt indicated that he would also like to better understand  
103 the cost implications, if possible.

104  
105 Councilmember Fowler indicated that he believes the council should care, to some  
106 extent, which providers are operating in our city, so he would like some additional  
107 information before making any decisions as well.

108  
109 Mr. Crowley briefly explained the potential cost implications on annual subsidy paid to  
110 the ESC and ultimately passed on to the ambulance provider on contract with the ESC.  
111 He shared that it will be difficult to determine cost implications, explaining that it will  
112 depend on how often and to what extent businesses, such as the local hospitals and  
113 nursing homes, continue to call the existing contractor to perform non-emergency  
114 transports versus how often and to what extent they start calling other providers to  
115 perform those services. He cautioned that if the council chooses to initiate a franchise  
116 agreement type of ordinance, then the previously expressed November 1 deadline for  
117 implementation may need to be delayed. The council took no action related to this work  
118 session item at this time, indicating they have a desire to hear more input from the city  
119 attorney concerning what other cities have done, and to receive more information  
120 overall.

121  
122 **III. EXECUTIVE SESSION.**

123  
124 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**  
125 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 126  
127 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor  
128 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 129 2. Discussion regarding dangerous dog claim legal pursuant to Section 551.071 (Consultation  
130 with Attorney)
- 131 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
132 committees including the Building and Standards Commission, Planning & Zoning  
133 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

134  
135 **IV. ADJOURN EXECUTIVE SESSION**

136  
137 **Executive Session was adjourned at 5:42 p.m.**

138  
139 **V. RECONVENE PUBLIC MEETING**

140  
141 **Mayor Pruitt reconvened the public meeting at 6:01 p.m.**

142  
143 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

144  
145 **Mayor Pruitt indicated that no action is needed at this time.**



149 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

150  
151 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

152  
153 **VIII. PROCLAMATIONS / AWARDS**

154  
155 **1. Constitution Week**

156  
157 **The Mayor called forth two representatives of the Daughters of the American Revolution,**  
158 **who spoke a few moments about the U.S. Constitution, including some facts about it and**  
159 **its importance. Mayor Pruitt then read and presented the proclamation for Constitution**  
160 **Week.**

161  
162 **2. Recognition of Mr. Jeffrey McLeod, Rockwall Police Officer Gary North,**  
163 **and Rockwall Fire Department staff and volunteers regarding July fire in**  
164 **downtown Rockwall**

165  
166 **Mayor Pruitt read and presented a proclamation to Mr. McLeod to recognize and thank**  
167 **him for his efforts in helping alert a Rockwall police officer of a fire in the downtown area**  
168 **back in July. He then called Police Officer North and members of the Rockwall Fire**  
169 **Department forward to recognize them for their efforts related to the fire as well.**

170  
171 **3. Recognition of Sikder Rahman and Jackson Ikechukwn regarding August**  
172 **fire at Rockwall Nursing Care Center**

173  
174 **Fire Chief Mark Poindexter explained that these two gentleman work at the nursing**  
175 **home, and they were instrumental in extinguishing a fire that had started in a resident's**  
176 **room. Mayor Pruitt read and presented an honorary proclamation to each of them,**  
177 **expressing gratitude for their life-saving efforts.**

178  
179 **IX. OPEN FORUM**

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

183  
184 **X. CONSENT AGENDA**

- 185  
186 **1. Consider approval of the minutes from the August 17, 2015 regular city**  
187 **council meeting, and taken any action necessary.**
- 188 **2. Consider approval of the minutes from the August 31, 2015 budget work**  
189 **session, and taken any action necessary.**
- 190 **3. Consider awarding the Lake Forest Erosion Control Improvements project**  
191 **construction contract to Environmental Safety Services, Inc. in the**  
192 **amount of \$348,650.00 and take any necessary action.**
- 193 **4. Consider authorizing the city manager to execute a professional**  
194 **engineering services contract with Teague, Nall and Perkins, Inc. to**  
195 **perform the engineering design plans and specifications for the**  
196 **Stonebridge Drive Sanitary Sewer Lift Station Rehabilitation project in the**

197 amount of \$67,800.00 to be funded out of 2015 Water and Sewer  
198 Revenue Bonds, and take any action necessary.

- 199 5. Consider authorizing the city manager to execute an amendment to the  
200 professional services contract with LaTerra Studio, Inc. related to  
201 professional services associated with the downtown project regarding a  
202 change order in the amount of \$33,538 to be funded out of 2012  
203 downtown bond proceeds, and take any action necessary.

- 204 6. Consider authorizing the city manager to execute a Memorandum of  
205 Understanding with the cities of Allen, Forney, Frisco, Heath, McKinney,  
206 Mesquite, Plano, Princeton, Richardson, Seagoville and the Town of  
207 Prosper, regarding development of a regional capacity, management,  
208 operations and maintenance program (CMOM) pertaining to North TX  
209 Municipal Water District (NTMWD) wastewater treatment systems, and  
210 take any action necessary.

- 211 7. Consider approval of a resolution related to a grant through the Texas  
212 Parks and Wildlife Department pertaining to construction of a boating  
213 access facility on Lake Ray Hubbard near SH-66 and N. Lakeshore Drive,  
214 and authorize the city manager to execute associated project agreement,  
215 and take any action necessary.

- 216 8. Consider authorizing the city manager to execute a professional services  
217 contract with for EJES, Inc. to perform the engineering design services  
218 and specifications for the East Boydston Avenue Reconstruction Project  
219 from South Goliad St. to Clark Street in the amount not to exceed  
220 \$440,228.40 to be funded out of the 2012 bond proceeds, and take any  
221 action necessary.

- 222 9. Consider authorizing the city manager to execute a professional services  
223 contract with Freese and Nichols, Inc. to perform the engineering design  
224 services and specifications for the County Line Roadway Reconstruction  
225 Project from Horizon Road (FM 3097) to Renee Drive in an amount not to  
226 exceed \$580,440 to be funded out of 2012 bond proceeds, and take any  
227 action necessary.

- 228 10. Consider authorizing the city manager to execute a professional services  
229 contract for Cobb, Fendley & Associates, Inc. to perform the engineering  
230 design services and specifications for the Throckmorton Street  
231 Reconstruction Project from East Boydston Avenue to East Bourn Street  
232 in an amount not to exceed \$187,695.00 to be funded out of 2012 bond  
233 proceeds, and take any action necessary.

- 234 11. P2015-035 - Consider approval of a request by Archie Underwood and  
235 Dan Walker for the approval of a replat for Lots 1 & 2, Block A, Lakeside  
236 Veterinary Clinic Addition being a replat of two (2) parcels being 2.43-  
237 acres of land identified as Lot 1, Block A, Bernice Addition and Lakeside  
238 Batting Park Addition, City of Rockwall, Rockwall County, Texas, zoned  
239 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)  
240 District, addressed as 801 & 801B E. IH-30, and take any action  
241 necessary.



- 243           12.     Consider authorizing the Mayor to execute an interlocal agreement with  
244                     Rockwall County to provide fire protection services within unincorporated  
245                     areas of the county for the year 2015-2016, and take any action  
246                     necessary.

247     Councilmember Lewis pulled item #5 for further discussion. Councilmember Milder then  
248     made a motion to approve all remaining consent agenda items (except item #5) (#1, 2, 3,  
249     4, 6, 7, 8, 9, 10, 11, and 12). Councilmember Hohenshelt seconded the motion, which  
250     passed by a vote of 7 ayes to 0 nays.

251  
252     Regarding Consent Agenda item #5, Councilmember Lewis asked if LaTerra has had any  
253     delays in responding to the city throughout the course of the project. Mr. Tumulty, City  
254     Engineer, indicated that he is not aware of any such delays, noting that the only delays  
255     he is aware of have been related to bad weather. Councilmember Lewis questioned if it  
256     is necessary to pay LaTerra a continued monthly fee for an additional five month period,  
257     or if perhaps staff may be able to handle the architectural oversight instead for that  
258     period. Lewis generally indicated that he is not in favor of extending the oversight  
259     period.

260  
261     Mayor Pro Tem Lewis made a motion to instruct staff to handle the disputed claim and  
262     settle it; however, he does not wish to authorize continuation of \$3,300 / month for FIVE  
263     additional months. Councilmember Townsend seconded the motion. After various  
264     comments by council and staff, Councilmember Lewis repeated his motion – to offer La  
265     Terra Studio the amount of \$17,038.63 to settle the disputed amount due caused by  
266     ambiguous language in the existing contract and to not pay the additional \$16,500  
267     (\$3,300 for five additional months) for monthly, architectural oversight of the project.

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269     After brief comments, the motion passed by a vote of 6 in favor with 1 against (Fowler).

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271     Open Forum was addressed next by the Mayor and Council.

272  
273     **XI.     APPOINTMENTS**

- 274  
275           1.     Appointment with the Planning and Zoning Chairman to discuss and  
276                     answer any questions regarding cases on the agenda and related issues  
277                     and take any action necessary.

278     Chairman, Craig Renfro, came forth and briefed the council on Planning-related items on  
279     tonight's agenda, including recommendations of the Commission relative to those items.  
280     He mentioned that P&Z board member, Wendi Conley, recently resigned. After his  
281     remarks, the council took no action concerning this appointment item.

- 282           2.     Appointment with Todd Parks, Fixed Based Operator of the Ralph M. Hall  
283                     / Rockwall Municipal Airport, to consider a request regarding modification  
284                     of operating hours, and take any action necessary.

285     Mr. Parks came forth and indicated that he is requesting that the council consider  
286     allowing him to adjust airport operating hours to be more in line with when demand for  
287     use of the airport is actually present versus when demand is negligible. If the adjusted  
288     hours are approved this evening, Mayor Pruitt encouraged Mr. Parks to come back to the  
289     council to further adjust the hours of operation should trends in demand change over  
290     time. Mr. Parks' written request to the Council indicated that he would like consideration  
291     to change the operating hours as follows:

Monday through Friday - change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 5:00 PM

Saturday - Change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 4:00 PM.

Sunday - We currently open at 7:00 AM and close at 7:00 PM. We are requesting that the FBO be closed on Sundays.

Mayor Pruitt made a motion to approve the request to adjust operating hours as presented. Councilmember White seconded the motion, which, after brief comments, passed by a vote of 7 in favor with 0 against.

3. Appointment with Rockwall resident Jim Smith to hear concerns related to drones, and take any action necessary.

Mr. Smith came forth and thanked the council for their tireless work on behalf of citizens. He went on to share that he was sitting on his back porch recently, and a drone flew into the air space over his back yard. He expressed that he wishes to not address or attempt to have the city regulate government or commercial drone use, but rather drones used for hobby or recreational purposes (aka 'model aircraft'). He spoke to some of the existing Federal Aviation Administration (FAA) 'guidelines' he has researched and found to be in place, sharing that they are guidelines rather than regulations and that they seem to still be evolving. He also has concerns about people using recreational drones (unmanned aircraft) for the purpose of taking photos without someone's permission and perhaps distributing those photos. He wants to maintain serenity and peacefulness in Rockwall resident's back yards. He pointed out an existing section of the city's Code of Ordinances (Chapter 8. Aviation, Article II. Airport) that he feels could be used to prohibit the use of recreational drones (aircraft). He also believes that Ch. 16 (Environment), Article IV. (Noise) of the Code might also have some provisions that could be applied to help regulate drones and maintain quite, peace and serenity in residents' back yards, for example. Mr. Smith asked the council, staff and city attorney a series of questions, including inquiries regarding if these sections of the Code of Ordinances mean that the city already regulates drones, or if additional regulations should be established.

Following Mr. Smith's presentation, Mayor Pruitt thanked him for his comments, and the city council took no action concerning this appointment item.

## XII. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the proposed FY 2015-2016 City of Rockwall budget, and take any action necessary.

Mr. Crowley provided the Council with a broad overview of some of the various recurring and one-time expenses that are proposed to be funded in this upcoming budget, including staff, programs and equipment. He explained that the proposed budget assumes adoption of the effective tax rate. Mrs. Smith provided a brief overview of a meeting recently held with staff, including herself, Brad Griggs, (Fire) Chief Poindexter and Battalion Chief Merritt. She shared some information concerning how it may be



possible to lower the Fire Department's overtime budget to free up some funds to hire some additional, full-time, paid staff. After lengthy discussion, Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one, Mayor Pruitt then closed the public hearing. He indicated that Council will take formal action to adopt the budget at its September 21<sup>st</sup> meeting.

### **XIII. ACTION ITEMS**

1. Discuss and consider a recommendation of the City Council's Naming Sub-Committee regarding approval of a resolution renaming Camelot Court to Lynch Court, and take any action necessary.

Mayor Pruitt addressed this agenda item next, following the Proclamations portion of the public meeting agenda. He called forth Mr. Lynch and his wife, introducing them and sharing a detailed history of both Mr. Lynch's current volunteer involvement in the community and to veterans, as well as his past military service to our country while serving in the U.S. Army. He shared that there are four homes located on what is now known as Camelot Court, and all of the residents who live on that street have indicated support for changing the name of the street to Lynch Court to honor Specialist Five Joseph P. Lynch, Sr.

Councilmember Lewis made a motion to move forward with changing the name of Camelot Court to Lynch Court. Councilmember Milder seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

2. Discuss and consider possible options for the solid waste contract, and take any action necessary.

Mr. Crowley provided background information related to this agenda item, reminding the Council and the public that this agenda item was discussed at greater length during a work session that was held earlier this afternoon.

Councilmember Milder indicated that he does not personally have any problem with the current service provider; however, he does feel that it is prudent to periodically go out for bid to explore other options in order to compare and ensure we are getting the best value for our dollars spent.

Mayor Pro Tem Lewis shared that he has heard only one or two complaints about bulk trash pick-up; however, he believes these issues have been addressed. He shared that fuel costs and costs of things like tires are 'up' quite significantly lately.

Mayor Pro Tem Lewis then made a motion to authorize the City Manager to execute contract renewal documents with Republic Waste and bring back a corresponding rate resolution for Council action at a later date. Councilmember Townsend seconded the motion, which passed by a vote of 6 in favor with 1 against (Milder).

3. MIS2015-006 - Discuss and consider a request by Elias Pope of 8020 Restaurants, LLC for the approval of a variance to the parking requirements in conjunction with an approved site plan for a restaurant on a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30

384 OV) District, located at the southeast corner of the IH-30 Frontage Road  
385 and Sunset Ridge Drive, and take any action necessary.

386 Planning Director Ryan Miller provided a brief synopsis of this agenda item and the  
387 associated request. He stated that this item is associated with a 6,800 square foot  
388 restaurant facility just north of Trend Tower. The applicant is showing 68 parking spaces  
389 being provided with 53 being provided on site and an additional fifteen being provided  
390 offsite in the Trend Tower parking garage. The applicant is now requesting that the  
391 council consider waiving the additional 15, off-site parking spaces at Trend Tower, citing  
392 that sufficient public parking is available within the sub-district. Councilmember Lewis  
393 asked when public access to spaces located in Trend Tower begins. Mr. Crowley  
394 clarified that it starts at 5:00 p.m. Mr. Crowley clarified that the applicant is requesting to  
395 be able to count "on street" and other public parking spaces towards his required  
396 number of spaces. After brief comments, Councilmember White made a motion to  
397 approve the variance request for MIS2015-006. Mayor Pro Tem Lewis seconded the  
398 motion, which passed by a vote of 7 ayes to 0 nays.

- 399
- 400 4. MIS2015-005 - Discuss and consider a request by Duane and Jennifer  
401 Piercy for the approval of an exception to the minimum masonry  
402 requirements stipulated in Section 3.1, General Residential District  
403 Standards, of Article V, District Development Standards, of the Unified  
404 Development Code, for a 1.21-acre tract of land identified as Lot 1, Block  
405 A, Piercy Place Addition, City of Rockwall, Rockwall County, Texas,  
406 zoned Single Family 7 (SF-7) District, addressed as 713 Hartman Street,  
407 and take any action necessary.

408 Mr. Miller provided brief background information related to this agenda item, indicating  
409 that the applicant would like to request a variance to allow him/her to utilize 100% hardy  
410 plank material instead of the city's current masonry standards (required to use 80%  
411 masonry with a maximum of 50% being dedicated to hardy plank, stucco or other  
412 cement-like materials). However, the code does allow for the council to grant variances  
413 at its discretion. He explained that this home is located near the adjacent historic  
414 district, so it would be in line with some of the other homes in the area. The P&Z  
415 Commission has recommended approval of this agenda item. Councilmember White  
416 made a motion to approve the variance request for MIS2015-005. Mayor Pro Tem Lewis  
417 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

418 Regarding the next two agenda items (Action item #5 and #6), Mayor Pruitt announced  
419 that Councilmember Hohenshelt has recused himself and has filed an affidavit, as  
420 required, with the City Secretary.

- 421 5. Discuss and consider a motion for reconsideration regarding the Chapter  
422 212 Development Agreement approved with Joey Howell on August 3,  
423 2015 for the property within the City of Rockwall's Extraterritorial  
424 Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548,  
425 being a ~98-acre tract of land, and take any action necessary.

426 Mr. Crowley, City Manager, provided some background information related to this  
427 agenda item, generally summarizing his memo and pointing out that Mr. Howell  
428 submitted an e-mail that has been included in council members' informational meeting  
429 packet. He summarized that the County has expressed some opposition to approval of  
430 this 212 Development Agreement on the part of the city. He further indicated that the  
431 County recently disapproved Mr. Howell's variance request. As such, City Manager



Crowley explained that, although the council had authorized him to execute the 212 agreement at a previous council meeting, he did not yet move forward with signing said document. At this point, since there seems to be some opposition from the County, as well as some unknown eventual outcomes at the county level concerning this topic, Mr. Howell came forth and indicated that he is in support of the city council rescinding its previous action whereby it authorized the city manager to execute the 212 agreement.

Councilmember White made a motion for reconsideration of the 212 agreement. Councilmember Townsend seconded the motion, which, after brief comments, passed by a vote of 6 in favor with 1 recusal (Hohenshelt).

6. Discuss and consider terminating the authorization to approve the Chapter 212 Development Agreement with Joey Howell for a property identified as Tract 18 & 18-01 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, being a ~98-acre tract of land situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548, and take any action necessary.

Councilmember Townsend made a motion to terminate the previously granted authorization associated with the city manager executing the 212 development agreement with Joey Howell. Councilmember Milder seconded the motion, which passed by a vote of 6 ayes with 1 recusal (Hohenshelt).

7. Discuss and consider (re)appointments to city advisory boards, including the Animal Adoption Center/Shelter Advisory Committee, the Architectural Review Board, the Historic Preservation Advisory Board, and the Youth Advisory Council, and take any action necessary.

Councilmember White made a motion to reappoint the following students to serve on the the YAC this school year:

1. Beth Naylor (re-appointment) – Senior, homeschool
2. Isabella Burzair (re-appointment) – Senior, RHHS
3. Baldwin Bakkal (re-appointment) – Senior, RHHS
4. Derek "Gunner" Avenetti (re-appointment) – Senior, RHS
5. Cate Ghormley (re-appointment) – Senior, RHS
6. Logan Peet (re-appointment) – Senior, RHHS
7. Jake Mirelez (re-appointment) – Senior, RHS
8. Reid Rakow (re-appointment) – Junior, RHS
9. Bethany Villalobos (re-appointment) – Sophomore, RHS

and to newly appoint the following students:

10. Lanson Bennett (new appointment) – Senior, Heritage Christian Academy
11. Avery Dalfrey (new appointment) – Junior, RHHS
12. Zully Zavala (new appointment) – Junior, RHS
13. Caleb Davis (new appointment) – Freshman, homeschool

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

Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember Fowler made a motion to reappoint Ken Dickson, Dr. Kurt Avery and Sandra Solomon to continue serving. Mayor Pro Tem Lewis seconded the motion, which passed unanimously (7 ayes to 0 nays).

Regarding the Architectural Review Board, Councilmember Folwer made a motion to replace Engiell Tomaj with new board member Ralph Chizzonite and to reappoint Enid Reyes, Ashlei Neil and Jimmy Strohmeier to serve an additional term (thru August of 2017). Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding the Historic Preservation Advisory Board, Mayor Pruitt made a motion to reappoint Mike Mishler and Carolyn Francisco (to serve through August 2017) and to newly appoint Daniel Nichols and Gabriel Castro (replacing former members, Keegan and Turbyfill). Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Lewis made a motion to reappoint Stephen Geiger and Martin Musser to the Board of Adjustments (through August of 2017). Councilmember White seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Mayor Pro Tem Lewis made a motion to reappoint Dennis Dayman and Freddie Jackson to the Building and Standards Commission (through August of 2017). Councilmember White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

Mayor Pro Tem Lewis made a motion to appoint a new member, Jerry Welch, to serve on the Building and Standards Commission (through August of 2017). Councilmember White seconded the motion, which passed unanimously (7 ayes to 0 nays).

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

1. Departmental Reports
  - Building Inspections Monthly Report - July & Aug. 2015
  - Fire Dept. Monthly Reports - July 2015
  - GIS Department Monthly Report - July 2015
  - Harbor PD Monthly Report - July 2015
  - Internal Operations Department Monthly Report - July 2015
  - Police Department Monthly Report - July 2015
  - Recreation Monthly Report - July 2015
  - Rockwall Animal Adoption Center Monthly Report - July 2015

2. City Manager's Report

Mr. Crowley attempted to clarify a few, budget-related topics, specifically related to STAR Transit and the potential of adding firefighter positions. Councilmember White requested that, if STAR Transit is included in the budget, he would like the ability to vote on it as a separate item, apart from the budget as a whole, because he has no intention of voting "for" it. Regarding the firefighter positions, Councilmember Milder requested the ability to also vote on this expense separately from the rest of the budget as a whole, as he



519 does not support a budget that does not include increased staffing in the Fire  
520 Department.

