

MINUTES
ROCKWALL CITY COUNCIL

Monday, January 06, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mike Townsend, 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 Jim Pruitt was absent from the meeting.

Mayor Sweet read the below listed items into the public record before recessing the meeting into Executive Session at 4:01 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 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 appointments to city regulatory boards, commissions, and committees including the Fire Department Pension Board pursuant to Section §551.074 (personnel matters)

III. ADJOURN EXECUTIVE SESSION

The Council adjourned from Executive Session at 4:25 p.m.

MINUTES
ROCKWALL CITY COUNCIL
Monday, January 06, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All council members except for Councilman Jim Pruitt were present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to appoint Bennie Daniels to serve on the Fire Department Pension Board. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

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

VII. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and then asked if anyone in the audience would like to come forth to address the Council at this time.

Joe Robbins
805 Peters Colony
Rockwall, TX

Mr. Robbins expressed that he is transferring his pastor role to a younger pastor. He indicated he is also concerned about the rezoning that has been proposed in the Southside community. He shared that he is located next door to the subject property and did not receive a letter notifying him of the proposed zoning change. He is not in favor of a commercial office building being placed on this piece of property.

Freddie Jackson
1812 Bristol Lane
Rockwall, TX 75032

Mr. Jackson thanked the city council and city officials for coming out and supporting the community in their loss of Mr. Sam Buffington. He then indicated that the community itself is opposed to this proposed zoning change in the Southside. He expressed that they want to see that piece of property zoned for residential homes instead of an office building. He shared that a lot of the residents have indicated to him that they did not receive a notice of this proposed zoning change. He would like the council to postpone this item or send it back to the Planning & Zoning Commission for further investigation at this time.

Judith Matherne
1115 Signal Ridge Place
Rockwall, TX 75032

Mrs. Matherne indicated that she has been a resident of Rockwall for a long time, and she is also a friend of the late Sam Buffington. She expressed she agrees with Mr. Jackson in that the community needs to remain residential. She spoke on behalf of the community asking the council to reconsider approving this zoning change request for office space.

Leslie Milder
830 Shores Boulevard
Rockwall, TX

Mrs. Milder generally indicated that she would like to speak in favor of the agenda item related to prohibiting the sale of e-cigarettes to minors in the Rockwall community. She expressed that she is a former teacher and has background knowledge in child psychology, so she understands the questionable ability of adolescents to make good choices for themselves. She is in favor of free enterprise, but not at the expense of kids. She generally expressed the belief that banning the sale of these products to minors will aid in keeping Rockwall as a great place to raise children and families.

Etta Anderson
Pastor, St. Paul AME Church
805 Peters Colony
Rockwall, TX

Ms. Anderson indicated that she is the new pastor of this church. She generally expressed that she is in opposition of the proposed zoning change which changes the property to commercial office space. She is only in favor of it being zoned as residential. She asked the council to either postpone approval of this item or otherwise allow time for it to be reconsidered.

Tony Rios
(no address provided)

Mr. Rios indicated that years ago (in 1995), he met with Mr. Buffington and Pastor Robbins. During that time period, the Southside Neighborhood Coalition, a 501c3, non-profit organization, was created in order to preserve the Southside Community. He generally urged the council to consider delaying the decision regarding rezoning this property because he would like to see it preserved for residential use.

Dr. Barbara Montgomery
205 Clark Street
Rockwall, TX

Dr. Montgomery indicated she would like to speak on behalf of the late Sam Buffington. She indicated she was an honorary member of the Southside Coalition, and she worked with other members in the community to protect and preserve the Southside community. She believes that an Overlay District that was created years ago would protect the Southside community and preserve it as residential. She urged the council to revisit the

Overlay District regulations. She also indicated that a lot of people in the community did not receive a notice about this proposed rezoning.

Reverend Warren Daniels
New Caldonia Baptist Church
301 East Bourn

Reverend Daniels indicated he would like the proposed zoning to be kept "as is" and not changed to commercial office.

J.D. Jacobs
5961 Connie Lane
Rockwall, TX

Mr. Jacobs thanked the Mayor and Council for their time. He indicated that he has a residence in Rockwall and has had it since 1969. He has raised a family in Rockwall. He stated that he was the original Chairman of the Southside Coalition when it started. In the past, he has worked in the New Caldonia Church and St. Paul church building cabinets and donating his time. He has also previously served for three-and-a-half years on the city's Planning and Zoning Commission and the Rockwall Housing Development Board for three years. He was previously instrumental in getting grants to help build homes in the Southside area. He clarified that he is requesting the zoning on this piece of property for "residential office," which is different than "commercial" or "industrial" zoning. He thinks it may be helpful if there were more clarification provided, perhaps by staff, to more clearly define the "residential office" zoning designation. He indicated that this item has been up before the city for public hearing twice. He cares about the Southside community and is trying to increase the property values.

Nell Wellborn
810 Lake Meadows Circle
Rockwall, TX

Mrs. Wellborn indicated she is speaking about Z2013-035. She shared that for many years, residents in this neighborhood have depended on Sam Buffington and that during his illness and subsequent passing, perhaps some things fell to the way side. Mrs. Wellborn stated that there is obviously some level of confusion or misunderstanding regarding this matter. Also, some residents have indicated that they did not receive notices on this proposed zoning change. She asked the Council to consider delaying the second reading of this ordinance in order to allow some additional community input regarding this topic. If this is not possible, she asked if there is some way that this item can be remanded back to the Planning & Zoning Commission for another public hearing without it being too disruptive to Mr. Jacobs who is requesting the zoning change.

There being no one else wishing to come forth and speak during Open Forum, Mayor Sweet then closed Open Forum.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the December 16, 2013 regular city council meeting, and take any action necessary.

2. **Z2013-032** - Consider approval of an **ordinance** for a request by Andrea Holliman for the approval of a Specific Use Permit to allow an antiques/collectibles and general retail store in Planned Development District 50 (PD-50) for a 0.47-acre parcel of land identified as a portion of Lot 1 of the W. D. Austin Addition, Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District uses, located within the North Goliad Corridor Overlay (NGC OV) District and the North SH 205 Corridor Overlay (N-SH 205 OV) District, addressed as 904 N. Goliad Street, and take any action necessary **(2nd Reading)**.
3. **Z2013-033** - Consider approval of an **ordinance** for a request by Kristin and Joshua Whitaker for the approval of a Specific Use Permit for an accessory building that does not conform to the material requirements as specified for a property in a Single-Family Estate 1.5 (SFE-1.5) District on a 1.5-acre parcel of land identified as Lot 17, Block B, Sterling Farms Addition, Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, located at 1970 Copper Ridge Circle, and take any action necessary **(2nd Reading)**.
4. **Z2013-035** - Consider approval of an **ordinance** for a request by J. D. Jacobs, Jr. for the approval of a zoning change from Single Family 7 (SF-7) District to a Residential-Office (RO) District for a 0.661-acre tract of land identified as a portion of Lot 3 and all of Lot 4, Block G, Sanger Addition, Rockwall, Rockwall County, Texas, located east of the intersection of Peters Colony Drive and E. Bourn Street, and take any action necessary **(2nd Reading)**.
5. Consider authorizing the City Manager to execute a contract with Cambridge Fence Co. for a gate construction project at Tuttle Park in the amount of \$13,998.00 to be funded from the Recreation Development Fund, and take any action necessary.

Mayor Pro Tem White pulled Consent Agenda item #4.

Mayor Pro Tem White then made a motion to approve the remaining Consent Agenda items (#1, 2, 3, and 5). Councilmember Daniels seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
 ORDINANCE NO. 14-01
 SPECIFIC USE PERMIT NO. S-117

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 PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ALLOWING FOR AN ANTIQUES/COLLECTIBLES AND GENERAL RETAIL STORE, THE SUBJECT PROPERTY IS LOCATED AT 904 N. GOLIAD STREET, BEING A PARCEL OF LAND DESCRIBED AS LOT 1 OF THE W. D. AUSTIN ADDITION, ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 14-02
SPECIFIC USE PERMIT NO. S-118

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 ESTATE (SF-E/1.5) DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE EXTERIOR CLADDING REQUIREMENTS, ON THE PROPERTY LOCATED AT 1970 COPPER RIDGE CIRCLE, BEING A 1.5 ACRE PARCEL OF LAND DESCRIBED AS LOT 17, BLOCK B, STERLING FARMS ADDITION, CITY AND COUNTY OF ROCKWALL, 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 6 ayes with 1 absent (Pruitt).

Mayor Pro Tem White made a motion to table Consent Agenda item #4 for at least two weeks. During that time, he asked Mr. Jacobs to please meet with members of the Southside community to plead his case with residents and representatives in that community and try to address any concerns or potential misconceptions concerning the proposed zoning change. Councilmember Lewis seconded the motion.

Councilmember Daniels facilitated a brief discussion related to notices that were sent out regarding the Z2013-035 rezoning proposal. Planning Director Robert LaCroix indicated that about twenty-five notices were sent out to property owners within two-hundred feet of the subject property. He clarified that if residents in that notification area rent their homes, they may not have received the notice, as, again, it is sent out to only property owners in accordance with the law. He also indicated that a notice in the form of an actual sign posted on the property was also posted at least ten days prior to the Planning & Zoning public hearing, and that this type of sign stays posted on the property until substantially after the second hearing of the ordinance has taken place. All in all, it has been posted for about a four week period.

Councilmember Daniels expressed concern about the oppositions just now coming forth in the last couple of days, despite the fact that this topic has already gone substantially through the process at this point.

Mayor Sweet spoke, generally indicating that he will be placing an agenda item on the next council agenda to revisit notices related to zoning changes, including the distance associated with the notifications, the signage requirements, and other provisions.

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

IX. APPOINTMENTS

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

Mr. LaCroix indicated that the chairman had no additional information to share with the council this evening. The council did not discuss this item, nor was any action taken.

2. Appointment with representative(s) of the American Heart Association to request waiver of Harbor related fees for the 4th annual Heart Chase event to be held in September 2014 at The Harbor, and take any action necessary.

Dr. Kirk Pfeleger came forth and indicated that he represents the American Heart Association. He thanked the city council for their support of this event in the past. He stated that the event will be held in September this year, so hopefully it will be much cooler. He asked the council to please consider waiving the Harbor related fees again this year.

Councilmember Lewis made a motion to waive the Harbor-related fees with the understanding that the American Heart Association will still be responsible for the custodial portion of any fees associated with renting the Harbor for this event. Mayor Pro Tem White seconded the motion. He asked Dr. Pfeleger if this is a totally local event, or if people from outside of Rockwall come to stay the night in local hotels as a result of this event. Dr. Pfeleger indicated that it does attract people from Rowlett and other cities, and it does result in some overnight stays in hotels. Mayor Pro Tem White indicated that the city has hotel/motel tax funds that it collects in order to assist with events that help attract outsiders into Rockwall. He asked Dr. Pfeleger to speak with staff about the possibility of utilizing hotel/motel tax funding for requests such associated with the Heart Chase event in the future.

Councilmember Lewis clarified his motion to approve waiver of the Harbor-related fees with the exception of custodial fees and with the understanding that next year, event planners will consult with staff to see if the event will qualify for hotel / motel tax funding to take care of the Harbor fees. Mayor Pro Tem White asked that the motion be amended and restated once more to stipulate that if the event qualifies for hotel / motel funding this year, that those types of funds be utilized for this year's event. Councilmember Lewis agreed to this stipulation in his motion. Mayor Pro Tem White seconded it, which passed by a vote of 6 ayes with 1 absent (Pruitt).

3. Appointment with Rick Bernas of Republic Waste to hear update regarding debris clean-up efforts associated with the recent ice-related severe weather event, and take any action necessary.

Mr. Bernas came forth and provided an update on the clean up efforts associated with the recent ice storm in December. He indicated that on an average week, about 85 tons of debris is collected. In the last three weeks, they have collected 931 tons and 233 loads. About ¾ of the city is completed at this time. On about January 27, they expect to be back on a normal routine and pick up schedule. In summary, about 3 months worth of volume has been collected in the last three weeks since the recent, December ice storm occurred.

Mayor Sweet and Mayor Pro Tem White thanked Republic for their work on these clean up efforts over the last several weeks.

X. ACTION ITEMS

1. **A2013-001-** Discuss and consider approval of an **ordinance** for a City initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for four (4) tracts of land comprising approximately 42.482-acres of land situated in the W. W. Ford Survey, Abstract No. 80 and J.

W. Pitman Survey, Abstract No. 181 and generally located contiguous to the existing city limits line west of SH-205 (S. Goliad Street) and south of FM-549 and specifically described as follows: (1) Tract 17-14 of the W. W. Ford Survey, Abstract No. 80 being 12.493-acres, (2) Tract 40 of the W. W. Ford Survey, Abstract No. 80 being 8.989-acres, (3) Tract 40-1 of the W. W. Ford Survey, Abstract No. 80 being 1-acre, (4) Tract 1-4 of the J. W. Pitman Survey, Abstract No. 181 being 20-acres. **(1st Reading)**

Planning Director Robert LaCroix provided background information related to this agenda item. He indicated that these are voluntary annexations related to property owners who did not wish to renew their 212 agreements upon their 3 year term expiration and therefore would now like to be annexed into the city. Two public hearings were held on December 2, 2013, and all legal requirements have been adhered to. Included with the ordinance is the service plan that speaks about the city services that will be extended to the area upon annexation. Should the council approve this upon 1st reading tonight, second reading will take place on January 21st.

Mayor Pro Tem White made a motion to approve the annexations associated with A2013-001. Councilmember Townsend seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 14-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 42.482-ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

- 2. Discuss and consider approval of an ordinance amending Chapter 22, Article II of the City's Code of Ordinances to establish Section 22.71 regulating the possession purchase, sale, offer to sell, and ingestion of any e-cigarette smoking product to or by any minor, and take any action necessary. (1st reading)**

Councilmember Milder explained that it is currently legal in our city for any minor to walk into a store and purchase these sorts of products. Councilmember Milder then made a motion to approve the ordinance, clarifying that the prohibition would apply to any product with or without nicotine. Councilmember Townsend seconded the motion.

Councilmember Townsend then asked for clarification regarding a portion of the ordinance where it speaks about a minor "purchasing "and "attempting to purchase" these sorts of products. He asked if "attempting to purchase" would be a violation under this ordinance, expressing some concern regarding enforceability of such provision. Also, Councilmember Townsend asked for clarification regarding a minor being in possession of these sorts of products. He wondered, for example, if the minor purchases the product in Garland and then enters Rockwall, will that minor be in violation of the ordinance?

Councilmember Milder indicated that he would like to leave out the "attempt to purchase" and "possession" aspects of the draft ordinance upon approval.

After input from Mr. Garza, City Attorney, Councilmember Milder clarified and restated his original motion, calling for approval of the ordinance with the understanding that Section 22.71 (b) (2) will be amended to eliminate "attempt to purchase or possess" from the final ordinance prior to second reading. Councilmember Townsend seconded the amended motion.

Councilmember Lewis clarified with the city attorney that the fine for violation of this ordinance is set at \$500 and that this fine would apply to both the person selling the product to a minor and to any minor purchasing such product.

Both Councilmember Lewis and Mayor Sweet expressed that they are thankful the previously discussed moratorium on businesses selling this products did not come to fruition. Mayor Sweet indicated that he shares Councilman Milder's concerns with regards to these types of products being sold to minors.

Police Chief Mark Moeller indicated he believes his staff will be able to work with the Neighborhood Improvement Services Department on enforcement of this ordinance.

CITY OF ROCKWALL
ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CITY CODE OF ORDINANCES TO ESTABLISH CHAPTER 22, ARTICLE II. OFFENSES REGARDING MINORS, SECTION 22-71. PURCHASE BY MINOR OF E-CIGARETTES, REGULATING THE PURCHASE, SALE, OFFER TO SELL, AND INGESTION OF ANY E-CIGARETTE SMOKING PRODUCT TO OR BY ANY MINOR; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

3. Discuss and consider amending the Volunteer Coach's Eligibility Policy and take any action necessary.

Andy Hesser, Parks & Recreation Manager, came forth and indicated that there were a couple of outstanding issues which warranted further exploration on the part of staff as a result of the December 16 council meeting. Mr. Hesser indicated that the Park Board had previously recommended that the 'appeal board' be comprised of the city's Police Chief, the Municipal Court Judge, and three individuals from the city's Park Board. City Attorney Frank Garza indicated that he has reviewed this proposed make-up and is recommending the council consider having the Municipal Court Judge, who is appointed by the council, only serve on the appeal board in an advisory / non-voting capacity.

Regarding waiting periods associated with various types of past crimes which may come before the appeal board for consideration, Mr. Hesser indicated that staff will need direction from Council on this if the periods which have been proposed are in need of modification.

Mayor Pro Tem White made a motion to approve the amended Volunteer Coach's Eligibility Policy. Councilmember Lewis seconded the motion.

Discussion ensued regarding modifying some of the waiting period timeframes. Councilmember Townsend indicated he would like to see 3, 5 and 7 year waiting periods

in the policy in lieu of the proposed 3, 7 and 10. Brief, additional discussion took place related to the various timeframes, but no subsequent motion was made to change the draft policy as presented.

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

4. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32 Signs, Article III. Regulations and Requirements, Division 3. Functional Standards, Section 32-233. Changeable Electronic Variable Message Signs (CEVMs) to repeal this section in its entirety and provide for a new section 32-233, and take any action necessary. **(1st reading)**

Supervisor of Neighborhood Improvement Services (NIS), Cliff Griffin, came forth and offered background information related to this agenda item. Mr. Griffin indicated that staff has researched the brightness of these types of signs. Only about two to three companies in the United States manufacture the type of signs, and staff has spoken with these sign companies to verify that adjustments can be made to affect the brightness level of these signs without hindering the full effectiveness of the signs for the businesses who use them.

Councilmember Lewis asked how bright the Hyundai sign has been when staff measured it. Mr. Griffin indicated when staff measured it during daytime hours, it was at 7450 NITS. One night when staff measured it, it was over 6000 NITS, and it was on a night when the sign was not functioning properly. He stated that he measured this sign one night recently, and it was at 132 NITS. At that level, it was still totally visible at night.

After the discussion, Councilmember Lewis made a motion to approve the ordinance. Councilmember Milder seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 SIGNS, ARTICLE III REGULATIONS AND REQUIREMENTS, DIVISION 3. FUNCTIONAL STANDARDS, SECTION 32-233. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVM) TO REPEAL THIS SECTION IN ITS ENTIRETY AND PROVIDE FOR A NEW SECTION 32-233; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

5. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32 Signs, Article III. Regulations and Requirements, Division 2. Structural Standards, Section 32-204. Wall Signs and Division 6. Specific Sign Regulations, Section 32-306. Wall Signs to eliminate certain provisions regarding wall sign height, and take any action necessary. **(1st reading)**

Cliff Griffin of the Neighborhood Improvement Services Department provided brief comments related to this proposed ordinance. Councilmember Townsend made a motion to approve the ordinance. Councilmember Milder seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 SIGNS, ARTICLE III REGULATIONS AND REQUIREMENTS, DIVISION 2. STRUCTURAL STANDARDS, SECTION 32-204. WALL SIGNS AND DIVISION 6. SPECIFIC SIGN REGULATIONS, SECTION 32-306. WALL SIGNS TO ELIMINATE CERTAIN PROVISIONS REGARDING WALL SIGN HEIGHT; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

6. Discuss and consider appointments to the city's Main Street Advisory Board, and take any action necessary.

Mayor Sweet made a motion to reappoint Michael Adrian to the Main Street Advisory Board for a two-year term to expire in January 2016 and to appoint Jessica Kovar to replace Chris Cameron on the MSAB for a two-year term expiring in January 2016. Mayor Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

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

1. Departmental Reports
 - Building Inspections Monthly Report - November 2013
 - Fire Department Monthly Report - November 2013
 - Harbor PD Monthly Report - November 2013
 - Internal Operations Department Monthly Report - November 2013
 - Police Department Monthly Report - November 2013
 - Recreation Monthly Report - November 2013
2. City Manager's Report

City Manager Rick Crowley shared that the city's bond rating with Standard and Poors recently improved from AA- to AA+, which is a two-step improvement for the city. An update from the Construction Manager at Risk related to the downtown improvements project is forthcoming soon, likely at the next council meeting. The Trend Tower construction is progressing and meetings will be held next week regarding "finish out" of the building. The city's annual audit being conducted by Rutledge and Crain is currently underway. Assistant City Manager Brad Griggs provided a brief update to the council regarding the status of a "facilities use agreement" with Lakepointe Church regarding sports playing fields use. Mr. Griggs indicated that staff has worked out this agreement to facilitate the church's youth baseball program. It has been approved by the church and will go to the Park Board for approval tomorrow. It will then be brought to the council for approval in two weeks. It is designed to meet the church's needs and the city's needs. It is a five year agreement. Mr. Crowley then briefly updated the council on various, upcoming events and associated dates that the Council may have an interest in attending.

Mayor Sweet adjourned the meeting at 7:21 p.m.

XII. EXECUTIVE SESSION

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

1. Discussion regarding the 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 appointments to city regulatory boards, commissions, and committees including the Fire Department Pension Board pursuant to Section §551.074 (personnel matters)

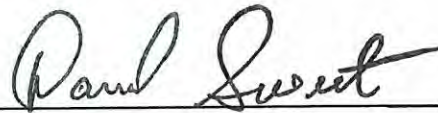
XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not reconvene into Executive Session following the close of the public meeting. Please see the start of the 6:00 p.m. public meeting above for action taken as a result of the first Executive Session.

XIV. ADJOURNMENT

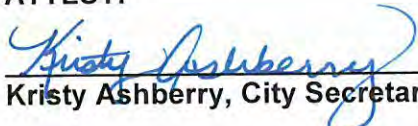
The meeting was adjourned at 7:21 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of January, 2014.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 21, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

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9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Scott
11 Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
12 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Steven Pena
13 (filling in for Frank Garza). Mayor Sweet read the below listed discussion items into the
14 public record before recessing the public meeting into Executive Session.
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16 **II. EXECUTIVE SESSION**

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

- 21 1. Discussion regarding recent employment action taken pursuant to Section
22 § 551.074 (Personnel Matters)
- 23 2. Discussion regarding land acquisition in the vicinity of the downtown area
24 for municipal purposes pursuant to Section § 551.072 (Real Property).
- 25 3. Discussion regarding the city's Fixed Based Operator airport agreement
26 pursuant to Section § 551.071 (Consultation with Attorney)
- 27 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
28 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
29 551.071 (Consultation with Attorney)

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31 **III. ADJOURN EXECUTIVE SESSION**

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33 Executive Session was adjourned at 5:00 p.m.
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35 **IV. WORK SESSION (5:00 P.M.)**

- 36
37 1. CONDUCT INTERVIEWS FOR FIXED BASED OPERATOR SERVICES AT THE RALPH M.
38 HALL / ROCKWALL MUNICIPAL AIRPORT AND TAKE ANY NECESSARY ACTION.
39

40 The Council opened up the doors to the conference room after adjourning from
41 Executive Session. Brief interviews were then conducted by the council with potential
42 FBO operators, including Greg Shockley and Todd Parks. Mayor Sweet recessed the
43 meeting until 6:00 p.m. following the conclusion of these interviews.
44

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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 21, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

51 **V. RECONVENE PUBLIC MEETING**

52
53 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all city council members**
54 **present. Mayor Sweet introduced a local Cub Scout troop, explaining that members of**
55 **the troop are visiting to observe a portion of the city council meeting this evening.**
56

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

58
59 **Mayor Sweet announced that there is no action to be taken as a result of Executive**
60 **Session at this time.**
61

62 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM WHITE**

63
64 **Mayor Pro Tem White delivered the invocation, and one of the visiting Cub Scout**
65 **members led the Pledge of Allegiance.**
66

67 **VIII. CONSENT AGENDA**

- 68
69
70
- 71 1. Consider approval of the minutes from the January 6, 2014 regular city
72 council meeting, and take any action necessary.
 - 73 2. Consider approval of the Contract for Election Services between the City
74 of Rockwall, Rockwall County and the Rockwall Independent School
District for a General Election to be held May 10, 2014, and take any
action necessary.
 - 75 3. **A2013-001-** Consider approval of an **ordinance** for a City initiated
76 request to annex land in accordance with previously approved Chapter
77 212 Texas Local Government Code Development Agreements,
78 specifically for four (4) tracts of land comprising approximately 42.482-
79 acres of land situated in the W. W. Ford Survey, Abstract No. 80 and J.
80 W. Pitman Survey, Abstract No. 181 and generally located contiguous to
81 the existing city limits line west of SH-205 (S. Goliad Street) and south of
82 FM-549 and specifically described as follows: (1) Tract 17-14 of the W. W.
83 Ford Survey, Abstract No. 80 being 12.493-acres, (2) Tract 40 of the W.
84 W. Ford Survey, Abstract No. 80 being 8.989-acres, (3) Tract 40-1 of the
85 W. W. Ford Survey, Abstract No. 80 being 1-acre, (4) Tract 1-4 of the J.
86 W. Pitman Survey, Abstract No. 181 being 20-acres. **(2nd Reading)**
 - 87 4. Consider authorizing the City Manager to enter into a contract extension
88 with Clean Harbors Inc. to manage Household Hazardous Waste
89 Collection Day April 5, 2014 and take any action necessary.
 - 90 5. Consider authorizing the City Manager to execute a purchase order with
91 Caldwell Country (Chevrolet) for the purchase of a Suburban for Fire

- 92 Command operations in the amount of \$45,388 funded with General Fund
93 Reserves budget of \$65,000 and take any action necessary.
- 94 6. Consider approval of Change Order No. 1 to Hill & Wilkinson General
95 Contractors for the construction of additional two parking lots with the
96 downtown project in the amount of \$126,224.00 and funded by General
97 Reserves, and take any action necessary.
- 98 7. Consider approval of a resolution establishing the pro rata equipment fee
99 related to the city's mandatory neighborhood park land dedication
100 regulations, and take any action necessary.
- 101 8. Consider approval of a resolution regarding the cost per acre for
102 mandatory neighborhood park land dedication, and take any action
103 necessary.
- 104 9. Consider approval of an ordinance amending the Code of Ordinances in
105 Chapter 32 Signs, Article III. Regulations and Requirements, Division 2.
106 Structural Standards, Section 32-204. Wall Signs and Division 6. Specific
107 Sign Regulations, Section 32-306. Wall Signs to eliminate certain
108 provisions regarding wall sign height, and take any action necessary.
109 (2nd reading)
- 110 10. **P2013-042** - Consider a request by Drew Colon of Greener City Groups,
111 Inc. for the approval of a final plat of Lots 1-14, Block 1, Shady Dale
112 Estates Addition being a 4.32-acre tract of land identified as Tracts 4-13 &
113 4-14 of the Edward Teal Survey, Abstract 207, City of Rockwall, Rockwall
114 County, Texas, zoned Planned Development District 9 (PD-9) for Single
115 Family Residential uses, located east of the intersection of Ridge Road
116 [FM-740] and Shady Dale Lane, and take any action necessary.
- 117 11. **P2013-043** - Consider a request by Mushtak Khatri of the Tabani Group
118 on behalf of T. Rockwall Phase 2, LLC for the approval of a final plat for
119 Lot 5, Block A, Rockwall Commons Addition being a 3.802-acre parcel of
120 land currently recognized as a one (1) acre parcel of land identified as Lot
121 1, Block 1, Independent Community Financial Corporation Addition and a
122 2.802-acre tract of land identified as Tract 6-2 of the B. J. T. Lewis
123 Survey, Abstract No. 255 and the D. Atkins Survey, Abstract No. 1, both
124 properties being zoned Planned Development District 1 (PD-1) for mixed
125 use development, generally located on Ridge Road [FM-740] south of
126 Summit Ridge Drive, and take any action necessary.
- 127 12. **P2013-044** - Consider a request by Jay Bedford of the A. J. Bedford
128 Group, Inc. on behalf of BDC Family Limited Partnership for the approval
129 of a replat for Lot 13, Block 1, Rockwall Centre Corners Addition being a
130 2.644-acre parcel of land currently identified as Lot 12, Block 1, Rockwall
131 Centre Corners Addition, City of Rockwall, Rockwall County, Texas,
132 zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30
133 OV) District, the SH-205 (SH-205 OV) District and SH-276 (SH-276)
134 District, and located at the northeast corner of the intersection of S.
135 Goliad Street (SH-205) and SH-276, and take any action necessary.

136 **Councilmember Daniels pulled item #10. Councilmember Lewis pulled item #6. Mayor**
137 **Pro Tem White made a motion to approve the remaining Consent Agenda items (#1, 2, 3,**

138 4, 5, 7, 8, 9, 11 and 12). Councilmember Lewis seconded the motion. The ordinances
139 were read as follows:

140 CITY OF ROCKWALL
141 ORDINANCE NO. 14-04

142
143 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
144 PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY
145 OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY
146 CONSISTING OF 42.482-ACRES OF LAND, WHICH SAID TERRITORY LIES
147 ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF
148 ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

149
150 CITY OF ROCKWALL, TEXAS
151 ORDINANCE NO. 14-07

152
153 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
154 AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 SIGNS, ARTICLE III
155 REGULATIONS AND REQUIREMENTS, DIVISION 2. STRUCTURAL STANDARDS,
156 SECTION 32-204. WALL SIGNS AND DIVISION 6. SPECIFIC SIGN REGULATIONS,
157 SECTION 32-306. WALL SIGNS TO ELIMINATE CERTAIN PROVISIONS
158 REGARDING WALL SIGN HEIGHT; PROVIDING FOR A PENALTY CLAUSE;
159 PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
160 PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

161

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

163 Regarding Consent Agenda item #6, Councilmember Lewis indicated that he needs to
164 recuse himself from any discussion and vote on this item due to a business-related
165 conflict of interest. Mayor Pro Tem White made a motion to approve Consent Agenda
166 item #6. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes
167 with 1 abstention (Lewis).

168 Regarding Consent Agenda item #10, Councilmember Daniels indicated that he is
169 opposed to this item, so he wanted to pull it to state so this evening. Mayor Pro Tem
170 White then made a motion to approve this item. Councilmember Townsend seconded
171 the motion, which passed by a vote of 5 ayes with 2 against (Milder and Daniels).

172 IX. APPOINTMENTS

173

174 1. Appointment with Rob Dixon of Hill & Wilkinson, General Contractors, and
175 Michael Black with la terra studio, to hear and discuss a progress update
176 of the Downtown Improvements Project, including the engineering and
177 construction plans status for phase two, and take any action necessary.

178 Mr. Dixon came forth and provided a briefing to the council regarding construction
179 progress in the downtown area and timeline estimates associated with future work. The
180 Council took no action related to this agenda item.

181 2. Appointment with Freddie Jackson and representatives of the Southside
182 Residential Overlay District to discuss zoning procedures, and take any
183 action necessary.

184 Mr. Freddie Jackson
185 1812 Bristol Lane
186 Rockwall, Texas

187
188 Mr. Jackson indicated that he would like to propose that signage used for zoning
189 notifications have larger print, more colors so they will stand out, and a diagonal type of
190 positioning instead of 'straight on' so that such signs may be more easily read by those
191 passing by. He suggested the Council also consider hand delivering zoning notification
192 letters to residents, as this will be the only way to ensure residents receive such letters.
193

194 Councilmember Pruitt indicated that he gleaned from attending a recent Southside
195 community meeting that the city could improve upon communication with residents with
196 regards to proposed zoning cases. Councilmember Pruitt indicated that he may put forth
197 a suggestion about mailing the notices certified mail to both the property owner and to
198 the actual, physical address. He also has concerns that the signage on the property of a
199 recently proposed zoning change was not seen by residents in the neighborhood.
200

201 Mr. Jackson went on to suggest that the 200 foot notice be broadened beyond this
202 limited circumference so that more residents are made aware of proposed zoning
203 changes. He also suggested that the city consider different colored text, such as red and
204 larger font / text.
205

206 The council took no action related to this appointment item.
207

208 **X. ACTION ITEMS**
209

- 210 1. **Z2013-035** - Discuss and consider approval of an ordinance for a
211 request by J. D. Jacobs, Jr. for the approval of a zoning change from
212 Single Family 7 (SF-7) District to a Residential-Office (RO) District for a
213 0.661-acre tract of land identified as a portion of Lot 3 and all of Lot 4,
214 Block G, Sanger Addition, Rockwall, Rockwall County, Texas, located
215 east of the intersection of Peters Colony Drive and E. Bourn Street, and
216 take any action necessary (2nd Reading).

217 Planning Director Robert LaCroix offered brief comments related to this agenda item,
218 indicating that a public hearing has already been conducted on this item. At the last
219 council meeting, the city council had asked that Mr. Jacobs meet with residents in the
220 Southside neighborhood to further discuss this matter before considering second
221 reading of the ordinance this evening. Mr. LaCroix indicated that this meeting was held
222 on January 13, and staff did offer further information and zoning-related clarification to
223 those in attendance as well as answer questions from those in the audience. Mr. Jacobs,
224 the applicant, also conversed with residents who attended the meeting. Mr. LaCroix
225 indicated that he is unsure if a positive resolution was reached during the meeting, as
226 some seemed to remain in opposition to the proposed zoning change while some
227 seemed to be in favor of it.

228 Mr. Anderson
229 Pastor, St. Paul AME Church
230 805 Peters Colony
231 Rockwall, TX
232

233 Mr. Anderson came forth, generally expressing concern about residents not having had
234 knowledge of this proposed zoning change in a timely manner. He expressed the belief
235 that the process associated with this particular zoning change seemed to speed up when
236 Mr. Sam Buffington was on his death bed. Overall, he strongly encouraged the council to

237 vote 'no' regarding this proposed zoning change. He indicated that he originally heard
238 about this proposed zoning change via 'word of mouth.'

239
240 **Mr. Freddie Jackson**
241 **1812 Bristol Lane**
242 **Rockwall, Texas**

243
244 **Mr. Jackson came forth and showed a map of the overlay district of which the Southside**
245 **community is a part, explaining its parameters. He explained the current zoning and the**
246 **types of homes, families, people and facilities (churches) located in the area. He then**
247 **shared a series of photographs of the homes and structures currently located in this**
248 **neighborhood. He explained that he and the residents in the neighborhood see no**
249 **reason to allow a "residential office" zoning for this property. He explained that the**
250 **churches that exist are operating as churches, not as commercial-type uses. He**
251 **generally urged the council to vote 'no' to this proposed zoning change and help keep**
252 **the Southside a residential / family type community.**

253
254 **Councilmember Pruitt asked if the church were to someday sell, could it turn into a**
255 **commercial use thereafter and be converted into offices. Mr. LaCroix indicated that, yes,**
256 **this could happen.**

257
258 **Ms. Allen (speaking on behalf of the applicant) came forth and indicated that Enid Reyes**
259 **with Lakepointe Church is considering placing a clinic in the location of the former Borne**
260 **Avenue School.**

261
262 **Mayor Pro Tem White made a motion to deny the ordinance for Z2013-035.**
263 **Councilmember Pruitt seconded the motion. The motion passed by a vote of 7 ayes to 0**
264 **nays.**

265
266 **2. Discuss and consider the city's process associated with proposed zoning**
267 **change notifications, and take any action necessary.**

268 **Mayor Sweet began discussion of this item, indicating that both he and Councilmember**
269 **Pruitt requested this agenda discussion item. He has concerns about zoning**
270 **notifications, including the size of the sign, the fact that signs are single-sided,**
271 **notification areas (suggested expanding the number of feet surrounding the proposed**
272 **zoning change regarding mailing of notices), and notice of acceptance of said**
273 **notifications.**

274 **Councilmember Pruitt indicated that the city spent \$2,800 putting notices in the**
275 **newspaper regarding the recent proposed zoning change, but he does not believe these**
276 **published notices are effective in notifying residents, although, he indicated the city**
277 **does the publications due to legal requirements. He suggested that the notice area be**
278 **expanded from 200 to at least 500 feet surrounding the proposed zoning change. He**
279 **would also like the notices to be certified mailed to not only the property owner on**
280 **record but also the physical address of the property. Perhaps this will help renters be**
281 **informed as well.**

282 **Councilmember Daniels indicated he totally agrees with Councilmember Pruitt's**
283 **comments. In addition, he would like proposed zoning change signs to be 4'x5' to**
284 **ensure they are large enough to be seen. He also suggested they be positioned in a way**
285 **they can be seen for those passing by, both coming and going.**

286 Councilmember Milder indicated he supports these proposed, enhanced notification
287 measures. He asked if the Planning staff will be able to accommodate these suggested
288 measures. Mr. LaCroix indicated that making these sorts of changes will result in some
289 level of increased cost, but it will likely be monetarily minimal if the regular U.S. Postal
290 service is utilized. It will also take more staff time to separate and calculate the
291 'opposition' responses to delineate which of those are located within 200 feet and which
292 are beyond the 200 feet. He explained that the percentages of opposition located within
293 200 feet makes a difference because, legally, it could trigger a different type of voting
294 requirement (i.e. "super majority") on the part of the council.

295 Councilmember Lewis indicated he agrees with the signs being a bit larger and being a
296 different color. He is unsure how much he agrees with the notification zone being
297 expanded to five hundred feet. Discussion ensued regarding the length of advanced
298 notification, including ten days versus fifteen advanced days prior to a Planning &
299 Zoning Commission meeting. Mr. LaCroix pointed out that their Planning Department
300 website always has notices posted along with pertinent information related to zoning
301 cases that are in progress or upcoming.

302 Mr. Crowley indicated that if there are any increased costs associated with these notice
303 changes, the council can choose to pass along these sorts of costs to the applicant
304 making the zoning change request. He also pointed out that changing procedures to
305 require a certified letter be sent and to require a "sign receipt" may trigger a resident
306 having to travel to the post office in order to sign for the letter. He indicated that, while
307 there may be some increased costs, the signage can be any size and color the council
308 chooses.

309 Mayor Pro Tem White summarized that the council would like to see an expanded
310 notification area, larger signage (passing along the increased costs to the applicants)
311 (size 4'x4') and notices sent via Certified Mail.

312 Councilmember Pruitt offered brief comments related to estimated increases in costs
313 associated with mailing notices to both the property owners and the actual property
314 address, generally indicating the estimated increased costs are minimal.

315 Councilmember Daniels asked if SUP requests will be included in these changes. Mr.
316 LaCroix indicated that, yes, these would be included. Mr. LaCroix indicated that there
317 were 460 zoning-related requests last year.

318 City Attorney Frank Pena did clarify that for a home rule city such as Rockwall,
319 publishing notice of public hearings in a newspaper is in fact required by law.

320 Mayor Sweet made a motion to expand the notification area to 500 feet, a 4'x4' sign be
321 placed on the property with clearly understandable verbiage stating what the zoning is
322 being proposed to change 'from' and 'to,' and the notifications to be sent via certified
323 mail to both the property owner and the physical addresses (no return receipt
324 necessary). Councilmember Pruitt seconded the motion.

325 Mayor Sweet restated his motion to clarify that he is calling for a 500 foot notification
326 area, a 4'x4' sign that is front and back (double sided) with the proposed zoning change
327 type clearly stated on the sign (change "from" / "to"), with certified mailings being sent
328 to both the property owner listed on the tax rolls and the physical addresses of property
329 owners within 500 feet, and with any increased costs being passed along to applicants.
330 Councilmember Pruitt seconded the motion. After brief comments, the motion passed by
331 a vote of 7 ayes to 0 nays.

332 3. Discuss and consider approval of an **ordinance** amending Chapter 22,
333 Article II of the City's Code of Ordinances to establish Section 22.71
334 regulating the purchase, sale, offer to sell, and ingestion of any e-
335 cigarette smoking product to or by any minor, and take any action
336 necessary. **(2nd reading)**

337 **Councilmember Milder made a motion to approve the ordinance as presented.**
338 **Councilmember Townsend seconded the motion. The ordinance was read as follows:**

339 **CITY OF ROCKWALL, TEXAS**
340 **ORDINANCE NO. 14-05**

341
342 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
343 **AMENDING THE CITY CODE OF ORDINANCES TO ESTABLISH CHAPTER 22,**
344 **ARTICLE II. OFFENSES REGARDING MINORS, SECTION 22-71. PURCHASE BY**
345 **MINOR OF E-CIGARETTES, REGULATING THE PURCHASE, SALE, OFFER TO SELL,**
346 **AND INGESTION OF ANY E-CIGARETTE SMOKING PRODUCT TO OR BY ANY**
347 **MINOR; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND**
348 **PROVIDING AN EFFECTIVE DATE.**

349

350 **The motion passed by a vote of 5 ayes with 2 nay (White and Pruitt).**

351 4. Discuss and consider approval of an ordinance amending the Code of
352 Ordinances in Chapter 32 Signs, Article III. Regulations and
353 Requirements, Division 3. Functional Standards, Section 32-233.
354 Changeable Electronic Variable Message Signs (CEVMs) to repeal this
355 section in its entirety and provide for a new section 32-233, and take any
356 action necessary. **(2nd reading)**

357 **Mayor Sweet made a motion to approve the ordinance as presented. Councilmember**
358 **Lewis seconded the motion. The ordinance was read as follows:**

359 **CITY OF ROCKWALL, TEXAS**
360 **ORDINANCE NO. 14-06**

361
362 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
363 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 SIGNS, ARTICLE III**
364 **REGULATIONS AND REQUIREMENTS, DIVISION 3. FUNCTIONAL STANDARDS,**
365 **SECTION 32-233. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS**
366 **(CEVM) TO REPEAL THIS SECTION IN ITS ENTIRETY AND PROVIDE FOR A NEW**
367 **SECTION 32-233; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR**
368 **REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR**
369 **PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

370

371 **The motion passed by a vote of 6 ayes to 1 nay (White).**

372 5. Discuss and consider an ordinance amending the city's Code of
373 Ordinances in Chapter 10. Buildings and Building Regulations, Article
374 XIII. Dangerous Buildings, Section 10-537. Procedure When Owner Fails
375 to Comply to amend the minimum waiting period associated with the City
376 conducting a building demolition, and take any necessary action. **(1st**
377 **reading)**

378 **Mr. Jeffrey Widmer, the city's Building Official, provided brief background information**
379 **related to this agenda item, indicating that a recent change in state law now allows the**

380 waiting period regarding demolitions following a show cause hearing to be as short as
381 thirty (30) days. Staff would like to see if council is interested in lowering the current
382 ninety (90) day waiting period down to thirty days instead.

383 Councilmember Lewis made a motion to approve the ordinance as presented (at a thirty
384 (30) day waiting period. Councilmember Milder seconded the motion. The ordinance
385 was read as follows:

386 CITY OF ROCKWALL, TEXAS
387 ORDINANCE NO. 14-08
388

389 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
390 AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 BUILDINGS AND
391 BUILDING REGULATIONS, ARTICLE XIII DANGEROUS BUILDINGS, SECTION 10-
392 537. PROCEDURES WHEN OWNER FAILS TO COMPLY; TO AMEND THE 90 DAY
393 DEMOLITION WAITING PERIOD TO 30 DAYS; PROVIDING FOR A PENALTY
394 CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
395 PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
396

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

398 6. Discuss and consider citywide recycling program, including possible
399 survey of residents regarding the program and associated monthly fee,
400 and take any action necessary.

401 Rick Burnis, representing the city's solid waste contractor, Republic Waste, was present
402 and came forth at this time. Councilmember Pruitt indicated that he requested this item
403 be placed on the agenda tonight for council discussion. He generally expressed a desire
404 to allow the citizens of Rockwall to choose whether or not they wish to participate in a
405 recycling program instead of forcing it upon residents.

406 Councilmember Daniels made a comparison of charging residents for recycling to being
407 charged property taxes that benefit the school district even though he has not had
408 school aged children in local schools for more than thirty years. He suggested that
409 sometimes things like this are just good for the community as a whole.

410 Councilmember Pruitt indicated that maybe the next time the city negotiates its solid
411 waste contract, the contractor will absorb all of the costs associated with a recycling
412 program such as the one currently in place in Rockwall. Councilmember Pruitt generally
413 indicated he does not see a benefit "to the whole" as Councilmember Daniels alluded to.

414 Councilmember Townsend suggested that allowing residents to "opt in or out," address-
415 by-address, will likely result in a much higher cost. He suggested that a program like
416 this should either be "all or nothing" as far as resident participation.

417 Assistant City Manager Mary Smith indicated that a reduction in recycling could perhaps
418 have the affect of increasing the solid waste side of the contract expenses due to
419 increases in landfill fees.

420 Mr. Crowley, City Manager, indicated that staff will be glad to draft a survey for residents
421 to bring back to the council for consideration at a future meeting date if the council so
422 desires.

423 In 2013, the City of Rockwall recycled 3.4 million pounds of recycling material. The city
424 has about a 40% participation rate in recycling currently. Mr. Burnis indicated he will be

425 glad to evaluate the recycling program with staff. Mrs. Smith indicated that the current
426 solid waste contract runs through the end of the year 2015.

427 Councilmember Milder asked if any residents have called the city to complain that they
428 are being charged the .99 cents for the recycling program. Mrs. Smith indicated that she
429 cannot recall any off hand.

430 Councilmember Milder suggested a 'multi subject' type survey be developed (including
431 recycling and other city items of concern) if the city council chooses to move forward
432 with conducting a survey of residents.

433 Councilmember Pruitt indicated that he did not realize, until recently, that he was being
434 assessed this recycling charge. He suggested that the Republic Waste representatives
435 meet with staff and then return to the city council to hold a work session to further
436 discuss the financials.

437 Brief comments took place related to the recent ice storm cleanup efforts.

438 The council took no formal action related to this agenda item.

439 7. Discuss and consider appointments to the city's Art Review Team (ART)
440 Commission, and take any action necessary.

441 Councilmember Milder indicated that he was the councilmember selected by the council
442 to make recommendations regarding appointments to this Commission. During the
443 discussion, Mr. Crowley indicated that about \$73,000 in art-related funding will be
444 available associated with the downtown improvements project. He stated that this
445 ordinance was passed years ago as a way to fund public art. Assistant City Manager
446 Brad Griggs suggested that the council may want staff to attempt to solicit applicants
447 that would be qualified to serve on this five-member commission, as the required
448 positions, according to the ordinance, are specific. The council took no action related to
449 this agenda item at this time.

450 Mayor Sweet then read Executive Session discussion items #3, #2 and #4 below into the
451 public record before recessing the public meeting back into Executive Session (at 7:50
452 p.m.).

453 3. Discussion regarding the city's Fixed Based Operator airport agreement
454 pursuant to Section § 551.071 (Consultation with Attorney)

455 2. Discussion regarding land acquisition in the vicinity of the downtown
456 area for municipal purposes pursuant to Section § 551.072 (Real
457 Property).