521 Mr. Crowley indicated that the city has been trapping and testing mosquitos for the West  
522 Nile Virus for number of years. Recently, a mosquito that was trapped tested positive for  
523 the virus. As a result and in accordance with the recommendation of the city's health  
524 official, staff will be spraying within a one mile radius of where this mosquito was  
525 recently trapped.

526 **XV. EXECUTIVE SESSION**

527  
528 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
529 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
530 CODE:

- 531 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor  
532 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 533 2. Discussion regarding dangerous dog legal claim pursuant to Section 551.071 (Consultation  
534 with Attorney).
- 535 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
536 committees including the Building and Standards Commission, Planning & Zoning  
537 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

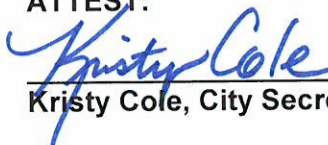
539  
540 The city council did not return to Executive Session following the close of the public  
541 meeting agenda.

542  
543 **XVII. ADJOURNMENT**

544  
545 Mayor Pruitt adjourned the meeting at 7:51 p.m.

546  
547  
548 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
549 THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2015.

550  
551  
552  
553 ATTEST:

554   
555 Kristy Cole, City Secretary  
556



  
Jim Pruitt, Mayor

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, September 21, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold work session to discuss the United States Environmental Protection Agency's (EPA) Sanitary Sewer System compliance inspection report, including addressing any areas of concern, and take any action necessary.

City Engineer Tim Tumulty explained that on March 5, 2015, the EPA made a site visit to Rockwall to conduct a compliance inspection report on the city's wastewater system and associated maintenance. He indicated that the report was received by the city in early August, and it was dated June 2<sup>nd</sup>. He explained that the report indicates some relatively minor areas of possible non-compliance and/or areas of concern. He went on to explain what the EPA's expectations are as well as what steps the city plans to take in order to address any noted areas of concern.

2. Hold work session to discuss and consider local regulations regarding non-emergency ambulance services and associated transports, and take any action necessary.

City Manager Rick Crowley provided brief background information concerning this item, recapping what was discussed at the last council meeting concerning this topic. Based on those discussions, he asked the city attorney to draft a new ordinance to repeal exclusivity of the current ordinance provisions related to non-emergency transport services and to implement a simple registration and permitting process for ambulance providers who would potentially operate in our city in the future to provide non-emergency transport services. Mr. Garza, the city attorney, then went on to briefly explain the ordinance he drafted for this purpose.

Councilmember Hohenshelt indicated that he is generally not in favor of instituting franchise agreements/ordinances. However, he remains concerned about the impact that the potential loss of revenue may have on the ES Corporation, and ultimately the city, after exclusivity is revoked. It was explained that this revocation could fiscally impact the current EMS service provider due to potential loss of non-emergency transport business and associated revenue that previously went entirely to them. However, Mr. Crowley explained that the exact financial impact is impossible to determine at this time. Mayor Pruitt followed up by explaining that EMS related subsidy funding requests have already been submitted and the ES Corporation board recently approved its upcoming fiscal year budget. In addition, the current EMS contract is only in place for about



another year to year-and-a-half. So, any subsidy impact would only potentially affect one service year that is left under the existing EMS contract.

Various comments were made concerning the EMS subsidy and how it is arrived at year-by-year as well as the interest or non-interest the council members may have regarding regulating non-emergency transport service providers operating in the city. Following these discussions, the council took no formal action concerning this work session item.

Mayor Pruitt the read the below listed discussion items into the record before recessing the public meeting into Executive Session at 4:43 p.m.

### **III. EXECUTIVE SESSION.**

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

1. Discussion regarding (re)appointments to city regulatory boards, commissions, or committees - Planning & Zoning Commission vacancy- pursuant to Section 551.074 (personnel matters)

**Action Item 11 on public meeting agenda:** Discuss and consider approval of an ordinance amending the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, specifically pertaining to exclusivity provisions expressed in Sec. 12-1251, and take any action necessary. (1st reading)

### **IV. ADJOURN EXECUTIVE SESSION**

Executive session was adjourned at 5:45 p.m.

### **V. RECONVENE PUBLIC MEETING**

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

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

It was announced that no action would be taken as a result of Executive Session.

### **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

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

### **VIII. PROCLAMATIONS / AWARDS**

1. Shon Bellah Recognition

City Engineer Tim Tumulty provided brief details about Shon Bellah, City of Rockwall Water Department employee, who recently earned his Class A license, which is something that is not easy to achieve and is very valuable to the city and its residents.

97 Mayor Pruitt then read and presented a proclamation to Mr. Bellah, recognizing him for  
98 this accomplishment.  
99

100 2. Retirement Service Recognition – Ken Keeton  
101

102 Mr. Keeton came forward and introduced his wife. Mayor Pruitt read and presented Mr.  
103 Keeton with a proclamation to recognize his fourteen years of service to the residents  
104 and business of Rockwall while working at the Rockwall Economic Development  
105 Corporation (REDC).  
106

107 IX. OPEN FORUM  
108

109 Robert Huckabee  
110 Assistant Head Master and High School Principal at Heritage Christian Academy  
111 1408 South Goliad  
112 Rockwall, TX  
113

114 Mr. Huckabee explained that he has been a Rockwall resident for over twenty years, and  
115 HCA has been at its current location for twelve years. He spoke regarding Action Item #1  
116 regarding extending an agreement with Our Lady of the Lake Catholic Church that was  
117 entered into five years ago. He explained that the agreement made at that time affected  
118 HCA's property, but HCA had no knowledge of it until recently. He explained that  
119 previously the church had asked HCA if it could expand Damascus Road at no cost to  
120 HCA. Subsequently, after the expansion and addition to Damascus Road, the City of  
121 Rockwall entered into an agreement with the Catholic Church that essentially obligated  
122 HCA to pay back a portion of that road expense if HCA ever does any sort of expansion  
123 of its own on its property. He explained that HCA was not a party to that agreement, it  
124 had no knowledge of it, and it only learned of the agreement six weeks ago when its  
125 builders approached the city about a potential parking lot expansion project next year.  
126 He explained that HCA has serious concerns about the agreement and have sought legal  
127 counsel. He is concerned about having his property unknowingly being encumbered  
128 with \$143,000 in obligations and believes it is inexcusable. He expressed that he did not  
129 even know renewal of the agreement was on tonight's agenda for consideration until this  
130 morning. He asked that the Council take no action on Action Item #1 this evening to  
131 allow an opportunity for all parties involved to sit down and work through some of the  
132 concerns.  
133

134 Michael Wagoner came forth explaining that he is a legal advisor and serves on Board of  
135 Directors for the Rockwall Habitat for Humanity. He expressed that the organization has  
136 had significant cooperation from various city staff members associated with a project  
137 they are working on to find some additional land. He thanked the city for this  
138 cooperation.  
139

140 Jim Dula  
141 9018 Lakepointe Avenue  
142 Rowlett, TX 75088  
143

144 Mr. Dula came forth and indicated that he is speaking as a representative of Our Lady of  
145 the Lake Catholic Church and that several members of the parish are here this evening.  
146 He stressed the importance of the agreement renewal associated with Action Item #1 on  
147 tonight's agenda. He understands HCA's position with regards to no notification or slow



notification about the matter. He explained that the facilities agreement is important to the church's long term financial success. He explained that at the time, public safety and access was important. The church had approached HCA to ask them to partner with them on the project; however, when they declined, the church worked with the city to secure the facilities agreement. He again stressed the importance of this agreement and its financial implications, as the church is a non-profit organization.

**John White**  
**1929 S. Lakeshore**  
**Rockwall, TX**

Mr. White came forth and expressed his appreciation for City Engineer Tim Tumulty and his staff. He explained that recently he was out for a morning walk when he noticed a small piece of rebar poking out from the concrete. He took a photo and sent it to Tim, and, within twenty-four hours, staff replied back to him, letting him know that the rebar had been cut out and the concrete had been patched. He thanked Tim and the city staff.

There being no one else wishing to come forth, Mayor Pruitt then closed Open Forum.

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the September 8, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution related to a grant through the Texas Parks and Wildlife Department pertaining to construction of a boating access facility on Lake Ray Hubbard near SH-66 and N. Lakeshore Drive, and authorize the city manager to execute associated project agreement, and take any action necessary.
3. Consider approval of the engineering services contract with Hydrological Support Services, LLC to perform flood study reviews for developments within the City in an amount not to exceed \$40,000.00 provided from the FY 2015-16 Department Operations Budget and developer reimbursement, and take any action necessary.
4. Consider authorizing the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) under the City Pride Program for installation of signage along W. Rusk Street [SH-66] west of S. Lakeshore Drive, and take any action necessary.
5. Consider approval of a resolution for an easement abandonment associated with an existing 608 square foot utility easement generally located at the southeastern building corner of what is currently Honda of Rockwall, and take any action necessary.
6. Consider award of a professional services contract to Grantham & Associates, Inc. and authorize the city manager to execute associated documents for performing the engineering design services and specifications for the Signal Ridge Sanitary Sewer Pipe Bursting Project in an amount of \$27,480.00 to be funded by 2016 water and sewer revenue bonds, and take any action necessary.
7. Consider approval of American National Bank as the City's depository and take any action necessary.

**Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, and 7). Councilmember White seconded the motion, which passed unanimously.**

195 **XI. APPOINTMENTS**

- 196  
197 1. Appointment with the Planning and Zoning Chairman to discuss and  
198 answer any questions regarding cases on the agenda and related issues  
199 and take any action necessary.

200 **The Chairman was not present, so this item was not discussed / addressed.**

201  
202 **XII. ACTION ITEMS**

- 203  
204 1. Discuss and consider extending the existing Facilities Agreement  
205 associated with reimbursement for the construction of Damascus Road to  
206 the Roman Catholic Diocese for ten years, and take any necessary  
207 action.

208 **City Engineer Tim Tumulty provided background information concerning this agenda**  
209 **item, indicating that this is a pro rata facilities agreement that deals with costs**  
210 **associated with building a portion of Damascus Road. He explained that it was originally**  
211 **put in place after it was adopted by the Council in October 2010. He was informed by the**  
212 **Catholic church earlier this year, around April, that it was set to expire in October, and he**  
213 **has since learned that HCA is not in support of the agreement, as expressed in a recent**  
214 **letter sent to the city. He shared that he is personally to blame for the late notification to**  
215 **HCA because he did not call them until this morning even though he believes their letter**  
216 **clearly explained that they wanted an opportunity to speak about the agreement. He**  
217 **agreed that staff is willing to do whatever is needed to work through this.**

218  
219 **Mayor Pruitt asked if the road were being built today, would this same type of agreement**  
220 **be the type of agreement that would be entered into now like it was five years ago. Mr.**  
221 **Tumulty indicated that he believes so, as it is very similar to a more recent roadway**  
222 **project on Summer Lee that dealt with property owners paying their pro rata share.**

223  
224 **Councilmember White expressed concern about HCA being made a party to the facilities**  
225 **agreement when the only party that signed it five years ago was the Catholic church.**  
226 **City Manager Rick Crowley indicated that he is happy to go back and research the city's**  
227 **files to try and better determine what process took place five years ago that led to the**  
228 **agreement being put into place.**

229  
230 **Mayor Pruitt asked the city attorney if there is anything wrong, legally, with these types**  
231 **of agreements. Mr. Garza explained that there is nothing wrong with these types of**  
232 **agreements and that they are allowed under the law. He expressed that typically these**  
233 **types of agreements are commonly created when a city wants to expand or rebuild a**  
234 **street, so they do, and then the put provisions into an agreement that stipulate that**  
235 **adjacent property owners must pay a pro rata share of those costs to pay back the city.**  
236 **In this instance, the circumstances were a little different, though, in that the city had no**  
237 **plans to extend the street. Instead, the Catholic church requested the street expansion,**  
238 **and it paid for that expansion. Mr. Garza went on to explain that, although all adjacent**  
239 **property owners are generally not part of executing an actual agreement like this (re: pro**  
240 **rata repayment of expansion of improvement of a street), they are usually at least made**  
241 **aware that the agreement is going to be executed prior to it actually being signed (not for**  
242 **their approval, but, rather, only so that they have been notified and are aware). It was**  
243 **explained that if HCA had never wished to make any improvements to their own property,**  
244 **then they would have never had to (re)pay a portion of the development costs associated**



with the road and described in this agreement. However, if HCA had at some point come forward wanting to make improvements to their property, then the roadway would have been a development cost to them. General discussion took place with it being expressed that the ultimate outcome associated with HCA having to pay a portion of the roadway improvement will not change in the end. However, staff is willing to sit down with HCA to better explain and go over the details and issues.

Councilmember Townsend made a motion to delay action on this item for two weeks. Mayor Pro Tem Lewis seconded the motion, which passed unanimously.

2. SP2015-020 - Discuss and consider a request by Sam Ellis of Dallas Design Build on behalf of the owner Amalraj Fernando of MREA Properties-2, LLC for the approval of variances associated with articulation, screening and landscape buffers as stipulated by Articles V & VIII of the Unified Development Code (UDC) in conjunction with an approved site plan for a daycare facility on a two (2) acre parcel of land identified as Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the North SH-205 Corridor Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-205], and take any action necessary.

Ryan Miller, Planning Director, provided information concerning this agenda item, indicating that the applicant is requesting three variances as follows:

a) *Article V, Section 4.1 General Commercial District Standards* - to allow for not meeting the Horizontal Articulation requirements as established in *Art. V, Sec. 4.1, C.1.a.* and as depicted in the Building Elevations as submitted. *(Simple majority vote of council is required)*

b) *Article VIII, Landscape Standards* - to allow for not meeting the screening standards as established in *Art. VIII, Sec. 5.6 Screening from Residential Uses* which requires a minimum 6-ft high masonry screening fence. The applicant is requesting a 6-ft wrought iron fence that will be constructed atop the retaining wall at the rear of the property, but will not provide the required screening; however, the property is considered to be heavily treed and is screened by the existing trees. *(Simple majority vote of council is required)*

c) *Article V, Sec. 6.11 North SH-205 Corridor Overlay District* – to allow for not meeting the minimum 20-ft landscape buffer strip as established in *Art. V, Sec. 6.11, E., 1* by allowing nine (9) parking spaces to encroach the landscape buffer strip. *(¾ majority vote of council is required).*

Councilmember White made a motion to approve the variance for SP2015-020 related to the horizontal articulation requirements. Mayor Pro Tem Lewis seconded the motion, which passed unanimously.

Councilmember White made a motion to approve the variance request regarding not meeting the 6' masonry screening requirement. Mayor Pro Tem Lewis seconded the

294 motion. After clarifying comments, the motion passed by a vote of 7 in favor with 0  
295 against.

296  
297 Councilmember White made a motion to approve the variance associated with allowing 9  
298 parking spaces that encroach on the landscape buffer. Mayor Pro Tem Lewis seconded  
299 them motion, which passed by a unanimous vote of council.

- 300  
301 3. Discuss and consider Wal-Mart Supercenter temporary storage of  
302 merchandise, and take any action necessary.

303 Councilmember White made a motion to approve the temporary storage request for Wal-  
304 Mart Supercenter. Councilmember Milder seconded the motion, which passed by a vote  
305 of 6 in favor with 1 against (Fowler).

306 Staff asked council members if they prefer that staff handle these sorts of requests  
307 administratively in the future, or if the council would prefer these sorts of requests to be  
308 brought before them for consideration each time they arise. Mr. Crowley indicated that,  
309 generally speaking, retailers have indicated that they have a need about five months out  
310 of the year for seasonal or temporary outside display of merchandise. Indication was  
311 given that Council would like staff to bring back a policy to review related to temporary  
312 or seasonal outside storage.

- 313 4. Discuss and consider recommendations by the Landscape Review  
314 Committee for code amendments to the Unified Development Code  
315 (UDC) and Municipal Code of Ordinances that relate to water  
316 conservation and drought management, and take any action necessary.

317 Mr. Miller, Planning Director, indicated that City volunteers recently went through a  
318 process with staff to review the city's landscape ordinance to ensure the provisions were  
319 conservation conscious and "water wise." After explaining the various  
320 recommendations of the committee, Mr. Miller indicated that if council would like to move  
321 forward, staff will proceed with advertising this proposed change in the city's UDC and  
322 Code of Ordinances and take this issue through the Planning & Zoning Commission  
323 process for review and consideration. Mr. Miller thanked members of the citizen review  
324 committee including Tim Nichols, Jan Self, John Thomas, Marcus Yarborough and city  
325 staff member, Andy Hesser, for their work and efforts.

326  
327 During the discussion, indication was given that White and Pruitt are not in favor of  
328 requiring smart meters. Assistant City Manager Brad Griggs shared that smart meters  
329 cost about \$100 for a typical, average size residential irrigation / sprinkler system and  
330 that the price increases as the size of the system increases (i.e. with larger commercial  
331 irrigation systems, smart meters become more costly).

332 Indication was given that Council does not mind 'encouraging' smart meters, but they do  
333 not want to require them. Regarding the planting requirements for the City's Overlay  
334 Districts being reduced from three (3) canopy trees and four (4) accent trees per 100-  
335 linear feet to two (2) canopy trees and four (4) accent trees per 100-linear feet, council  
336 indicated they are ok with this adjustment.

337  
338 Council gave indication that they are generally ok with the following recommendations:



- The City's list of acceptable trees, trees to be planted within the landscape buffers of the City's Overlay Districts, and as replacement trees for tree preservation should be changed.  
An appendix should be added to the Unified Development Code that includes recommended planting lists for trees, shrubs, grasses etc.
- Xeriscaping standards should be established as an alternative to conventional landscaping standards for the purpose of incorporating low water use plants and/or pervious hardscapes. Additionally, xeriscaping should be incentivized by allowing a 2.5% reduction in the overall required landscaping percentage for the purpose of making it a more attractive option to developers.
- The screening required of a commercial development when adjacent to a residential development should be changed to include an option to allow a wrought iron fence with landscape screening where applicable.
- During drought or water emergency response stages the Director of Planning and Zoning or his designee can grant an applicant permission to delay the installation of required landscaping to a specified time and date.

The Council took no formal action related to this agenda item.

5. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2016 and amended budget for fiscal year 2015, and take any action necessary.

**Sheri Franza, CEO and President of the REDC, came forth and briefly summarized for Council the amended budget for FY15 and the proposed budget for FY16. Mayor Pro Tem Lewis made a motion to approve the REDC amended budget for FY15 and the proposed budget for FY16. Councilmember White seconded the motion, which passed unanimously of Council.**

6. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2016 and amended budget for fiscal year 2015, and take any action necessary.

**Mrs. Franza briefed the Council on the FY16 proposed budget as well as the amended budget for FY15. Mayor Pro Tem Lewis made a motion to approve the FY15 amended budget and the proposed FY16 budget. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

7. Discuss and consider the Hotel tax subcommittee recommendations for supplemental funding allocations in fiscal year 2015 and proposed funding allocations in fiscal year 2016, including authorizing the City Manager to execute associated funding agreements, and take any action necessary.

**Assistant City Manager Mary Smith provided brief information concerning this agenda item. Councilmember Fowler indicated that he will be recusing himself from the vote on the Lonestar CASA, Music Fest and Summer Musicals funding requests because he serves on those boards. Mayor Pruitt made a motion to approve the funding requests for CASA, Music Fest and Summer Musicals. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 abstention (Fowler).**

Councilmember Townsend made a motion to approve the subcommittee's recommendations associated with the remainder of the funding allocation requests. Mayor Pro Tem Lewis seconded the motion. Mayor Pruitt indicated that, within the next two years or so, the council may not be funding these organizations to the extent that they have been funded in past years, so he wants them to be aware of this and be cognizant of it when planning future year's events. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

8. Discuss and consider approval of an ordinance amending the budget for fiscal year 2015, and take any action necessary.

City Manager Rick Crowley provided brief comments related to this agenda item. Mayor Pro Tem Lewis made a motion to approve the ordinance amending the FY15 budget. Councilmember Milder seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 15-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR  
THE FISCAL YEAR OCTOBER 1, 2014 THROUGH SEPTEMBER 30,  
2015; PROVIDING FOR AN EFFECTIVE DATE.

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

9. Discuss and consider the proposed budget for fiscal year 2016 and approval of an ordinance adopting the proposed budget, and take any action necessary.

Regarding the funding request associated with STAR Transit, Councilmember White requested that funding for STAR Transit be voted on separately. Councilmember Townsend made a motion to approve the funding allocation for STAR Transit for FY2016. Mayor Pro Tem Lewis seconded the motion. Councilmember White indicated that he is very strongly opposed to approving this funding request and will be voting "no." Mayor Pruitt clarified that this particular vote is in no way an indication of how much the city might fund for this organization in the future on a permanent basis. The motion passed by a vote of 5 in favor with 2 against (Milder and White).

Councilmember White recused himself from the Meals on Wheels funding allocation included in the proposed budget because he serves on the organization's board. Mayor Pro Tem Lewis made a motion to approve this funding in the budget. Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 recusal (White).