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

461 XI. EXECUTIVE SESSION

462
463 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
464 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
465 CODE:

466
467 1. Discussion regarding recent employment action taken pursuant to Section
468 § 551.074 (Personnel Matters)

- 469 2. Discussion regarding land acquisition in the vicinity of the downtown area
470 for municipal purposes pursuant to Section § 551.072 (Real Property).
471 3. Discussion regarding the city's Fixed Based Operator airport agreement
472 pursuant to Section § 551.071 (Consultation with Attorney)
473 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
474 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
475 551.071 (Consultation with Attorney)

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

478 Mayor Sweet reconvened the public meeting at 8:23 p.m. with all city council members
479 (7) present. Mayor Pro Tem White made a motion to select Todd Parks, also known as
480 Texas Air Center, as the city's Fixed Based Operator (FBO) for the Rockwall Municipal
481 Airport and to authorize the city manager to pursue contract negotiations with this
482 company. Councilmember Milder seconded the motion, which passed by a vote of 7
483 ayes to 0 nays.
484

485 **XIII. ADJOURNMENT**
486

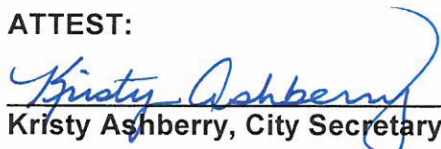
487 The meeting was adjourned at 8:24 p.m.
488

489 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
490 **this 17th day of February, 2014.**

491 
492

David Sweet, Mayor

493 **ATTEST:**

494 
495 _____
496 Kristy Ashberry, City Secretary



1
2
3
4
5
6

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 03, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Scott
11 Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
12 Assistant City Managers Brad Griggs and Mary Smith, and City Attorney Frank Garza.
13 Mayor Sweet then read the below listed discussion items into the public record before
14 recessing the meeting into Executive Session.
15

16 II. EXECUTIVE SESSION

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

- 21 1. Discussion regarding Economic Development incentives, procedures and
22 possible projects pursuant to Section 551.087 (Economic Development)
- 23 2. Discussion regarding legal options available against former city
24 contractors pursuant to § 551.071 (Consultation with Attorney)
- 25 3. Discussion regarding land acquisition in the vicinity of the downtown area
26 for municipal purposes pursuant to Section § 551.072 (Real Property).
- 27 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
28 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
29 551.071 (Consultation with Attorney)

30 III. ADJOURN EXECUTIVE SESSION

31
32 Executive Session was adjourned at 5:20 p.m.
33

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35
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37
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39

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 03, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

40 **IV. RECONVENE PUBLIC MEETING**

41
42 Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members
43 were present.

44
45 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

46
47 Mayor Pro Tem White indicated there was no action to take as a result of Executive
48 Session.

49
50 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR DAVID SWEET**

51
52 Mayor David Sweet delivered the invocation and led the Pledge of Allegiance.

53
54 **VII. OPEN FORUM**

55
56 Mayor Sweet explained how Open Forum is conducted and then asked if anyone would
57 like to address the council at this time.

58
59 **Judith Matherne**
60 **1115 Signal Ridge**
61 **Rockwall, TX 75032**

62
63 Mrs. Matherne came forth and thanked the council for the action they took at the last
64 meeting which honored the wishes of residents in the Southside community who had
65 opposed a particular, proposed zoning change.

66
67 **Jennifer Norman**
68 **1408 Rapids Court**
69 **Rockwall, TX**

70
71 Mrs. Norman came forth and indicated that she owns and operates JW Winery and KE
72 Cellars in downtown Rockwall. She explained they have a “winery” license currently,
73 and they would like to get a beer and wine license, which she has been told by TABC will
74 require a ‘food and beverage permit’ (51% sale of food) in Rockwall. She explained there
75 is no way for a kitchen to be put in to meet this requirement. So she asked if there is a
76 way that the ‘food and beverage permit’ provision could be waived for her business. Or,
77 if this is not possible, she wonders if the restaurants that she partners with to have food
78 brought into her establishment (i.e. Zanatas and Pizza Cucina) could somehow count
79 towards the food percentage requirement.

80
81 City Attorney Frank Garza indicated he will need to look into how the ballot language was
82 worded when the election passed allowing alcohol sales in the city. He will also have to
83 look into how the city defines “food service establishment” compared to how TABC

84 defines "food service establishment" and then get back to Mrs. Norman. It was agreed
85 Mr. Garza would look into this further, and it would be discussed with Mrs. Norman.
86

87 **Pastor Joe Robbins**
88 **St. Paul AME Church**
89 **805 Peters Colony**
90

91 Mr. Robbins commended the city council for listening to the Southside community
92 regarding the recently proposed zoning change.
93

94 **Dwain Smith**
95 **2165 Hillcroft Drive**
96 **Rockwall, TX 75087**
97

98 Mr. Smith came forward to indicate he would like to speak about the Rockwall Girls
99 Softball Association (RGSA). Mayor Sweet asked Mr. Smith to wait, and he will move
100 Action Item #3 up for discussion just after the Consent Agenda is addressed.
101

102 **VIII. CONSENT AGENDA**

103

- 104 1. Consider approval of a resolution calling the May 10, 2014 General
105 Election for the purpose of electing city council members, one each for
106 Place 2, 4, and 6, and take any action necessary.
- 107 2. Consider authorizing the City Council to award the Glenn Avenue Utility
108 Rehabilitation Project construction contract to PC Contractors, in the
109 amount of \$452,009.04. Funding for this project is available from 2008
110 water/sewer revenue bonds, and take any action necessary.
- 111 3. Consider authorizing Council to approve an Interlocal Agreement with
112 Rockwall County to permit and inspect sanitary sewer septic systems in
113 the City of Rockwall, and take any action necessary.
- 114 4. Consider an **ordinance** amending the city's Code of Ordinances in
115 Chapter 10. Buildings and Building Regulations, Article XIII. Dangerous
116 Buildings, Section 10-537. Procedure When Owner Fails to Comply to
117 amend the minimum waiting period associated with the City conducting a
118 building demolition, and take any necessary action. **(2nd Reading)**
- 119 5. Consider authorizing the City Manager to execute a Field Use Agreement
120 with Lake Pointe Church for ball field usage, and take any action
121 necessary.

122 **Mayor Pro Tem White pulled item # 2 from the Consent Agenda. Councilmember Pruitt**
123 **pulled item #1.**
124

125 **Mayor Pro Tem White made a motion to approve the remaining items (#3, 4 and 5).**
126 **Councilmember Townsend seconded the motion. The ordinance was read as follows:**
127

128 **CITY OF ROCKWALL, TEXAS**
129 **ORDINANCE NO. 14-08**
130

131 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
132 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 10 BUILDINGS AND**
133 **BUILDING REGULATIONS, ARTICLE XIII DANGEROUS BUILDINGS, SECTION 10-**

134 537. PROCEDURES WHEN OWNER FAILS TO COMPLY; TO AMEND THE 90 DAY
135 DEMOLITION WAITING PERIOD TO 30 DAYS; PROVIDING FOR A PENALTY
136 CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
137 PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
138

139 The motion passed by a vote of 7 ayes to 0 nays.
140

141 Regarding Consent Agenda item #1, Councilmember Pruitt offered a few, brief comments
142 related to the memo and associated resolution. He then made a motion to approve item
143 #1. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0
144 nays.
145

146 Regarding Consent Agenda item #2, Mayor Pro Tem White indicated that staff has asked
147 that this item be pulled for consideration at a later time.
148

149 Mayor Sweet then reordered the agenda to address Action Item #3 next.
150

151 IX. ACTION ITEMS
152

- 153 1. Discuss and consider a request from Trevor Arterburn with Houston's
154 Drive Inn, LLC for a height, size and setback variance for a new
155 monument sign to be located at 715 West Rusk Street and take an action
156 necessary.

157 Mr. Jeffrey Widmer, Rockwall Building Official, came forth and provided brief,
158 introductory comments related to this agenda item.

159 Mr. Trevor Arterburn then came forth and explained the nature of his variance request.

160 Mayor Pro Tem White made a motion to approve the sign variance. Councilmember
161 Townsend seconded the motion. Councilmember Townsend expressed concern that
162 where the sign sits may cause a traffic hazard in that it may cause a visibility and safety
163 concern. Mr. Arterburn explained why he does not believe this will be a problem.

164 After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

- 165 2. Discuss and consider approval of an ordinance amending the city's Code
166 of Ordinances in Chapter 32. Signs, Article I. In General. Section 32-1.
167 Definitions to modify the definition of "sign, human," and take any action
168 necessary.

169 Councilmember Pruitt indicated that he brought this item forth for discussion because of
170 some things that have happened recently in other cities, things that really had more so to
171 do with 'freedom of speech' than anything. He generally expressed the belief that our
172 city's current definition of 'human sign' needs some tweaking if it is even to remain at all.

173 Mayor Pro Tem White made a motion to repeal the entire portions of the sign ordinance
174 regulations that deal with "human signs," including the associated definition of such.
175 Councilmember Pruitt seconded the motion.

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

177 The council next addressed the departmental and city managers reports on the agenda.

- 178 3. Discuss status of the girls' softball program and take any action
179 necessary.

180 Councilmember Jim Pruitt indicated he placed this item on tonight's agenda for
181 discussion. Mr. Shawn Britton (1080 Midnight Pass Rockwall, TX) came forth and read a
182 pre-written letter to the city council on behalf of the the Rockwall Girls Softball
183 Association Board of Directors. In it, he generally expressed a desire to continue
184 partnering with the city to allow girls on the RGSA to practice and play on Rockwall
185 fields. He explained that a proposed field use agreement was recently given to Brad
186 Griggs, and he hopes this agreement will be forthcoming to the council for consideration
187 in the next few weeks, as time is of the essence regarding securing practice and playing
188 fields. During the discussion, Mr. Britton expressed general concern related to the
189 current dynamics associated with the long-standing partnership between the RGSA and
190 the City of Rockwall.

191 Councilmember Townsend asked Mr. Britton why he so strongly believes that the RGSA
192 league is better and will succeed more so than the city's newly formed RBSA league. Mr.
193 Townsend went on to express deep concern about past meetings and conversations that
194 were had between the City Council Sports Subcommittee and the RGSA league, generally
195 indicating he thought any concerns had already been addressed.

196 Councilmember Pruitt indicated he had a discussion last week with one of the RGSA
197 board members that led him to believe RGSA would like to reach some sort of
198 compromise with the city regarding these leagues; however, since that conversation and
199 over the weekend, he has not heard anything from the RGSA about facilitating such
200 discussions. He encouraged the RGSA to take action to reach out to the city council
201 and/or staff to have said dialogue soon if they so desire.

202 Councilmember Lewis asked why the RGSA does not wish to mesh and blend with the
203 city's new league. Mr. Britton generally indicated that his league has been in existence
204 for a long time, and it is like a big family. Girls who play in the league would like to
205 continue to play on the same teams they have been accustomed to playing on.
206 Councilmember Lewis expressed concern, indicating he does not understand why, if
207 everyone is only concerned about the girls who want to play, these conversations are
208 even taking place.

209 Councilmember Milder indicated that Rockwall is now a city of more than 40,000
210 population, and it is now in a position to take over and organize a successful league. He
211 explained that in years past, when the RGSA was organizing things, the city was much
212 smaller and it made sense at the time. He explained that administering a league via the
213 city and city staff seems to make the most sense at this time because it takes the burden
214 of registrations, acceptance of money and organization of teams off of volunteers in the
215 RGSA league; however, it still allows coaching to continue to take place with volunteer
216 coaches who wish to do so.

217 Mayor Sweet expressed concern with the city and the RGSA both digging their heels in,
218 which is resulting in division of girls between these two leagues.

219 Councilmember Townsend suggested that the RGSA request a meeting with the city. He
220 asked RGSA to come up with a proposal they want the Council to consider and then
221 approach the city to have discussions about reaching a compromise.

222

223 During the discussion, Councilmember Daniels asked if all the obligations of the 2013
224 contract had been fulfilled by both the RGSA and the city. Mr. Griggs, Assistant City
225 Manager and Director of Parks & Recreation, indicated that no, they had not. He further
226 indicated that dues to the city for non-resident players had not been paid by the RGSA.

227 Mayor Sweet made a motion to have the city council sports subcommittee and city staff
228 schedule and hold a meeting by the end of this week with representatives of the RGSA
229 league. Councilmember Daniels seconded the motion.

230 Brian Martin
231 10610 Waterview Parkway
232 Rowlett, TX 75089
233

234 Mr. Martin came forth and indicated he is a resident of Rowlett but he has a daughter who
235 has been playing on a softball team through RGSA, and she would like to continue
236 playing on that same team. He explained he inquired about the new league by calling a
237 city staff member, and he was told his daughter needed to sign up with the city's new
238 league or else she would not be able to play. He expressed deep concern about the
239 division and tension between the city and the RGSA, as he believes it is adversely
240 affecting the girls who want to play. He expressed that the conversation he had with the
241 city staff member with whom he spoke after receiving the letter from the city was not
242 perceived by him as a pleasant one.
243

244 Justin Jeffus
245 581 Lone Rider Court
246 Rockwall, TX 75087
247

248 Mr. Jeffus expressed concern that the city seems to be focusing mainly on boys baseball
249 rather than girls, and he has concerns about having two different sets of Rockwall girls
250 playing in two different leagues.
251

252 Jay Baker
253 1475 Lochspring Drive
254 Rockwall, TX
255

256 Mr. Baker came forth, indicating he is the president of the RGSA league, and he
257 suggested, as a starting point, that the city consider allowing RGSA to run the citywide
258 league (only one league, not two), and then have Mr. Evans (city's program director) have
259 a seat on his RGSA board.
260

261 Councilmember Pruitt briefly stepped out of the chambers. Upon his return, he indicated
262 that the RGSA board member with whom he had the discussion last week indicated there
263 had been some miscommunication because he was under the impression that any
264 discussions about compromise would be facilitated and take place after tonight's city
265 council meeting.
266

267 After additional, brief comments the motion made by Mayor Sweet and seconded by
268 Councilmember Daniels passed unanimously of council (7 ayes to 0 nays).
269

270 Action Item #1 was addressed next by city council.
271

272 X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
273 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
274

275 1. Departmental Reports
276 Animal Shelter Monthly Report - December 2013
277 Building Inspections Monthly Report - December 2013

278 Finance Department Monthly Report - December 2013
279 Harbor PD Monthly Report December 2013
280 Fire Department Monthly Reports - December 2013
281 2013 Fire Dept. Annual Report
282 Internal Operations Department Monthly Report - December 2013
283 Police Department Monthly Report
284 Recreation Monthly Report December 2013
285 Quarterly Report from Rockwall County Committee on Aging

286 2. City Manager's Report

287 **City Manager Rick Crowley pointed out that the departmental reports were included in**
288 **council member packets, and he asked if anyone has any questions relative to those**
289 **reports. No questions were brought forth by council.**

290

291 **XI. EXECUTIVE SESSION**

292

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

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

298 2. Discussion regarding legal options available against former city contractor
299 pursuant to § 551.071 (Consultation with Attorney)

300 3. Discussion regarding land acquisition in the vicinity of the downtown area
301 for municipal purposes pursuant to Section § 551.072 (Real Property).

302 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
303 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
304 551.071 (Consultation with Attorney)

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

306

307 **The council did not reconvene back into Executive Session at the close of the public**
308 **meeting agenda.**

309

310 **XIII. ADJOURNMENT**

311

312 **Mayor Sweet adjourned the meeting at 7:19 p.m.**

313

314 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
315 **this 17th day of February, 2014.**

316

317



318 **ATTEST:**

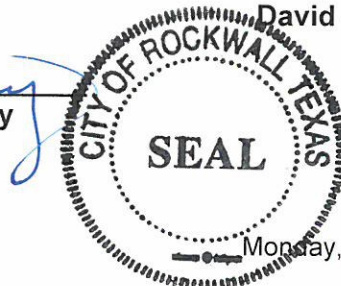
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Kristy Ashberry, City Secretary

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 17, 2014
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Sweet called the meeting to order. Mayor David Sweet, Mayor Pro Tem David White,
10 and Council Members Jim Pruitt, Mike Townsend, Scott Milder and Bennie Daniels were
11 present as well as City Manager Rick Crowley, Assistant City Manager Mary Smith and City
12 Attorney Frank Garza. Councilmember Dennis Lewis and Assistant City Manager Brad
13 Griggs were absent from the meeting. Mayor Sweet read the below listed discussion items
14 into the public record before recessing the meeting into Executive Session.
15

16 II. EXECUTIVE SESSION

17
18 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
19 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
20 CODE:
21

- 22 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
23 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
24 551.071 (Consultation with Attorney)
- 25 2. Discussion regarding land acquisition in the vicinity of the downtown area for
26 municipal purposes pursuant to Section § 551.072 (Real Property).
- 27 3. Discussion regarding Right-of-Way in the vicinity of Corporate Crossing
28 Drive pursuant to Section § 551.072 (Real Property).

29 III. ADJOURN EXECUTIVE SESSION

30
31 Executive Session was adjourned at 5:30 p.m.
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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 17, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. with all council members except for Councilmember Lewis being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to authorize right-of-way acquisition on Corporate Crossing. Councilmember Townsend seconded the motion, which passed unanimously of those present (6 ayes with 1 absent (Lewis)).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER

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

VII. CONSENT AGENDA

1. Consider approval of the minutes from the January 21, 2014 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the February 3, 2014 regular city council meeting, and take any action necessary.
3. **P2014-003** - Consider a request by R.L. Goodson Consulting Engineers on behalf of the YMCA of Dallas for the approval of a replat for Lot 2, Block A, Rockwall County Y.M.C.A. containing one (1) non-residential lot, zoned Planned Development 5 (PD-5) District, on 21.378-acres, currently identified as Lot 1, Block A, Rockwall County Branch Y.M.C.A., City of Rockwall, Rockwall County, Texas, situated within the North SH-205 Overlay (N SH-205 OV) District, located on the east side of SH-205 north of Caruth Lane, and take any action necessary.
4. **P2014-004** - Consider a request by Ronald Valk for the approval of a final plat for Lot 1, Block 1, Valk Rockwall Addition being a 4.264-acre tract of land located within the extraterritorial jurisdiction of the City of Rockwall and situated in the Joseph Strickland Survey, Abstract No. 187, Rockwall County, Texas, and located on the east side of SH-205 north of F.M. 552, and take any action necessary.
5. Consider approval of an **ordinance** establishing the speed limit along SH 205 from Darrin Drive to FM 552/Dalton Road at 50 miles per hour and take any action necessary. **(1st Reading)**
6. Consider approval of the Interlocal Purchasing Agreement with Reynolds Asphalt & Construction Company to rehabilitate E. Cullins Road from SH 549 to Jeff Boyd Drive and Alpha Drive from T.L. Townsend Drive to 190 feet north of Sigma Drive in an amount of \$219,082.00, and being funded through the Streets Department Operations Budget, and take any action necessary.

- 80 7. Consider awarding the Glenn Avenue Utility Rehabilitation Project construction contract to
81 PC Contractors, in the amount of \$452,009.04, utilizing funds available from 2008
82 water/sewer revenue bonds and take any action necessary.
- 83 8. Consider approval of a request by Verizon Wireless for a new monopole cellular
84 communications tower to be located on Dickson Lane (Squabble Creek Treatment Facility),
85 authorizing the City Manager to execute an agreement and take any action necessary.
- 86 9. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32,
87 Signs, Article I. In General and Article IV. Prohibited Signs, Sections 32-1 and 32-332 to
88 amend regulations related to human signs, and take any action necessary. **(1st reading)**

89 **Mayor Pro Tem White made a motion to approve the entire Consent Agenda.**
90 **Councilmember Milder seconded the motion. Councilmember Milder asked a brief,**
91 **clarifying question related to the monopole being proposed in association with Consent**
92 **Agenda item #8. The ordinances were then read as follows:**

93 **CITY OF ROCKWALL, TEXAS**

94 **ORDINANCE # 14-__**

95 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
96 **TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS**
97 **ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF**
98 **TRANSPORTATION CODE, SECTION 545.356 UPON STATE HIGHWAY NO.**
99 **205 OR PARTS THEREOF, WITHIN THE CORPORATE CITY LIMITS OF THE**
100 **CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE;**
101 **PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$200.00**
102 **FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE.**

103
104 **CITY OF ROCKWALL, TEXAS**

105 **ORDINANCE NO. 14-__**

106 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
107 **TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 *SIGNS,***
108 **ARTICLE I, *IN GENERAL* AND ARTICLE IV *PROHIBITED SIGNS; SECTIONS***
109 ***32-1 AND 32-332; INCORPORATING RECITALS; PROVIDING FOR***
110 ***SEVERABILITY; AND ADOPTING AN EFFECTIVE DATE.***
111

112 **The motion passed by a vote of 6 ayes with 1 absent (Lewis).**

113 **VIII. APPOINTMENTS**

- 114
115 1. Appointment with the Planning and Zoning Chairman to discuss and answer
116 any questions regarding cases on the agenda and related issues and take
117 any action necessary.

118 **Chair of the Planning & Zoning Commission, Craig Renfro, came forth and briefed the city**
119 **council on recommendations of the Commission relative to planning-related items on**
120 **tonight's city council meeting agenda. Following the briefing, the council took no action**
121 **related to this agenda item.**

- 122 2. Appointment with Rockwall Police Chief Mark Moeller to hear the Racial
123 Profiling Report and Crime Report for 2013, and take any action necessary.

24 **Rockwall Police Chief Mark Moeller came forth and provided a verbal presentation to the**
25 **city council related to his department's 2013 Racial Profiling and Crime Reports as required**

126 by state law. He indicated that number of stops and citations are down from past years;
127 however, the percentage ratios are virtually the same as last year.

128 Chief Moeller indicated that for the last eleven years, statistics have been kept regarding
129 Part 1 crimes (murder, rape, robbery, aggravated assault, auto theft, burglary, and theft),
130 violent crimes and total crime numbers. He indicated that crime numbers have gone down
131 significantly over the last ten years. He further stated that from 2003-2013, Part 1 offenses
132 decreased by over 43%. For violent crimes, a 66.3% reduction occurred from 2003-2013,
133 and there was a 45.4% reduction in total crime for that same period. Regarding the 2013
134 Holiday Crime Initiative, Chief Moeller reported that the 2013 numbers showed four offenses
135 that occurred outside of retail stores in parking lot areas with eleven total offenses (mostly
136 thefts) being reported for the holiday season in retail shopping areas.

137 The Council took no action related to this agenda item.

138 3. Appointment with Rob Dixon of Hill & Wilkinson, General Contractors, and
139 Michael Black with la terra studio, to hear and discuss a progress update of
140 the Downtown Improvements Project, including associated scheduling, and
141 take any action necessary.

142 Mr. Dixon of Hill Wilkinson came forth and passed out photocopies to the council which
143 showed the construction progress and anticipated schedule. He indicated that their goal is
144 to not have major areas of the downtown area torn up and under construction from October
145 10 through January 2 of 2015 in order to minimize the impact on businesses during the
146 holiday shopping season. He indicated he has met with the downtown merchants, and
147 these dates reflect what has been proposed by them because the businesses along San
148 Jacinto have indicated they do roughly fifty percent of their yearly business during the last
149 two months of the calendar year.

150 Assistant City Manager Mary Smith reported that city staff recently met with the contractors,
151 and is happy to report the project is currently well within and under budget. There is about
152 an eleven percent contingency at this time, which is viewed as pretty healthy for this
153 project.

154 The council took no action related to this agenda item.

155 4. Appointment with Rick Bernas, of Republic Waste, to make presentation of
156 downtown improvement fund donation and take any action necessary.

157 Mr. Bernas thanked the council for the city's partnership with Republic Waste. He then
158 presented the city with two checks, one for the Rockwall ISD Scholarship Program and a
159 \$10,000 check for the city's improvement program. He indicated that Republic has now
160 donated over \$100,000 to the City of Rockwall. The Council took no action related to this
161 appointment item.

162
163 **IX. PUBLIC HEARING ITEMS**

164
165 1. **Z2014-001** - Hold a public hearing to discuss and consider approval of an
166 ordinance for a request by Tommy Pulliam on behalf of Rayburn Electric
167 Cooperation, Inc. for the approval of a zoning change from Agricultural (Ag)
168 District to a Heavy Commercial (HC) District for a 6.057-acre tract land
169 identified as a portion of Tract 3-06 of the W. H. Barnes Survey, Abstract No.
170 26, Rockwall, Rockwall County, Texas, zoned Agricultural (Ag) District,
171 located on the south side of Sids Road west of S. Goliad Street (SH-205),
172 and take any action necessary. **(1st Reading)**

173 Planning Director Robert LaCroix provided brief background information related to this
174 agenda item, indicating that the owner/applicant would like to rezone a portion of this
175 property. Staff mailed notices out to property owners located within two hundred feet of the
176 proposed rezoning and signs were posted. He indicated the Planning & Zoning
177 Commission did recommend approval of this agenda item by a vote of 6 ayes to 0 nays at
178 its February 11 meeting.

179 Mayor Sweet opened the public hearing and asked if the applicant is in the audience and if
180 anyone would like to come forth and speak regarding this item. There being no one, Mayor
181 Pro Tem White made a motion to continue the Public Hearing item until the next regularly
182 scheduled council meeting. Councilmember Townsend seconded the motion, which
183 passed by a vote of 6 ayes with 1 absent (Lewis).

184 2. Z2014-003 - Hold a public hearing to discuss and consider approval of an
185 ordinance for a request by Charlie Rickerson for the approval of a Specific
186 Use Permit to allow a detached garage with guest quarters/secondary living
187 unit that will exceed the maximum permissible height for an accessory
188 structure on a 0.40-acre parcel of land identified as Lot A, Block 117, B. F.
189 Boydston Addition, Rockwall, Rockwall County, Texas, also identified as a
190 Landmarked Property, zoned Single Family 7 (SF-7) District, located at 109
191 St. Mary's Street, and take any action necessary. (1st Reading)

192 Mr. LaCroix provided background information related to this agenda item, indicating that
193 the applicant would like to build what is essentially a two-story 'carriage house' on his
194 property. The applicant is trying to match the look and feel of the existing historic home on
195 the property, so the Historic Preservation Advisory Board did agree to recommend approval
196 of this agenda item. Mr. Rickerson is meeting all of the required building codes; however,
197 he is exceeding the maximum allowable height on the second story floor. Notices were sent
198 out to property owners located within two hundred feet. Two notices were received back in
199 favor and none were received back in opposition. The Planning & Zoning Commission did
200 recommend approval of this item at its February 11 meeting.

201 Mayor Sweet opened the public hearing and called forth the applicant. Mrs. Rickerson, the
202 applicant's wife, came forth and offered a few, brief words. There being no one else in the
203 audience wishing to come forth and speak, Mayor Sweet then closed the public hearing.
204
205

206 Mayor Pro Tem White made a motion to approve Z201-003. Councilmember Pruitt seconded
207 the motion. Councilmember Daniels clarified with staff, receiving affirmation that the height
208 of the proposed structure will not be higher than the height of the existing home. The
209 ordinance was read as follows:

210
211 CITY OF ROCKWALL
212 ORDINANCE NO. 14-____
213 SPECIFIC USE PERMIT NO. S-____
214

215 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
216 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
217 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
218 SPECIFIC USE PERMIT ALLOWING FOR A DETACHED GARAGE WITH
219 GUEST QUARTERS/SECONDARY LIVING UNIT, EXCEEDING THE MAXIMUM
220 PERMISSIBLE HEIGHT OF 15-FT. FOR AN ACCESSORY STRUCTURE, ON A
221 0.40-ACRE PARCEL OF LAND IDENTIFIED AS LOT A, BLOCK 117, B.F.
222 BOYDSTUN ADDITION, LOCATED AT 109 ST. MARY'S STREET, AND
223 FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND ZONED

(SF-7) SINGLE-FAMILY RESIDENTIAL DISTRICT; CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 (Lewis).

X. SITE PLANS / PLATS

1. **P2014-001** - Discuss and consider a request by Bobby Samuels of the Skorburg Company representing BH Phase III, SF, LTD. for the approval of a preliminary plat for 71 residential lots identified as Breezy Hill, Phase III, being a 48.247-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74), generally situated north of FM-552 in between John King Boulevard and Breezy Hill Lane, and take any action necessary.

Mr. LaCroix provided background information related to this agenda item. The whole of this residential subdivision has an allowance of 691 single family lots on about 345.8 acres. A matrix of the lot sizes has been provided. This particular preliminary plat focuses on 71 single family residential lots within the subdivision. He explained that twenty-three of the lots will be Type B lots, and forty-eight lots will be Type C lots. This preliminary plat meets all the requirements of the master plat previously approved by council. Pro-rata park equipment fees will be due by the developer. Staff has listed some conditions the council may wish to consider. The Planning & Zoning Commission did recommend unanimous approval of this preliminary plat at its February 11 meeting. Mr. LaCroix indicated that the typical house built will be about 2,500 square feet in size.

Mayor Pro Tem White made a motion to approve P2014-001. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).

2. **P2014-002** - Discuss and consider a request by Bobby Samuels of the Skorburg Company representing BH Phase IV, SF, LTD. for the approval of a preliminary plat for 51 residential lots identified as Breezy Hill, Phase IV, being a 41.662-acre tract of land situated within the J. Strickland Survey, Abstract No. 187, Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74), generally situated north of FM-552 in between John King Boulevard and Breezy Hill Lane, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this agenda item. He explained that this preliminary plat is another portion of the plat that was just addressed (above). These lots are the developer's continuation of what had begun to be built in the first phase. These larger lots will be more rural in nature and will have drainage swells, no curbs and slightly smaller roads.

Mayor Pro Tem White made a motion to approve P2014-002. Mayor Sweet seconded the motion which, after brief discussion, passed unanimously of council present (6 ayes with Lewis absent).

273 3. **SP2014-002** - Discuss and consider a request by Wayne Mershawn of
274 Mershawn Architects on behalf of Billy Self of Pro Soap, Inc. for the approval
275 of variances associated with an approved site plan for a warehouse facility
276 on a 2.03-acre parcel of land identified as Lot 2 of the DBK Addition,
277 Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District,
278 situated within the IH-30 Overlay (IH-30 OV) District, located on the south
279 side of IH-30 west of Corporate Crossing, and take any action necessary.
280 **(3/4 majority vote required)**

281 **Mr. LaCroix provided background information related to this agenda item. He explained that**
282 **Pro Soap Road, as part of this case, will be turned into a 'private road' which will provide**
283 **proper public access. He indicated that the applicant would like to put a warehouse**
284 **distribution type of business in a separate 19,500 square foot building located in the rear of**
285 **his current building. Mr. LaCroix explained the screening that will be in place. The**
286 **applicant is willing to put masonry on the front of his existing building. The Planning &**
287 **Zoning Commission and the Architectural Review Board both asked the applicant to utilize**
288 **two different types of stone to break up the pattern where it would not look so dense**
289 **looking. The P&Z and ARB also asked the applicant to attempt to match the color of stone**
290 **that is already on the existing Pro Soap building. The applicant has indicated he will**
291 **attempt to accommodate these requests. He then briefed the council on the variances**
292 **being requested by the applicant – not meeting the minimum ninety percent masonry**
293 **requirement, including twenty percent stone, on the South, East and West elevations of the**
294 **new building; allowing prefabricated metal on the rest of the building; allowing landscape**
295 **screening in lieu of the ten foot solid screening wall requirement on the loading docks in**
296 **the back; they do not meet the articulation standards for the building as required by the**
297 **Code. He explained that approval does take a ¾ majority vote of the council this evening**
298 **since it is located in the IH-30 Overlay District.**

299
300 **Mr. Billy Self came forth and offered a few, clarifying words related to his variance requests.**

301
302 **Mayor Pro Tem White made a motion to approve SP2014-002. Councilmember Pruitt**
303 **seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).**

304
305 **XI. ACTION ITEMS**

306
307 1. Discuss and consider Pacific Sports request for hotel tax funding for the
308 2014 U.S. Open Triathlon; authorize the City Manager to finalize
309 negotiations and execute a contract for the event and take any action
310 necessary.

311 **Assistant City Manager Mary Smith provided brief information to the council related to this**
312 **agenda item. Pacific Sports has asked for hotel / motel tax funding in the amount of \$17,400**
313 **to assist with promotion of the event. The Harbor rental fees would be \$14,400, so mostly**
314 **what the city would give them would be coming right back to us. This event would take**
315 **place the first weekend in October.**

316 **Clarifying discussion took place related to some of the language in the proposed contract,**
317 **specifically the language pertaining to the potential for the city to approve additional**
318 **funding for a 2015 event. Mayor Pro Tem White pointed out that the language in the**
319 **contract specifies that any 2015 funding would be subject to the approval of the city council**
20 **at that time. Mrs. Smith indicated that the applicant wanted some sort of assurance from**
21 **the City that if the 2014 event is positive and a success, the city may consider additional**

322 funding for a subsequent event again in 2015. However, the council at that time in the
323 future will still need to review and approve said funding request.

324 Mayor Pro Tem White explained that the hotel / motel tax funding subcommittee of the
325 council did review this matter, and this particular contract is a much better contract than
326 that which was originally being proposed by Pacific Sports (originally they were seeking a
327 five year commitment from the city).

328 After additional discussion, Mayor Pro Tem White made a motion to approve the hotel
329 /motel tax funding request for the 2014 U.S. Open Triathlon and to authorize the city
330 manager to finalize negotiations and execute a contract for the event. Councilmember
331 Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).

332 2. Discuss and consider appointments to the city's Main Street Advisory Board,
333 and take any action necessary.

334 Mayor Sweet made a motion appoint Evan Matteson to the Main Street Advisory Board to
335 replace Chris Cameron (term to expire in January of 2016). Councilmember Daniels
336 seconded the motion. Mayor Sweet encouraged members of the public to consider
337 submitting an application to serve on city boards and commission, as it is sometimes
338 difficult to find residents who are willing to serve.

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

340 XII. EXECUTIVE SESSION

341

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

- 345 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall,
346 Texas and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation
347 with Attorney)
- 348 2. Discussion regarding land acquisition in the vicinity of the downtown area for municipal
349 purposes pursuant to Section § 551.072 (Real Property).
- 350 3. Discussion regarding Right-of-Way in the vicinity of Corporate Crossing Drive pursuant
351 to Section § 551.072 (Real Property).

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

353

354 Council did not reconvene into Executive Session. Please see start of 6:00 p.m. public
355 meeting above for action taken as a result of the first Executive Session.

356

357 XIV. ADJOURNMENT

358

359 The meeting was adjourned at 7:20 p.m.

360

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

362 this 3rd day of March, 2014.


363

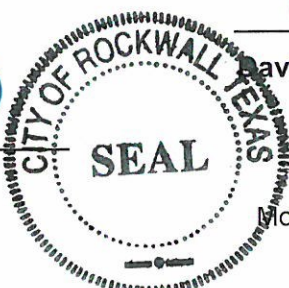
364 ATTEST:

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Kristy Ashberry, City Secretary





David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL

Monday, March 03, 2014
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 Pro Tem White called the public meeting to order at 4:00 p.m. Present were Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, 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. Mayor Sweet joined the meeting at 4:04 p.m.

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II. (4:00 P.M.) WORK SESSION

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1. HOLD WORK SESSION TO DISCUSS OPEN SPACE DEDICATION OPTIONS AS PART OF THE DEVELOPMENT PROCESS, AND TAKE ANY ACTION NECESSARY.

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Assistant City Manager Brad Griggs provided brief background information related to this work session discussion item. He explained that some time ago the city stopped accepting dedication of land and open space that was unusable by the city as a public park. These pieces of land began to be platted as part of the HOA and were to be maintained by the HOA. At times, the HOA ends up not being able to maintain these areas, so they end up calling on the city to assist. He also indicated that this practice causes some concern due to rollback taxes. Mr. Griggs indicated that the Chief Appraiser with the Rockwall Central Appraisal District, Ray Helm, is here to speak to the council regarding roll back taxes and land dedication.

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City Manager Rick Crowley clarified that the discussion today will center around whether future land dedications should be granted to the city by developers, or if land should continue to be dedicated to homeowners associations. Mr. Ray Helm of the Rockwall Central Appraisal District, came forth to address the council.

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Mr. Helm indicated that rollback taxes are in place to be able to get an agricultural valuation for landowners who want to apply for agricultural use. When the property is no longer being used for agricultural purposes, it triggers a rollback on the property. He explained that a five year history of an agricultural use has to be in place prior to getting an agricultural use established. He indicated that about 1,100 tracts of land in Rockwall have this type of land use in place and that there is a big difference between market value and agricultural value.

43
44

Mayor Sweet arrived and joined the meeting at this time (4:04 p.m.).

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Mr. Helm explained "Agricultural use" associated with a piece of property and what roll back taxes are. He then shared facts concerning if the city accepts the dedication of land versus if the city does not accept the dedication of land from developers.

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Mr. Crowley explained that if ownership of property that is to be dedicated as 'open space' continues to fall under the homeowners associations, the developer will pay rollback taxes. If it is dedicated to the city, then they would not pay rollback taxes. If the property

52 ownership is retained by an HOA, then it is valued at a “nominal value.” If the city owns the
53 property, it would be exempt from taxes. Assistant City Manager Brad Griggs indicated that
54 if the city assumes ownership, the maintenance can still be assigned to the HOA. Mr.
55 Crowley indicated that these areas / properties tend to be more of ‘neighborhood amenities’
56 rather than ‘public space amenities.’
57

58 City Attorney Frank Garza indicated that public land owned by the city that is located in a
59 gated community cannot be maintained through use of public funds because the public
60 cannot have access to those areas, as they are not public parks.
61

62 General discussion took place regarding how the city accepting or not accepting
63 dedications of land will affect developers’ perspectives and willingness to do business and
64 develop in Rockwall. Council generally expressed a desire to have staff do some additional
65 research to find out what other cities do regarding land dedications and associated
66 maintenance. After additional discussion, the council took no action related to this work
67 session agenda item. Mayor Sweet then recessed the public meeting until 5:00 p.m.
68

69 At 5:00 p.m., Mayor Sweet called the meeting back to order with all seven council members
70 present. He then read the below listed discussion items into the public record before
71 recessing the meeting into Executive Session.
72

73 **III. (5:00 P.M.) EXECUTIVE SESSION.**
74

75 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
76 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
77 CODE:
78

- 79 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
80 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
81 551.071 (Consultation with Attorney)
- 82 2. Discussion regarding the appointment, evaluation and possible replacement
83 for a member of a City Board pursuant to Section 551.071 (Consultation with
84 Attorney) and Section 551.074 (Personnel Matters).

85
86 **IV. ADJOURN EXECUTIVE SESSION**
87

88 Executive Session was adjourned at 5:28 p.m.
89

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 03, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet 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 White indicated that no action was to be taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VIII. PROCLAMATIONS / AWARDS

1. Multiple Myeloma Awareness Month

Mayor Sweet read the proclamation for Multiple Myeloma Awareness Month into the record.

He then called forth Mayor Pro Tem White to say a few words and recognize Kristy Ashberry, City Secretary, for her recent planning and efforts in hosting the 14th annual TX Municipal League (TML) Youth Advisory Commission Summit in Rockwall.

Mayor Sweet then recognized guests from the Nebbie Williams School SAGE program and Student Council who were present in the audience.

IX. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and asked if anyone would like to come forth and speak during this time. There being no one wishing to come forth and speak, Mayor Sweet then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the February 17, 2014 regular city council meeting, and take any action necessary.
2. **P2014-006** - Consider approval of a request by Harold Fetty on behalf of Meldria Johnson for the approval of a replat for Lots 1 & 2, Block A, M & M Johnson Addition being a 0.37-acre parcel of land currently identified as a portion of Lot 3, Block H, Sanger Brothers Addition, zoned Multi Family-14 (MF-14) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, and located approximately 113-feet from the northeast corner of the intersection of Davy Crockett Street and Bourn Avenue, and take any action necessary.

- 141 3. Consider approval of an **ordinance** establishing the speed limit along SH
142 205 from Darrin Drive to FM 552/Dalton Road at 50 miles per hour and take
143 any action necessary. **(2nd reading)**
- 144 4. Consider approval of an **ordinance** amending the Code of Ordinances in
145 Chapter 32, Signs, Article I. In General and Article IV. Prohibited Signs,
146 Sections 32-1 and 32-332 to amend regulations related to human signs, and
147 take any action necessary. **(2nd reading)**
- 148 5. **Z2014-003** - Consider approval of an **ordinance** for a request by Charlie
149 Rickerson for the approval of a Specific Use Permit to allow a detached
150 garage with guest quarters/secondary living unit that will exceed the
151 maximum permissible height for an accessory structure on a 0.40-acre
152 parcel of land identified as Lot A, Block 117, B. F. Boydston Addition,
153 Rockwall, Rockwall County, Texas, also identified as a Landmarked
154 Property, zoned Single Family 7 (SF-7) District, located at 109 St. Mary's
155 Street, and take any action necessary. **(2nd Reading)**
- 156 6. Consider approval of an amendment to the Youth Sports Coach's Eligibility
157 Policy, and take any action necessary.
- 158 7. Consider approval of a variance request by the Rockwall Economic
159 Development Corporation (REDC) to allow a 135 foot median opening on
160 Justin Road west of the intersection of John King Boulevard and Justin
161 Road, and take any action necessary.
- 162 8. Consider approval of a resolution authorizing the city manager to apply for
163 and accept grant funding from the Violent Crimes Against Women (VCAW)
164 Grant Program through the Criminal Justice Division of the Governor's Office
165 for the creation of a Domestic Violence Investigator / Prevention Officer, and
166 take any action necessary.

167 **Councilmember Pruitt pulled item #8 for further discussion.**

168
169 **Mayor Pro Tem White made a motion to approve the consent agenda, minus #8 (#s 1, 2, 3, 4,**
170 **5, 6, and 7). Councilmember Lewis seconded the motion. The ordinances were read as**
171 **follows:**

172 **CITY OF ROCKWALL, TEXAS**

173 **ORDINANCE # 14-11**

174 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
175 **TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED**
176 **FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION**
177 **CODE, SECTION 545.356 UPON STATE HIGHWAY 205 GENERALLY**
178 **FROM DARRIN DRIVE TO FM 552 / DALTON ROAD OR PARTS**
179 **THEREOF, WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF**
180 **ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; PROVIDING A**
181 **PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$200.00 FOR EACH**
182 **OFFENSE; PROVIDING FOR AN EFFECTIVE DATE.**

183 **CITY OF ROCKWALL, TEXAS**

184 **ORDINANCE NO. 14-09**

185
186
187 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS**
188 **AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 SIGNS, ARTICLE I,**
189 **IN GENERAL AND ARTICLE IV PROHIBITED SIGNS; SECTIONS 32-1 AND 32-**

190 332; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND
191 ADOPTING AN EFFECTIVE DATE.

192
193 CITY OF ROCKWALL
194 ORDINANCE NO. 14-10
195 SPECIFIC USE PERMIT NO. S-119
196

197 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
198 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
199 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
200 SPECIFIC USE PERMIT ALLOWING FOR A DETACHED GARAGE WITH
201 GUEST QUARTERS/SECONDARY LIVING UNIT, EXCEEDING THE MAXIMUM
202 PERMISSIBLE HEIGHT OF 15-FT. FOR AN ACCESSORY STRUCTURE, ON A
203 0.40-ACRE PARCEL OF LAND IDENTIFIED AS LOT A, BLOCK 117, B.F.
204 BOYDSTUN ADDITION, LOCATED AT 109 ST. MARY'S STREET, AND
205 FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND ZONED
206 (SF-7) SINGLE-FAMILY RESIDENTIAL DISTRICT; CITY OF ROCKWALL,
207 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
208 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
209 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
210 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
211 PROVIDING FOR AN EFFECTIVE DATE.
212

213 The motion passed unanimously of council present (7 ayes / 0 nays).
214

215 Regarding Consent Agenda item #8, Councilmember Pruitt expressed concern regarding
216 the city applying for grant funding to fund this personnel position. He indicated that once
17 the grant runs out, the city will be faced with either continuing to fund this personnel
18 position or get rid of it. He is also concerned that the grant may be difficult to manage.
19 Assistant Chief Kirk Riggs came forth and answered some questions of Councilmember
20 Pruitt, including how much this grant will fund and what this staff member will be working
21 on. City Manager Rick Crowley indicated that this staff position in the Police Department
22 was one of the proposed positions that was proposed this past budget cycle, but that he did
23 not recommend approval of it, strictly due to financial reasons - not that he did not believe
24 it was/is a needed, worthwhile position. He provided some annual statistics related to
25 family violence in the City of Rockwall over the last few years, indicating that the city has
26 seen an increase in these cases. He shared that this grant is on an annual commitment
27 basis, and the city would have to reapply for funding through this grant program in the
28 second and third year; however, the city will have to kick in some level of funding for the
29 first year.
230

231 After brief discussion, Councilmember Pruitt made a motion to approve this resolution and
232 the associated grant application. Councilmember Lewis seconded the motion. Brief
233 discussion took place related to providing things like office space and office equipment.
234

235 The motion passed unanimously of council (7 ayes to 0 nays).
236

237 XI. APPOINTMENTS

- 238
239 1. Appointment with Mark Spencer of MHS Planning and Design to discuss and
40 consider authorizing Phelps Lake park improvements and take any action
41 necessary.

242 City Manager Rick Crowley indicated that Mr. Spencer is not able to be in attendance this
243 evening, so it is asked that the city council not address this item tonight and instead place it
244 on the March 17 city council meeting agenda instead. No discussion took place related to
245 this agenda item, and no action was taken by council.

246 2. Appointment with Mr. Marlyn Roberts to discuss screening at his business
247 located at 2325 S. Goliad, and take any action necessary.

248 Mr. Roberts indicated that the city council was provided with a memo by city staff and that
249 the memo has nothing to do with what he is here to address the city council about this
250 evening. So, he requested that the council not take that memo into account in any way as
251 he addresses the council this evening.
252

253 Mr. Roberts then shared photographs of his property, located at 2325 S. Goliad (Valvoline),
254 and spoke to the council about his concerns related to the location of a storage shed that
255 he keeps on his property for extra storage. He indicated that some have told him the
256 current location of the shed is located in the flood plain; however, he contacted FEMA, and
257 he does not believe it is located within the flood plain area.
258

259 Discussion then took place related to a citation Mr. Roberts was issued related to this
260 storage unit. City Attorney Frank Garza indicated that the citation Mr. Roberts was issued
261 has not yet made its way through the Municipal Court process at this time. So, this is really
262 not an issue that the city council can legally address with Mr. Roberts at this time until the
263 citation has worked its way through the legal process.
264

265 City Attorney Frank Garza indicated that the city council previously denied Mr. Roberts'
266 variance request when he sought permission from the City Council to allow him to have this
267 outside storage unit. The council essentially, at that time, indicated that Mr. Roberts would
268 not be allowed to have the outside storage unit on the property at all. Mr. Garza stated that
269 there may be a waiting period before Mr. Roberts is able to re-request a variance of this sort
270 from the Council. He will have to look into this matter.
271

272 Mr. Roberts generally indicated that he feels he has been harassed by the City Manager and
273 the Code Enforcement Department. He stated he did not anticipate needing this extra
274 storage when he built his business, but he later discovered that he does need this storage
275 building in order to house his mower and lawn equipment.
276

277 Mayor Pro Tem White encouraged Mr. Roberts to re-start / initiate a new variance request
278 process with city staff. The variance request will then work its way through the process and
279 be brought back before city council for consideration and action.
280

281 Mr. Roberts indicated he will provide Councilmember Pruitt with a list of addresses
282 elsewhere in the city where violations of city codes are taking place, yet city staff has not
283 address those violations.
284

285 Mayor Pro Tem White asked City Manager Rick Crowley to personally meet with Mr. Roberts
286 first thing tomorrow morning to assist him in working through applying for a variance
287 request that will subsequently be heard by the city council as expeditiously as possible.
288

289 After brief, additional comments, the council took no action related to this agenda item.
290

291 XII. PUBLIC HEARING ITEMS
292

293 1. **Z2014-001** - Continue a public hearing to discuss and consider approval of
294 an **ordinance** for a request by Tommy Pulliam on behalf of Rayburn Electric
295 Cooperation, Inc. for the approval of a zoning change from Agricultural (Ag)
296 District to a Heavy Commercial (HC) District for a 6.057-acre tract land
297 identified as a portion of Tract 3-06 of the W. H. Barnes Survey, Abstract No.
298 26, Rockwall, Rockwall County, Texas, zoned Agricultural (Ag) District,
299 located on the south side of Sids Road west of S. Goliad Street (SH-205),
300 and take any action necessary. **(1st Reading)**

301 **Mr. LaCroix, Planning Director, indicated that this is an agenda item that was previously on**
302 **the council agenda last time, but the applicant was not able to attend. So the public hearing**
303 **was opened and continued to this meeting. He gave brief background information related**
304 **to this piece of property. Nine notices were mailed out to adjacent property owners, and no**
305 **responses were received back. Planning & Zoning Commission did recommend approval of**
306 **this item at one of its February meetings.**

307
308 **Mayor Sweet indicated this is a public hearing, and he called the applicant forth to speak if**
309 **he wished. There being no one else wishing to come forth and speak, Mayor Sweet then**
310 **closed the public hearing.**

311
312 **Mayor Pro Tem White made a motion to approve this agenda item (Z2014-001).**
313 **Councilmember Daniels seconded the motion. After brief comments, the ordinance was**
314 **read as follows:**

315 **CITY OF ROCKWALL**
316 **ORDINANCE NO. 14-__**

317
318 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
319 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**
320 **04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS**
321 **TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING**
322 **FROM AN AGRICULTURAL (AG) DISTRICT TO A HEAVY COMMERCIAL (HC)**
323 **DISTRICT FOR A 6.057-ACRE TRACT OF LAND IDENTIFIED AS A PORTION**
324 **OF TRACT 3-06 OF THE W.H. BARNES SURVEY, ABSTRACT NO. 26, CITY**
325 **AND COUNTY OF ROCKWALL, TEXAS AND MORE SPECIFICALLY**
326 **DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE; PROVIDING FOR**
327 **SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**
328 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
329 **OFFENSE; 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 7 ayes to 0 nays.**

333
334
335 **XIII. ACTION ITEMS**

336
337 1. Discuss and consider amending the FY 2013-14 Budget in the amount of
338 \$65,000 for Myers Park pool repairs and operating expenses, and take any
339 action necessary.