Mayor Pro Tem Lewis made a motion to accept the budget proposal and approve the ordinance adopting the proposed budget. Mayor Pruitt seconded the motion. Councilmember Milder clarified that this budget proposal does not include any funding for additional, full-time paid firefighter positions. He strongly believes that additional paid fire staff is prudent and necessary. Councilmember Hohenshelt indicated that he is willing to discuss the possibility of additional paid firefighters in the future but that the discussion must be focused on strategic goals associated with possibly adding new staff. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-26



433 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
434 ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR  
435 THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2015, THROUGH  
436 SEPTEMBER 30, 2016; PROVIDING THAT EXPENDITURES FOR  
437 SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE  
438 SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.  
439

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

- 441 10. Discuss and consider approval of an ordinance levying ad valorem taxes  
442 for the tax year 2015, and take any action necessary.

443 Mayor Pro Tem Lewis made a motion to approve the ordinance as presented.  
444 Councilmember White seconded the motion. The ordinance was read as follows:

445 CITY OF ROCKWALL, TEXAS  
446 ORDINANCE NO. 15-27  
447

448 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
449 LEVYING THE AD VALOREM TAXES FOR THE YEAR 2015 AT A RATE OF \$.4853  
450 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL  
451 TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF  
452 JANUARY 1, 2015 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT  
453 EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL  
454 OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT  
455 DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2015 TAX  
456 ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65)  
457 YEARS; PROVIDING AN EFFECTIVE DATE.  
458

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

- 460 11. Discuss and consider approval of an ordinance amending the provisions  
461 of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the  
462 Code of Ordinances, specifically pertaining to exclusivity provisions  
463 expressed in Sec. 12-1251, and take any action necessary. (1st reading)

464 Mayor Pro Tem Lewis made a motion to authorize the city attorney to prepare an  
465 ordinance concerning non-emergency ambulance service providers operating within the  
466 city limits of Rockwall, stipulating that they must meet all State requirements but that no  
467 city permit will be required. Councilmember White seconded the motion, which passed  
468 unanimously of council (7 ayes to 0 nays).  
469

470 XIII. EXECUTIVE SESSION  
471

472 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
473 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
474 CODE:  
475

- 476 1. Discussion regarding (re)appointments to city regulatory boards, commissions, or  
477 committees - Planning & Zoning Commission vacancy- pursuant to Section 551.074  
478 (personnel matters)  
479  
480

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

482 Council did not recess into Executive Session at the end of the public meeting agenda.

483  
484  
485 XV. ADJOURNMENT

486  
487 The meeting was adjourned at 7:29 p.m.

488  
489 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
490 THIS 5<sup>th</sup> DAY OF OCTOBER, 2015.

491  
492  
493  
494  
495 ATTEST:

496   
497 \_\_\_\_\_  
498 Kristy Cole, City Secretary

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





**MINUTES  
ROCKWALL CITY COUNCIL**

**Monday, October 05, 2015**

**4:00 p.m. Regular City Council Meeting**

**City Hall - 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold work session to discuss preliminary planning associated with the design of S. Lakeshore / Summit Ridge roadway improvements, and take any action necessary.

Mr. Crowley began discussion of this work session item. This particular, upcoming project will involve improvements to S. Lakeshore and Summit Ridge from SH-66 to FM-740. He indicated that traffic calming devices such as road humps and other pavement markings and signage have been added over the years in an effort to slow traffic and reduce the volume of traffic in these areas. He explained that gleaning feedback, first from those who live along the roadway and then perhaps broadening the scope of input sought, is likely a viable place to start before moving forward with preliminary design of the roadway. He explained that staff will begin with mailing a survey to those who live along the roadway. Also, he indicated that he may employ an engineer to evaluate some aspects of how sidewalks may be worked in with a narrowed roadway and what the costs would be, as well as what affect it would have on 'traffic calming' through the neighborhood. He understands that this stretch of road is often utilized as a cut through from Ridge Road over to SH-66 for many drivers, including those who do not live on this road or within the neighborhood at all. Mr. Crowley explained that the possibility of narrowing the roadway and adding sidewalks has been discussed in the past.

City Engineer Tim Tumulty indicated that over the years, some residents have been in favor of the traffic humps, while others have wanted them to be removed. General discussion took place regarding what options may be possible regarding re-doing this stretch of road and what the associated goals may be (i.e. discouraging its utilization as a 'cut through,' making it safe, slowing driving speeds down, and making the roadway look good). Mayor Pruitt expressed concern about school buses currently having to stop on the road itself to let out children, who then walk in the street because there are no sidewalks.

Mr. Crowley expressed that he would like to know if city council members have any negative feelings regarding the possibility of reducing the width of the roadway and adding sidewalks. It was clarified that it is possible that S. Lakeshore would be narrowed to be the same width as Summit Ridge. Mayor Pro Tem Lewis indicated that he likes the idea of narrowing the roadway and putting in sidewalks. No one on Council seemed to express any opposition to this idea at this time.



51 Mr. Crowley shared that attendance at city council meetings held years ago when road  
52 humps were discussed was in the 100's.

53  
54 Mayor Pruitt then read the below listed items into the public record before recessing the  
55 meeting into Executive Session at 4:21 p.m.

56  
57 **III. EXECUTIVE SESSION.**

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

- 62  
63 1. Discussion regarding process and appointment to Rockwall Central Appraisal District Board  
64 pursuant to Section 551.074 (personnel matters)
- 65 2. Discussion regarding appointments to city regulatory boards, commissions, or committees -  
66 interview candidates: Planning & Zoning Commission vacancy - pursuant to Section  
67 551.074 (personnel matters)
- 68 3. **From Public Meeting Agenda – Action Item #7:** Discuss and consider approval of an  
69 ordinance amending the Code of Ordinances in Chapter 12. Businesses & Sales, Article  
70 XII. Ambulance Service by adding and amending Sections 12-1250 through 12-1253  
71 regulating ambulance services and providers in the City, and take any action necessary.  
72 (1st reading)

73  
74 **IV. ADJOURN EXECUTIVE SESSION**

75  
76 Executive Session was adjourned at 5:55 p.m.

77  
78 **V. RECONVENE PUBLIC MEETING**

79  
80 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with five of the seven council  
81 members being present. Kevin Fowler and John Hohenshelt were absent.

82  
83 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

84  
85 Mayor Pro Tem Lewis made a motion to approve Resolution #15-27 concerning submission  
86 of names for board member nominations to the Rockwall Central Appraisal District Board  
87 for 2016. Councilmember White seconded the motion, which passed by a vote of 5 ayes to  
88 0 nays with 2 absent (Fowler and Hohenshelt).

89  
90 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT**

91  
92 Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.

93  
94 **VIII. PROCLAMATIONS / AWARDS**

- 95  
96 1. Proclamation - Hispanic Heritage Month

97  
98 Mayor Pruitt called a few citizens forward. He then read and presented a proclamation  
99 declaring October 2015 as Hispanic Heritage Month.



103 IX. OPEN FORUM

104  
105 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
106 come forth and speak at this time.

107  
108 Pastor Joe Robbins  
109 St. Paul AME Church  
110 805 Peters Colony  
111 Rockwall, TX  
112

113 Pastor Robbins came forth and indicated that he would like the city council to not approve a  
114 waiver to the masonry requirements being requested in Action Item #2. He explained that  
115 notice was not given by the city concerning this agenda item, but he is opposed to it.  
116 Planning Director Ryan Miller indicated that it is not a zoning case, so no public notice was  
117 required.

118  
119 Mitch Ownby  
120 Rockwall County EMS  
121 809 S. Goliad  
122 Rockwall, TX  
123

124 Mr. Ownby came forth and briefly updated staff and council on the previously "rocky"  
125 relations with Presbyterian Hospital of Rockwall, generally indicating that he believes  
126 relations have been improving on an ongoing basis through a series of meetings between  
127 the two parties.

128  
129 Reverend George P. Monaghan  
130 1423 Murphy Road  
131 Our Lady of the Lake Catholic Church  
132 1305 Damascus Road  
133 Rockwall, TX  
134

135 Father Monaghan came forth and indicated that he represents 3,800 families and over  
136 14,000 individuals in the parish. In addition, he has over 1,000 students in the school,  
137 mostly 1<sup>st</sup> through 12<sup>th</sup> graders. There are five weekend masses and eight during the week,  
138 and these do not include other ceremonies such as weddings, funerals, etc. They are  
139 currently working with an architect to reconfigure the church's space and add between  
140 15,000-20,000 square feet. He proceeded to shared comments with the City Council  
141 concerning the pro rata facilities agreement regarding past improvements the church made  
142 to Damascus Road. He shared that if the church had not made improvements to the  
143 roadway when they did, the costs today for the same improvements could have been 50-  
144 60% more than it cost then. He went on to explain some of the specific terms outlined in the  
145 existing facilities agreement. He understands that recently there have been some  
146 discussions, ones he has not been privy to, concerning reassessing the proportional share  
147 currently mentioned in Section 2 within the facilities agreement. He encouraged the city  
148 council to move forward with granting an additional five year extension.

149  
150 Richard Archibald  
151 (no address given)  
152

153 Mr. Archibald came forth and indicated that he represents the interests of Heritage Christian  
154 Academy (HCA). He shared that he recently met with city staff to discuss some of the



issues surrounding the pro rata facilities agreement. He expressed a desire to approach the matter fairly. He explained that the archdiocese constructed the road in accordance with city standards at the time. He explained that an easement that goes through what is now Damascus Road was granted and that the party granting that easement was to not have any associated responsibility. He explained that HCA was operating under that premise when they were asked by the Catholic Church to participate in widening the road, and since they did not have funds at the time to do so, they declined. He understood that there were no conditions as related to any project development. He explained that an exaction was placed upon HCA without a rough proportionality study, which he has come to understand is required under Texas Supreme Court authority. He shared that the study should not be based upon how much property frontage abuts the roadway but rather the impact involved. He said that one was not required, to his knowledge, five years ago, but that a requirement for conducting such study has arisen since that time. He generally encouraged the city to conduct such a study before moving forward with any extension of the pro rata facilities agreement.

Mayor Pruitt asked if anyone else would like to come forth and speak. There being no such indication, he then closed Open Forum.

#### **X. CONSENT AGENDA**

1. Consider approval of the September 21, 2015 City Council minutes, and take any action necessary.
2. Consider awarding the bid and authorizing the city manager to execute a Purchase Order to Professional Turf Products for the purchase of a Toro Infield Groomer in the amount of \$28,721.32 to be funded out of the General Fund - Parks Operations Budget, and take any action necessary.
3. Consider authorizing the city manager to execute a professional services contract with Birkhoff, Hendricks and Carter, LLP to perform engineering design services for the Quail Run Gravity Flow Line and the Squabble Creek Lift Station Improvements in an amount of \$220,500.00 to be funded with 2015 Water and Sewer Revenue Bonds, and take any action necessary.
4. Consider authorizing the city manager to execute a professional services contract with Kimley-Horn and Associates, Inc. Consulting Engineers to perform the traffic signal design at the intersection of North Lakeshore Drive and Masters Boulevard in an amount not to exceed \$36,500 to be funded out of the FY2015-16 Street Operations Budget, and take action necessary.
5. Consider authorizing the City Manager to execute a contract with the Texas Department of Transportation, Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.
6. **P2015-037** - Consider approval of a request by Jennifer Garcia of KBGE on behalf of Collins Hartzog of Rockwall Texas 2015, LLC for the approval of a replat for Lot 3, Block 1, HJG Plaza Addition being a 0.91-acre tract of land identified as Lot 2, Block 1, HJG Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.



- 205 7. Consider, accept and authorize the Mayor to execute the Citizen Corps  
206 Trailer Grant Agreement, and take any action necessary.

207 Councilmember White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5,  
208 6 and 7). Councilmember Townsend seconded the motion, which passed by a vote of 5  
209 ayes with 2 absent (Fowler and Hohenshelt).  
210

211 **XI. APPOINTMENTS**

- 212  
213 1. Appointment with the Planning and Zoning Chairman to discuss and answer  
214 any questions regarding cases on the agenda and related issues and take  
215 any action necessary.

216 Mayor Pruitt indicated that this item would not be discussed since Chairman Renfro is not  
217 present and was unable to attend this evening.  
218

219 **XII. ACTION ITEMS**

- 220  
221 1. Discuss and consider extending the existing Facilities Agreement with the  
222 Roman Catholic Diocese of Dallas for a period of ten years regarding pro-  
223 rata reimbursement for the construction of Damascus Road, and take any  
224 necessary action.

225 City Engineer Tim Tumulty generally indicated that the issue of proportionality was recently  
226 brought up during a meeting between Heritage Christian Academy representatives and the  
227 city attorney, Frank Garza. The City Attorney has advised that a proportionality study is  
228 now in order, under the circumstances, and considering that one was not conducted back  
229 in 2009. It was also explained that a Supreme Court case pertaining to the City of Flower  
230 Mound is applicable to this particular circumstance, and that court case transpired after the  
231 time that the original facilities agreement was established. Also, after the Flower Mound  
232 case, state law changed, so currently, if this same situation were to transpire today, a  
233 proportionality analysis would be required. As such, staff, including the city attorney, is  
234 recommending this evening that the city council consider extending the existing facilities  
235 agreement for a period of 90 days to allow time for a proportionality study to be performed.  
236 Mr. Garza further explained that proportionality should be tied to 'usage,' and, since one  
237 was never performed prior to the facilities agreement being put in place, it is prudent to  
238 conduct one now in order to determine appropriate costs. Mr. Garza went on to explain that  
239 these sorts of pro rata facilities agreements are more often than not put in place when a  
240 developer needs to build a roadway and additional development is expected to occur along  
241 that roadway fairly soon afterwards. Typically, in those situations, these funds are repaid  
242 very quickly. However, this case is unique because if HCA never decided to do any  
243 improvements on its property such as expanding its parking lot, then HCA would never end  
244 up having to repay the funds associated with the roadway improvements. He suggested  
245 moving forward with a proportionality study to determine usage and then sit down with both  
246 parties to go over it and discuss it.  
247

248 Councilmember Townsend made a motion to extend the existing facilities agreement for a  
249 period of 90 days to allow staff time needed to have a proportionality study performed.  
250 Councilmember Milder seconded the motion.  
251

252 General discussion took place regarding a large piece of the roadway that has abutting  
253 property that is not yet developed and how that piece of property would be accounted for in  
254 the proportionality analysis. Mr. Crowley explained that the undeveloped property is still



zoned, so that zoning classification would be a driving factor. When asked, indication was given that existing city engineering staff will be conducting the study.

The motion passed by a vote of 5 ayes with 2 absent (Fowler and Hohenshelt).

2. **MIS2015-007** - Discuss and consider the approval of a special request by Michael Hunter of the Rockwall Housing Development Corporation (RHDC) on behalf of the owner Jacquelyn W. Coleman for an exception to the masonry requirements and a waiver to building setback requirements for the purpose of constructing a duplex on a 0.09-acre parcel of land identified as Lot 1B, Block H, Sanger Addition, City of Rockwall, Rockwall County, Texas, being zoned Multi-Family 14 (MF-14) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, located at the southwest corner of the intersection of Ross Street and Peters Colony, and take any action necessary.

Mr. Miller explained that the property is located on the southwest corner of Peters Colony and Ross Street and is zoned multi-family 14 district and is located in the Southside Residential Overlay district. Mr. Hunter is proposing to construct a two story duplex structure, which is a use that is permitted 'by right' under this zoning. However, he generally explained that the lot size is smaller, so the applicant is asking for an exception to be granted concerning the 5' side yard setback requirement on Ross Street. He went on to explain that the applicant would also like to request a waiver that would essentially allow him to utilize 100% hardie plank on the structure in lieu of adding any masonry that would otherwise be required. The code does allow waivers to be granted by city council for these two issues on a case-by-case basis. He explained that the Planning & Zoning Commission recently voted to recommend approval of the waivers by a vote of 4 in favor with 0 against (two commissioners absent and one vacant seat).

Mr. Michael Hunter  
Resides at: 220 W. Quail Run Road  
Executive Director of the Rockwall Housing Development Corporation  
(501 c-3 corporation housed at 787 Hail Drive)  
Rockwall, TX

Mr. Hunter came forth and provided various comments related to the proposed design of this structure, sharing that whether you look at it from Ross Street or from Peters Colony, it will be designed as though the person is viewing the front of the house. He briefly mentioned the desired waiver that is being requested related to the side yard setback. Furthermore, concerning the masonry waiver, he generally explained that this request is being made in an effort to keep the building costs minimal to allow for whoever may rent this property in the future to be able to afford to live there by keeping it within their budget.

After additional comments, Councilmember White made a motion to approve MIS2015-007 related to the setback requirements waiver. Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 4 in favor, 1 against (Milder) and 2 absent (Fowler and Hohenshelt).

Councilmember White made a motion to approve MIS2015-007 in regards to the masonry requirement waiver. There being no second to the motion, the motion died. No further motions or action took place concerning this agenda item.



- 306 3. **MIS2015-008** - Discuss and consider the approval of a special request by  
307 Michael Hunter on behalf of the Rockwall Housing Development Corporation  
308 (RHDC) for waivers to the requirements stipulated in Exhibit 'C' of Planned  
309 Development District 75 (PD-75) [Ordinance No. 09-37] to allow the  
310 construction of two (2) single-family attached homes on a 0.27-acre parcel of  
311 land identified as Lot 984A of the Rockwall Lake Estates #2 Subdivision, City  
312 of Rockwall, Rockwall County, Texas, zoned Planned Development District  
313 75 (PD-75) for Single Family-7 (SF-7) District land uses, located at 112 Chris  
314 Street, and take any action necessary.

315 Planning Director Ryan Miller indicated that this property is located with Planned  
316 Development District 75 within Lake Rockwall Estates. The applicant is requesting to  
317 subdivide the property into two roughly 5,400 square foot lots and construct two single-  
318 family, attached units. It is similar to a duplex; however, each lot will be an individual lot,  
319 they would share a common wall and have single ownership. He indicated that the  
320 applicant is asking the city council to grant various special exceptions to PD-75 as follows:  
321

- 322 1) **Single-Family Attached.** The development standards for Area 2 contained in Exhibit  
323 'C' of Ordinance No. 09-37 require that all property within Area 2 be subject to the  
324 land uses permitted for a Single-Family 7 (SF-7) District. According to Article IV,  
325 Permissible Uses, of the Unified Development Code (UDC) a single-family attached  
326 structure is not a permitted land use within a Single-Family 7 (SF-7) District.  
327
- 328 2) **Lot Frontage.** The development standards for Area 2 contained in Exhibit 'C' of  
329 Ordinance No. 09-37 stipulates a minimum lot frontage of 50-feet on a public street.  
330 In this case the applicant is requesting to reduce this to 45-feet.  
331
- 332 3) **Side Yard Setback.** The development standards for Area 2 contained in Exhibit 'C' of  
333 Ordinance No. 09-37 require a minimum side yard setback of five (5) feet. Since the  
334 structures will share a common wall the minimum side yard setback will be required  
335 to be reduced to zero along the property line containing the common wall.  
336
- 337 4) **Masonry Requirement.** According to Section B, Exterior Wall Materials, of Exhibit 'C'  
338 of Ordinance No. 09-37 all residential buildings 120 SF or more and over ten (10) feet  
339 in height shall have a minimum of 80% masonry exterior walls, with up to 50% of the  
340 masonry requirements permitted to be Hardie Board or a similar cementaceous  
341 material. The applicant is requesting an exception to the masonry requirements for  
342 the purpose of utilizing  
343

344 The mayor confirmed with the applicant that this structure would not be a pre-manufactured  
345 home but, rather, it would be built from the ground up. Also, he confirmed with Mr. Hunter  
346 that approval of this item would go along with the city council's goal to avoid having  
347 structures rebuilt within this area after they have previously been flooded (due to heavy  
348 rainfall). Mayor Pruitt then made a motion to approve MIS2015-008 concerning exception #1  
349 pertaining to the land use. Mayor Pro Tem Lewis seconded the motion. Councilmember  
350 Lewis asked some questions related to the two garages that are being proposed.  
351 Councilmember White shared that he would like to remind the city council that this request  
352 goes against the intention of the zoning, which is to not turn Lake Rockwall Estates into  
353 multi-family zoning. He expressed that past public meetings were well attended with  
354 residents from the neighborhood who expressed opposition to multi-family housing. After  
355 various comments, the motion failed by a vote of 2 in favor, 3 against (White, Townsend and  
356 Milder) and 2 absent (Fowler and Hohenshelt).  
357



358 Mayor Pruitt made a motion to approve the special requests associated with lot frontage,  
359 side yard setback and masonry standards. The motion passed by a vote of 3 in favor, 2  
360 against (Townsend and Milder) and 2 absent (Fowler and Hohenshelt).  
361

- 362 4. **P2015-036** - Discuss and consider approval of a request by Dub Douphrate  
363 of Douphrate & Associates, Inc. on behalf of the owners Scott and Leslie  
364 Milder for the approval of a replat for Lot 1, Block A, Our House Addition  
365 being a 0.75-acre tract of land currently identified as Blocks 24A & 24C,  
366 Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
367 Development District 50 (PD-50) for Residential-Office (RO) District land  
368 uses, addressed as 803 N. Goliad Street, and take any action necessary.