340 **Assistant City Manager Brad Griggs provided brief background information related to this**
341 **agenda item. Discussion took place related to the proposed dollar amount associated with**
342 **the actual pool repairs versus the portion that will be used to hire and pay for staff at the**
343 **pool. Assistant City Manager Brad Griggs indicated that about \$46,000 of it will be utilized**
344 **to pay for staff, with the remaining amount being used for the actual repairs. Assistant City**

345 **Manager Mary Smith indicated that about \$10,000 in net revenue is anticipated for the user**
346 **fees at the pool.**

347
348 **Mayor Sweet made a motion to amend the FY2013-14 Budget in the amount of \$65,000 for**
349 **Myers Park pool repairs and operating expenses. Councilmember Daniels seconded the**
350 **motion, which passed unanimously of council (7 ayes to 0 nays).**

351
352 **2. Discuss and consider approval of budgeted Yellow Jacket Park**
353 **improvements and take any action necessary.**

354 **Parks Manager, Andy Hesser, came forth and provided information to the city council**
355 **related to this agenda item. He explained the various improvements that are proposed to be**
356 **made relative to this agenda item. Mayor Pro Tem White pointed out that the word**
357 **“Yellowjacket” should be one word instead of two, separate words, especially on the**
358 **proposed monument sign at the park.**

359 **Mayor Pro Tem White made a motion to approve the Yellowjacket Park Improvements.**
360 **Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

361 **3. Discuss and consider appointments to the city's Architectural Review Board**
362 **and Main Street Advisory Board, and take any action necessary.**

363 **Councilmember Milder indicated that he has an excellent candidate that he would like the**
364 **council to consider for replacement of Clark Staggs on the Architectural Review Board.**
365 **Councilmember Milder then made a motion to appoint Ashlei Neill to the Architectural**
366 **Review Board to replace Clark Staggs (partial term appointment expiring in August of 2015).**
367 **Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**
368

369 **Mayor Sweet made a recommendation to the Council that they consider appointing**
370 **Claudette Hatfield to serve on the city's Main Street Advisory Board to replace former**
371 **member Lori Lawing with an initial term to expire in January of 2016. Mayor Pro Tem**
372 **White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**
373

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

376
377 **1. Departmental Reports**
378 **Building Inspections Monthly Report - January 2014**
379 **Fire Dept. Monthly Reports - January 2014**
380 **Harbor PD Monthly Report - January 2014**
381 **Internal Operations Department Monthly Report - January 2014**
382 **Police Department Monthly Report - January 2014**
383 **Rockwall Animal Adoption Center - January 2014**
384 **Recreation Monthly Report - January 2014**

385 **2. City Manager's Report**
386

387 **City Manager Rick Crowley pointed out that TXDOT will be holding a public meeting later**
388 **this week to discuss the rerouting and rebuilding of SH-276 from SH-205 to FM-549. He**
389 **stated that this project has not yet received state funding, but it is a top priority project of**
390 **the countywide planning consortium.**

391
392 **Mr. Crowley indicated that the three incumbents on city council did not draw any opponents**
393 **for the city's May General Election, so staff will be bringing forth an agenda item to the city**

394 council at the next meeting to cancel the city's previously called election. City Secretary
395 Kristy Ashberry indicated that cancelling the election will result in a \$75.00 cancellation fee
396 that will be paid to Rockwall County, who was slated through a contract to facilitate the
397 election on the city's behalf.
398

399 There will be a Chamber partnership breakfast this Thursday morning at 7:30 a.m., and the
400 new Rockwall Baseball / Softball League will hold its opening ceremonies at Tuttle Field this
401 Saturday morning between 8:00 and 10:00 a.m.
402

403 Aqua Texas will begin removal of the decommission of the wastewater treatment plant
404 about March 10th.
405

406 He indicated that staff is evaluating council member availability for June 12-14, 2014 for a
407 planning retreat.
408

409 The council did not reconvene in Executive Session following the close of the public
410 meeting.
411

412 **XV. EXECUTIVE SESSION**
413

414 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
415 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
416 CODE:
417

- 418 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
19 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
20 551.071 (Consultation with Attorney)
- 421 2. Discussion regarding the appointment, evaluation and possible replacement
422 for a member of a City Board pursuant to Section 551.071 (Consultation with
423 Attorney) and Section 551.074 (Personnel Matters).

424 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
425

426 Council did not reconvene in Executive Session.
427

428 **XVII. ADJOURNMENT**
429

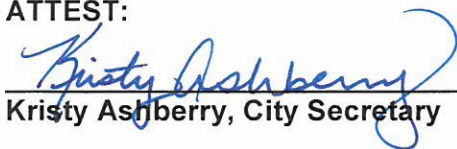
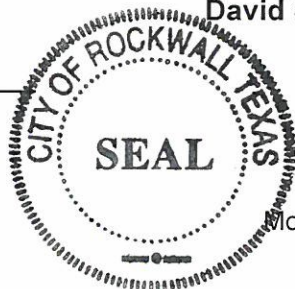
430 Mayor Sweet adjourned the public meeting at 7:38 p.m.
431
432

433 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
434 this 17th day of March, 2014.
435
436



David Sweet, Mayor

437 ATTEST:


438
439
440 Kristy Ashberry, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 17, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mike Townsend, 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 Jim Pruitt was absent from the meeting.

II. (4:00 P.M.) WORK SESSION

1. HOLD WORK SESSION TO DISCUSS AND CONSIDER GRADING AND FLOODPLAIN DEVELOPMENT PERMITS AND THE ASSOCIATED PROCESS, AND TAKE ANY ACTION NECESSARY.

City Engineer, Tim Tumulty, discussed the current erosion control process for new developments. He explained the issue of maintaining the erosion control features during the course of construction. He indicated the removal of these features at the end of the project creates issues for staff. This new permit would charge developers a deposit based on the developed acreage (\$500.00 for the first acre and \$100.00 for the remaining acreage). This permit would allow the developer to start grading prior to engineering plans being approved and would require the developer to maintain and remove the erosion control features at the end of the project. Mr. Tumulty explained that if the developer met these requirements throughout the job, the entire deposit would be refunded once the grass has been established.

Council directed staff to discuss this with developers and then proceed with submitting the permit back to council for consideration in the form of an ordinance.

III. (4:15 P.M.) EXECUTIVE SESSION.

Mayor Sweet read the below listed discussion items into the public record before recessing the meeting into Executive Session. All council members except Councilman Jim Pruitt were in attendance.

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 lease/acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section 551.072 (Real Property).
2. Discussion regarding proposed term extension of a Real Property Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within the PD-32 area pursuant to Section

- 50 551.071 (consultation with attorney) and Section 551.087 (Economic
51 Development negotiations).
- 52 3. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
53 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
54 551.071 (Consultation with Attorney)
- 55 4. Discussion regarding claim filed by Ryan Frost pursuant to Section
56 551.071 (Consultation with Attorney)
- 57 5. Discussion regarding the city's Fixed Based Operator airport agreement
58 pursuant to Section 551.071 (Consultation with Attorney)
- 59 6. Discussion regarding appointments to city regulatory boards,
60 commissions, and committees including the North TX Municipal Water
61 District Board pursuant to Section 551.074 (personnel matters)
- 62 7. Discussion regarding the appointment, evaluation and possible
63 replacement for a member of a City Board pursuant to Section 551.071
64 (Consultation with Attorney) and Section 551.074 (Personnel Matters).

65

66 **IV. ADJOURN EXECUTIVE SESSION**

67

68 **Council adjourned from Executive Session at 5:43 p.m.**

69

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 17, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All council members except Jim Pruitt were present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to terminate the contract with the city's current FBO provider. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

Mayor Pro Tem White made a motion to appoint Larry Denny to replace Denise Smith on the city's Park Board. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

Mayor Pro Tem White made a motion to reappoint Larry Parks to serve an additional term on the North Texas Municipal Water District Board. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

VIII. PROCLAMATIONS / AWARDS

1. Proclamation recognition - Future City Design Competition

Mayor Sweet called for Kyle Fletcher, Faith Mitchell and Nicole Bruner to come forth. These local home schooled students briefly described the details of the Future City Design Competition. They explained the project they created, a model of a 'future city,' for which they won several awards. Mayor Sweet then read and presented each student with a proclamation to recognize them for their impressive achievements.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 3, 2014 regular city council meeting, and take any action necessary.
2. Consider ratifying the expenditure to Utilitex Construction, LLP for emergency repairs performed on the 16 inch diameter water line along IH 30 at a cost of \$42,200.66, which was funded out of Utilities Operations budget, and take any action necessary.
3. Consider authorizing the City Manager to execute a contract extension for one year with 3-D Mowing for tractor mowing services in the amount of

119 \$40,291.60 funded in the General Fund, Parks Operations, Grounds
120 Maintenance and take any action necessary.

121 4. Consider approval of an **ordinance** declaring unopposed candidates for
122 city council Places 2, 4 and 6 and cancelling the 2014 General Election,
123 and take any action necessary. **(1st reading)**

124 5. **Z2014-001** - Consider approval of an **ordinance** for a request by Tommy
125 Pulliam on behalf of Rayburn Electric Cooperation, Inc. for the approval of
126 a zoning change from Agricultural (Ag) District to a Heavy Commercial
127 (HC) District for a 6.057-acre tract land identified as a portion of Tract 3-
128 06 of the W. H. Barnes Survey, Abstract No. 26, Rockwall, Rockwall
129 County, Texas, zoned Agricultural (Ag) District, located on the south side
130 of Sids Road west of S. Goliad Street (SH-205), and take any action
131 necessary. **(2nd Reading)**

132 6. **P2014-008** - Consider a request by Ron Ramirez of Wier & Associates,
133 Inc. on behalf of Ken Keeton of the Rockwall Economic Development
134 Corporation (REDC) for the approval of a final plat for Lot 1, Block A & Lot
135 1, Block B, Channel Subdivision and for the dedication of Justin Road
136 right-of-way being a 37.828-acre tract of land located within the Archibald
137 Hanna Survey, Abstract No. 99, the N. Butler Survey, Abstract No. 20 and
138 the David Harr Survey, Abstract No. 102, Rockwall, Rockwall County,
139 Texas, zoned Light Industrial (LI) and Agriculture (AG) District, situated
140 within the SH-205 By-Pass Corridor Overlay (205 BY-OV) District, located
141 in between John King Boulevard and Industrial Boulevard north of
142 Interstate Highway 30 (IH-30), and take any action necessary.

143 7. Consider approval of the award of the Evans Road Drainage
144 Improvements construction contract to Lone Star Utilities in the amount of
145 \$67,357.00 to be funded out of the 2005 drainage bonds, and take any
146 action necessary.

147 8. Consider approval of the award of the Northshore Lift Station
148 Improvements construction contract to RAMA Enterprises, in the amount
149 of \$417,962.00 to be funded out of the 2008 sewer revenue bonds, and
150 take any action necessary.

151 **Councilmember Milder pulled item #8 for further discussion. Mayor Pro Tem White made**
152 **a motion to approve the remaining items. Councilmember Townsend seconded the**
153 **motion. The ordinances were read as follows:**

154
155 **CITY OF ROCKWALL, TEXAS**
156 **ORDINANCE NO. 14-**
157

158 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
159 **TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF**
160 **CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4,**
161 **AND CITY COUNCILMEMBER PLACE 6 AS ELECTED; PROVIDING THAT**
162 **THE MAY 10, 2014, GENERAL MUNICIPAL ELECTION SHALL NOT BE**
163 **HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN**
164 **CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A**
165 **SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE**
166 **MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO**

167 THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE
168 DATE.

169
170 CITY OF ROCKWALL
171 ORDINANCE NO. 14-12

172
173 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
174 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
175 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
176 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
177 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A HEAVY
178 COMMERCIAL (HC) DISTRICT FOR A 6.057-ACRE TRACT OF LAND
179 IDENTIFIED AS A PORTION OF TRACT 3-06 OF THE W.H. BARNES
180 SURVEY, ABSTRACT NO. 26, CITY AND COUNTY OF ROCKWALL, TEXAS
181 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" OF THIS
182 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
183 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
184 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
185 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
186 PROVIDING FOR AN EFFECTIVE DATE.
187

188 Regarding Consent Agenda item #8, Councilmember Milder asked if the site work portion
189 of the work is considered essential or non-essential. Mr. Hendricks and Mr. Hickey from
190 Birkhoff, Hendricks and Carter, came forth and briefly addressed this topic.
191 Councilmember Milder then made a motion to approve Consent Agenda item #8.
192 Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1
193 absent (Pruitt).
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 Mr. Craig Renfro, chair of the Planning & Zoning Commission, came forth and provided a
201 brief update to the city council regarding recommendations of the Commission relative
202 to planning-related items on tonight's city council agenda. The council took no action
203 related to this agenda item.

- 204 2. Appointment with Kim Bowen to discuss and consider handicap usage of
205 city parks, and take any action necessary.

206 Mr. Devon Colbert, a twenty-two year resident of Rockwall, came forth and provided
207 comments related to the need for a handicap accessible park in our community. Mr.
208 Colbert explained he had an accident in December of 2012, and after that time, he
209 realized that movement around in local parks was not very easy. Mr. Colbert explained
210 that access ramps with wider play decks and smooth services (rather than wood chips)
211 would better accommodate mobility. He then shared a brief list of other cities in the
212 Dallas / Fort Worth area that have truly handicap accessible parks. He explained that
213 these other parks went beyond normal ADA accessibility codes in order to make mobility
214 feasible for handicap residents. Mr. Colbert indicated that he is considered a
215 quadriplegic, so gravel, inclines and wood chips in park areas make it extremely difficult
216 for him to interact with his kids while playing in the park.
217

218 The Mayor and staff then briefly discussed some of the other cities that have invested in
219 one particular park in their community to make it very handicap accessible to the public.
220

221 Councilmember Milder asked staff if they can look into an accessibility study for our
222 parks to see how much it would cost in order to retrofit one, if not two, of our city parks.
223

224 Mayor Sweet then made a motion to instruct staff to conduct an accessibility study for
225 our current playgrounds and to prepare cost estimates to potentially retrofit one to two
226 existing playgrounds to make them accessible. Councilmember Lewis seconded the
227 motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).
228

229 Mrs. Bowen stated she would appreciate staff and council also evaluating handicap
230 accessibility in the restrooms at city parks. She pointed out that even if there are
231 separate male and female accessibility restrooms, it is problematic if the person of that
232 gender needs a person of the opposite gender to go with him/her into the restroom to
233 assist. Therefore, a unisex or 'family' type bathroom stall would be most helpful.
234

- 235 3. Appointment with Mark Spencer of MHS Planning and Design to discuss
236 and consider authorizing Phelps Lake park improvements, and take any
237 action necessary.

238 Mr. Spencer of MHS Planning & Design came forth and briefed the council on design
239 work and planned improvements at Phelps Lake Park.
240

241 Councilmember Milder made a motion to approve the plan as presented. Mayor Pro Tem
242 White seconded the motion. Mr. Griggs indicated that pro rata equipment fees paid by
243 the developer will cover the cost of the park improvements. Mr. Spencer indicated that
244 about 30-45 days are needed to finish design, and then the construction work could
245 begin and possibly be finished by about August. After brief comments, the motion
246 passed by a vote of 6 ayes to 1 absent (Pruitt).
247

248 XI. PUBLIC HEARING ITEMS

- 249
- 250 1. **Z2014-005** - Hold a public hearing to discuss and consider approval of an
251 ordinance for a request by Ron Ramirez of Wier & Associates, Inc. on
252 behalf of Ken Keeton of the Rockwall Economic Development
253 Corporation (REDC) for the approval of a zoning change from an
254 Agriculture (AG) District to a Light Industrial (LI) District for a 2.006-acre
255 tract of land identified as a portion of Tract 2-7 of the David Harr Survey,
256 Abstract No. 102, Rockwall, Rockwall County, Texas, situated within the
257 SH-205 By-Pass Corridor Overlay (205 BY-OV) District, located on the
258 west side of John King Boulevard south of Airport Road, and take any
259 action necessary (**1st Reading**).

260 Planning Director Robert LaCroix provided brief background information related to this
261 agenda item. He indicated that the plan for this property is future development. Seven
262 notices were sent out in the area in accordance with the law. No notices were received
263 back by staff.
264

265 Mayor Sweet opened the public hearing and called the applicant forth.
266

267 Mrs. Sheri Franza, President and CEO of the REDC (2610 Observation Trail), came forth
268 and exchanged brief words with the council. She indicated that this property was
269 deeded over to the REDC. She explained that a really nice commercial development is
270 slated to go in at this location, and that business will bring about 200 new jobs. The
271 company has agreed to hire about 85% of their engineers from Texas A&M, so they are
272 really passionate about keeping things local. After Mrs. Franza spoke, and there being
273 no one else in the audience wishing to come forth and speak, Mayor Sweet then closed
274 the public hearing.

275
276 Councilmember Milder asked if this new building will have nice curb appeal along John
277 King. Mrs. Franza showed some photos, indicating that the curb appeal will be very nice.

278
279 Mayor Pro Tem White made a motion to approve Z2014-005. Councilmember Lewis
280 seconded the motion. The ordinance was read as follows:

281
282 CITY OF ROCKWALL
283 ORDINANCE NO. 14-XX
284

285 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
286 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*
287 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
288 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
289 ZONING FROM AN AGRICULTURE (AG) DISTRICT TO A LIGHT
290 INDUSTRIAL (LI) DISTRICT FOR A 2.006-ACRE TRACT OF LAND
291 IDENTIFIED AS A PORTION OF TRACT 2-7 OF THE DAVID HARR SURVEY,
292 ABSTRACT NO. 102, ROCKWALL, ROCKWALL COUNTY, TEXAS AND
293 MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;
294 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
295 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
296 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
297 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
298 EFFECTIVE DATE.

299
300 The motion passed by a vote of 6 ayes with 1 absent (Pruitt).

- 301
302 2. Z2014-006 - Hold a public hearing to discuss and consider approval of an
303 ordinance for a request by the Cabana's at Chandler's Landing
304 Homeowner's Association on behalf of the residents of the Cabana's at
305 Chandler's Landing to amend the density and dimensional requirements
306 stipulated by Planned Development District 8 (PD-8) for a 1.131-acre
307 portion of a parcel of land identified as the Cabanas at Chandler's
308 Landing, zoned Planned Development District 8 (PD-8) for multi-family or
309 condominium uses as established in Ordinance 73-48 & 84-04, generally
310 located south of Yacht Club Drive and west of Harbor View Drive, and
311 take any action necessary (1st Reading).

312 Planning Director Robert LaCroix provided background information related to this
313 agenda item. Notices were mailed out to thirty-eight adjacent property owners. Up until
314 today, no notices had been received back; however, today, staff did receive one notice of
315 opposition back. It seems, though, that the resident who submitted the opposition may
316 have misunderstood, believing that the Cabana's was completely going away, which is
317 not the case.
318

319 Mayor Sweet opened the public hearing and called the applicant forth.

320

321 Janet Gibson
322 President of the HOA
323 548 Yacht Club Drive
324

325 Mrs. Gibson introduced herself and indicated she did not have anything further to add.

326

327 Mayor Pro Tem White made a motion to approve Z2014-006. Councilmember Townsend
328 seconded the motion. After some clarifying comments, the ordinance was read as
329 follows:

330

331

CITY OF ROCKWALL
ORDINANCE NO. 14-XX

332

333

334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
335 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8)
336 [ORDINANCE NO. 73-48 & 84-04] AND THE UNIFIED DEVELOPMENT
337 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
338 HERETOFORE AMENDED SO AS TO FURTHER AMEND THE DENSITY
339 AND DIMENSIONAL REQUIREMENTS STIPULATED BY PLANNED
340 DEVELOPMENT DISTRICT 8 (PD-8) FOR A 1.131-ACRE PORTION OF A
341 PARCEL OF LAND IDENTIFIED AS THE CABANAS AT CHANDLER'S
342 LANDING, ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE
343 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;
344 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
345 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
346 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
347 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
348 EFFECTIVE DATE.

349

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

351

352 XII. SITE PLANS / PLATS

353

354

- 355 1. **SP2014-003** - Discuss and consider a request by Kevin Patel of Triangle
356 Engineering, LLC on behalf of Ketan Parekh of A. J. Squared, LLC for the
357 approval of a variance in association with an approved site plan for a
358 medical office building on a 1.463-acre parcel of land identified as Lot 2,
359 Block A, Rockwall Assisted Living Facility Addition, zoned Planned
360 Development District 18 (PD-18) for office and retail uses, situated within
361 the Scenic Overlay (SOV) District, located on the west side of Ridge
Road [FM-740] south of Cemetery Road, and take any action necessary.

362 Mr. LaCroix indicated that this is a medical office facility. Regarding the twenty-foot
363 landscape buffer in front, the applicant would like to, in part, park within this area. The
364 applicant wants to use an alternate type of material in lieu of stone, and they are willing
365 to do an eight foot (rather than a 6 foot) fence. The Planning & Zoning Commission has
366 recommended approval of the site plan as well the two variance requests.
367 Councilmember Lewis asked some clarifying questions regarding the type of material
368 that this really is and how it compares to concrete or pre-cast stone.

369

370 A representative of the applicant came forward, indicating he is filling in for Mr. Patel. He
371 showed the council a rendering (drawing) of the proposed medical office building. He
372 also shared some details about the proposed fencing material, explaining it basically has
373 a lifetime guarantee, won't crumble and is graffiti proof as well.
374

375 Mayor Pro Tem White made a motion to approve SP2014-003. Councilmember Daniels
376 seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).
377

378 2. **SP2014-004** - Discuss and consider a request by Bill Thomas of
379 Engineering Concepts and Designs on behalf of Tommy Pulliam of the
380 Rayburn Electric Cooperation, Inc. for the approval of a variance in
381 association with an approved site plan for an office building on a 6.057-
382 acre tract of land identified as a portion of Tract 3-06 of the W. H. Barnes
383 Survey, Abstract No. 26, Rockwall, Rockwall County, Texas, zoned
384 Heavy Commercial (HC) District, located on the south side of Sids Road
385 west of S. Goliad Street [SH-205], and take any action necessary.