369 Mayor Pruitt indicated that Councilman Milder has recused himself from this item and has  
370 filed appropriate paperwork with the City Secretary since he is the property owner  
371 associated with this case.  
372

373 Mayor Pro Tem Lewis made a motion to approve P2015-036. Councilmember White  
374 seconded the motion, which passed by a vote of 4 ayes, 1 recusal (Milder) and 2 absent  
375 (Fowler and Hohenshelt).  
376

- 377 5. Discuss and consider delaying the construction of Harbor Heights Drive  
378 between Shoreline Drive and Lakefront Trail as a part of the Springhill Suites  
379 Development in accordance with the conditions established in the Facilities  
380 Agreement, and take necessary action.

381 Mr. Crowley explained that the applicant, Mr. Kirkland recently visited with city staff  
382 concerning the possibility of delaying construction of this roadway. City Engineer Tim  
383 Tumulty went on to explain that construction costs have been increasing quite a bit lately.  
384 So, the applicant has asked the city if it would consider allowing construction of the  
385 roadway to be delayed for a period of time. Indication was given that staff does not foresee  
386 any issue with granting said request.  
387

388 Mayor Pruitt made a motion to approve delay of the construction as requested in  
389 accordance with the conditions outlined in the facilities agreement. Councilmember White  
390 seconded the motion, which passed by a vote of 5 ayes with 2 absent (Fowler and  
391 Hohenshelt).  
392

- 393 6. Discuss and consider authorizing the city manager to execute a contract with  
394 Meals on Wheels Senior Services for certain nutritional and senior service  
395 programs in the amount of \$30,000.00 to be funded from the Administration  
396 Department Operating Budget, and take any action necessary.

397 Mayor Pruitt indicated that Councilmember White will be recusing himself from this agenda  
398 item, as he is currently the Chairman of the Meals on Wheels organization.  
399

400 Councilmember Townsend made a motion to authorize the city manager to execute the  
401 contract as requested. Mayor Pro Tem Lewis seconded the motion, which passed by a vote  
402 of 4 ayes, 1 abstention (White) and 2 absent (Fowler and Hohenshelt).  
403

404 At 7:05 p.m. Mayor Pruitt then read Action Item #7 below into the public record before  
405 recessing the meeting into Executive Session as authorized by Texas Government Code §  
406 551.071 (Consultation with Attorney).  
407



7. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 12. Businesses & Sales, Article XII. Ambulance Service by adding and amending Sections 12-1250 through 12-1253 regulating ambulance services and providers in the City, and take any action necessary. **(1st reading)**

Mayor Pruitt reconvened the public meeting at 7:33 p.m. Mayor Pro Tem Lewis made a motion to approve the ordinance. Councilmember Milder seconded the motion. City Attorney Frank Garza clarified that this ordinance formally repeals exclusivity of non-emergency ambulance transport services in the city and stipulates that providers of non-emergency transports must meet all state requirements. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-28

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE XII, SECTION 12 BY ADDING AND AMENDING SECTIONS 12-1250 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

The motion passed by a vote of 5 ayes with 2 absent (Fowler and Hohenshelt).

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

1. Departmental Reports
  - Fire Dept. Monthly Reports - August 2015
  - GIS Department Monthly Report - August 2015
  - Harbor PD Monthly Report - August 2015
  - Internal Operations Department Monthly Report - August 2015
  - Police Department Monthly Reports - August 2015
  - Recreation Monthly Report - August 2015
  - Rockwall Animal Adoption Center Monthly Report - August 2015

2. City Manager's Report

Mayor Pruitt thanked the city's Parks & Recreation Department for hosting a successful Rib, Rub and Run event this past Saturday. Also, over 950 hamburgers were served at the Fire Department Open House that took place over the weekend, an event that was also a large success. Mr. Crowley reminded everyone that the police department's Texas Night Out is scheduled in neighborhoods all around the city tomorrow night.

The city council did not recess into Executive Session following the conclusion of the public meeting agenda.

**XIV. EXECUTIVE SESSION**

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

1. Discussion regarding process and appointment to Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)



2. Discussion regarding appointments to city regulatory boards, commissions, or committees - interview candidates: Planning & Zoning Commission vacancy - pursuant to Section 551.074 (personnel matters)

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

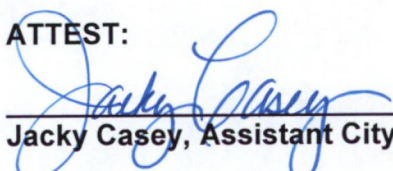
The city council did not recess into Executive Session following the conclusion of the public meeting agenda.

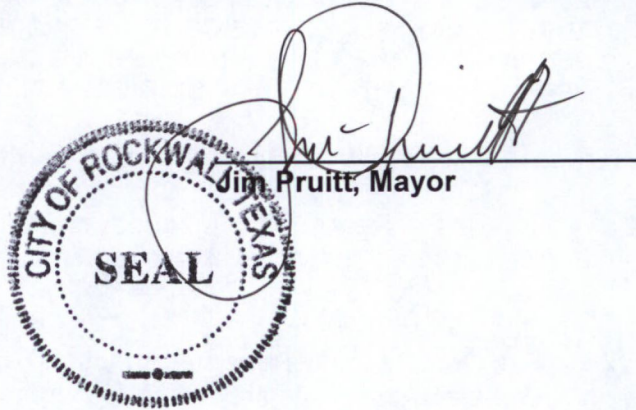
**XVI. ADJOURNMENT**

The meeting was adjourned at 7:38 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 19<sup>th</sup> DAY OF OCTOBER, 2015.**

**ATTEST:**

  
\_\_\_\_\_  
Jacky Casey, Assistant City Secretary





**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, October 19, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, Scott Milder, Kevin Fowler, and John Hohenshelt. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs, Assistant City Manager Mary Smith and (fill-in) City Attorney Patrick Lindner.

**II. WORK SESSION**

1. Hold work session with the Rockwall Housing Development Corporation (RHDC) to discuss development-related issues in Planned Development 75 (PD-75), and take any action necessary.

City Manager Rick Crowley explained that David Smith with the Rockwall Housing Development Corporation (RHDC) would like to visit with council to talk about what the options might be moving forward regarding this item.

David Smith came forth to address council regarding this item. He briefly explained that after speaking with P&Z and staff that he had another option for the families affected by the recent flooding in LRE. Mr. Smith explained that the utilities on a large lot could be split and that two potential homes could be placed on one lot. He could work within all abilities to come up with a plan to build a single family attached dwelling at a much cheaper cost and that both homes would be attached by a joining wall and that the structure would be more appealing than the trailer homes.

City Manager Rick Crowley stated that there was a provision in the ordinance which gives council the wide latitude with considering land use without it having to go back through the planning and zoning commission.

Councilmember David White stated that several years ago council held public hearings regarding the zoning of PD-75 and many citizens showed up in opposition of this type of housing. The city council and P&Z members voted to not have that language in the final draft, however, there was a provision added at some point that gave council the ability to approve various land uses without public input. He would like to have public input regarding whether or not they would like to have this type of housing structure in this neighborhood. When the zoning was passed it was not passed to allow for single family-attached structures.

City Manager Rick Crowley reconfirmed that council's direction would be to bring back Mr. Smith's request but advertise the case in the same manner as required for zoning cases. Planning Director Ryan Miller stated that notices for a public hearing could be sent out and the public hearing could take place at the November 10<sup>th</sup> Planning and

**Zoning meeting and on the council agenda for the 2<sup>nd</sup> meeting in December. No further action was taken.**

**Mayor Pruitt then read the below listed items into the public record before recessing the meeting into Executive Session at 4:40 p.m.**

**III. EXECUTIVE SESSION**

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

- 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)**
- 2. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).**
- 3. Discussion regarding appointments to city regulatory boards, commissions, or committees - interview candidates: Planning & Zoning Commission vacancy - pursuant to Section 551.074 (personnel matters)**
- 4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)**

**IV. ADJOURN EXECUTIVE SESSION**

**Executive Session was adjourned at 6:00 p.m.**

**V. RECONVENE PUBLIC MEETING**

**Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all councilmembers present.**

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

**Mayor Pro Tem Lewis made a motion to appoint Patrick Trowbridge to the Planning and Zoning Commission to fill an unexpired term. Councilmember White seconded the motion. Motion passed unanimously of council.**

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

**Councilmember Milder delivered the invocation and led the Pledge of Allegiance. Mayor Pruitt then announced that members of the city's Youth Advisory Council (YAC) are present to observe the council meeting this evening, and each of them introduced themselves.**

**VIII. PROCLAMATIONS / AWARDS**

- 1. Bullying Prevention Month Proclamation**



95  
96 **Mayor Pruitt called a few members of the Rockwall Youth Advisory Council forth. He**  
97 **then read and presented a proclamation declaring October 2015 as Bullying Prevention**  
98 **Month.**  
99

100 **IX. OPEN FORUM**  
101

102 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**  
103 **come forth and speak. There being no one, he then closed the Open Forum.**  
104

105 **X. CONSENT AGENDA**  
106

- 107 1. Consider approval of the minutes from the October 5, 2015 regular city  
108 council meeting, and take any action necessary.
- 109 2. Consider authorizing a change order to Hill & Wilkinson Construction  
110 Group in the amount of \$75,587.79 to be funded from the 2008 water and  
111 Sewer Revenue bonds to replace the sanitary sewer line along Kaufman  
112 Street from San Jacinto Street to Fannin Street, and take any action  
113 necessary.
- 114 3. Consider awarding a bid to Holt CAT and authorizing the City Manager to  
115 execute a Purchase Order for a new Backhoe in the amount of \$127,320  
116 to be funded out of the Water and Sewer Fund, Water Operations Budget,  
117 and take any action necessary.
- 118 4. Consider awarding a bid to Holt CAT and authorizing the City Manager to  
119 execute a Purchase Order for a new Skid Steer Loader in the amount of  
120 \$37,568 to be funded out of the General Fund Streets Operations Budget,  
121 and take any action necessary.
- 122 5. Consider awarding a bid to CUES and Caldwell Country Chevrolet and  
123 authorizing the City Manager to execute Purchase Orders for a new  
124 CCTV Inspection Van totaling \$219,855 to be funded out of the Water  
125 and Sewer Fund, Sewer Operations Budget, and take any action  
126 necessary.
- 127 6. Consider award a bid to Freightliner/CLS and authorizing the City  
128 Manager to execute a Purchase Order for a new VACCON Truck in the  
129 amount of \$317,257.75 to be funded out of the Water and Sewer Fund,  
130 Sewer Operations Budget, and take any action necessary.
- 131 7. Consider authorizing the city manager to execute a Construction Manager  
132 at Risk contract with Dean Construction for construction associated with  
133 the Park at Stone Creek, with grant matching funds being provided by  
134 developer contributions in that park district, and take any action  
135 necessary.
- 136 8. Consider approval of a resolution supporting Statewide Proposition 7 for  
137 increased state funding for transportation in Texas, and take any action  
138 necessary.

139 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**  
140 **6, 7, and 8). Councilmember Milder seconded the motion, which passed unanimously of**  
141 **council.**

142  
143 **XI. APPOINTMENTS**  
144

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

148 **Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed**  
149 **the Council on recommendations of the Commission relative to planning-related items**  
150 **on tonight's city council meeting agenda.**

- 151 2. Appointment with Kim Lovett, Marketing Director, and Silvana Garcia,  
152 Property Manager, for The Harbor Rockwall to hear request concerning  
153 hosting of a Fox 4 Toys For Tots televised donation event at The Harbor  
154 on December 4th, and take any action necessary.

155 **Property Manager Silvana Garcia came forward and gave a brief description and some**  
156 **background information related to the event.**

157 **Mayor Pruitt explained that he was at the Harbor the weekend prior for an event and**  
158 **noticed that there were several areas of concern regarding the landscaping and overall**  
159 **condition of the common areas. Mayor Pruitt also had several photographs to show Ms.**  
160 **Garcia that revealed several areas that needed to be addressed and stated that these**  
161 **conditions are not something that the city would be proud to showcase with a camera**  
162 **crew present.**

163 **Ms. Garcia explained that the plants at the Harbor were taken out because fall plants will**  
164 **be going in. Ms. Garcia stated that she would be more than happy to speak with the**  
165 **Mayor at another time regarding the plans for the landscaping at the Harbor, but was**  
166 **unprepared to do so at this time. Mayor Pruitt responded and asked why his numerous**  
167 **letters and phone calls had gone unanswered and not returned regarding these issues.**  
168 **Ms. Garcia explained that she has never gotten a message or letter from anyone at the**  
169 **city and would be willing to talk with them if necessary. She further went on to say that**  
170 **the landscaping at the Harbor was under irrigation repairs for some time delaying the**  
171 **planting of new landscaping. Mayor Pruitt stated that he would be willing to send her**  
172 **copies of the multiple letters that were sent to the property management company.**

173 **Mayor Pruitt made a motion to deny the request. The motion failed for a lack of a second.**

174 **Mayor Pro Tem Lewis corrected Ms. Garcia by reminding her that he too has made phone**  
175 **calls and left messages that went unreturned. Mayor Pro Tem Lewis made a motion to**  
176 **approve the event request. Councilmember White seconded. The motion passed by a**  
177 **vote of 6 in favor, 1 against (Pruitt).**

178 **Mayor Pruitt added that he would like to contact the Fox 4 new station to see if**  
179 **Downtown Rockwall would be a location option for the Toys for Tots event.**

180  
181 **XII. PUBLIC HEARING ITEMS**  
182

- 183 1. **Z2015-025 - Hold a public hearing to discuss and consider a request by**  
184 **Bill K. Ryan for the approval of an ordinance for a zoning change from an**  
185 **Agricultural (AG) District to a Single Family One (SF-1) District for a 1.02-**  
186 **acre tract of land identified as Tract 11-2 of the D. Harr Survey Abstract,**  
187 **City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)**



District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 770 Davis Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller gave brief background on this item. He explained that, in this case, the applicant is requesting to change the zoning from Agricultural to Single Family One, which requires a minimum lot size of 1 acre and allows one grazing animal per 40,000 sf. Mr. Miller stated that the request does conform to the future land use map. Notifications were sent out to 25 property owners and residents. One notice was received back in favor of the request. The Planning and Zoning Commission did approve the request by a unanimous vote.

The applicant, Bill Ryan, came forward to address council and gave background information on the history of his property and his horse.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, the public hearing was closed. Councilmember Milder made a motion to approve the ordinance. Councilmember White seconded the motion. The ordinance was read as follows:

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 AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ONE (SF-1) DISTRICT FOR A 1.02-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11-2 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

The motion passed unanimously of council.

2. **Z2015-026** - Hold a public hearing to discuss and consider a request by Randy Kopplin of Stone Creek Real Estate Partners, LLC on behalf of the owner Arkoma Development, LLC for the approval of an **ordinance** amending Planned Development District 65 (PD-65) [*Ordinance No. 08-02*] to allow for a ~74,000 SF Assisted Living Facility to be established on a 5.507-acre portion of a larger 11.723-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, located west of the intersection of N. Goliad Street [*SH-205*] and Pecan Valley Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller explained that the applicant had requested to withdraw this case, but because it was published already, the public hearing must still be acted upon.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, the public hearing was closed. Mayor Pruitt made a motion to

237 **withdraw the request. Mayor Pro Tem Lewis seconded the motion. The motion passed**  
238 **unanimously of council.**

239  
240 **XIII. ACTION ITEMS**  
241

- 242 1. Discuss and consider authorizing the city manager to execute an  
243 agreement with Paul Davis for through-the-fence access from private  
244 property onto the Ralph M. Hall / Rockwall Municipal Airport, and take any  
245 action necessary.

246 **Internal Operations Director Joey Boyd gave brief background information regarding this**  
247 **action item.**

248 **Mayor Pro Tem Lewis made a motion to authorize the city manager to execute the**  
249 **agreement with Paul Davis. Councilmember Townsend seconded the motion. The motion**  
250 **passed unanimously of council.**

- 251 2. **SP2015-022** - Discuss and consider a request by Jonathan Hake of  
252 Cross Engineering on behalf of the owner Kenneth R. Smith of K. R.  
253 Smith Holdings, LLC for the approval of an exception to allow tilt-wall  
254 construction and variances to the articulation, architectural and material  
255 requirements for an approved site plan for an indoor/outdoor baseball  
256 training facility on a six (6) acre tract of land identified as Tract 4-07 of the  
257 N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County,  
258 Texas, zoned Commercial (C) District, situated within the SH-205 By-  
259 Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side  
260 of Airport Road west of the intersection of Airport Road and John King  
261 Boulevard, and take any action necessary.

262 **Planning Director Ryan Miller gave brief background information on this item. All of the**  
263 **requested variances relate to the exterior of the building itself related to tilt wall**  
264 **construction, horizontal and vertical building articulation, the 20% natural stone**  
265 **requirement and secondary materials, and the four sided building requirement of the**  
266 **overlay district. The ARB Board and P&Z Board did recommend full approval of the**  
267 **variances.**

268 **Councilmember White made a motion to approve the 1<sup>st</sup> variance for the tilt wall**  
269 **construction. Councilmember Fowler seconded the motion. The motion passed**  
270 **unanimously of council.**

271 **Councilmember Milder made a motion to approve the 2<sup>nd</sup> variance for horizontal and**  
272 **vertical articulation requirements. Mayor Pro Tem Lewis seconded the motion. The**  
273 **motion passed unanimously of council.**

274 **Councilmember White made a motion to approve the 3<sup>rd</sup> variance for less than 20%**  
275 **natural stone. Mayor Pruitt seconded the motion. The motion passed unanimously of**  
276 **council.**

277 **Councilmember White made a motion to approve the 4<sup>th</sup> variance for an excess of 10%**  
278 **secondary materials. Mayor Pro Tem seconded the motion. The motion passed**  
279 **unanimously of council.**

280 **Councilmember Townsend made a motion to approve the 5<sup>th</sup> variance for not meeting the**  
281 **four sided architectural requirements. Councilmember White seconded the motion. The**  
282 **motion failed to get a ¾ majority vote by 5 ayes and 2 nays (Milder and Fowler).**



- 283           3.     Discuss and consider a request by Michael M. Caffey for the approval of  
284                 a structure preservation tax exemption application seeking to have the  
285                 assessed value for ad valorem taxation fixed for a period of seven (7)  
286                 years on the subject property at 311 S. Fannin Street, further identified as  
287                 Lot 9 & 10, Block C of the Eppstein Addition, City of Rockwall, Rockwall  
288                 County, Texas, zoned Single Family 7 (SF-7) District, located within the  
289                 Old Town Rockwall (OTR) Historic District, and take any action  
290                 necessary.

291     **Planning Director Ryan Miller gave brief background on this agenda item. He explained**  
292     **that the request was reviewed and approved by the Historic Preservation Board and that**  
293     **the recommendation to the Rockwall Central Appraisal District would only be sent after**  
294     **the improvements to the home have been completed.**

295     **Councilmember White made a motion to approve the request. Mayor Pro Tem Lewis**  
296     **seconded the motion. The motion passed unanimously of council.**

- 297           4.     Discuss and consider various zoning provisions pertaining to Planned  
298                 Development District 75 (PD-75) including sections dealing with  
299                 consideration of special requests, and take any action necessary.

300     **Councilmember White gave a brief history of this item stating that the area was annexed**  
301     **in February of 2009 and that a few months later the city began zoning of the Lake**  
302     **Rockwall Estates neighborhood. There were several town hall meetings that took place**  
303     **with the surrounding citizens, and there was an overwhelming objection to multifamily**  
304     **type uses. He explained that the city council and the P&Z commission both voted against**  
305     **allowing multifamily zoning, however the ordinance was written to allow it at council's**  
306     **discretion. Councilmember White stated that he would like for the P&Z commission to**  
307     **take under advisement the opinions of the citizens that spoke out against this zoning**  
308     **change many years prior, and consider changing the current provisions of the ordinance**  
309     **as it reads today.**

310     **Mayor Pruitt stated that he would like to hear citizen input concerning the proposed**  
311     **changes.**

312     **Councilmember White made a motion to direct staff to initiate a zoning case to amend**  
313     **PD-75 to remove the clause that allows council to consider allowing land uses other than**  
314     **those allowed by the current zoning without public input. This will require notification of**  
315     **all property owners within the Lake Rockwall Estates subdivision. Mayor Pruitt**  
316     **seconded the motion. The motion passed unanimously of council.**

- 317  
318           5.     Discuss and consider potential regulation of non-emergency ambulance  
319                 (transport) service providers operating within the city, and take any action  
320                 necessary.

321     **Councilmember Townsend spoke regarding concern with the way the current proposed**  
322     **ordinance is written. His concern is that anyone can get the license and file the**  
323     **appropriate paperwork and operate in the city no matter what tier of service they provide.**  
324     **He went on to say that, although the state issues the licenses, they aren't as strict as the**  
325     **city might be, and he feels the city could be taking a risk to allow several ambulance**  
326     **providers.**

327     **Councilmember White asked the City Manager and the City Attorney what the risk might**  
328     **be for allowing other ambulance services to transport in the City of Rockwall. City**

329 Manager Rick Crowley explained that there wasn't necessarily a legal risk for the city.  
330 However, deciding on the extent of regulating them is necessary to meet an obligation to  
331 the residents that want other transport options and to clarify what the city is willing to  
332 allow. Councilmember White explained that he didn't think the city is qualified to regulate  
333 ambulances services and still thinks that it's the responsibility of the facilities using  
334 other ambulance services that would need to answer to the patients. Rick Crowley stated  
335 that if the council would like to pass an ordinance stating that they would like for outside  
336 ambulance companies to be regulated, the City of Rockwall would be contracting outside  
337 for those inspection purposes.