386 Mr. LaCroix provided brief background information related to this agenda item, indicating
387 the Planning & Zoning Commission has recommended approval of this site plan. Mayor
388 Pro Tem White made a motion to approve SP2014-004. Councilmember Lewis seconded
389 the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

390 3. **P2014-005** - Discuss and consider a request by Kelcey Barnes for the
391 approval of a final plat for a six (6) acre portion of a larger 36.61-acre tract
392 of land identified as Tract 13-03 of the W. W. Ford Survey, Abstract No.
393 80, Rockwall County, Texas, being situated within the City of Rockwall's
394 Extraterritorial Jurisdiction (ETJ), generally being a portion of a 20-acre
395 tract of land identified as 636 Hanby Lane, and take any action
396 necessary.

397 Mr. LaCroix provided brief background information related to this agenda item, indicating
398 that this is located within the city's ETJ. The family wants to convey to another family
399 member part of the land in order to build a house. The applicant will meet the technical
400 standards as far as engineering standards are concerned, and all the fire-related
401 requirements will be adhered to as well.
402

403 Mayor Pro Tem White made a motion to approve P2014-005. Councilmember Daniels
404 seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).
405

406 XIII. ACTION ITEMS

407
408 1. Discuss and consider recommendation of the Hotel / Motel tax
409 subcommittee regarding funding requests from Rockwall Chamber of
410 Commerce, Rockwall Rubber Duck Regatta and The Rockwall News for
411 2014 events, and take any action necessary.

412 Assistant City Manager Mary Smith provided background information related to this
413 agenda item, offering details related to the organizations requesting funding and what
414 the funds are proposed to be used for related to the organization's various events.
415

416 Mayor Pro Tem White indicated that the Rockwall News' application and associated
417 funding request was denied for various reasons. For example, it is a brand new event
418 that has no historical record of success. Also, it is proposed to be held on a Sunday

419 night for one hour from 8:00 to 9:00 p.m. Furthermore, the application listed that
420 "dozens of people" may come into the city to attend the event, and this does not lead
421 him to believe that it will put 'heads in beds' at local hotels, which is a requirement, by
422 law. Hotel / motel tax fund dollars must be utilized to put individuals in overnight stays
423 at local hotels.
424

425 Mr. JJ Smith of the Rockwall News indicated that this event, for which the funding is not
426 being recommended for approval, is being held to show appreciation for the military and
427 veterans. He indicated that \$13,000 was requested, and he would like the council to
428 consider, at a minimum, at least waiving the Harbor-related fees (about \$2,000). He
429 would also appreciate the council considering paying for the A/V fees, which will be
430 about \$1,000.
431

432 Councilmember Milder made a motion to at least waive the Harbor related fees (\$1,920)
433 for this event, indicating that he and his wife will stay at The Hilton that night, following
434 the event, in order to meet the requirement of there being 'heads in beds.' Mayor Pro
435 Tem White seconded the motion.
436

437 Mayor Pro Tem White suggested that Mr. Smith go and work out some package deals
438 with local hotels, using a reservation code, in order to encourage 'heads in beds' for this
439 Memorial Day concert event. Such reservation code will allow 'trackable' numbers of
440 how many heads in beds occurred so that any funding request next year would be
441 potentially justifiable.
442

443 The motion on the floor was withdrawn at the advice of City Attorney Frank Garza
444 because it does not meet the Open Meetings Act, as it is not a properly posted item up
445 for consideration on tonight's public meeting agenda (waiver of the Harbor related fees).
446

447 Mayor Sweet made a motion to approve each of the funding recommendations of the
448 sub-committee. Mayor Pro Tem White seconded the motion, which passed by a vote of 6
449 ayes with 1 absent (Pruitt).
450

451 Mr. Smith was advised by council to consider re-approaching the council at a later date
452 with a modified request. Mayor Pro Tem White encouraged Mr. Smith to do some pre-
453 work, in consultation with local hotels, in order to make it a lot easier for the city council
454 to say 'yes' to approving hotel / motel tax funding for this event should Mr. Smith come
455 back to the council with a subsequent request for consideration.
456

457 2. Discuss and consider authorizing the City Manager to enter into a
458 contract with Texas Air Center, LLC for Fixed Base Operator (FBO)
459 Services at the Ralph M. Hall / Rockwall Municipal Airport and take any
460 action necessary.

461 Mayor Pro Tem White made a motion to approve the City Manager entering into a
462 contract with Texas Air Center, LLC for FBO services at the airport. Councilmember
463 Daniels seconded the motion. After brief comments, the motion passed by a vote of 6
464 ayes with 1 absent (Pruitt).

465 The public meeting was adjourned at 7:47 p.m.
466
467

468 **XIV. EXECUTIVE SESSION**

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

- 473
474 1. Discussion regarding land lease/acquisition in the vicinity of the downtown
475 area for municipal purposes pursuant to Section 551.072 (Real Property).
- 476 2. Discussion regarding proposed term extension of a Real Property Exchange
477 Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real
478 property located within the PD-32 area pursuant to Section 551.071
479 (consultation with attorney) and Section 551.087 (Economic Development
480 negotiations).
- 481 3. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
482 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
483 551.071 (Consultation with Attorney)
- 484 4. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071
485 (Consultation with Attorney)
- 486 5. Discussion regarding the city's Fixed Based Operator airport agreement
487 pursuant to Section 551.071 (Consultation with Attorney)
- 488 6. Discussion regarding appointments to city regulatory boards, commissions,
489 and committees including the North TX Municipal Water District Board
490 pursuant to Section 551.074 (personnel matters)
- 491 7. Discussion regarding the appointment, evaluation and possible replacement
492 for a member of a City Board pursuant to Section 551.071 (Consultation with
493 Attorney) and Section 551.074 (Personnel Matters).

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

495
496 **The City Council did not reconvene into Executive Session following the close of the**
497 **public meeting.**

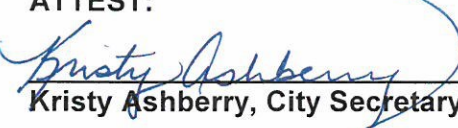
498
499 **XVI. ADJOURNMENT**

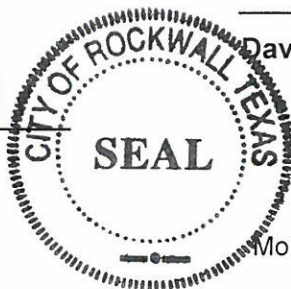
500
501 **The public meeting was adjourned at 7:47 p.m.**

502
503 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
504 **this 7th day of April, 2014.**

505
506 

507 **ATTEST:** David Sweet, Mayor

508 
509 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 07, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

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

14
15 II. (4:00 P.M.) WORK SESSION

- 16
17 1. Hold work session to hear report from Mr. John Polster of Innovative Transportation
18 Solutions, Inc., Rockwall County's Project Manager, regarding the proposed FM 552
19 Roadway Improvement Project from SH 205 to SH 66, and taken any action necessary.

20
21 City Engineer, Tim Tumulty, provided a brief introduction. Mr. John Polster with
22 Innovative Transportation Solutions (address: 2701 Valley View Lane, Farmers Branch,
23 TX) then came forth to address the city council regarding this roadway improvement
24 project. He indicated that a public meeting is being held on April 10 in order to seek out
25 and receive input from the public related to this project, and a public hearing (which he
26 explained is different) will be held later on. He indicated that FM-552 is being widened to
27 a six lane divided urban roadway with curb and gutter. This project is currently
28 estimated at \$50 million. It will likely have to be a phased project that is completed in
29 sections over time. Mr. Polster explained a bit about the countywide traffic / road
30 consortium and how he works with that body of elected officials in order to prioritize
31 countywide road projects and maximize and manage allocation of assets in order to get
32 the projects completed in the most cost effective manner over time. He indicated that
33 Rockwall County is used as a model throughout the Dallas district and the metropolitan
34 planning area because of the harmony, trust, common vision and overall positive
35 working relationships that exist among the countywide elected and appointed officials.
36 He then explained what steps will take place, as far as the process is concerned,
37 following the public meeting.

38
39 The council took no action related to this agenda item.

- 40
41 2. Hold work session to discuss open space dedication options as part of the development
42 process, and take any action necessary.

43
44 City Manager Rick Crowley provided background information related to this agenda item
45 indicating that council previously asked staff to further evaluate how this issue would
46 affect developers. He explained that this issue has to do with whether or not the city
47 should accept and allow developers to dedicate land (open space) to the city and require
48 that the homeowners association (HOA) or developer to perpetually maintain that open
49 space. The other option is to not accept dedication of these open spaces but instead
50 have the developer dedicate such land directly to the HOA and have the HOA be

51 responsible for its maintenance. He explained that the Breezy Hill and Stone Creek
52 developments are being done in several phases, with several already taking place under
53 the scenario that the city would accept dedication of open space from the developer and
54 require the HOA to maintain that land. If the city is to make a change, regarding the
55 unfinished additional phases in these subdivisions, the developer would experience a
56 significant cost implication (about \$900,000). Mr. Crowley suggested that the council
57 may consider going ahead and continuing to accept these open space dedications for
58 Breezy Hill and Stone Creek, but it may wish to further evaluate this matter with regards
59 to any future, new developments.

60
61 Discussion took place related to if this type of dedicated open space is of value or if it
62 serves any sort of purpose to the city (i.e. for park land development). Mr. Crowley
63 indicated that this type of land serves the purpose of being open and not having
64 anything be developed on it; however, the city would not be building anything on such
65 land. Councilmember Pruitt stressed that, prior to land being developed, the property
66 owners were receiving major tax breaks through agricultural tax exemptions for years.
67 He expressed that it makes the most sense for roll back taxes to be collected, and this
68 issue also has a major impact on the school district and county's tax revenue.

69
70 Adam Buczeck with the Skorburch Company came forth and indicated that when the
71 original financial planning took place for the developments in question, it was done so
72 with the assumption that Skorburch would be dedicating the required open space to the
73 city rather than to the HOA. He offered that, within Stonecreek and Breezy Hill's CC&Rs,
74 he is willing to add some additional language to stipulate that the HOAs will maintain the
75 open space in perpetuity even though the land will have been dedicated to the city. He
76 indicated that the HOAs at Breezy Hill and Stonecreek will continue to both maintain and
77 own the areas where the pools are located.

78
79 The council took no action related to this discussion item.

80
81 At 4:28 p.m., Mayor Sweet read the below listed items into the public record before
82 recessing the public meeting into Executive Session.

83
84 III. (4:15 P.M.) EXECUTIVE SESSION.

85
86 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
87 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
88 CODE:

- 89 1. Discussion regarding Economic Development incentives, procedures,
90 prospects and possible projects pursuant to Section 551.087 (Economic
91 Development)
- 92 2. Discussion regarding possible claim related to Oncor pursuant to Section
93 551.071 (Consultation with Attorney)
- 94 3. Discussion regarding the following legal claims: Jennifer A. Turner v. City
95 of Rockwall and Beverly A. Young v. City of Rockwall pursuant to Section
96 551.071 (Consultation with Attorney)
- 97 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
98 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
99 551.071 (Consultation with Attorney)

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- 5. Discussion regarding land lease/acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section 551.072 (Real Property).
- 6. Discussion regarding proposed term extension of a Real Property Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
- 7. Discussion regarding Economic Development prospect (Hawaiian Falls) pursuant to Section 551.087 (Economic Development)

IV. ADJOURN EXECUTIVE SESSION
Executive Session was adjourned at 5:56 p.m.

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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 07, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members were present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to not pursue a public / private partnership with Hawaiian Falls. Councilmember Daniels seconded the motion. Councilmember Milder mentioned that this proposal came with a very costly price tag for the city, and it would come with an incredible amount of debt. After these brief comments, the motion passed by a vote of 7 ayes with 0 nays.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER PRUITT

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

VIII. PROCLAMATIONS / AWARDS

1. Mary Claire Weible Memory Master Day

Mayor Sweet and Mayor Pro Tem White called Miss Weible forward to recognize her for these recent academic-based achievements. Miss Weible recited the preamble to the U.S. Constitution, and Mayor Sweet then read and presented her with the proclamation.

2. Child Abuse Prevention & Awareness Month

Mayor Sweet read this proclamation into the public record.

IX. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and then asked if anyone in the audience would like to come forth to address the council at this time.

Richard Langley
2401 Sandstone Court
Rockwall, TX

Mr. Langley came forth and expressed concern related to solicitors who knock on doors in neighborhoods. He explained that some have been threatening to residents, and he is gravely concerned about these types of individuals who 'solicit' in Rockwall. He explained that a lot of the solicitors do not follow regulations that the city has in place. He urged the council to put a stop to solicitors or put tighter regulations in place to slow them down. Mr. Langley explained that when solicitors show up at his home and cannot

165 provide proper identification or are suspicious, he and / or his wife do call the Rockwall
166 Police Department to report them, and the police do come out and respond. Sometimes
167 the police escort such individuals out of the neighborhood. He encouraged the council
168 to consider banning solicitors except for church related groups.

169
170 **Ben Weible**
171 **215 Trout**
172 **Rockwall, TX**

173
174 **Mr. Weible came forth and thanked the council for not entering into a public / private**
175 **partnership with Hawaiian Falls. He expressed concern about solicitors, generally**
176 **indicating he has problems with potentially singling out certain individuals because of**
177 **what they look like or other for other reasons.**

178
179 **X. CONSENT AGENDA**

- 180
181 1. Consider approval of the minutes from the March 17, 2014 regular city
182 council meeting, and take any action necessary.
- 183 2. Consider authorizing the City Manager to execute a Cooperative
184 Purchasing Agreement through state contract for the acquisition of a
185 police vehicle for use by the Chief of Police in the amount of \$28,756,
186 with an additional cooperative purchasing administrative cost of \$400, to
187 be funded out of general fund reserves, and take any action necessary.

188 **Following Appointment item #1, the Council addressed this item. Councilmember Pruitt**
189 **indicated that he is not in favor of taking money out of reserves in order to purchase this**
190 **item. He would prefer that the purchase be delayed at this time until the next, upcoming**
191 **budget cycle. Councilmember Milder expressed agreement and would prefer this be**
192 **addressed during the budget process as well.**

193
194 **Mayor Sweet made a motion to approve the purchase of this police vehicle.**
195 **Councilmember Daniels seconded the motion.**

196
197 **Councilmember Pruitt indicated that he feels the difference between the fire chief vehicle**
198 **that was approved and this one is for the police chief is that the fire vehicle was going to**
199 **be outfitted as a command vehicle so that it could be utilized on fire scenes to run**
200 **incident command. He expressed that if this police vehicle is just going to be utilized by**
201 **the Chief of Police to drive around town doing city business, he does not see why this**
202 **cannot wait until budget time to be addressed.**

203
204 **Mr. Crowley indicated he believes this vehicle would be driven for about five years.**

205
206 **The motion passed by a vote of 5 in favor with 2 against (Pruitt, Milder).**

207
208 **Appointment item #2 (P&Z Chairman) was next addressed by council.**

- 209
210 3. Consider authorizing the Mayor to execute a tax resale deed for property
211 located at lot 7, block A Heritage Heights, and take any action necessary.
- 212 4. Consider approval of the award of the Lake Rockwall Estates Water
213 Connections project construction contract to Four Star Excavating, in the

- 214 amount of \$186,658.50 to be funded by 2008 water and sewer revenue
215 bonds, and take any action necessary.
- 216 5. Consider approval of the award of the Central Water and Sewer
217 Improvements project construction contract to Barson Utilities, in the
218 amount of \$786,973.00 to be funded by 2008 Water and Sewer Revenue
219 Bonds, and take any action necessary.
- 220 6. Consider approval of the award of the Miscellaneous Water System
221 Improvements project construction contract to Four Star Excavating, in
222 the amount of \$429,936.30 to be funded by 2012 Water and Sewer
223 Funds, and taken any action necessary.
- 224 7. **P2014-009** - Consider a request by Cameron Slown of FC Cuny
225 Corporation on behalf of Brian Berry of Horizon GSL 1, LLC for the
226 approval of a replat of Lots 2-7, Block 1, Alliance Addition, Phase 2,
227 creating three (3) non-residential lots identified as Lots 12, 13 & 14, Block
228 1, Alliance Addition, Phase 2, being 2.768-acres of land situated in the W.
229 W. Ford Survey, Abstract No. 80, Rockwall, Rockwall County, Texas,
230 zoned Planned Development District 57 (PD-57), located southeast of the
231 intersection of H. Wallace Lane and Jeff Boyd Drive, and take any action
232 necessary.
- 233 8. P2014-010 - Consider a request by Barney M. Barnhill for the approval of
234 a replat of Lots 1 & 2, Block E, Sanger Brothers Addition, creating two (2)
235 non-residential lots identified as Lots 1 & 2, Block A, Goliad Dental
236 Addition, being 0.56-acres of land situated in the B. F. Boydston Survey,
237 Abstract No. 14, Rockwall, Rockwall County, Texas, zoned General Retail
238 (GR) District, located at the southeast corner of the intersection of E.
239 Boydston Avenue and S. Goliad Street (SH-205), and take any action
240 necessary.
- 241 9. Consider approval of an **ordinance** declaring unopposed candidates for
242 city council Places 2, 4 and 6 and cancelling the 2014 General Election,
243 and take any action necessary. **(2nd reading)**
- 244 10. **Z2014-005** - Consider approval of an **ordinance** for a request by Ron
245 Ramirez of Wier & Associates, Inc. on behalf of Ken Keeton of the
246 Rockwall Economic Development Corporation (REDC) for the approval of
247 a zoning change from an Agriculture (AG) District to a Light Industrial (LI)
248 District for a 2.006-acre tract of land identified as a portion of Tract 2-7 of
249 the David Harr Survey, Abstract No. 102, Rockwall, Rockwall County,
250 Texas, situated within the SH-205 By-Pass Corridor Overlay (205 BY-OV)
251 District, located on the west side of John King Boulevard south of Airport
252 Road, and take any action necessary **(2nd Reading)**.
- 253 11. **Z2014-006** - Consider approval of an **ordinance** for a request by the
254 Cabana's at Chandler's Landing Homeowner's Association on behalf of
255 the residents of the Cabana's at Chandler's Landing to amend the density
256 and dimensional requirements stipulated by Planned Development
257 District 8 (PD-8) for a 1.131-acre portion of a parcel of land identified as
258 the Cabanas at Chandler's Landing, zoned Planned Development District
259 8 (PD-8) for multi-family or condominium uses as established in
260 Ordinance 73-48 & 84-04, generally located south of Yacht Club Drive

261 and west of Harbor View Drive, and take any action necessary (2nd
262 Reading).

263 Councilmember Pruitt pulled item #2 for discussion following one of the appointment
264 items later in tonight's agenda.

265
266 Councilmember Milder made a motion to approve the remaining Consent Agenda items
267 (#1, 3, 4, 5, 6, 7, 8, 9, 10 and 11). Mayor Pro Tem White seconded the motion. The
268 ordinances were read as follows:

269
270 CITY OF ROCKWALL, TEXAS
271 ORDINANCE NO. 14-13
272

273 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
274 ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE
275 OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER
276 PLACE 4, AND CITY COUNCILMEMBER PLACE 6 AS ELECTED;
277 PROVIDING THAT THE MAY 10, 2014, GENERAL MUNICIPAL ELECTION
278 SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF
279 ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS
280 CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND
281 DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS
282 PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW;
283 PROVIDING FOR AN EFFECTIVE DATE.
284

285 CITY OF ROCKWALL
286 ORDINANCE NO. 14-14
287

288 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
289 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
290 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
291 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
292 ZONING FROM AN AGRICULTURE (AG) DISTRICT TO A LIGHT
293 INDUSTRIAL (LI) DISTRICT FOR A 2.006-ACRE TRACT OF LAND
294 IDENTIFIED AS A PORTION OF TRACT 2-7 OF THE DAVID HARR SURVEY,
295 ABSTRACT NO. 102, ROCKWALL, ROCKWALL COUNTY, TEXAS AND
296 MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;
297 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
298 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
299 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
300 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
301 EFFECTIVE DATE.
302

303 CITY OF ROCKWALL
304 ORDINANCE NO. 14-15
305

306 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
307 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8)
308 [ORDINANCE NO. 73-48 & 84-04] AND THE UNIFIED DEVELOPMENT
309 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
310 HERETOFORE AMENDED SO AS TO FURTHER AMEND THE DENSITY
311 AND DIMENSIONAL REQUIREMENTS STIPULATED BY PLANNED
312 DEVELOPMENT DISTRICT 8 (PD-8) FOR A 1.131-ACRE PORTION OF A
313 PARCEL OF LAND IDENTIFIED AS THE CABANAS AT CHANDLER'S
314 LANDING, ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE

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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 Rockwall County Judge Hogan and representative(s) of the Commissioner's Court to hear proposal related to the interoperability radio system and joint dispatch facility, and take any action necessary.

Judge Hogan came forth and introduced himself. He then provided an extensive explanation of countywide interoperability and dispatch challenges and needs as he understands them. He explained that the county will cover the cost of the proposed new radio system, including supplying the city with all of the radios. The county would also bear the cost of establishing a consolidated dispatch center and would pay for the cost to run the dispatch center for the first two years. Thereafter, each city would collaboratively pay for the cost of the dispatch center on a per call basis. Judge Hogan requested that the Rockwall City Council consider signing a proposed 'letter of intent,' which he explained is not binding but would allow the county to move forward with a study to more closely nail down cost. He explained that it would probably take about a year for a consolidated dispatch center to be bought and established. He explained that the Sheriff would run the dispatch center under the guidance of a pre-established board that would be made up of each city's police chief, fire chief and one additional representative from each city as well as a county commissioner.

Mr. Crowley explained that holding a work session to discuss this matter may be a desirable option for the council. He stated that the County would like to receive a response on the proposed 'letter of intent' within the next thirty or so days.

Councilmember Daniels expressed a desire to hold a work session to get some more questions answered and receive more information before moving forward with signing the letter of intent that the county has proposed. Mr. Crowley indicated this could likely be held in the next week or so, potentially on an 'off' council meeting Monday.

Judge Hogan explained that the dispatch center would be located to the left of the existing jail (as you look at it).

It was decided that a work session will be held next Monday, April 14 at 6:00 p.m. to discuss this matter further. No action was taken at this time.

Consent Agenda item #2 was next addressed by council.

2. 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.

364 Chairman of the Planning and Zoning Commission, Craig Renfro, came forth and
365 provided a briefing to council regarding recommendations of the Commission relative to
366 items on tonight's meeting agenda. Lengthy discussion took place related to the
367 Planning & Zoning Commission's recommendations regarding zoning change
368 notification modifications (Z2014-004) (i.e. size of the on-site sign; notification
369 circumferences; method for notifying residence in abutting neighborhoods (i.e. notify the
370 HOAs up to within 1,500 feet from the subject property).

371
372 The council took no action related to this agenda item.

- 373
374 3. Appointment with Scott Self of Sail with Scott, LLC to hear and consider
375 request regarding temporary relocation of his boat dock at The Harbor,
376 and take any action necessary.

377 **Scott Self**
378 **319 Harbor View Drive**
379 **Rockwall, TX**

380
381 Mr. Self came forth and indicated that this request is being made due to lake levels being
382 more than seven-and-a-half feet down at this time. After Mr. Self's brief request, Mr.
383 Griggs, Assistant City Manager, indicated that Mr. Self must first obtain permission from
384 our city (Rockwall) before approaching the City of Dallas for approval, which he will need
385 to do hereafter.