338 General discussion took place, and no formal action was taken on this item.  
339

- 340 6. Discuss and consider approval of an **ordinance** amending the Code of  
341 Ordinances in Chapter 12. Businesses & Sales, Article XII. Ambulance  
342 Service by adding and amending Sections 12-1250 through 12-1253  
343 regulating ambulance services and providers in the City, and take any  
344 action necessary. **(2nd reading)**

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

347  
348 **ORDINANCE NO. 15-28**  
349

350 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER  
351 12, ARTICLE XII, SECTION 12 BY ADDING AND AMENDING SECTIONS 12-1250  
352 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING  
353 AMBULANCE SERVICES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE;  
354 PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.  
355

356 Mayor Pruitt stated for the record that, although a vote is being taken at this time, further  
357 discussion regarding a change from this ordinance can take place at any time.

358 The motion passed by a vote of 5 ayes and 2 nays (Fowler and Townsend).  
359

- 360 7. Discuss and consider approval of a policy for seasonal outside storage of  
361 shipping containers and/or similar storage containers for commercial land  
362 uses, and take any action necessary.

363 Planning Director Ryan Miller gave brief background on this item.

364 Councilmember Hohenshelt stated that he would like this policy to state that this type of  
365 temporary storage may only be approved for retail facilities.

366 Councilmember White made a motion to approve the policy as written with the exception  
367 of adding that it would only be for retail facilities during seasonal months.  
368 Councilmember Hohenshelt seconded the motion. The motion passed unanimously of  
369 council.

370 Mayor Pruitt read all items into the record before recessing the meeting into Executive  
371 Session at 8:00 p.m.  
372  
373  
374



375  
376 **XIV. EXECUTIVE SESSION (8PM)**  
377

378 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
379 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
380 CODE:  
381

- 382 1. Discussion regarding Economic Development prospects pursuant to  
383 Section 551.087 (Economic Development)
- 384 2. Discussion regarding legal matters related to land lease operations at  
385 Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation  
386 with Attorney).
- 387 3. Discussion regarding appointments to city regulatory boards,  
388 commissions, or committees - interview candidates: Planning & Zoning  
389 Commission vacancy - pursuant to Section 551.074 (personnel matters)
- 390 4. Discussion regarding process associated with City Manager performance  
391 evaluation pursuant to Section 551.074 (personnel matters)
- 392

393 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
394

395 Mayor Pruitt reconvened the public meeting at 8:22 p.m. and there was no action taken.  
396

397 **XVI. ADJOURNMENT**  
398

399 Mayor Pruitt adjourned the meeting at 8:22 p.m.  
400

401  
402 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

403 **THIS 2nd DAY OF November, 2015.**  
404

406  
407 **ATTEST:**  
408

409   
410 Jacky Casey, Assistant City Secretary

  
Jim Pruitt, Mayor



# **MINUTES**

## **ROCKWALL CITY COUNCIL**

**Monday, November 02, 2015**

**4:00 p.m. Regular City Council Meeting**

**City Hall - 385 S. Goliad, Rockwall, Texas 75087**

### **I. CALL PUBLIC MEETING TO ORDER**

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

### **II. WORK SESSION**

1. Hold a work session to hear an update from the GIS Department concerning the release of the City's new suite of interactive maps, and take any action necessary.

Planning Director, Ryan Miller, introduced Lance Singleton and Lindsay Gnann of the GIS division of the Planning Department. Mr. Singleton and Ms. Gnann then came forth and briefed the city council on various maps and mapping capabilities available on the City of Rockwall's website. Indication was given that this new suite of internet mapping applications will be released on the city's website in the coming weeks. The Council took no action following the presentation.

2. Hold a work session to discuss and consider a resolution regarding the power of the city council to appoint and remove its board and commission member appointees, including those to the North Texas Municipal Water District Board (NTMWD), and take any action necessary.

City Manager Rick Crowley briefed the city council on this topic, indicating that member cities of the NTMWD are joining together in an effort to have the various member cities pass this resolution. This topic was recently raised at a meeting that the City of Plano hosted with ten of the thirteen member cities present. For the record, Mayor Pruitt clarified that there is no dissatisfaction on the part of the City of Rockwall with its two representatives who currently serve on the NTMWD board (Bill Lofland and Larry Parks). They do a great job, are good about keeping the city informed and have no problem taking direction from the Rockwall City Council. However, it should be a city's right to remove an appointee to this and other boards at its own discretion, and lately the NTMWD board has given some indication otherwise. Also, the NTMWD has given some indication that a change in its policies currently under consideration would make it almost impossible for member cities to place things on future agendas to be heard and discussed by its full board.

After brief clarification from City Attorney Frank Garza, Mayor Pro Tem Lewis made a motion to approve a resolution regarding the power of the City Council to appoint and remove its appointees to boards and commissions, including those to the NTMWD Board and excluding those appointed to the Board of Adjustments (BOA) per state law and excluding the Housing Authority. Councilmember White seconded the motion, which passed unanimously of Council present (Milder and Hohenshelt absent).



51 **III. EXECUTIVE SESSION.**

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

- 56  
57 1. Discussion regarding Economic Development incentives, procedures and  
58 possible projects pursuant to Section 551.087 (Economic Development)
- 59 2. Discussion regarding legal claim: Timothy Headley v. City of Rockwall  
60 pursuant to Section 551.071 (Consultation with Attorney)
- 61 3. Discussion regarding (re)appointments to city regulatory boards,  
62 commissions, and committees - Rockwall Economic Development  
63 Corporation (REDC) Board - pursuant to Section 551.074 (personnel  
64 matters)
- 65 4. Discussion regarding process associated with City Manager performance  
66 evaluation pursuant to Section 551.074 (personnel matters)

67  
68 **IV. ADJOURN EXECUTIVE SESSION**

69  
70 **Executive Session as adjourned at 5:50 p.m.**

71  
72 **V. RECONVENE PUBLIC MEETING**

73  
74 **Mayor Pruitt called the public meeting back to order with all Council Members except for**  
75 **Hohenshelt being present at the conclusion of the public meeting. (Milder joined Executive**  
76 **Session late and then stayed for the duration of the Council meeting).**

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

79  
80 **Mayor Pro Tem Lewis announced that no action is needed as a result of Executive Session.**

81  
82 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

83  
84 **Councilman Fowler delivered the invocation and led the Pledge of Allegiance.**

85  
86 **VIII. PROCLAMATIONS / AWARDS**

- 87  
88 1. GIS Day Proclamation

89  
90 **Mayor Pruitt introduced members of the city's Geographic Information Systems (GIS)**  
91 **division within the Planning Department. He then read and presented a proclamation for**  
92 **"GIS Day," which will be hosted at City Hall in the Council Chambers on Wednesday,**  
93 **November 18, 2015 from 1:00 p.m. until 6:00 p.m.**

94  
95 **IX. OPEN FORUM**

96  
97 **Mayor Pruitt explained how Open Forum is conducted. He introduced and recognized**  
98 **Tammy Sharp, County Judge David Sweet's sister, and County Judge David Sweet in the**  
99 **audience this evening.**

101 Mayor Pruitt then read the following, short statement concerning the upcoming school  
102 district bond election:  
103

104 *The Rockwall community has experienced tremendous growth over the last several*  
105 *years but is still a small town in many ways. A majority of our families know each*  
106 *other through work, church, youth sports, volunteerism, or in the common*  
107 *neighborhoods in which we live. It's easy to misinterpret what an individual says*  
108 *and attribute that to a group of people.*  
109

110 *For this reason, the Rockwall City Council is clarifying, as a group, that it has no*  
111 *official stance on the bond election put forth to voters by the Rockwall*  
112 *Independent School District. While each member of our community has a right to*  
113 *his or her own opinion of the merits of this bond election, the City Council, as an*  
114 *elected body, has not and will not take a position on the election on Tuesday,*  
115 *November 3, 2015.*  
116

117 Following his statement, Mayor Pruitt asked if anyone would like to come forward and  
118 speak during this time. There being no indication of such, he then closed the Open Forum  
119

120 **X. CONSENT AGENDA**  
121

- 122 1. Consider approval of the minutes from the October 19, 2015 regular city  
123 council meeting, and take any action necessary.
- 124 2. Consider awarding the bid to Morrow Construction Company and authorizing  
125 the city manager to execute a contract for the Rockwall Police Driveway  
126 Project in the amount of \$72,056.00 to be funded out of General Fund  
127 Reserves, and take any action necessary.
- 128 3. Consider authorizing the city manager to execute a contract with Great  
129 Midwest Insurance Company to secure reinsurance/stop loss coverage for  
130 the City's health insurance plans, applying to claims exceeding \$100,000,  
131 and take any action necessary.
- 132 4. Consider awarding a bid to Bergkamp Pavement Solutions and authorizing  
133 the City Manager to execute a Purchase Order for a new Pothole Patcher in  
134 the amount of \$152,640 to be funded out of the General Fund, Streets  
135 Operating Budget, and take any action necessary.
- 136 5. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the  
137 City Manager to execute a Purchase Order for 2016 model year Police  
138 Pursuit Tahoes in the amount of \$107,355 to be funded out of the General  
139 Fund, Patrol Budget, and take any action necessary.
- 140 6. Consider awarding a bid to Holt CAT and authorizing the City Manager to  
141 execute a Purchase Order for a new Compact Excavator in the amount of  
142 \$65,904 to be funded out of the Water and Sewer Fund, Water Operating  
143 Budget, and take any action necessary.
- 144 7. Consider awarding a bid to Holt CAT and authorizing the City Manager to  
145 execute a Purchase Order for a new Backhoe in the amount of \$128,388 to  
146 be funded out of the General Fund, Streets Operating Budget, and take any  
147 action necessary.
- 148 8. **P2015-039** - Consider approval of a request by John Arnold of the Skorburg  
149 Company (BH Phase IIB SF, LTD) for the approval of a replat of Lots 51-57,



Block D, Breezy Hill, Phases IIA & IIB, being a 2.722-acre portion of land that is currently identified as Lots 24-26 & 50, Block D, Breezy Hill, Phases IIA & IIB, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for residential land uses, generally located north of the intersection of FM-552 and John King Boulevard, and take any action necessary.

9. **P2015-038** - Consider approval of a request by Pastor Rex Walker on behalf of Life Spring Church for the approval of a final plat for Lot 1, Block 1 and Lots 1 & 2, Block 2, Life Spring Church Addition being a 30.3403-acre tract of land currently identified 15-01 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated with the SH-205 By Pass Corridor Overlay (SH-205 BY OV) District, located on the north side of John King Boulevard east of the intersection of SH-205 and John King Boulevard, and take any action necessary.
10. **Z2015-025** - Consider approval of request by Bill K. Ryan for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family One (SF-1) District for a 1.02-acre tract of land identified as Tract 11-2 of the D. Harr Survey Abstract, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 770 Davis Drive, and take any action necessary **(2nd Reading)**.

Councilman Fowler pulled item #2 for discussion. Mayor Pro Tem Lewis made a motion to approve the remainder of the Consent Agenda items (#1, 3, 4, 5, 6, 7, 8, 9, and 10). Councilmember Milder seconded the motion. The ordinance for item #10 was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-29

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 SINGLE-FAMILY ONE (SF-1) DISTRICT FOR A 1.02-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11-2 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

The motion passed by a vote of 6 ayes with 1 absent (Hohenshelt).

Regarding Consent Agenda item #2, Councilmember Fowler indicated that he would like some additional information regarding this agenda item and associated expense, explaining that he believes it seems to be a fairly large cost. After clarification from staff who indicated that adding this driveway will help improve traffic flow in and out of the police department parking lot, Councilmember Fowler then made a motion to approve Consent Agenda item #2 as presented. Councilmember Milder seconded the motion which, after brief comments, passed unanimously of those present (Hohenshelt absent).

203 **XI. APPOINTMENTS**

- 204
- 205 1. Appointment with the Planning and Zoning Chairman to discuss and answer
- 206 any questions regarding cases on the agenda and related issues and take
- 207 any action necessary.

208 **Indication was given that Mr. Renfro was not present, as there is nothing on tonight's**

209 **meeting agenda for which he needed to provide an update to Council.**

- 210 2. Appointment with Tammy Sharp of the Downtown Merchants' Association to
- 211 discuss and consider partnering with the city for an upcoming Downtown
- 212 Grand Opening Celebration, and take any action necessary.

213 **Mrs. Sharp came forth and explained that she and her husband own T&T Color Supply on**

214 **North Fannin Street in downtown. She explained that she is speaking on behalf of the**

215 **Downtown Merchants' Association. She went on to thank the council and staff for all of**

216 **their efforts and assistance with helping to work through issues associated with the**

217 **downtown improvements and ongoing construction. She explained that Kevin Leferre,**

218 **owner of Zanata and current president of the Downtown Association, has appointed her and**

219 **Christi Foster of Groovy's to begin planning a downtown grand opening event. Tentatively,**

220 **the date of April 16, 2016 has been identified. She requested that the city council consider**

221 **partnering with her organization to hold this grand opening event.**

222

223 **Mayor Pruitt made a motion to partner with the Downtown Merchants' Association for the**

224 **purpose of a ribbon cutting and grand opening associated with completion of the downtown**

225 **construction improvements project to be held on April 16 as long as that date is agreeable**

226 **to everyone. Councilman White seconded the motion, which passed unanimously of those**

227 **present (Hohenshelt absent).**

228

229 **XII. ACTION ITEMS**

- 230
- 231 1. Discuss and consider appointing members of the city's Art Review Team to
- 232 also serve on the Art Committee, and take any action necessary.

233 **Councilmember White made a motion to appoint the Art Review Team members to also**

234 **serve as the city's Art Committee. Mayor Pruitt seconded the motion, which passed**

235 **unanimously of council present (Hohenshelt absent).**

- 236 2. Hear update from Emergency Services Corporation (ESC) representatives
- 237 concerning the countywide contract for Emergency Medical Services (EMS),
- 238 and take any action necessary.

239 **Mayor Pruitt announced that no discussion or action is needed concerning this item at this**

240 **time.**

241

242 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**

243 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

244

- 245 1. Departmental Reports
- 246 Building Inspections Monthly Report - September 2015
- 247 Fire Department Monthly Report - September 2015
- 248 GIS Department Monthly Report - September 2015
- 249 Harbor PD Monthly Report - September 2015
- 250 Internal Operations Department Monthly Report - September 2015
- 251 Police Department Monthly Reports - September 2015
- 252 Recreation Monthly Report - Sep 2015



2. City Manager's Report

City Manager Rick Crowley offered brief comments, indicating that staff is available to answer any questions of Council concerning the monthly reports. There being none, no further discussion took place.

XIV. EXECUTIVE SESSION

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding legal claim: Timothy Headley v. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (personnel matters)
4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

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

The mayor and council did not return to Executive Session following the close of the public meeting agenda.

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 16<sup>th</sup> day of November, 2015.

ATTEST:

  
Kristy Cole, City Secretary



  
Jim Pruitt, Mayor

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

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

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

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

Mr. Fred Hazel  
Davis Development  
403 Corporate Center Drive  
McDonough, GA 30252

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

166 Council took no formal action concerning this agenda item.

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

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

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

190  
191 **III. EXECUTIVE SESSION.**

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

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

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

**IV. ADJOURN EXECUTIVE SESSION**

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

**V. RECONVENE PUBLIC MEETING**

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

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

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

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

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

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

- **Ben Weible – 362 votes**
- **Mark Moeller – 101 votes**
- **John Hohenshelt – 99 votes**

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

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

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



247 **VIII. PROCLAMATIONS / AWARDS**

248  
249 1. American Diabetes Month

250  
251 Mayor Pruitt asked if any representative from the American Diabetes Association was  
252 present in the audience. There being no one indicating such, he then read the  
253 proclamation into the public record.

254  
255 **IX. OPEN FORUM**

256  
257 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to  
258 come forth and speak. There being no one, he closed the Open Forum.

259  
260 Mayor Pruitt recognized a few Boy Scouts in the audience this evening, indicating that  
261 they are here to observe the city council meeting.

262  
263 **X. CONSENT AGENDA**

264  
265 1. Consider approval of the minutes from the November 2, 2015 regular city  
266 council meeting, and take any action necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **XI. APPOINTMENTS**

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

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



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

## **XII. PUBLIC HEARING ITEMS**

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

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

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

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

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

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

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

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

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

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

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



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

Freddie Jackson  
1812 Bristol Lane  
Rockwall, TX 75087

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

Marta Contreras  
142 Renee Drive  
Rockwall, TX

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

The ordinance was read as follows:

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, BY AMENDING SECTION 6 OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*; SECTIONS 3, 5, 6 & 7 OF ARTICLE VIII, *LANDSCAPE STANDARDS*; SECTION 7 OF ARTICLE IX, *TREE PRESERVATION*; AND TO CREATE APPENDIX F, *LANDSCAPE GUIDELINES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

**XIII. ACTION ITEMS**

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

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

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

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

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

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

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

CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. \_\_\_\_

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

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

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

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

#### XIV. EXECUTIVE SESSION

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



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

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

661  
662 The Council did not reconvene in Executive Session at the conclusion of the public  
663 meeting agenda.  
664

665 **XVI. ADJOURNMENT**

666  
667 The meeting was adjourned at 7:32 p.m.  
668  
669

670 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
671 **THIS 7<sup>th</sup> day of December, 2015.**

672  
673  
674  
675 **ATTEST:**

676 *Kristy Cole*  
677 Kristy Cole, City Secretary  
678



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

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

Monday, December 07, 2015

4:00 p.m. Regular City Council Meeting

City Hall - 385 S. Goliad, Rockwall, Texas 75087

**I. CALL PUBLIC MEETING TO ORDER**

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

Mayor Pruitt read the below listed items into the public record before recessing the public meeting into Executive Session at 4:02 p.m.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
3. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

**III. ADJOURN EXECUTIVE SESSION**

Mayor Pruitt called the public meeting back to order at 4:25 p.m., announcing that the Council will now address the following Work Session items.

**IV. WORK SESSION**

1. Hold work session with Christopher Jackson - Wynne/Jackson Inc. to discuss potential development generally located in the vicinity of FM-3097 and FM-549.

**Christopher Jackson of Wynne / Jackson, Inc.**  
**600 N. Pearl, Suite 650**  
**Dallas, TX 75201**



Mr. Jackson came forth, introduced himself, explaining that he is a developer that has been in business since the 1970s. He shared that the Wallace property is currently under contract, and he would like to make a presentation to the city council to show them the type of residential developments that his company constructs, generally indicating that these are master planned type communities that are high-end and have several amenities (i.e. playgrounds, swimming pools (some with play areas), trails, and other resort-like amenities). General indication was given that these types of communities are representative of the type of development his company would like to see built on the Wallace property. While explaining the draft site plan he displayed, he shared that he is suggesting a memory care type facility be placed on a portion of the property. He stressed that this would not be a multi-family development, but, rather, a memory care facility that could be controlled with deed restrictions. He explained that a portion of the development may be slated as 'age restricted' for perhaps the 'baby boomer' generation who may prefer to not live right next door to a young family with four kids yet do not wish to be totally isolated either.

City Manager Mr. Crowley reminded Mr. Jackson about the City of Rockwall's desire to have some land set aside within this development for a public, neighborhood park. Mr. Jackson suggested that, regarding the city's desire for a neighborhood park, if money is not readily available, a TIF (tax increment financing) or perhaps a PID (public improvement district) might be put on the table for consideration, sharing that the City of Celina is doing a lot of PIDs lately.

Councilmember Townsend asked for clarification regarding what Mr. Jackson is asking of the city / city council (other than changes to John King Blvd.). Mr. Jackson shared that he would like feedback regarding if the city feels this package represents an acceptable land use. Comments were then made pertaining to the park.

Mr. Clyde Jackson (same address as above), came forth and indicated that \$275,000 – \$350,000, perhaps even \$400,000, would be the price point of these homes. He shared some general ideas concerning a possible park on a portion of this overall property.

Mayor Pro Tem Lewis expressed that 2.5 units per acre is something that the Council likely wishes to improve (the council will likely prefer less density). Also, the city getting the park land it desires is a big deal. Mr. Jackson (Sr.) explained that density is relative and that it will not feel crowded or like there are too many houses.

Mayor Pruitt and Mr. Jackson (Sr.) spoke briefly about density as well as surrounding properties that may be developed some time in the future. Pruitt expressed concern regarding public access to the section of the land that might, hypothetically, be developed as a city park. Mr. Jackson generally indicated that there may be a few ways that two to three access points could be considered so that cars would not have to drive all the way through the neighborhood to access the park.

General discussion took place related to options concerning the park, access to it, funding for it, the gas line that runs through it, and density. The realignment of John King Boulevard was also briefly discussed.

Mr. Jackson (Sr.) indicated that the negotiations on this property have been ongoing for two years, and economics involved with this development are pretty tight, especially given the various development constraints.

Mayor Pruitt explained that the City Council, in order to be comfortable with higher density (higher than 2 houses per acre), must feel as though they are getting attractive, meaningful amenities in exchange for that higher density. Mr. Jackson (Sr.) explained that the amenity package will be high-end, will consist of an extensive trail system, and the exposure to the creeks will be maximized to allow them to be part of the parks system. He expressed that he believes this development will be the best one in this part of town and will thereby raise the values of the properties around it. Also, those living there will contribute to the tax base through sales tax revenue. Mr. Jackson (Jr.) expressed that they have budgeted for a full amenities center, including a pool as well.