386
387 Mayor Pro Tem White made a motion to approve this request as presented.
388 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

- 389
390 4. Appointment with Raymond Jowers to discuss his request to extend his
391 Specific Use Permit for 2260 East IH-30, and take any action necessary.

392 Mr. Jowers came forth and explained that Big Tex Trailers is the current tenant and he
393 believes they will continue to be the tenant at this location for the foreseeable future.

394
395 Councilmember Milder made a motion to extend the SUP for a period of 3 years.
396 Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0
397 nays.

- 398
399 5. Appointment with Mike Peoples to discuss approval of a temporary waiver
400 to the requirement for sanitary sewer connection in conjunction with the
401 future development of a 7.42-acre tract of land identified as a portion of
402 Tract 4-01, M.B. Jones Survey, Abstract No. 122, City of Rockwall,
403 Rockwall County, Texas, located east the of the intersection of John King
404 Boulevard and SH-66, and take any action necessary.

405 Mr. Peoples came forth and offered brief comments related to his request.

406 Mr. LaCroix explained that should this temporary waiver be approved, Mr. Peoples will be
407 coming forth in the future with a zoning change request and possible variance requests
408 (related to the building).

409 Brief discussion took place related to height restrictions and the "airport safety zone"
410 regarding commercial properties in and around the airport.

411 Mayor Pro Tem White made a motion to approve the temporary waiver. Councilmember
412 Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

413 6. Appointment with Dorothy Spradlin, representing AMBUCS to request
414 permission to use city property for an upcoming scrap metal collection
415 fundraiser, and take any action necessary.

416 Ms. Spradlin came forth and explained that AMBUCS is a local, non-profit organization
417 that raises money and builds trikes for kids who have special needs and mobility issues.
418 She explained the nature of her request, indicating that AMBUCS will be partnering with
419 Mike Carl, who owns a metals company out of Greenville, TX. She explained that he has
420 agreed to provide all the manpower, equipment and containers necessary in order to do
421 this event on Saturday, April 26 from 8:00 a.m. to 2:00 p.m. She explained that they
422 would like to hold this event on the city-owned property near the countywide gun range
423 (1825 Airport Road). At the close of the event, they will ensure the property is left in the
424 same condition as it was found.

425
426 After brief discussion, Councilmember Pruitt made a motion to approve this request as
427 presented. Councilmember Townsend seconded the motion, which passed by a vote of 7
428 ayes to 0 nays.

429
430 Mayor Sweet called for a brief, ten minute break following this item.

431
432 XII. PUBLIC HEARING ITEMS

433
434 1. Z2014-004 - Hold a public hearing and consider approval of an
435 ordinance for a city-initiated request to amend the Unified Development
436 Code (Ordinance No. 04-38), specifically Article II, Authority and
437 Administrative Procedures, Section 6.1, Notice of Public Hearing, and
438 take any action necessary (1st Reading).

439 Mayor Sweet called the public meeting back to order at 7:46 p.m. He clarified that this
440 item does not in fact have an ordinance to be read this evening (contrary to what is
441 shown on the agenda). It was clarified that after tonight's discussion, based on the
442 direction given by council, an ordinance will be drafted and brought back to council for
443 consideration at a later date.

444 Planning Director Robert LaCroix provided background information related to this
445 agenda item, indicating that the Planning and Zoning Commission has made the
446 following recommendations related to the city's zoning change notification process:

- 447 (1) The property owner notification buffer area should be increased from 200 feet to
448 300 feet,
449 (2) All notices of public hearing should be sent via first class mail with the outside of
450 the envelope being stamped in red with the wording "Zoning Change Requested,"
451 (3) Staff should mail a notification to all known HOA representatives within 1,500' of
452 the zoning change request,
453 (4) Staff should mail notifications to all property owners listed on the most current
454 and approved city tax rolls and to the actual notification property address if the
455 property owner does not reside at the physical address
456 (5) For Multi-Family properties, staff should mail notifications to the property owner
457 and the leasing office of the apartment or housing complex.

458 (6) A four (4) foot by four (4) foot, doubled sided sign with a distinctive color
459 indicating what type of zoning change is being requested, should be posted on
460 the subject property.
461

462 Mayor Sweet opened the public hearing. There being no one wishing to come forth and
463 speak, Mayor Sweet then closed the public hearing.
464

465 Mayor Sweet made a motion to move forward with the abovementioned, recommended
466 changes from the Planning and Zoning Commission as presented. Councilmember
467 Milder seconded the motion. After additional discussion, Mayor Pro Tem White made an
468 amendment to his motion to expand the circumference to 500 feet. Councilmember
469 Milder seconded the amended motion. The motion passed unanimously (7 ayes to 0
470 nays).
471

472 **XIII. ACTION ITEMS**
473

- 474 1. **MIS2014-002** - Discuss and consider a request by Fritz McKinstry for the
475 approval of an exception to the minimum masonry requirements
476 stipulated in Section 3.1, General Residential District Standards, of Article
477 V, District Development Standards, of the Unified Development Code, for
478 a 0.17-acre parcel of land identified as Lot 23, Block E, Chandler's
479 Landing, Phase 16, zoned Planned Development District 8 (PD-8),
480 located at 257 Victory Lane, Rockwall, Rockwall County, Texas, and take
481 any action necessary.

482 Mr. LaCroix provided background information related to this agenda item, indicating that
483 the Planning and Zoning Commission has recommended approval of this item. Mayor
484 Pro Tem White made a motion to approve MIS2014-002. Councilmember Lewis seconded
485 the motion, which passed by a vote of 7 ayes to 0 nays.
486

- 487 2. Discuss and consider hotel tax subcommittee funding recommendations
488 for supplemental funding for the Soroptomists, Dodies, and The Rockwall
489 News events, and take any action necessary.

490 Assistant City Manager Mary Smith briefed the council on the three funding requests.
491 Councilmember Lewis made a motion to approve the funding requests as recommended
492 by the sub-committee and as presented (\$2,000 to Soroptomist for the Country Fair;
493 \$1,920 to the Rockwall News for its Memorial Day Concert; \$1,000 to Dodie's for its
494 Crawfish Fest) Mayor Pro Tem White seconded the motion, which passed by a vote of 7
495 ayes to 0 nays.

- 496 3. Discuss and consider approval of an ordinance amending the Code of
497 Ordinances in Chapter 44. Utilities, Article V. Water, Division 7. Drought
498 Contingency and Water Emergency Response Plan to keep the city in
499 compliance with Texas Commission on Environmental Quality
500 requirements, and take any action necessary. (1st reading)

501 City Engineer, Tim Tumulty, provided brief comments related to this agenda item.
502 Councilmember Daniels made a motion to approve the ordinance. Mayor Pro Tem White
503 seconded the motion. The ordinance was read as follows:
504

505 **CITY OF ROCKWALL**
506 **ORDINANCE NO. 14-_____**

507
508 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
509 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
510 CHAPTER 44. UTILITIES; ARTICLE V. WATER; DIVISION 7.
511 DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE
512 PLAN, TO PROVIDE FOR CERTAIN DELETIONS AND CHANGES TO
513 ITS PROVISIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO
514 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
515 EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED
516 COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION
517 OCCURS; PROVIDING FOR SEVERABILITY AND REPEALER
518 CLAUSES; PROVIDING FOR AN EFFECTVE DATE.
519

520 The motion passed by a vote of 7 ayes to 0 nays.
521

- 522 4. Discuss and consider approval of an ordinance amending the city's
523 Water Conservation Plan to keep the city in compliance with Texas
524 Commission on Environmental Quality (TCEQ) requirements, and take
525 any action necessary. (1st reading)

526 City Engineer, Tim Tumulty, provided brief comments related to this agenda item.
527 Councilmember Lewis made a motion to approve the ordinance to amend the city's
528 Water Conservation Plan. Mayor Pro Tem White seconded the motion. The ordinance
529 was read as follows:

530 CITY OF ROCKWALL
531 ORDINANCE NO. 14-
532

533 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
534 ROCKWALL, TEXAS, AMENDING ORDINANCE # 09-25 TO REPLACE
535 "EXHIBIT A" (WATER CONSERVATION PLAN) WITH A NEW "EXHIBIT
536 A," ATTACHED HERETO, PROVIDING FOR A PENALTY OF A FINE
537 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
538 (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE
539 SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON
540 WHICH A VIOLATION OCCURS; PROVIDING FOR SEVERABILITY
541 AND REPEALER CLAUSES; PROVIDING FOR AN EFFECTVE DATE.
542

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

- 544 5. Discuss and consider recent action taken by North TX Municipal Water
545 District (NTMWD) board of directors related to water conservation, and
546 take any action necessary.

547 City Manager, Rick Crowley, explained that lake levels continue to be very low at this
548 time. The NTMWD board had previously, and then again recently, recommended a once
549 every other week watering schedule for the public. He indicated that he is
550 recommending the council consider continuing the once-every-other-week watering
551 schedule that the city has already had in place throughout the winter months for an
552 additional month. Brief discussion took place related to new landscaping.
553 Councilmember Pruitt suggested the city may consider putting a moratorium on
554 requiring a commercial business to replace dead landscaping or trees. Mr. Crowley
555 indicated that staff will be looking at these ordinance regulations and will bring back an
556 ordinance for the council to review at a later time.

557 Councilmember Milder asked staff to put a 'button' on the city's homepage on the
558 website to very clearly point a resident to current water restrictions and schedules.

559 The council took no formal action related to this agenda item.

560 6. Discuss and consider possible amendment to the City's ordinance
561 regulating solicitors, and take any action necessary.

562 Mayor Pro Tem White asked how many citations have been issued for violation of the
563 city's current solicitors regulations. Mr. Crowley indicated he will find this out and get
564 back to the council with this information.

565 Councilmember Pruitt suggested that some additional provisions be added to the
566 ordinance regulations related to what happens if / when a background check shows
567 something bad for someone who wishes to obtain a solicitor's permit.

568 Mr. Garza cautioned that any ordinance changes cannot be based on 'content.' The city
569 can only regulate 'time, place and manner.' He suggested that a more comprehensive
570 ordinance be developed and brought back to the council for consideration at a future
571 meeting. Mr. Garza stated he has seen some cities pass ordinances that regulate
572 solicitors but exempt non-profit organizations.

573 Councilmember Daniels indicated he lives in a gated community, and he is wondering if
574 solicitors are or are not allowed. Mr. Garza stated that a gated community can have
575 proper signage in place to completely prohibit solicitors in gated neighborhoods. Then,
576 if a violator comes knocking on his door, he can call the police, and they can take
577 enforcement measures.

578 Lieutenant Valliant, Rockwall PD, indicated that the majority of complaints received
579 related to solicitors are related to the aggressive selling tactics being utilized by
580 solicitors.

581 Councilmember Pruitt made a motion to instruct the city attorney to review the entirety of
582 the city's current solicitors regulations to add clear penalty provisions for people who
583 violate the ordinance, to add a section explaining what happens if a background check
584 shows a person is not in good standing and the city would like to not issue them a
585 permit, and add some "teeth" to the violation provisions. Mayor Pro Tem White stated he
586 will support this motion just because he would like to see what is brought back to the
587 council for review. Mayor Sweet seconded the motion, which passed by a vote of 7 ayes
588 to 0 nays.

589 7. Discuss and consider amending the 2013-2014 Recreation Development
590 Fund Budget to reconstruct the parking lot at Lofland Park, and take any
591 action necessary.

592 Mr. Griggs, Assistant City Manager, provided brief background information related to this
593 agenda item. He indicated that the total cost of the project is estimated to be \$18,050.
594 Mr. Crowley indicated that he is recommending the council consider funding a portion of
595 this project (the part located in right-of-way) out of the General Fund budget with the
596 remainder being funded out of the city's Recreational Development Fund.

597 Mayor Pro Tem White made a motion to approve this item as presented. Councilmember
598 Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

599 8. Discuss and consider an appointment to the city's Historic Preservation
600 Advisory Board (HPAB), and take any action necessary.

601 Councilmember Daniels made a motion to appoint Glen Turbyfill to the Historic
602 Preservation Advisory Board to replace former member, Dr. David Waller, for an initial
603 (partial) term to expire in August of 2015. Mayor Pro Tem White seconded the motion,
604 which passed by a vote of 7 ayes to 0 nays.
605

606 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
607 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
608

- 609 1. Departmental Reports
610 Building Inspections Monthly Report - February 2014
611 Fire Department Monthly Report - February 2014
612 Harbor PD Monthly Report - February 2014
613 Internal Operations Department Monthly Report - February 2014
614 Police Department Monthly Report - February 2014
615 Recreation Monthly Report - February 2014
616 Rockwall Animal Adoption Center Monthly Report - February 2014
617 Rockwall County Committee on Aging Quarterly Report
618 2. City Manager's Report
619

620 **Joey Boyd, Director of Internal Operations, indicated that the transition from the old**
621 **Fixed Based Operator (FBO) at the airport to the new FBO is going well, and it took place**
622 **on April 1. Mr. Crowley indicated that all retailers in the city who sell vapor products**
623 **were notified of the city's recent ordinance that passed which regulates the sale of these**
624 **products to minors, and no violations of the ordinance have been reported by the Police**
625 **Department to date. Regarding the ongoing drought conditions, he does not believe the**
626 **city will be able to operate its spray grounds again this summer. He reported that the**
627 **date for the council staff retreat has been set for June 12-14 in Kaufman. Staff welcomes**
628 **any agenda topics for discussion on the upcoming retreat. Mr. Crowley reported that**
629 **Police Chief Mark Moeller is currently attending Secret Service training (at the Secret**
630 **Service's expense) that deals with hosting dignitaries in our city.**

631 **At 8:45 p.m., Mayor Sweet then read Executive Session discussion items # 2 and #5 (see**
632 **below) into the public record before recessing the public meeting into Executive Session.**
633

634 **XV. EXECUTIVE SESSION**
635

636 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
637 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
638 **CODE:**
639

- 640 1. Discussion regarding Economic Development incentives, procedures,
641 prospects and possible projects pursuant to Section 551.087 (Economic
642 Development)
643 2. Discussion regarding possible claim related to Oncor pursuant to Section
644 551.071 (Consultation with Attorney)
645 3. Discussion regarding the following legal claims: Jennifer A. Turner v. City
646 of Rockwall and Beverly A. Young v. City of Rockwall pursuant to Section
647 551.071 (Consultation with Attorney)

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4. 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)
5. Discussion regarding land lease/acquisition in the vicinity of the downtown area for municipal purposes pursuant to Section 551.072 (Real Property).
6. Discussion regarding proposed term extension of a Real Property Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
7. Discussion regarding Economic Development prospect (Hawaiian Falls) pursuant to Section 551.087 (Economic Development)


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

Mayor Pro Tem White made a motion to enter into a lease agreement for property located on the southwest corner of San Jacinto and Interurban in the downtown area for parking purposes as directed in Executive Session. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XVII. ADJOURNMENT

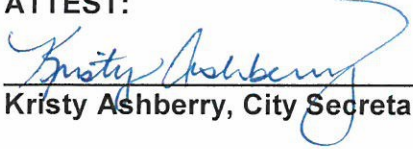
The meeting was adjourned at 8:58 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of April, 2014.**



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 14, 2014
6:00 p.m. City Council Work Session
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

9 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Scott
11 Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley
12 and Assistant City Managers Mary Smith and Brad Griggs.
13

14
15

II. WORK SESSION

- 16 1. Hold work session to discuss and consider proposal related to a countywide
17 interoperability radio system and joint dispatch facility, including proposed letter
18 of intent, and take any action necessary.
19

20 City Manager Rick Crowley provided background information related to this agenda item,
21 indicating that initial debt for the existing radio system was issued about ten years ago
22 and has already been paid off. Since that time, additional debt was issued to enhance
23 the system to address coverage concerns, in part, in the area of The Harbor. That debt
24 will be paid off by 2019, which is the expected end of the lifespan of the current, existing
25 radio system. Mr. Crowley then briefly outlined the county's proposals for a joint,
26 countywide radio system and dispatch center.
27

28 Councilmember Lewis and Councilmember Daniels indicated that they have a lot of
29 unanswered questions and outstanding concerns regarding this potential partnership.
30 They both expressed grave concern about the county judge previously indicating that he
31 would like to see one, joint, countywide police force in Rockwall County someday.
32

33 Councilmember Pruitt asked if the City of Rockwall could consider, for example,
34 expressing interest in only the radio system but not the joint dispatch center. Mr.
35 Crowley indicated he is unsure as to if this is a possibility, as the county has currently
36 only offered these projects in the form of a joint proposal.
37

38 Councilmember Milder expressed concern about being involved with the county on any
39 project that would involve construction of a physical building (new facility).
40

41 Rockwall Fire Chief Mark Poindexter indicated that the year 2015 is about the right time
42 to being evaluating a future, new radio system since the life of the city's current system
43 will expire in 2019, and the planning process is typically quite lengthy. He expressed
44 strong support for having one, countywide radio system throughout Rockwall County.
45 However, he explained concerns about the need to keep some of the UHF and VHF
46 equipment in place in order to be able to communicate with Hunt County and the City of
47 Dallas during mutual aid situations. He would like this equipment to still be able to be
48 utilized under any new system. Regarding a joint dispatch center, he does believe and
49 agree that there should be a board that is representative of all participating entities;

50 however, he does not believe the board (of elected officials) should oversee the
51 employees in the dispatch center. He believes a department director should oversee the
52 employees in the dispatch center and report to the board.
53

54 Police Chief Mark Moeller indicated he believes these issues are two, separate issues –
55 (1) the radio system and (2) a joint dispatch center. He believes the main focus should
56 be on the radio system for now, and the idea of a joint dispatch center could be dealt
57 with separately, later on. He expressed that a joint CAD (computer aided dispatch)
58 center is needed. He does agree that a board would need to be in place to oversee any
59 potential joint dispatch center with a manager (staff person) managing the staff. He
60 expressed that handling these two issues as one, large project is ‘too much, too soon.’
61

62 Councilmember Milder left the meeting at this point (6:49 p.m.).
63

64 Councilmember Daniels expressed that he does see value in the city drafting a letter
65 expressing the city’s position; however, he is not comfortable signing the letter of intent
66 that the county has provided for consideration. Councilmember Pruitt suggested that an
67 item be placed on the next regular city council meeting agenda for the council to discuss
68 what exactly it would like to say when writing a response letter to be submitted to the
69 County.
70

71 No action was taken related to this discussion item.
72

- 73 1. Hold work session to discuss open space dedication options as part of the development
74 process, and take any action necessary.
75

76 City Manager Rick Crowley provided brief background information related to this agenda
77 item, indicating that this item represents a continuation of a previous discussion which
78 was held at the last, regular council meeting. He explained that the city had traditionally
79 accepted land dedications of open space from developers, and that is what had been
80 previously done with the first phases of the Stonecreek and Breezy Hill subdivisions.
81 However, with the most recent plat that was approved, the city departed from that
82 practice and required that the developer make the land dedications to the HOA instead.
83 This, according to the developer, resulted in a large, increased cost for him.
84

85 After brief discussion, Mayor Sweet made a motion to allow the open space dedication
86 for the remaining phases of the Stone Creek and Breezy Hill developments and to direct
87 staff to place this discussion item on the upcoming council retreat agenda for further
88 consideration (related to future developments). Councilmember Daniels seconded the
89 motion.
90

91 General discussion took place related to how this action of the city council may or may
92 not affect the school district and the county. Also, the city manager indicated that there
93 are no other ongoing developments in our city that would be affected at this time should
94 a change in this policy be formally made. Only this particular developer (Skorburgh) has
95 been affected by the change. Mayor Sweet clarified that his motion will have no net
96 affect at all on the school district.
97

98 Adam Buczeck with the Skorburgh Company (the developer) then came forth and
99 indicated that his company did not submit a formal protest to the taxing authority
100 because they did not know about the city’s change to the land dedication policy until

101 later on, so they just paid the tax bill, which was about \$40,000 (+) dollars. If they had not
102 paid it, they would have received a seven percent penalty for non-payment. Brief
103 discussion took place regarding the past timeline associated with the developer
104 attempting to dedicate the open space (associated with the most recent plat) to the city
105 and the city's subsequent rejection of said land dedication. Mr. Buczeck indicated that
106 they have money set aside for the HOA to maintain the dedicated open space areas, as it
107 is a very financially sound HOA, and they have always been maintaining those areas and
108 will continue to maintain those areas. He indicated he is willing to add some additional
109 language into the 'covenants' in order to stipulate that the HOA will maintain those areas
110 and will reimburse the city for any incurred insurance expenses.

111
112 Mr. Crowley explained that the dedication of open space to the city (or not) is not
113 currently written in a city policy. It is handled at the time the city accepts the plat, and
114 with the most recent plat, the city did not accept the land dedication (as it previously had
115 with prior plat approvals submitted by this developer).

116
117 Mayor Sweet clarified that, as part of his motion on the floor, the developer is to add to
118 the subdivision's 'covenants' the stipulation that the HOA will pay for and maintain the
119 open space areas in perpetuity.

120
121 Councilmember Townsend expressed some concern regarding the motion on the floor.
122 Mayor Sweet explained that this action would be related only to the Breezy Hill and
123 Stonecreek subdivisions. Others in the future may be handled differently.

124
25 Councilmember Pruitt asked for clarification regarding why staff did not handle this
26 matter administratively. Mr. Crowley indicated that he is getting the council involved on
27 this now because the council previously accepted the plat, which had included the
128 rejection, on the part of the city, of the land dedication. So he feels it necessary to have
129 the council involved in these discussions at this time. He again clarified that this is the
130 only developer that has encountered this issue to date.

131
132 Following additional discussion, the motion passed by a vote of 6 ayes with 1 absent
133 (Milder).

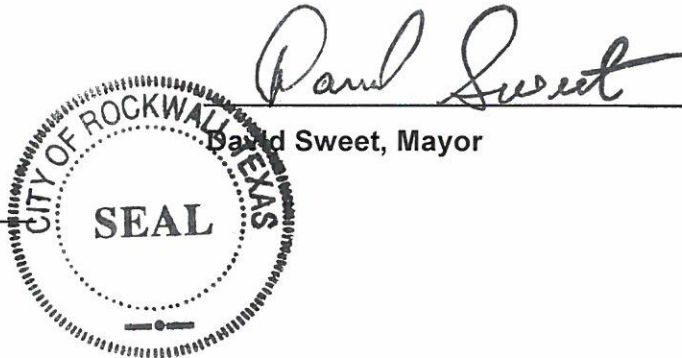
134
135 **III. ADJOURNMENT**

136
137 The meeting was adjourned at 7:17 p.m.

138
139
140 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
141 **this 21st day of April, 2014.**

142
143
144 **ATTEST:**

145 *Kristy Ashberry*
146 _____
147 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 21, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

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

13
14 II. WORK SESSION

- 15
16 1. HOLD WORK SESSION TO DISCUSS AND CONSIDER PROPOSAL RELATED TO A
17 COUNTYWIDE INTEROPERABILITY RADIO SYSTEM AND JOINT DISPATCH FACILITY,
18 INCLUDING PROPOSED LETTER OF INTENT, AND TAKE ANY ACTION NECESSARY.

19
20 Assistant City Manager Brad Griggs provided a brief summary of the status of this
21 discussion.

22
23 Councilmember Daniels indicated that he has concerns about “control” and oversight of the
24 proposed, joint dispatch center. Councilmember Pruitt indicated he spoke with Judge
25 Hogan and expressed that all Rockwall council members have concern about ‘control’ with
26 regards to the idea of a joint dispatch center. He stated that Judge Hogan explained that a
27 board would be appointed by the various city councils and would be made up of the sheriff
28 and police chiefs. The board would oversee the dispatch center and would be a voting,
29 authoritative board rather than only advisory in nature. Mayor Sweet indicated he spoke at
30 the commissioner’s court meeting last week and generalized that he has and expressed the
31 most concerns about cost and control. In addition to these concerns, he also indicated he
32 did mention to the county commissioner’s court Chief Poindexter’s concerns related to a
33 continued ability to communicate with Hunt County and Dallas under any new radio system.
34 He is also concerned that service will need to be greater than or at least equal to the level of
35 dispatch service that the City of Rockwall is already providing to the public.