Regarding proposed changes to the thoroughfare plan, staff is in the process of getting feedback from the property owner to the north, and they may solicit feedback from the property owners to the south.

Mr. Jackson (Sr.) explained that they have about 90 days (from last week) to get assurance on the zoning and realignment of John King and to work out a deal on the park land.

Councilmember Hohenshelt expressed large concern about the access challenges associated with the potential public park land.

Mayor Pruitt indicated that the staff and council welcome further communication regarding this potential development.

Mr. Jackson (Jr. / initial speaker) asked if the Council would be open to financing options such as PIDs and/or TIFs. Mayor Pruitt indicated that Rockwall is not really big on PIDs and TIFs and really does not prefer those sorts of financing options.

At the end of the discussion, Council took no formal action concerning this item.

2. Hold work session to hear and discuss a final report by AECOM regarding public transportation, and take any action necessary.

Andrew Ittigson  
AECOM  
1950 N. Stemmons Freeway, Ste. 6000  
Dallas, TX 75207

Since AECOM briefed the Council back in September, its consultant has had various conversations with the consultant working for STAR Transit. Mr. Ittigson briefed the council on average cost associated with ridership, indicating that STAR's cost per revenue hour is reasonable compared to the average associated with other, comparable transit providers. He briefed Council on ridership loads, including the peak hour around 3PM when the Girls & Boys Club rides are taking place. He also shared a manifest map from April which showed where rides were originating and going. He explained that LogistiCare is the transportation service provided for Medicaid non-emergency trips funded through TX Health & Human Services Commission. He stated that these trips will take place regardless of if STAR Transit is operating or not. He shared that approximately 8% of trips in Rockwall County were for LogistiCare trips in October of 2015, sharing that this resulted in about \$15,000 in revenue for October for the provider (now STAR). Service is made up primarily of short trips. STAR's cost effectiveness metrics are in line with peers as far as cost per hour and cost per mile.



At the request of Mr. Crowley, Council generally agreed to place this item on the next Council meeting agenda for further discussion before possibly forwarding these findings to Rockwall County for them to be used in negotiations with STAR when discussing the contract.

Council recessed the public meeting and reconvened in Executive Session again at 5:35 p.m.

**V. RECONVENE PUBLIC MEETING**

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all Council Members except Scott Milder being present.

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

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

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

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

**VIII. PROCLAMATIONS / AWARDS**

**1. Snowball Express Celebration Day**

Parker Coddington, Owner of Shenaniganz, came forth and thanked the city for its support of the Snowball Express organization coming to his facility in Rockwall on Monday, December 14<sup>th</sup> at 9:45 a.m. He explained that this organization offers fun activities to children and their families who have lost a parent while on active military duty since 9/11. He encouraged the public to show up to be part of a cheering squad to welcome these kids to Rockwall and to Shenaniganz on Monday morning, one week from today. Mayor Pruitt then read and presented Mr. Coddington with a proclamation, declaring it Snowball Express Celebration Day in the City of Rockwall.

**IX. OPEN FORUM**

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

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the November 16, 2015 regular city council meeting, and take any action necessary.

2. **Z2015-027** - Consider a request by Bobby Dale and Bretta Price for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0) District for a 5.5-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 453 Cullins Road, and take any action necessary **[2nd Reading]**.

- 202 3. **Z2015-029** - Consider a City initiated zoning request for the approval of an  
203 **ordinance** for a text amendment to various sections of Article V, District  
204 Development Standards, Article VIII, Landscaping Standards, and Article IX,  
205 Tree Preservation, and to create Appendix F, Landscaping Guidelines, of the  
206 Unified Development Code [Ordinance No. 04-38] for the purpose of  
207 incorporating recommendations made by the Landscape Ordinance Review  
208 Committee, and take any action necessary **[2nd Reading]**.
- 209 4. Consider authorizing the City Manager to execute an agreement with the  
210 Rockwall Central Appraisal District for collection services for the fiscal year  
211 2016 in the amount of \$67,940 to be funded by the Administration Operating  
212 Budget, and take any action necessary.
- 213 5. Consider authorizing the city manager to execute an interlocal agreement  
214 with Rockwall County related to municipal judge services for "No Refusal  
215 Weekends" during the upcoming year, and take any action necessary.
- 216 6. Consider authorizing the City Manager to execute a Professional  
217 Engineering Services Contract with Birkhoff, Hendricks & Carter, LLP to  
218 prepare engineering design plans and specifications for the utility relocations  
219 on SH 276 from SH 205 to FM 549 in an amount not to exceed \$72,800 to  
220 be funded by water and sewer revenue bonds, and take any action  
221 necessary.
- 222 7. Consider authorizing the City Manager to execute a Professional Services  
223 Contract with Pipeline Analysis, LLC to perform a Capacity, Management,  
224 Operations and Maintenance Self-Audit and Plan in the amount of \$29,235  
225 to be funded by water and sewer revenue bonds, and take any action  
226 necessary.
- 227 8. Consider authorizing the City Manager to execute a Professional  
228 Engineering Services Contract with Teague, Nall and Perkins, Inc. to  
229 eliminate the Stonebridge Lift Station and construct new sanitary sewer  
230 gravity pipe to serve the current area in the amount of \$74,300 to be funded  
231 by water and sewer revenue bonds, and take any action necessary.

232  
233 **Mayor Pro Tem Lewis pulled item #8 for further discussion. Mayor Pruitt pulled items #3**  
234 **and #4. Councilmember White made a motion to approve the remaining items. The**  
235 **ordinance for #2 was read as follows:**

236 **CITY OF ROCKWALL**  
237 **ORDINANCE NO. 15-31**  
238

239 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**  
240 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**  
241 **04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS**  
242 **TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING**  
243 **FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE**  
244 **2.0 (SFE-2.0) DISTRICT FOR A 5.50-ACRE TRACT OF LAND IDENTIFIED AS**  
245 **TRACT 17-7 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF**  
246 **ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY**  
247 **DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR**  
248 **SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**  
249 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**  
250 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**  
251 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**



The motion passed by a vote of 6 in favor with 1 absent (Milder).

Councilmember White made a motion to approve item #3. Councilmember Townsend seconded the motion. Mayor Pruitt indicated that he voted against this item at the last meeting, so this is why he pulled it. He explained that he voted against it because of the change in the landscape canopy trees from three down to two. The ordinance was then read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 15-32

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, BY AMENDING SECTION 6 OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*; SECTIONS 3, 5, 6 & 7 OF ARTICLE VIII, *LANDSCAPE STANDARDS*; SECTION 7 OF ARTICLE IX, *TREE PRESERVATION*; AND TO CREATE APPENDIX F, *LANDSCAPE GUIDELINES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 in favor, 1 against (Pruitt) and 1 absent (Milder).

Regarding item #4, Mayor Pruitt expressed that the city has received incorrect figures for the TIF and for the City, which resulted in the city having to change our tax rate. So, therefore, he made a motion to table this item in order to invite the CAD to appear before the Council prior to this contract being considered / approved and prior to the city paying the CAD any money associated with the contract. Councilmember White seconded the motion, which passed unanimously of those present (1 (Milder) absent).

Regarding Consent Agenda item #8, Mayor Pro Tem Lewis gave kudos to Tim Tumulty and his staff member, Jeremy White for discovering that keeping this treatment plant up and running is no longer necessary. After brief comments, Mayor Pro Tem Lewis made a motion to approve Consent Agenda item #8. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 against (Milder).

Councilmember Townsend left the remainder of the meeting at this time (6:13 p.m.).

**XI. APPOINTMENTS**

1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.

Planning & Zoning Chairman, Craig Renfro, came forth and briefed the Council concerning items on tonight's agenda that are planning-related. The Council took no formal action concerning this agenda item.

**XII. ACTION ITEMS**

1. Discuss and consider a request by Chad Hudson for the approval of a variance to the material requirements stipulated by Section 7.5, Retaining Walls, of the Standards of Design and Construction manual for a 1.395-acre parcel of land identified as Lot 5, Block A, Independence Pass Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family land uses, addressed as 107 Independent Place, and take any action necessary.

Mayor Pruitt made a motion to table this request to allow the Chandler's Landing HOA time to notify homeowners living around this property that the applicant is seeking a variance from the city. Pruitt's motion failed for lack of a second.

Councilmember White made a motion to approve the variance requested for the material requirements associated with the retaining wall. Councilmember Hohenshelt seconded the motion. Mayor Pro Tem Lewis mentioned that he does have some concerns about the city not having something in writing from the Chandler's Landing HOA stating that they are okay with this. City Attorney Frank Garza provided clarification, generally indicating that the city granting this variance is separate and apart from the homeowner needing to get his wall reviewed and approved by his community's HOA. Mr. Hudson agreed to bring a new, updated letter from the Chandler's Landing HOA, before or when he picks up his retaining wall permit. Mayor Pruitt indicated that he met with the chairman of the HOA this morning, and he conveyed that he is not okay with the city approving the variance request without Chandler's first having an opportunity to follow its normal process of notifying adjacent property owners. Mr. Hudson provided a drawing / rendering of the retaining wall in question, indicating that only about 4' of it will be seen and that mostly it will be located behind his house. He further explained that beyond the retaining wall behind his house is another row of homes; however, those sit about 8' above his home down below, so those who are located behind him will not see the retaining wall. Mayor Pro Tem Lewis asked if delaying this item would be large burden to Mr. Hudson, who generally indicated that, no, delaying this item will not present a large inconvenience.

After the discussion, the motion passed by a vote of 4 in favor, 1 against (Pruitt), and 2 absent (Townsend and Milder).

2. Discuss and consider a request from Ms. Matilyn Mathis with The Rustic Warehouse for size, height and materials variances for a projection sign located at 1411 South Goliad, and take any action necessary.

Jeffrey Widmer, Building Official, came forth and briefed the Council on Ms. Mathis' request for this sign-related variance. Ms. Mathis came forth and explained the type of business that she has opened, indicating that they sell rustic, shabby chic type furniture and décor. She generally indicated that she did not realize she had to obtain permission from the city before erecting the sign that's now sitting atop her building. Mayor Pro Tem Lewis expressed some degree of doubt regarding the applicant not knowing that a sign permit was required. After some additional discussion, Mayor Pro Tem Lewis made a motion to approve the variances. Councilmember White seconded the motion, which passed unanimously of those present (Milder and Townsend absent).



- 353 3. Discuss and consider a request from Ms. Brandi Lewellen with Sign Mart  
354 representing The Major Law Firm for a setback variance for a monument  
355 sign located at 301 N Fannin, and take any action necessary.

356 **Mr. Widmer provided a brief summary of this request. Mayor Pruitt made a motion to**  
357 **approve the variance. Councilmember Fowler seconded the motion, which passed by a**  
358 **vote of 5 in favor with 2 absent (Milder and Townsend).**

- 359 4. Discuss and consider modifying Chapter 38. Subdivisions, Article I. In  
360 General, Section 38-19. Street Improvements and Oversizing of the  
361 Municipal Code of Ordinances to require a 41-foot street adjacent to schools  
362 and parks, and take any action necessary.

363 **Mayor Pruitt made a motion to approve moving forward with this change. Mayor Pro Tem**  
364 **Lewis seconded the motion. Lewis pointed out that this will allow sufficient parking area**  
365 **and room to navigate, especially for those having birthday parties in parks.**  
366 **Councilmember White expressed opposition to this requirement, stating that he is not**  
367 **aware that a problem in this regard even exists.**

368 **Mr. Tumulty indicated that this change was initiated because of a citizen living in Fontana**  
369 **Ranch who has had repeated problems with driving space in and around the nearby school,**  
370 **especially when special events, such as a recent Halloween event, take place at the school.**  
371 **Mr. Tumulty indicated that, although this change will not help this particular resident or**  
372 **those living in Fontana Ranch, it will help avoid these sorts of traffic congestion issues in**  
373 **and around these types of facilities (schools and parks) in the future. The motion passed**  
374 **by a vote of 4 in favor, 1 against (White), and 2 absent (Milder and Townsend).**

- 375 5. Discuss and consider approval of a resolution directing publication of notice  
376 of intention to issue combination tax and surplus revenue certificates of  
377 obligation; resolving other matters relating to the subject; and take any action  
378 necessary.

379 **Assistant City Manager Mary Smith provided brief comments related to this item. Mayor**  
380 **Pro Tem Lewis made a motion to approve the resolution directing publication of notice of**  
381 **intention to issue combination tax and surplus revenue certificates of obligation. Mayor**  
382 **Pruitt seconded the motion, which passed by a vote of 5 in favor with 2 absent (Milder and**  
383 **Townsend).**

- 384 6. Discuss and consider process associated with and/or annual designation of  
385 city's newspaper of record, and take any action necessary.

386 **City Manager Rick Crowley explained that the city's Charter calls for an annual designation**  
387 **of an official newspaper of record. Neither the Charter nor state law prescribes the process**  
388 **by which the Council is to do so. After explaining to the Council what its options are,**  
389 **Councilmember White indicated that as long as staff has not been experiencing any issues**  
390 **or concerns with the current newspaper of record (Herald Banner), he sees no problem with**  
391 **the Council designating that paper once again. Council took no action related to this item**  
392 **at this time.**

- 393 7. Discuss and consider (re)appointment of board members to the Main Street  
394 Advisory Board, and take any action necessary.

395 **Councilmember White made a motion to reappoint**

- 396 • **Michael Adrian**  
397 • **Evan Matteson**  
398 • **Claudette Hatfield**

to an additional two-year term on the Main Street Advisory Board (to expire January of 2018). Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 5 in favor with 2 absent (Milder and Townsend).

**XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

1. Departmental Reports
  - Building Inspections Monthly Report - October 2015
  - Fire Dept. Monthly Reports - October 2015
  - GIS Department Monthly Report - October 2015
  - Harbor PD Monthly Report - October 2015
  - Internal Operations Department Monthly Report - October 2015
  - Police Department Monthly Report - October 2015
  - Recreation Monthly Report - October 2015
  - Rockwall Animal Adoption Center Monthly Report - October 2015

2. City Manager's Report

Mr. Crowley explained that the Department Heads are happy to answer any questions the Council may have. He reminded the Council that the city's employee Christmas party is tomorrow evening. On Thursday, December 17, the Nebbie Williams Elementary School Choir will be performing at City Hall.

Mayor Pruitt expressed that the Christmas events held over the weekend, including the parade and tree lighting, were very successful. He expressed that the downtown area, especially San Jacinto Plaza, have been very successful. He thanked the Women's League for providing the cookies and hot chocolate. He thanked the Children's Chorus for the music provided, and Alma Williams (former Mayor of Rockwall) for emceeding the event. He encouraged more people to consider volunteering their time with the city, either with downtown related events or through city council appointed boards or commissions.

**XIV. EXECUTIVE SESSION**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
3. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

**XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

The Council did not reconvene in Executive Session following the public meeting agenda.



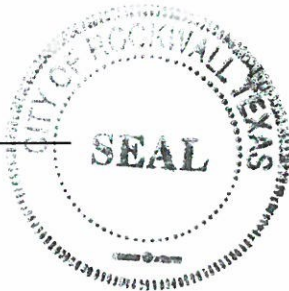
447  
448 XVI. ADJOURNMENT  
449

450 The meeting was adjourned at 6:57 p.m.  
451

452 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
453 TEXAS, THIS 21<sup>st</sup> day of December, 2015.

454  
455  
456  
457 ATTEST:

458 Kristy Cole  
459 Kristy Cole, City Secretary  
460



Jim Pruitt  
Jim Pruitt, Mayor

**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, December 21, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pruitt called the public meeting to order at 4:00 p.m. Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder and Kevin Fowler were present. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza.

**II. WORK SESSION**

1. Hold work session with representative(s) of the city's Park Board to hear and discuss update concerning the Parks & Recreation Department's marketing initiatives, and take any action necessary.

Brad Bassett, Chair of the Park Board, came forth and introduced Bob Lewis, Vice Chair. He then provided an update to the Council concerning a recent strategic initiative related to bring more awareness to Parks and Recreation activities and amenities that are available to the public. New registration software has been put in place for all programs, the websites have been redesigned, and the marketing budget has really helped. "Go Outside and Play" is the catch phrase that has been coined for this marketing campaign. Both digital and print media communications have been in development. February 1<sup>st</sup> is the target date for launching this campaign. Vehicle wraps, ads in various media, water bill inserts, signage, and a YouTube message from the Mayor will all be part of the campaign launch. A new website, [www.playrockwall.com](http://www.playrockwall.com), will also be launched. It will be internet and mobile/tablet friendly, and it will show the user everything that there is to do in Rockwall. He then explained the functionality that the new website will have. The City Council provided positive comments concerning the new campaign and website. It was suggested that this new website link back to the portion of the city's website where 'outside organizations' list their events and activities taking place within the city (i.e. non-city sponsored triathlons).

At 4:15 p.m. Mayor Pruitt then read the below listed discussion items into the record and recessed the public meeting to hold Executive Session.

**III. EXECUTIVE SESSION.**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)



2. Discussion regarding negotiations of Access Agreement pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Ex-Officio Board Members - pursuant to Section 551.074 (personnel matters)
5. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
6. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
7. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

#### **IV. ADJOURN EXECUTIVE SESSION**

**Executive Session was held from 4:15 p.m. until 4:55 p.m. and then again from 5:13 p.m. until 5:52 p.m.**

#### **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

**Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council members being present.**

#### **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

**Mayor Pro Tem Lewis made a motion to reappoint Linda Duran to serve as a non-voting, Ex Officio board member on the Rockwall Economic Development Corporation (term to expire in December of 2017). Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

#### **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

**Councilmember Townsend delivered the invocation and led the pledge of Allegiance.**

#### **VIII. OPEN FORUM**

**Mayor Pruitt asked if anyone would like to come forth and speak at this time. There being no one, he then closed the Open Forum.**

#### **IX. CONSENT AGENDA**

1. Consider approval of the minutes from the December 7, 2015 regular city council meeting, and take any action necessary.
2. Consider awarding a bid to New Star Grading and Paving Company and authorizing the City Manager to execute a Purchase Order for utility cuts

pavement repair services for an estimated annual amount of \$75,000 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.

3. Consider awarding a bid to Nortex Concrete Lift and Stabilization and authorizing the City Manager to execute a Purchase Order for concrete paving stabilization services for an estimated annual amount of \$50,000 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.

4. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks & Carter, LLP in the amount of \$124,400 to perform a wastewater lift station evaluation update on the City's wastewater lift stations to be funded by water/sewer revenue bonds, and take any action necessary.

5. Consider awarding a bid to Hoyt Breathing Air Products and authorizing the City Manager to execute a Purchase Order for new Fire Fighter SCBA Air Paks and Bottles in the amount of \$343,016.20 to be funded out of the General Fund, and take any action necessary.

6. Consider designation of the city's newspaper of record, naming the Rockwall County Herald Banner, as annually required by the City's Charter, and take any action necessary.

**Mayor Pro Tem Lewis made a motion to approve the Consent Agenda (#s 1, 2, 3, 4, 5, and 6). Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

#### **X. 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.

**The P&Z Chairman was not present, so this item was not addressed by Council, and no action was taken.**

2. Appointment with Patricia Davis, Chief Appraiser with the Rockwall Central Appraisal District, to discuss and consider CAD-related matters, including a proposed interlocal agreement for assessment and collection of taxes, and take any action necessary.

**Mrs. Davis indicated that she is here at the request of the City Council to answer any questions the council may have concerning the proposed interlocal agreement.**

**Mrs. Smith, Assistant City Manager, provided brief comments concerning some of the challenges with the CAD over the last year or more, for example, getting timely and accurate information concerning the Tax Increment Financing District (TIF) and getting the effective tax rate and associated calculations correct.**

**Mrs. Davis explained she came in the middle of things last year, and, as a new employee, she did not have a good handle on what was going on. She generally assured the Council that the upcoming TIF calculations spreadsheet has already been prepared, and**



142 this coming year, the city should have information from the CAD by February, which is  
143 even earlier than prior years before she came.

144  
145 Mayor Pruitt asked for clarification regarding how the CAD passes individual collections  
146 monies onto the City and how lawyers who collect funds are paid. Mrs. Davis indicated  
147 that the law provides that the lawyers can charge an additional fee directly to the  
148 property owner, which does not come out of the CAD budget, and it does not come from  
149 any of the taxing entities. Mayor Pruitt pointed out that the contract speaks of this issue  
150 in a manner contrary to how Mrs. Davis is explaining. Mrs. Davis suggested that the  
151 language in the contract can be corrected.

152  
153 Mayor Pruitt asked for clarification regarding other types of costs such as lawsuit costs  
154 and how those things are paid for. Mrs. Davis explained that those types of expenses  
155 come out of the appraisal budget, not the collection budget. If it has to do with  
156 collection, then it comes directly from the property owner.

157  
158 Mayor Pruitt explained that he has personally met with Mrs. Davis several times to try  
159 and remedy some concerns that have arisen over time. Mr. Crowley requested that Mrs.  
160 Davis notify the City of Rockwall once the recent CAD board nominations and votes have  
161 been tallied and concluded. She assured him that she would.

162  
163 Mayor Pruitt asked if the assessment of taxes is based on how many accounts or on the  
164 assessed value. Mrs. Davis indicated that, prior to her coming, it was based on a per  
165 parcel basis. However, when she came, the RISD pointed out to her that this was unfair  
166 because everyone did not pay the same dollar amount per parcel. So, Rockwall County  
167 was getting a lower rate. So, RISD did not choose to do anything about it last year, but  
168 she did have discussions with the board regarding a fair way to address this issue. After  
169 conducting a survey around the state and evaluating the matter, she has put the County  
170 on notice that in the future, it will need to make a decision to either collect its own taxes,  
171 or else get on board and pay its own fair share like every other taxing entity.

172  
173 He thanked Mrs. Davis for coming, explaining that the City of Rockwall is a customer of  
174 the CAD, and he would like Mrs. Davis to continue to get to know her customers,  
175 including the city manager.

176  
177 See very end of agenda/minutes (following Action Item #8) for Council action concerning  
178 the interlocal agreement.

179  
180 **XI. PUBLIC HEARING ITEMS**

- 181  
182 1. **MIS2015-003** - Hold a public hearing to discuss and consider approval of  
183 an **ordinance** for a City initiated request to amend the Comprehensive  
184 Plan by approving changes to the Master Thoroughfare Plan Map  
185 contained within the Transportation section, add a street cross section for  
186 a M4U-M (minor arterial, four [4] lane, undivided roadway, modified) and  
187 modify existing street cross sections in Appendix 'D', Thoroughfare Cross  
188 Sections, and take any action necessary [**1st Reading**].

189 **Planning Director Ryan Miller provided background information concerning this agenda**  
190 **item, explaining each of the proposed changes regarding the Master Thoroughfare Plan.**

191 The Planning & Zoning Commission reviewed these changes at its last meeting and has  
192 recommended approval of all the proposed changes.

193 Mayor Pruitt asked how what is shown in these changes for SH205 / John King fits into  
194 the city's desire to have John King be designated as the alternate route for SH205. It was  
195 clarified that John King will remain a principal, six-lane, divided roadway, which is also  
196 what the state would have in mind if it becomes a state roadway.

197  
198 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
199 speak.

200  
201 Matt Parker  
202 1118 Lubbock Lane  
203 Melissa, Texas

204  
205 Mr. Parker came forth and explained that he is a developer with Skorburgh and is  
206 wondering if proposed roadway changes will affect Phase 9 of the Breezy Hill  
207 development. Mr. Miller indicated that, no, it would not affect Phase 9 at all.

208  
209 Mayor Pro Tem Lewis assumed oversight of the meeting at this point (6:23 p.m.), asking  
210 if anyone else would like to come forward and speak at this time. There being on one  
211 indicating such, he then closed the public hearing.

212  
213 Councilmember Milder explained he has concerns about the North portion of SH205  
214 running up to East Fork. Mr. Miller and Mr. Crowley explained how and why it is being  
215 proposed as it is at this time, especially pertaining to the city council's desire to have  
216 TXDOT designate John King as the alternate route for SH205.

217 Mayor Pruitt returned to the meeting at 6:28 p.m.

218  
219 Discussion ensued related to SH-205 and future modifications to the north portion of the  
220 roadway, including pertaining to designation of John King Boulevard as the proposed  
221 bypass route for 205.

222  
223 Councilmember White made a motion to approve MIS2015-003. Councilmember  
224 Townsend seconded the motion. The ordinance was read as follows:

225  
226 CITY OF ROCKWALL  
227 ORDINANCE NO. 16-

228  
229 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
230 ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER  
231 THOROUGHFARE PLAN CONTAINED WITHIN THE TRANSPORTATION  
232 SECTION, ADD A STREET CROSS SECTION FOR A M4U-M (*MINOR*  
233 *ARTERIAL, FOUR [4] LANE, UNDIVIDED ROADWAY, MODIFIED*), AND  
234 MODIFY EXISTING STREET CROSS SECTIONS IN APPENDIX 'D',  
235 THOROUGHFARE CROSS SECTIONS, OF THE COMPREHENSIVE  
236 PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.

237  
238 The motion passed by a vote of 6 in favor with 1 against (Milder).  
239



2. **Z2015-030** - Hold a public hearing to discuss and consider approval of an ordinance for a City initiated request for a zoning amendment to Planned Development District 75 (PD-75) being Ordinance No. 09-37, containing 329.53-acres of land, identified as the Lake Rockwall Estates Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses, being situated east of Tubbs Road and north of County Line Road, and take any action necessary **[1st Reading]**.

Ryan Miller, Planning Director, provided brief background information concerning this agenda item. Notifications were sent out on November 20 (qty: 1,541 notices in English and Spanish) to property owners within 500' of the property. Also, the Linden Park, Fox Chase and Rainbow Lakes HOAs were also notified. Eleven responses were received, with 4 indicating opposition to the amendment and the remainder expressing they were in favor. However, two of the opposition responses actually appeared to be in favor, rather than opposed, based on what they actually wrote. One additional reply was received back in favor today. The Planning & Zoning Commission did hear this case and has unanimously recommended approval of this item.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

Connie Powell  
532 Eva Place  
Rockwall, TX

Mrs. Powell came forth and asked for clarification regarding what these changes mean. Mayor Pruitt explained that these changes will allow the citizens an opportunity to be more informed about zoning changes that the Council is considering in LRE and allow them an opportunity for their voices to be heard regarding those future, proposed changes. Councilmember White provided some additional clarification, explaining that this cleans up a phrase in the existing ordinance that allows the Council to do whatever it wants without allowing for input from the neighborhood residents. The change being considered tonight will modify that language to ensure that residents are notified and have an ability to be heard before zoning changes are made by Council in the future.

Mayor Pruitt asked if anyone else would like to come forth and speak during this time. There being no one indicating such, he then closed the public hearing.

Councilmember White made a motion to approve Z2015-030. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 16-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 [ORDINANCE NO. 09-37] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING EXHIBIT 'B' AND EXHIBIT 'C' OF ORDINANCE NO. 09-37, BEING A 329.53.00-ACRE TRACT OF LAND IDENTIFIED AS THE LAKE ROCKWALL ESTATES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY,

290 TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*;  
291 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
292 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
293 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
294 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
295 PROVIDING FOR AN EFFECTIVE DATE.  
296

297 The motion passed by a vote of 7 ayes to 0 nays.  
298

- 299 3. **Z2015-031** - Hold a public hearing to discuss and consider a request by  
300 John and Lenny James on behalf of the owner Rockway Partners for the  
301 approval of an **ordinance** for a Specific Use Permit (SUP) for a carwash  
302 on a 0.688-acre parcel of land identified as Lot 1, Block D, La Jolla Pointe  
303 Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned  
304 Commercial (C) District, situated within the Scenic Overlay (SOV) District,  
305 located at the northwest corner of La Jolla Pointe Drive and Ridge Road  
306 [FM-740], and take any action necessary [**1st Reading**].

307 Mr. Miller, Planning Director, provided background information concerning this agenda  
308 item. Notices were sent out with 21 notices being mailed out to property and  
309 homeowners owners located within 500' of the subject property. In addition, the  
310 Lakeside Village and Turtle Cove HOAs were also notified. Four total notices of  
311 opposition have been received back, and two letters of support have been received from  
312 residents. The Planning & Zoning Commission has recommended denial of this request  
313 by a vote of 6 to 1. Therefore, in order for it to be approved, it will require a super  
314 majority vote of the City Council (3/4 of all council members present).

315 John James  
316 2283 Lafayette Lane  
317 Heath, TX  
318

319 Mr. James came forth and provided a presentation to the Council concerning this  
320 proposed car wash, including the perceived advantages, the services it would offer  
321 patrons, its hours, traffic/parking plans, a rendering of how it is proposed to look. He  
322 explained that this piece of property has been on the market for a long time, most likely  
323 because it is not suitable for a lot of business uses due to it being so unusual.  
324

325 Councilman Hohenshelt asked if the property poses challenges. Mr. Miller indicated that,  
326 yes, the topography of the property does pose some challenges.  
327

328 Councilmember Milder expressed concern with not having heard from the P&Z Chairman  
329 to know more about why the P&Z Commission objected to this proposal. Mr. Miller  
330 indicated that the P&Z did not provide comments publicly as to their reasoning for  
331 making a motion and associated vote to recommend denial.  
332

333 Councilmember Fowler expressed concern with the look of the facility, expressing he  
334 does not believe it aesthetically fits in with the surrounding buildings. He explained that  
335 this is a gateway to our city, and he would like for it to look as optimal as possible.  
336

337 Councilmember Hohenshelt expressed that there is a car wash in existence over by  
338 Lowes on the S. side of IH-30. It contains a lot of nice stone on the facade, and it fits in a  
339 lot better with the surrounding buildings compared to this one.



340  
341 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
342 speak.  
343

344 Richard Brooks came forth indicating that he owns the building located to the north of  
345 this proposed car wash. He does not believe a half acre is at all sufficient for this  
346 proposed car wash. He explained that he believes it will bring a lot of unwanted traffic,  
347 and the vacuums will make a lot of noise, especially considering that there is a sleep  
348 study office located in the adjacent medical office building. He suggested that this would  
349 be a perfect place for a bank to be located instead. He expressed concern about the  
350 back part of his parking lot potentially being used by employees of this car wash. He  
351 does not believe this facility fits in with the scenic overlay district standards. He is  
352 opposed to its approval.  
353

354 Richard Harris  
355 210 Glen Avenue  
356 Rockwall, TX  
357

358 He explained that he and his wife own the building located at 2604 Ridge Road, currently  
359 occupied by Ebby Halliday. He had to grant a lot of utility easements to the city back in  
360 the 1980s. He is against this proposed car wash, and he does not believe it fits in or  
361 belongs in this scenic overlay district. He also expressed that the property owner next  
362 door to him, who is currently in Arizona, is opposed to this as well. He believes this  
363 business would degrade his property values. He also explained that Wayne Hogg, the  
364 property owner next door to him, was unable to be here this evening, so he asked Mr.  
365 Harris to express on his behalf that he is also opposed to this proposed car wash.  
366

367 Derek Anderson  
368 218 Cullins Road  
369 Rockwall, TX 75032  
370

371 Mr. Anderson explained that he is in favor of this proposed car wash. He believes this  
372 would provide a convenient, more affordable way for him to get his truck washed. He  
373 explained that he has lived here in Rockwall since 1998, and this piece of property has  
374 been sitting vacant ever since he moved here. He believes that this development might  
375 bring some revenue to the city, as opposed to the property continuing to sit vacant. He  
376 expressed that the closest car washes of this nature, in his research, are located in  
377 Mesquite on Belt Line Road by the old movie theater or in Rowlett on SH-66 just before  
378 George Bush. He suggested planting a landscape buffer to hide some of the car wash  
379 building on the Ridge Road side. He also suggested that it could be a different color,  
380 other than red, to better fit in with the surrounding buildings and their facades. He  
381 pointed out that this scenic overlay district, which is a "gateway to the City" also  
382 contains a Long John Silvers, a Wendy's and an IHOP. He stated that a large, neon  
383 "Rosas Café" is also located in another "gateway" area to the city, and the sign blinds  
384 you. He encouraged the Council to control the way the car wash will ultimately look,  
385 aesthetically, if they have concerns about it.  
386

387 Mr. Ben Weible  
388 215 Trout Drive  
389 Rockwall, TX  
390

391 Mr. Weible expressed that this item has aroused an emotional response from him,  
392 explaining that he loves these types of car washes. He explained that there is no other  
393 car wash of this nature in Rockwall. There is no other car wash in town that will allow  
394 this sort of quick, convenient car wash at an affordable price. He expressed a desire for  
395 the City Council to get out of the way and allow the free market to work as it is intended  
396 to, especially considering that this property has been sitting vacant for a while because it  
397 poses some challenges. He is not sure why the Planning & Zoning Commission did not  
398 recommend approval of this item, but he generally encouraged the Council to approve  
399 the request.

400  
401 There being no one else wishing to come forth and speak, Mayor Pruitt closed the public  
402 hearing.

403  
404 Councilmember Milder explained that he texted the P&Z Chairman to inquire as to why  
405 the Planning & Zoning Commission recommended denial. He indicated that Mr. Renfro  
406 provided four reasons as follows:

- 407
- 408 • the majority of the existing properties are either commercial or medical;
- 409 • it is one of the only the vacant lots left;
- 410 • the proposed development encroaches the majority of the lot;
- 411 • there are concerns regarding increased traffic with potential backups onto Ridge.
- 412

413 Councilmember White made a motion to approve Z2015-031. Mayor Pro Tem Lewis  
414 seconded the motion. Councilmember Milder expressed that he initially had some  
415 reservations, mainly due to not knowing why the P&Z Commission recommended its  
416 denial; however, he is now comfortable with supporting this item. Councilmember White  
417 asked if the setbacks and color may be addressed during the site plan phase. Mr. Miller  
418 indicated that the setback is already established, but the building itself could be  
419 repositioned on the property, and the Architectural Review Board (ARB) will still review  
420 it. Mayor Pro Tem Lewis expressed he would like to see it be a different color (other than  
421 red) and that it be set back on the lower end of the property. Mayor Pruitt expressed that  
422 this is to be located in the "scenic overlay district," and he sees nothing "scenic" about a  
423 car wash.

424  
425 The ordinance was read as follows:

426  
427 CITY OF ROCKWALL  
428 ORDINANCE NO. 16-\_\_  
429 SPECIFIC USE PERMIT NO. S-\_\_  
430

431 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
432 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
433 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY  
434 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A  
435 CAR WASH WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A  
436 0.688-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK D, LA  
437 JOLLA POINTE ADDITION, PHASE 2, CITY OF ROCKWALL, ROCKWALL  
438 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
439 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO  
440 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING



441 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER  
442 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
443

444 The motion passed by a vote of 6 in favor with 1 against (Pruitt).  
445

- 446 4. **Z2015-032** - Hold a public hearing to discuss and consider a request by  
447 Lloyd Waldrop of Rockwall Gold & Silver on behalf of the owner Donna  
448 Pritchard for the approval of an renewal of Specific Use Permit (SUP) No.  
449 S-115 (**Ordinance** No. 13-46) allowing a pawn shop on a portion of a  
450 0.423-acre parcel of land identified as Lot 1, Block 1 of the Garland  
451 Federal Savings & Loan Addition, City of Rockwall, Rockwall County,  
452 Texas, zoned Commercial (C) District, situated within the SH-205 Overlay  
453 (SH-205 OV) District, address as Suite 1 of 1901 S. Goliad Street, and  
454 take any action necessary [**1st Reading**].

455 Mr. Miller indicated that this SUP was first approved in December of 2013. The applicant  
456 is now requesting extension of the SUP for a period of five (5) years with the ability to  
457 extend rather than expire. Thirty-four notices were mailed out to adjacent properties  
458 located within 500' of the subject property, and a notice was placed on site on the  
459 property itself. One notice was received back in favor, and one notice was received back  
460 in opposition. The P&Z Commission has voted to recommend approval for an extension  
461 for a period of five years with the option to extend it at that time rather than have it  
462 expire.  
463

464 Mr. Waldrop came forth and stood prepared to answer any questions of the Council.  
465

466 Mayor Pruitt opened the public hearing.  
467

468 Mr. John White  
469 1929 S. Lakeshore  
470 Rockwall, TX  
471

472 Mr. White explained that he is fully in favor of this request. He expressed that the owners  
473 are first class individuals who run a very good business.  
474

475 Mr. Ben Weible  
476 215 Trout Drive  
477 Rockwall, TX  
478

479 Mr. Weible explained that he is speaking on behalf of the Waldrops, explaining that these  
480 business owners are good folks who are involved in a positive way in the community. He  
481 spoke in favor of the Council approving this request.  
482

483 Mayor Pruitt closed the public hearing.  
484

485 Mayor Pro Tem Lewis asked for clarification regarding "extend" versus "expire." Mr.  
486 Miller indicated that if it "expires," the owner would have to go back through the full  
487 process (i.e. notifications to adjacent property owners).  
488

489 Mayor Pro Tem Lewis made a motion to approve this request. Councilmember White  
490 seconded the motion.

491  
492 Mayor Pruitt asked why the notification signage on the property is insufficient (there's  
493 nothing that says, "zoning change from (blank) to (blank).") Mr. Miller's indicated that  
494 there have been various complications associated with signage, and staff is working to  
495 spend some money on some alternative signs to rectify these complications. The  
496 ordinance was read as follows:

497  
498 CITY OF ROCKWALL  
499 ORDINANCE NO. 16-XX  
500 SPECIFIC USE PERMIT NO. S-XXX  
501

502 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
503 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE  
504 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,  
505 SO AS GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A  
506 "PAWNSHOP" ON A PORTION OF A 0.423-ACRE PARCEL OF LAND,  
507 AND MORE SPECIFICALLY IDENTIFIED AS "SUITE 1" AS DEPICTED  
508 IN EXHIBIT "A" ATTACHED HERETO, AND LOCATED AT 1901 S.  
509 GOLIAD STREET, AND ZONED COMMERCIAL (C) DISTRICT, AND  
510 DESCRIBED AS LOT 1, BLOCK 1 OF THE GARLAND FEDERAL  
511 SAVINGS & LOAN ADDITION, CITY OF ROCKWALL, ROCKWALL  
512 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;  
513 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF  
514 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;  
515 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
516 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
517

518 The motion passed by a vote of 7 ayes to 0 nays.  
519

520 Mayor Pruitt explained that he initially voted against this SUP when it was first approved  
521 two years ago; however, he has since observed this to be a very nice business, one of  
522 the best he has ever seen.  
523

- 524 5. **Z2015-033** - Hold a public hearing to discuss and consider a request by  
525 Stephen B. North for the approval of an **ordinance** for a Specific Use  
526 Permit (SUP) for an accessory building not meeting the standards  
527 stipulated by the Unified Development Code on a 0.23-acre parcel of land  
528 identified as Lot 14, Block F, Harlan Park Addition, Phase 1, City of  
529 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10)  
530 District, situated within the North SH-205 Overlay (N. SH-205 OV) District,  
531 addressed as 513 Windsor Way, and take any action necessary **[1st**  
532 **Reading]**.

533 Mr. Miller, Planning Director, provided background information concerning this agenda  
534 item. The applicant is asking to place a 288 sq. foot accessory structure in order to put a  
535 decorative porch on front (exceeds the allowable max. of 250 sq. ft.). Also, he is  
536 proposing to use 100% hardy plank siding, which does not match materials on the  
537 primary structure. Seventy-two notices were sent out to adjacent property owners. Two  
538 notices were received back in favor, and two were received back in opposition. The P&Z  
539 Commission did unanimously recommend approval of this request.

540 Stephen North  
541 513 Windsor Way



Mr. North came forth and indicated that he initially wanted to have the structure be even larger than what's being ultimately proposed now. The only reason for the decorative 'front porch' is so that his wife may hang plants there. He explained that the back of his house does have siding on it, and it is not as durable as the hardy plank that will be utilized on this accessory building. So the hardy plank is above and beyond the material on the back of his house.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one, he closed the public hearing.

Mayor Pro Tem Lewis made a motion to approve Z2015-033. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 16-\_\_\_\_\_  
SPECIFIC USE PERMIT NO. \_\_\_\_\_

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 WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE STANDARDS STIPULATED BY THE UNIFIED DEVELOPMENT CODE, ON THE PROPERTY ADDRESSED AS 513 WINDSOR WAY, BEING A 0.23-ACRE PARCEL OF LAND IDENTIFIED AS LOT 14, BLOCK F, HARLAN PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

Mayor Pruitt recessed the meeting for a break at 7:30 p.m. He called the meeting back to order at 7:47 p.m.

6. **Z2015-034** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddle Star Land Development Inc. on behalf of the owner Randa Hance of R&R Hance Investment LP for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 8.4 (SF-8.4) District land uses for a 45.318-acre tract of land identified as Tract 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard south of FM-552, and take any action necessary [**1st Reading**].

592 Mr. Miller, Planning Director, provided background information related to this agenda  
593 item. The applicant has submitted an application requesting to rezone a 45.318-acre tract  
594 of land from an Agricultural (AG) District to a Planned Development District for a single-  
595 family, residential subdivision that will consist of 113 single-family lots. The subject  
596 property, which was annexed into the City on March 16, 1998 by Ordinance No. 98-10, is  
597 located on the west side of John King Boulevard -- south of Featherstone Drive and north  
598 of E. Quail Run Road -- and is currently vacant agricultural land.

599  
600 The concept plan shows that in addition to the 45.318-acre 247 tract of land being  
601 considered under this zoning case, two (2) additional tracts (north of the subject  
602 property) will be included as future phases for the proposed subdivision. Currently, both  
603 of these tracts are outside of the City's corporate boundaries; however, they are located  
604 within the City's Extraterritorial Jurisdiction (ETJ) and can be annexed. The applicant has  
605 stated that the intent of this project is to receive entitlement on the 45.318-acre tract of  
606 land and then initiate a voluntary annexation case to bring the remaining tracts of land  
607 into the City. The applicant will also be requesting that the proposed PD (if approved) be  
608 amended to incorporate this area. The current request is for 113, 70' x 125' lots or a  
609 gross residential density of ~2.49 units/acre. Incorporated within the development will be  
610 6.73-acres of open space (or ~14.85%), which includes a 3.64-acre neighborhood park  
611 [the applicant has revised the plan to show 17% open space. In addition, the applicant is  
612 proposing to incorporate a ten (10) foot trail and trail rest area along John King  
613 Boulevard in conformance with the John King Boulevard Design Concept Plan contained  
614 in the Comprehensive Plan (staff has incorporated this into the proposed ordinance). It  
615 should be pointed out that the proposed PD Ordinance has similar standards as were  
616 approved in the adjacent Planned Development District 77 (PD-77), and according to the  
617 applicant will incorporate a similar product as those in the Stone Creek and Breezy Hill  
618 Subdivisions.

619  
620 The applicant is requesting variances to allow for j-swing and front entry garages in lieu  
621 of alleyways. On November 20, 2015, staff mailed three (3) notices to property owners  
622 and residents within 500-feet of the subject property. Staff also emailed notices to the  
623 Stoney Hollow and Stone Creek Homeowner's Associations (HOA's), which are the only  
624 HOA's located within 1,500 feet of the subject property. Additionally, staff posted a sign  
625 along John King Boulevard, and advertised the public hearings in the Rockwall Harold  
626 Banner as required by the Unified Development Code (UDC). At the time this case memo  
627 was drafted no responses were received by staff. On December 8, 2015, the Planning  
628 and Zoning Commission approved a motion to recommend approval of the zoning  
629 change by a vote of 7-0; however, the Planning and Zoning Commission did also  
630 recommend that Section 12, Open Space, of Exhibit 'C' of the PD Ordinance be amended  
631 to reflect a minimum of 20% open space. The applicant has agreed to increase the  
632 proposed open space from ~14.85% to a minimum of 17%, but has stated that an  
633 increase to 20% is not feasible for this project. Staff has changed the ordinance to reflect  
634 the 17% requested by the applicant.

635  
636 Pat Atkins  
637 3076 Hays Lane

638  
639 Mr. Atkins indicated that he is representing Saddlestar Estates. He then shared an  
640 animated PowerPoint presentation with the Council and explained various aspects of his  
641 request associated with this PD.



642  
643 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and  
644 speak. There being no one, he then closed the public hearing.  
645

646 Councilmember Hohenshelt asked for clarification on the proposed open space. The  
647 proposal is for 17%, which is 3% less than the required 20% suggested in the city's  
648 Comp Plan. Councilmember Hohenshelt, after asking several questions, indicated that  
649 the change in open space being requested (to be lowered) equates to about 3 residential  
650 lots. He clarified that the anticipated added property tax value expressed are for the two  
651 developments combined.  
652

653 Brief discussion took place regarding who owns the adjacent tracts.  
654

655 Mr. Miller indicated that once this approval is secured, Mr. Atkins will be coming forth  
656 with a request for voluntary annexation on the other tract of land, likely as soon as  
657 January 4<sup>th</sup>. Mr. Atkins clarified that the pool and amenities center are anticipated to go  
658 on the ground once about 100 units have been constructed. It was clarified that the open  
659 space land will not meet the 11 acre minimum required to be used as a neighborhood  
660 park. It will only be designated as "open space," not a park.  
661

662 Various comments took place concerning the proposal. Then, Councilmember White  
663 made a motion to approve Z2015-034, granting the 17% open space variance.  
664 Councilmember Milder seconded the motion. After brief comments, the ordinance was  
665 read as follows:  
666

667 CITY OF ROCKWALL  
668 ORDINANCE NO. 16-XX  
669

670 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,  
671 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE  
672 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
673 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)  
674 DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR  
675 SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT  
676 PROPERTY, BEING A 45.318-ACRE TRACT OF LAND IDENTIFIED AS  
677 TRACT 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY  
678 OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY  
679 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL  
680 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED  
681 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH  
682 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
683 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
684

685 The motion passed by a vote of 7 ayes to 0 nays.  
686

- 687 7. Z2015-035 - Hold a public hearing to discuss and consider a request by  
688 Pat Atkins of Saddle Star Land Development Inc. on behalf of the owner  
689 Larry Hance for the approval of an ordinance for a zoning change from  
690 an Agricultural (AG) District to a Planned Development District for Single  
691 Family 8.4 (SF-8.4) District land uses for a 44.56-acre tract of land  
692 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of  
693 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,

694 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,  
695 located at the northwest corner of FM-552 and John King Boulevard, and  
696 take any action necessary [1st Reading].

697 Mr. Miller provided background information concerning this request. On November 16,  
698 2015, the applicant submitted an application requesting to rezone a 44.56-acre tract of  
699 land from an Agricultural (AG) District to a Planned Development District for a single-  
700 family, residential subdivision that will consist of 109 single-family lots. The subject  
701 property, which was annexed into the City on February 4, 2008 by *Ordinance No. 08-10*, is  
702 located at the northwest corner of John King Boulevard, north of FM 552 and is currently  
703 vacant land zoned Agricultural (AG) district. According to the concept plan, it is the  
704 intent of the development to provide 109 single-family residential lots that are to be a  
705 minimum of 10,000 sq. ft. (*i.e. 80' x 125' lots*) in area; however, the development does not  
706 include a neighborhood park, rather a trail system meanders through the floodplain area  
707 and is to be the developments primary amenity. The applicant has stated that the  
708 neighborhood park to be located within the South Saddle Star Estates Addition will be  
709 available to this development. In addition, the concept plan shows the inclusion of 5.61-  
710 acres of net open space, the majority of which is situated within a 100-year floodplain,  
711 which transects the property from the north to the south. Additionally, the applicant has  
712 also agreed to provide a corner enhancement that will incorporate a seat wall and  
713 additional landscaping at the corner of the intersection of John King Boulevard and FM-  
714 552 (*see the Corner Enhancement Concept contained in the John King Boulevard Design*  
715 *Concept Plan*). Staff has included these as development requirements within the Planned  
716 Development District Ordinance. In addition, the applicant has also indicated that a  
717 minimum of a 50-foot landscape buffer will be provided along John King Blvd, and a  
718 minimum of a ten (10) foot meandering sidewalk will be constructed within this  
719 landscape buffer. It should be pointed out that the proposed PD Ordinance has similar  
720 standards as were approved in the in the Stone Creek and Breezy Hill Subdivisions. The  
721 applicant is requesting to allow J-Swing and/or Front Entry garages that comply with  
722 Article VI, Parking and Loading, of the Unified Development Code (UDC) in lieu of alleys.  
723 This requirement has been waived for other subdivisions throughout the City when the  
724 PD Ordinance conforms to the requirements stipulated by the UDC.

725  
726 The proposed zoning does appear to conform to the majority of the Comprehensive  
727 Plan's policies and guidelines with the exception of the proposed open space  
728 requirement. The applicant is proposing a total 5.61 acres of open space (or 12.59%)  
729 which is primarily flood plain. It should be noted that if the floodplain were calculated at  
730 100% (as opposed to 50%) the development would meet the minimum 20% requirement.  
731 With this being said, the proposed open space standard is a discretionary decision for  
732 the City Council. On November 20, 2015, staff mailed twenty-four (24) notices to property  
733 owners and residents within 500-feet of the subject property. Staff also emailed notices  
734 to the Stoney Hollow and Stone Creek Homeowner's Associations (HOA's), which are the  
735 only HOA's located within 1,500 feet of the subject property. Additionally, staff posted a  
736 sign at the corner of John King Boulevard and FM552 and advertised the public hearings  
737 in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At  
738 the time this case memo was drafted no responses were received by staff.  
739  
740  
741  
742  
743



Pat Atkins  
3076 Hays Lane

Mr. Atkins came forth and provided comments, requesting that the Council consider approval of this item.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Caroline Newton  
304 Wooded Trail  
Rockwall, TX (in Hidden Valley Estates, on the W. side)

She would like the developer to commit to larger lot sizes near the side that abuts Hidden Valley Estates. She explained that these new homes would be "invading her backyard," and where she lives is characteristic of 'country living' with a lot of open space. She has some concern about the floodplain area, especially for homeowners that will be living down by the creek, expressing she believes those homeowners may have problems. She would like some answers to ensure that these concerns are being considered and addressed. She generally expressed concern about the density. She would like the area where the larger homes are to be built to have larger lots than what are currently being proposed for approval. She encouraged the Council to consider quality of life, rather than just tax money.

Jonas Odom  
303 Wooded Trail  
Rockwall, TX

Mr. Odom asked for the 3,200 square footage to be added to the ordinance, as well as larger lots to be added like his neighbor who also spoke, Mrs. Newton, has requested. He expressed that he has some neighbors who are living by the floodplain, and flooding has been a concern for them. He is concerned about this public hearing being held the week of Christmas, as several homeowners may be out of town.

Mayor Pruitt indicated that he has received emails from several homeowners expressing concern about the floodplain area.

Mr. Tumulty, City Engineer, indicated that with any development, the developer hires a consultant to conduct a hydraulics study in order to verify that it meets all of the city's requirements.

Jennifer Huber  
400 Country Ridge  
Rockwall, TX

Mrs. Huber indicated that she and her neighbors live in the county, so they do not receive notification of requests like this (including Mrs. Newton). She is concerned about the floodplain area, also expressing that she is very frustrated with this development because it will consist of a lot of houses built on top of one another. She expressed strong opposition to this request.

Ben Weible  
215 Trout  
Rockwall, TX

Mrs. Weible indicated that he is a citizen of the City of Rockwall and has been living in Rockwall County for about 15 years. He knew when he moved in that he would be able to control his own property, but he would not be able to control what happens to the properties around him that may change and develop over time. He generally expressed support for this request, especially because it will allow the property owner to develop it and use the property as he sees fit. He believes this request is representative of 'bit lots' and 'big homes,' which is something he has understood to be of importance to the city. He believes, as a citizen of Rockwall, that this is a very good use of the land.

There being no one else wishing to come forth and speak, Mayor Pruitt then closed the public hearing.

Councilmember Fowler asked what the price point of the homes will be. Mr. Atkins indicated that the price point will be a little more expensive in this area as compared to the development addressed in the previous public hearing item.

Councilmember Milder expressed that even though those who spoke during the public hearing do not live within the City limits, they are part of the Rockwall community, and he does want to be a 'good neighbor' to those residents. He asked what sort of buffer may exist between this development and the existing, adjacent homes/neighborhood. Mr. Atkins expressed that he is happy to work with the adjacent homeowners to, for example, install fencing and/or a retaining wall (perhaps wrought iron fencing or board-on-board with adjacent retaining walls...whatever the adjacent property owners might want).

Mayor Pruitt expressed that the 12.5% of open space being proposed here is quite significantly less than the required 20%. Allowing for larger lots abutting to the adjacent, existing homes, will result in about 4 less lots for Mr. Atkins' development. He suggested that Mr. Atkins consider putting in the larger lots along this area in exchange for the city approving the lowered amount of open space.

Councilmember Hohenshelt generally expressed concern about ongoing requests to reduce the city's required 20% of open space, suggesting that the city may need to amend this requirement if the Council continues to grant variances, allowing for less open space to be dedicated associated with proposed developments.

The Council and Mr. Atkins proceeded to go back and forth concerning proposed lot sizes and the percentage of open space that will or won't be permissible associated with approval of his request.

Councilmember White spoke briefly to the open space requirement, indicating that the floodplain is working against him. He again pointed out that this request represents exactly what the Council has been wanting for a long time – larger lots and larger homes.

Mayor Pro Tem Lewis expressed that this property proposes challenges because of the topography and the creek. He explained that the Council reviewed a preliminary proposal during a previous work session in which putting townhomes on this particular piece of property was suggested. He believes this proposal is a great improvement.



846  
847 Mayor Pro Tem Lewis made a motion to approve Z2015-035, maintaining the 12.59% open  
848 space, with 100' lots on the west side of the property and a minimum of 3,200 square foot  
849 houses on the west side. Mayor Pruitt seconded the motion. Councilmember White  
850 asked if this motion passes, will Mr. Atkins choose to not build. Mr. Atkins indicated  
851 that, no, it does not mean he will not build; however, he is not truly in favor of the motion  
852 on the floor. He prefers to somehow achieve the same number of lot sizes.

853  
854 Councilmember Milder requested that Lewis consider amending his motion.

855  
856 After brief discussion, Mayor Pro Tem Lewis amended his original motion to allow for  
857 thirty (30) of the interior lots to be changed to 70' lots with all of the other provisions  
858 stated in his original motion remaining unchanged. Mayor Pruitt seconded the amended  
859 motion. The ordinance was read as follows:

860  
861 CITY OF ROCKWALL  
862 ORDINANCE NO. 16-XX  
863

864 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
865 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE  
866 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS  
867 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM  
868 AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT  
869 DISTRICT XX (PD-XX) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT  
870 LAND USES ON THE SUBJECT PROPERTY, BEING A 44.56-ACRE  
871 TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE T. R. BAILEY  
872 SURVEY, ABSTRACT NO. 30, CITY OF ROCKWALL, ROCKWALL  
873 COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT  
874 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
875 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
876 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A  
877 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;  
878 PROVIDING FOR AN EFFECTIVE DATE.  
879

880 The motion passed by a vote of 7 ayes to 0 nays.

881  
882 XII. ACTION ITEMS

- 883  
884 1. SP2015-018 - Discuss and consider a request by Michael Liang of the  
885 Dimension Group on behalf of Jeffery Baird of RaceTrac for the approval  
886 of a variance to the secondary material requirements stipulated by  
887 Section 6.8 of Article V, District Development Standards, of the Unified  
888 Development Code in conjunction with an approved site plan for a retail  
889 store with gasoline sales on a 2.46-acre parcel of land identified as Lots  
890 1R & 2R of the Woods at Rockwall Addition, City of Rockwall, Rockwall  
891 County, Texas, zoned Commercial (C) District, situated within the Scenic  
892 Overlay (SOV) District, located at the southeast corner of the intersection  
893 of Ridge Road and Yellow Jacket Lane, and take any action necessary.

894 Mr. Miller explained that the applicant is requesting approval of an amended site plan for  
895 a retail store with gasoline sales located at the southeast corner of the intersection of  
896 Ridge Road and Yellow Jacket Lane. The property is zoned Commercial (C) District and

is located within the Scenic Overlay (SOV) District. If approved, the amendment would allow RaceTrac convenience store to change the approved exterior elevations to appear as represented in the drawings submitted along with this request. Staff has provided a copy of the exterior elevations that were approved back in December 2013 and the exterior elevations that are now being proposed for Council's review. They essentially would like to change the material proposed to be used.

Councilmember White made a motion to approve SP2015-018. Councilmember Townsend seconded the motion.

The motion passed by a vote of 6 in favor with 1 against (Pruitt).

2. **P2015-041** - Discuss and consider a request by Tony Rangel of Rangel Land Surveying on behalf of the owner Shawn Valk of Platinum Storage, LLC for the approval of a replat for Lots 2 & 3, Block A, Platinum Storage Addition being a 5.549-acre parcel of land currently identified as Lot 1, Block A, Platinum Storage Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, located east of Townsend Drive and north of SH-276, and take any action necessary.

Mr. Miller provided background information concerning this agenda item.

Tony Rangel  
1012 Timberline  
Heath, TX

Mr. Rangel came forth and provided brief comments pertaining to his request. Councilmember White made a motion to approve P2015-041. Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider adoption of a resolution fixing the water and wastewater rates of the city, and take any action necessary.

Assistant City Manager Mary Smith explained that this is the rate schedule that has been being discussed since budget time. It reflects a just over 10% increase for water and sewer rates. It also includes a rate increase for the city's wholesale customers. Councilmember White asked how much of the rate increase is going towards NTMWD's fancy new building or its new employees. Mrs. Smith indicated that she does not know. Councilmember Fowler indicated that this rate increase is about a 10.79%, and it will raise roughly a million and a half or a million nine in revenue. Mr. Crowley indicated that the NTWD is anticipating increases in water rates for the foreseeable future years. Councilmember Fowler expressed concern about the public mistakenly believing that the Council is arbitrarily raising water rates by more than 10% each year. Mayor Pruitt indicated that staff is working to put out educational information to our citizens to better explain various aspects concerning water rates and reading water meters when the city assesses fees to customers. Mayor Pruitt explained he has heard from a lot of people on fixed incomes. Perhaps those using 2,000 – 5,000 gallons of water could be given a little break before the rates then jump up for those who utilize over 5k gallons. Mrs. Smith indicated that the city will likely hire a firm to conduct another rate study next year, however, we will have to choose another firm since the gentleman we have previously used recently passed away.



Councilmember Milder expressed that this is his third water rate increase discussion in three years, and each time it's gone up in double digit percentages. He has a lot of concern about NTMWD continuing to increase its water rates, knowing that its member cities have no alternative and are not able to 'pull out.' He is irritated with the NTMWD organization and believes it is most concerned about self-preservation rather than the interests of its customers. Therefore, he suggested that paragraph 2 of the resolution be changed to read as follows:

*Whereas city council finds itself with its back against the wall; and Whereas the NTMWD is mandating water rate increases, it is under duress and reluctantly that the council raises its water rates to accommodate the NTMWD's mandated rate increase.*

Mayor Pruitt suggested that the Council consider having staff draft a separate resolution to express its dissatisfaction associated with NTMWD and its continued increases in water rates and bring that back for the Council to consider at the next meeting.

Councilmember Townsend clarified that if the Council does not approve this rate increase, then the city's budget 'takes the hit' for the increases in water rates charged to the City. Yes, Mr. Crowley, indicated that this is true.

Councilmember Townsend made a motion to approve the resolution as is. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes to 1 nays (White).

4. Discuss and consider adoption of a resolution setting solid waste collection rates, and take any action necessary.

Assistant City Manager Mary Smith provided brief comments concerning this agenda item. Councilmember Townsend made a motion to approve the resolution. Mayor Pro Tem Lewis seconded the motion. Councilmember Milder expressed strong opposition to this item, explaining he believes the city should have gone out for bid. The motion passed by a vote of 5 ayes to 2 nays (White and Milder).

5. Consider approval of an ordinance modifying Chapter 38. Subdivisions, Article 1. In General, Section 38-19. Street Improvements and Oversizing, of the Municipal Code of Ordinances to require a 41-foot street adjacent to schools and parks, and take any action necessary. (1st reading)

Mr. Milder indicated that at the last meeting, Council directed staff to draft this ordinance. It is being brought forth as an Action Item since it was not unanimously approved by the Council to move forward with this ordinance. Councilmember Milder asked where this concern came from. Mr. Miller indicated that residents living next to a school in Fontana Ranch brought this concern forth to staff. He expressed concern about future developers having to spend a lot of money to build wider roads next to schools and parks. He does not believe that the wider roads are going to represent a positive benefit concerning traffic that occurs in and around schools. Mayor Pro Tem Lewis indicated that this has to do with more than just a handful of complaints from Fontana Ranch residents. He expressed that this has been a concern in other areas of the city too, and it represents a safety concern. Lewis expressed that widening the road by 3' is not going to 'kill' a developer. When sports teams have been practicing in parks, other residents in the past have also expressed concern about not being able to move around due to the congestion.

Councilmember Townsend left the meeting for a few minutes at this time (9:29 p.m.)

Mayor Pro Tem Lewis made a motion to approve the ordinance. Mayor Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 16-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ROCKWALL, TEXAS, AMENDING SECTION 38-19, *STREET  
IMPROVEMENTS AND OVERSIZING*, OF CHAPTER 38, SUBDIVISIONS  
OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING  
FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;  
PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 in favor, 2 against (Milder and White), and 1 absent (Townsend).

6. Discuss and consider the City's selection of nominees to the Texas Coalition for Affordable Power (TCAP) Board of Directors for the 2016-2017 term of office, and take any necessary action.

Councilmember Townsend rejoined the meeting at this time (9:32 p.m.). Mr. Crowley provided brief background information concerning this agenda item. After brief comments, the Council chose not to take any action concerning this agenda item.

7. Discuss and consider the final report presented by Aecom related to transit services in the City of Rockwall, and take any necessary action.

Mr. Crowley expressed that this item was placed on the agenda to have a follow-up discussion after the Aecom consultant provided its findings to the Council at the last regular meeting. Council had expressed a desire to discuss this a bit more before passing along the report to Rockwall County. The Council generally indicated that it is ok with the City Manager sending the study findings to the County for its information and consideration. Councilmember Townsend suggested that the city needs to sit down with the County and with STAR in the coming months to figure out a preferred, agreed upon 'fixed route.' The Council took no formal action concerning this agenda item.

8. Discuss and consider the formation of an Airport Advisory Board at the Ralph M. Hall / Rockwall Municipal Airport, and take any necessary action.

Councilmember White indicated that some citizens and users of the airport have expressed concern that the Council does not have any seasoned pilots and/or airport users to advise the Council when it discusses airport-related matters and makes airport-related decisions. Councilmember White made a motion to instruct staff to draft an ordinance to bring back to the Council for consideration concerning formation of an Airport Advisory Board. Mr. Crowley pointed out that the city's charter stipulates that any board members who serve will need to be residents of the City of Rockwall. Councilmember Hohenshelt seconded the motion, which passed unanimously of Council present (7 ayes to 0 nays).



Regarding Appointment Item #2, Mayor Pruitt made a motion to approve the interlocal agreement with the Central Appraisal District for collection of taxes. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

The Council did not go back into Executive Session following conclusion of the public meeting agenda.

### **XIII. EXECUTIVE SESSION**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding negotiations of Access Agreement pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Ex-Officio Board Members - pursuant to Section 551.074 (personnel matters)
5. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
6. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
7. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

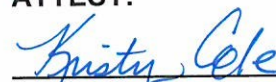
### **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

### **XV. ADJOURNMENT**

The meeting was adjourned at 9:39 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS 4<sup>th</sup> day of January, 2016.

ATTEST:

  
Kristy Cole, City Secretary



  
Jim Pruitt, Mayor