36
37 Councilmember Lewis asked if there have been any conversations related to the
38 countywide Emergency Services Corporation Board taking over any future, joint dispatch
39 center. Mayor Sweet indicated that he has heard no talk about this possibility.

40
41 Councilmember Townsend agreed that a letter of intent should be sent, but he wants to
42 include the caveat that the board should be a governing board, not just advisory. He also
43 thinks it is prudent to split out the two projects (dispatch center separate from radio
44 system).

45
46 Mayor Pro Tem White asked Mr. Crowley what the disadvantages are if the City of Rockwall
47 does not pursue these joint, collaborative projects being proposed. Mr. Crowley indicated
48 that the city’s radio system that was installed about ten years ago and was new at that time
49 did not come about at a time when other entities within the county were in a position to buy
50 into that new radio system. So, an opportunity for interoperability did not come to fruition
51 at that time with the new radio system, and that same kind of opportunity would potentially

52 be lost for a number of years with this proposed, new system if all entities do not agree to
53 join in and participate in it. Mayor Pro Tem White asked what the citizens of the City of
54 Rockwall gain or lose with regards to being a part of this new, proposed system or not. Mr.
55 Crowley indicated that if the city does not partner on this proposed, new system, city
56 residents would pay one hundred percent of the cost of a new radio system when the time
57 comes to replace our existing system. Regarding an advantage, Mr. Crowley explained that
58 if the city does choose to partner with other entities on something like what is being
59 proposed, the ability for emergency responders to effectively communicate with one
60 another will be enhanced.

61
62 Mayor Sweet asked where the funding for these projects would be coming from within the
63 county's budget. Mr. Crowley indicated he does not know the answer to this question.
64 Mayor Pro Tem White pointed out that, regardless, Rockwall citizens still pay taxes to both
65 the city and the county.

66
67 Mr. Crowley expressed a need to evaluate what the cost would be to the city if it partnered
68 on the new radio system but continued to maintain separate dispatch facilities. The cost of
69 upgrades to equipment in the city's dispatch center, for example, is not known at this time
70 and may not be known until further along in the planning process.

71
72 After additional discussion, Mayor Sweet made a motion to direct staff to prepare a
73 modified letter of intent to be brought back to the council for consideration and that
74 addresses the Rockwall City Council's concerns, including:

- 75
- 76 • More accurate costs
- 77 • Long term impact of costs associated with the City of Rockwall on both aspects of
- 78 the proposal
- 79 • Coverage aspects
- 80 • Command

81
82 Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

83
84 Mayor Sweet then read the below listed discussion items into the record before recessing
85 the public meeting into Executive Session.

86
87 **III. EXECUTIVE SESSION. (4:15 P.M.)**

88
89 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
90 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
91 **CODE:**

- 92 1. Discussion regarding board composition and duties of Airport Zoning Board
93 pursuant to Section 551.071 (Consultation with Attorney) and 551.074
94 (Personnel).
- 95 2. Discussion regarding potential city-initiated zoning for property currently
96 used for commercial purposes pursuant to Section 551.071 (Consultation
97 with Attorney)
- 98 3. Discussion regarding land acquisition in the vicinity of FM-740 and IH-30 for
99 municipal purposes pursuant to Section 551.072 (Real Property).
- 100 4. Discussion regarding possible claim related to Oncor pursuant to Section
101 551.071 (Consultation with Attorney)

102 5. Discussion regarding proposed term extension of a Real Property Exchange
103 Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real
4 property located within the PD-32 area pursuant to Section 551.071
5 (consultation with attorney) and Section 551.087 (Economic Development
6 negotiations).

107 6. **From Public Mtg. agenda (Public Hearing item #2 below) - Z2014-008** - Hold a
108 public hearing to discuss and consider approval of an ordinance for a request by
109 Mike Peoples for the approval of a zoning change from an Agriculture (AG) District
110 to a Heavy Commercial (HC) District for a 7.42-acre tract of land identified as a
111 portion of Tract 4-01 of the M. B. Jones Survey, Abstract No. 122, Rockwall,
112 Rockwall County, Texas, situated within the East SH 66 Corridor Overlay (E-SH 66
113 OV) District, located east of the intersection of John King Boulevard and SH-66, and
114 take any action necessary. (1st reading) (3/4 majority vote required)
115

116 **IV. ADJOURN EXECUTIVE SESSION**

117
118 **Executive Session adjourned at 5:12 p.m.**
119
120
121
122

123 **MINUTES**
124 **ROCKWALL CITY COUNCIL**

5 **Monday, April 21, 2014**
6 **6:00 p.m. Regular City Council Meeting**
127 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
128

129 **V. RECONVENE PUBLIC MEETING**

130
131 **Mayor Sweet reconvened the public meeting. All seven council members and members of**
132 **city management were present.**
133

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

135
136 **Mayor Pro Tem White made a motion to direct staff to draft a resolution appointing the**
137 **Planning and Zoning Commission as the Airport Zoning Board. Councilmember Lewis**
138 **seconded the motion, which passed unanimously of council (7 ayes to 0 nays).**
139

140 **Mayor Pro Tem White made a motion to not pursue purchase of land or object to adjacent**
141 **land owner purchasing said land located in the vicinity of FM-740 and IH-30 as discussed in**
142 **Executive Session. Councilmember Milder seconded the motion, which passed**
143 **unanimously (7 ayes to 0 nays).**
144

145 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

146
147 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**
148

149 **VIII. CONSENT AGENDA**
150

- 151 1. Consider approval of the minutes from the April 7, 2014 regular city council
152 meeting, and take any action necessary.
- 153 2. Consider approval of the minutes from the April 14, 2014 city council work
154 session, and take any action necessary.
- 155 3. Consider approval of an **ordinance** amending the Code of Ordinances in
156 Chapter 44. Utilities, Article V. Water, Division 7. Drought Contingency and
157 Water Emergency Response Plan to keep the city in compliance with Texas
158 Commission on Environmental Quality requirements, and take any action
159 necessary. **(2nd reading)**
- 160 4. Consider approval of an **ordinance** amending the city's Water Conservation
161 Plan to keep the city in compliance with Texas Commission on
162 Environmental Quality (TCEQ) requirements, and take any action necessary.
163 **(2nd reading)**

164
165 **Councilmember Pruitt pulled item #3 for further discussion. Mayor Pro Tem made a motion**
166 **to approve the remainder of the Consent Agenda (#1, 2, and 4). Councilmember Townsend**
167 **seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.**
168

169 **Regarding Consent Agenda item #3, Councilmember Pruitt made a motion to allow**
170 **residents thirty days for watering new plantings, lawns and landscaping until the plants get**
171 **established and can then be watered once every two weeks. He questioned why the city**
172 **would permanently change this ordinance to stipulate that watering should take place once**
173 **every two weeks because, when the drought ends, citizens should then be allowed and**
174 **encouraged to water as often as they would like.**
175

176 **Councilmember Pruitt made a motion to adopt the ordinance (Consent #3) with the caveat**
177 **that, as far as new plantings of landscaping are concerned, residents will be able to water**
178 **those for up to thirty days after they are planted. Councilmember Townsend seconded the**
179 **motion. After brief discussion, the ordinance was read as follows:**
180

181 **CITY OF ROCKWALL**
182 **ORDINANCE NO. 14-16**
183

184 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
185 **TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44.**
186 **UTILITIES; ARTICLE V. WATER; DIVISION 7. DROUGHT CONTINGENCY**
187 **AND WATER EMERGENCY RESPONSE PLAN, TO PROVIDE FOR**
188 **CERTAIN DELETIONS AND CHANGES TO ITS PROVISIONS; PROVIDING**
189 **FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO**
190 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A**
191 **SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY**
192 **DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR**
193 **SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR AN**
194 **EFFECTVE DATE.**
195

196 **The motion passed by a vote of 7 ayes to 0 nays.**
197

198 **IX. APPOINTMENTS**
199

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

203 **Chair of the Planning and Zoning Commission, Craig Renfro, came forth and provided a**
204 **briefing to the council relative to planning-related items on tonight's agenda. The council**
205 **took no action related to this agenda item.**

- 206
207 2. Appointment with Lewis Crain of Rutledge, Crain & Company, PC to present
208 the city's Fiscal Year 2013 Comprehensive Annual Financial Report, and
209 take any action necessary.

210 **Mr. Crain came forth and provided brief comments to the council, generally indicating that**
211 **the city's finances are in a stable, favorable condition, including a healthy reserve fund**
212 **balance. He indicated that this is the last year his company will be auditing the City of**
213 **Rockwall. He offered several compliments, including to the City of Rockwall, the city's**
214 **Finance Director and the City Manager.**

215
216 **Councilmember Pruitt questioned Mr. Crain's indication that "things are good because ad**
217 **valorem taxes are up." Mr. Crain stated that the reason why ad valorem taxes are up is**
218 **because of growth, and that is a good thing. Councilmember Pruitt asked Mr. Crain for**
219 **clarification as far as city debt is concerned, indicating the city owes about \$144 million,**
220 **which equates to roughly \$3,000 for every man, woman and child that lives in the City of**
221 **Rockwall. Mr. Crain concurred with this rough estimate.**

222
223 **X. PUBLIC HEARING ITEMS**

- 224
225 1. **Z2014-007 - Hold a public hearing to discuss and consider approval of an**
226 **ordinance for a request by Darren Cain of the Skorburg Company on behalf**
227 **of Breezy Hill 405, LTD for the approval of a zoning amendment to Planned**
228 **Development District 74 (PD-74) to amend the concept plan and allow for**
229 **changes to the development standards contained in Exhibit 'C' of Ordinance**
230 **12-26 for 405.184-acres of land identified as Tract 7 & 7-1 of the J.**
231 **Strickland Survey, Abstract No. 187, Rockwall, Rockwall County, Texas,**
232 **generally located north of FM-552 and west of Breezy Hill Road, and take**
233 **any action necessary. (1st Reading)**

234 **Planning Director Robert LaCroix provided background information related to this agenda**
235 **item. He explained that the density is now proposed to be 749 single family, residential**
236 **homes. The Planning and Zoning Commission has recommended approval of this item by a**
237 **vote of 4 ayes to 2 nays. Notices were mailed out to adjacent property owners, and no**
238 **notices have been received back by staff at this time. Mr. LaCroix went on to explain a**
239 **history of how the property has evolved over time as far as its proposed development is**
240 **concerned and the past 212 development agreement. It was indicated that 810 residential**
241 **lots were reflected in the original 212 agreement, and two school lots were included. Then,**
242 **when the property was zoned, the developer asked for a portion of it to be retail. The city**
243 **council at that time wanted 59 acres of it to be 'retail,' and the number of lots were proposed**
244 **at 658. Currently, the school district has backed out of the two lots, the retail portion is**
245 **being reduced, and the developer is proposing 749 residential lots.**

246
247 **Mayor Pro Tem White asked if notices were sent to any property owners located east of**
248 **Breezy Hill, and Mr. LaCroix indicated that no notices were sent to that area. Discussion**
249 **took place related to density and lot size.**

250
251 Mayor Sweet opened the public hearing and called the applicant forth to speak.
252

253 Adam Buzceck
254 Skorburg Company
255 8214 Westchester Drive, Ste. 710
256 Dallas, TX 75225
257

258 Mr. Buzceck clarified that this current proposal does not change the overall density. It
259 increases the number of lots, but the density on residential acreage remains 2.0.
260 Essentially, he is proposing to swap about twenty-five acres of land currently zoned retail
261 for twenty-five acres of residential, which is about fifty more residential lots. Mr. Buzceck
262 provided details related to the structure of the Skorburgh company, including the builders
263 who build within their neighborhoods in Rockwall, the price points of homes within these
264 communities, and the proposed lot sizes.
265

266 In response to the Mayor's questions regarding the fifty foot lots, Mr. Buzceck indicated the
267 homes in these areas would be about 1,800 to 3,600 square feet with a price point of about
268 \$240,000's to \$320,000's. He indicated that they are currently building these types of lots in
269 Rockwall's Stonecreek and in McKinney right now. He explained that this product has been
270 very successful, and it has smaller yards to maintain. Mr. Muczeck explained that they are
271 asking to reduce the number of lots originally proposed to be 60' and 70' lots and instead
272 create a new category of 50' lots (transition the 60' and 70' lots over to 50' lots instead).
273

274 Councilmember Lewis asked when the development may begin in this area if council
275 approves what is being proposed this evening. Mr. Buzceck indicated that it would likely be
276 in May. Councilmember Lewis generally expressed concern about adding smaller
277 residential lots and smaller homes and cutting way back on the originally proposed amount
278 of retail. He indicated that there is no way they could absorb approximately 60 acres of
279 retail at this location, as the market does not dictate that at this time.
280

281 Councilmember Daniels expressed concern about allowing fifty additional homes, above
282 what was proposed before, to go in at this location. He is concerned about the drought and
283 current water shortages with regards to potentially approving these fifty additional
284 residential homes.
285

286 There being no one else to come forth and speak at this time, Mayor Sweet then closed the
287 public hearing.
288

289 Councilmember Pruitt made a motion to deny this requested zoning change.
290 Councilmember Daniels seconded the motion. The motion to deny passed by a vote of 6
291 ayes with 1 against (White).
292

293 2. **Z2014-008** - Hold a public hearing to discuss and consider approval of an
294 ordinance for a request by Mike Peoples for the approval of a zoning
295 change from an Agriculture (AG) District to a Heavy Commercial (HC)
296 District for a 7.42-acre tract of land identified as a portion of Tract 4-01 of the
297 M. B. Jones Survey, Abstract No. 122, Rockwall, Rockwall County, Texas,
298 situated within the East SH 66 Corridor Overlay (E-SH 66 OV) District,
299 located east of the intersection of John King Boulevard and SH-66, and take
300 any action necessary. **(1st reading) (3/4 majority vote required)**

301 Mr. LaCroix provided background information related to this agenda item, explaining that
302 Mr. Peoples has a potential tenant that is interested in this location. He explained that it is
3 heavy machinery, construction rental company called Sunbelt Rentals. Notices were sent
4 out to adjacent property owners regarding this public hearing, and staff did receive three
5 notices back in opposition of this proposed zoning change. The Planning and Zoning
306 Commission recommended denial of this item by a majority vote. Mr. LaCroix indicated that
307 this item will require a ¾ majority vote of the council to be approved.
308

309 Mayor Sweet opened the public hearing and called the applicant forward.
310

311 Mr. Peoples came forth and indicated that he owns about 200 acres next to Mr. Cain's
312 property. He explained that this company, Sunbelt, runs a daytime only type of business
313 and rents equipment, such as chainsaws. He indicated that he believes there is no "heavy
314 commercial" zoning elsewhere in Rockwall and stated that any traffic concerns associated
315 with his proposed business tenant would be very minimal.
316

317 Bill Bricker
318 505 Westway
319 Rockwall, TX
320

321 Mr. Bricker came forth, indicating he represents Columbia Development and Rockwall
322 Property Corporation. He stated that he submitted documentation in opposition of the
323 proposed HC zoning. He would prefer the council consider allowing a Planned
324 Development (PD) instead with the underlying zoning being 'Commercial' and an allowable
325 use included so that Mr. Peoples can still have his rental business locate there. He is
326 hoping for something such as a small grocer there instead. He expressed concern about
327 traffic. He believes the highest, best use for this property would be 'commercial' rather than
328 'heavy commercial.'

329 Harry Green
330 1235 Waters Edge Drive
331 Rockwall, TX
332
333

334 Mr. Green pointed out that this areas is located in the SH 66 Corridor Overlay District. He
335 expressed that the proposed 'heavy commercial' zoning does not fit into what the city itself
336 has outlined for this particular overlay district. He is further concerned it would not fit into
337 the Overlay District because of nearby residential areas, and it would increase traffic. He
338 expressed that he objects to this particular function and the request by Mr. Peoples. He
339 suggested that this proposal does not meet the city's own, defined standards, and it is not
340 conducive to heavy trucks and associated traffic.
341

342 Donna Doorman
343 Resident of Caruth Lakes (no address provided)
344

345 Mrs. Doorman came forth and expressed general opposition for this zoning request. She
346 has concerns about noise, litter and traffic associated with heavy machinery and trucks that
347 may be associated with a 'heavy commercial' zoning. She believes large trucks will make
348 SH-66 even less safe for pedestrians to walk in this area. She is concerned about diesel
349 trucks and the potential for pollutants to accidentally make their way into the nearby
350 waterway. Overall, she expressed objection to this zoning.
351

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

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Councilmember Daniels made a motion to deny this item. Councilmember Milder seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Hold a Show Cause Hearing to discuss and consider demolition of a dangerous building located at 410 Yvonne, and take any action necessary.

Building Official Jeffrey Widmer indicated that the applicant, in this case, is in favor of this demolition. However, her husband is out of the country, so he is unable to sign the documentation needed. After brief discussion, Councilmember Lewis made a motion to order the demolition. Councilmember Daniels seconded the motion. There being no indication that the owner of the property was present in the audience, Mayor Sweet called for the vote. The motion passed by a vote of 7 ayes to 0 nays.

2. **Z2014-004** – Discuss and consider approval of an ordinance for a city-initiated request to amend the Unified Development Code (Ordinance No. 04-38), specifically Article II, Authority and Administrative Procedures, Section 6.1, Notice of Public Hearing, and take any action necessary (1st Reading).

Councilmember Pruitt made a motion to approve the ordinance for Z2014-004. Mayor Pro Tem White seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 14-**

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 6.1, NOTICE OF PUBLIC HEARINGS, OF ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES; 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.

3. Discuss and consider Founders Day Festival update including consideration of an ordinance amendment related to "Regulated Activities in City Parks," and take any action necessary. (1st reading)

Assistant City Manager Brad Griggs indicated that Founder's Day is being moved to its inaugural location, Harry Myers Park, due to construction currently taking place in the downtown area. He shared details about the vendors, the entertainment lineup and a brief description of where the activities, vendors and entertainers will be located. The Charlie Daniels Band will be the main, headline act and will perform at the amphitheater on the north side of the lake. Parking will be at Dobbs, Myers, Columbia and the RISD administration building. Mr. Griggs explained the nature of the proposed ordinance amendment. This allowing of alcohol in Harry Myers Park through passage of this ordinance would be only for city sponsored events and only for this particular, city-sponsored event (Founder's Day 2014).

403 Mayor Sweet made a motion to approve the ordinance as recommended by staff.
404 Councilmember Lewis seconded the motion. Councilmember Daniels expressed that he is
5 generally opposed to open coolers and open consumption of alcohol on city property.

6 The ordinance was read as follows:

407 CITY OF ROCKWALL, TEXAS
408 ORDINANCE NO. 14-XX

409 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
410 AMENDING THE CODE OF ORDINANCES IN CHAPTER 30 PARKS AND
411 RECREATION, ARTICLE I IN GENERAL, SECTION 30-2. REGULATED
412 ACTIVITIES IN PARKS TO AMEND THE POSSESSION AND CONSUMPTION OF
413 ALCOHOL AT HARRY MYERS PARK; PROVIDING FOR A PENALTY CLAUSE;
414 PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
415 PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE
416 OF THIS ORDINANCE.
417
418

419 Mayor Sweet asked about policing at this event. Chief Moeller indicated that his police
420 officers will be on-site, on duty policing at the event.

421 The ordinance passed by a vote of 5 in favor with 2 against (Pruitt and Daniels).

- 422 4. Discuss and consider communications with business owners regarding
423 alcohol related arrests that arise from these establishments and take any
424 action necessary.

425 Councilmember Pruitt explained that he placed this item on the agenda for discussion. He
426 explained that if there is a pattern of arrests coming out of certain business establishments,
427 this is an indication to the city that the business is over serving alcohol to patrons. In these
428 circumstances, he would like the city to speak with the businesses to make them aware.

429 Mayor Sweet suggested that the City Manager include this topic as part of the ongoing
430 conversations he has with local business owners.

431 Police Chief Mark Moeller indicated that this has occasionally been done by the city's Police
432 Department on a case-by-case, informal basis. He indicated that he would be happy to
433 speak to local business about these sorts of concerning patterns if they develop.

434 Councilmember Pruitt made a motion to have staff set up some type of policy by which,
435 when the PD is aware that certain business are over serving patrons, the city manager's
436 office will have a conversation with those business owners to make them aware of arrests
437 and other alcohol-related activities associated with patrons leaving their establishments.
438 Mayor Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.

442 XII. EXECUTIVE SESSION

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

- 446 1. Discussion regarding board composition and duties of Airport Zoning Board
447 pursuant to Section 551.071 (Consultation with Attorney) and 551.074 (Personnel).
448 2. Discussion regarding potential city-initiated zoning for property currently used for
449 commercial purposes pursuant to Section 551.071 (Consultation with Attorney)

- 452 3. Discussion regarding land acquisition in the vicinity of FM-740 and IH-30 for
453 municipal purposes pursuant to Section 551.072 (Real Property).
- 454 4. Discussion regarding possible claim related to Oncor pursuant to Section 551.071
455 (Consultation with Attorney)
- 456 5. Discussion regarding proposed term extension of a Real Property Exchange
457 Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property
458 located within the PD-32 area pursuant to Section 551.071 (consultation with
459 attorney) and Section 551.087 (Economic Development negotiations).

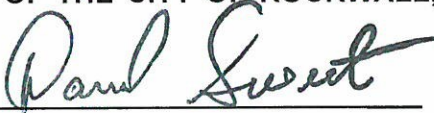
460 **XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

461
462 **The Council did not reconvene in Executive Session following the close of the public**
463 **meeting agenda.**

464
465 **XIV. ADJOURNMENT**

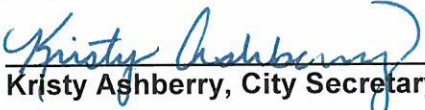
466
467 **The meeting was adjourned at 7:51 p.m.**

468
469
470 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
471 **this 5th day of May, 2014.**



David Sweet, Mayor

472
473 **ATTEST:**

474 
475 _____
476 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 05, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem David White, and Council Members Jim Pruitt, Mike Townsend, Scott
11 Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
12 Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.
13

14 II. WORK SESSION (4:00 P.M.)

- 15
16 1. HOLD A WORK SESSION TO PRESENT THE PROPOSED SCHEMATIC LAYOUT OF SH 276
17 FROM SH 205 TO FM 549 TO CITY COUNCIL FOR THEIR INFORMATION, AND TAKE ANY
18 ACTION NECESSARY.
19

20 City Manager Rick Crowley provided a brief introduction related to this item, indicating this
21 item covers the schematic layout of SH-276, which is a project of the countywide road
22 consortium and is being worked on by TXDOT and its consultant. City Engineer Tim
23 Tumulty gave a short briefing to council related to the project. He explained that, on March
24 9, a public meeting was held by TXDOT, and about twelve people attended. He generally
25 indicated that this roadway will be a six lane roadway (instead of the current two lanes). Mr.
26 Tumulty explained that an alignment study was conducted in close consultation with
27 TXDOT and that the Rockwall Economic Development Corporation (REDC) provided input
28 as well since this roadway is located near the Tech Park. The goal is to have this project
29 ready to go to bid in July of next year (2015), but its start is contingent on TXDOT receiving
30 funding for it. Mayor Sweet clarified that SH-276 will be under reconstruction at the same
31 time that FM-549 will be under construction. Mr. Tumulty generally indicated that the ramp
32 reversals at the IH-30 exit will help, and two lanes will always remain open during
33 construction. It is anticipated that this will be a two year project. Mr. Crowley explained
34 that, while funding is not yet available for this project, the consultant who works with the
35 countywide road consortium is working to have the project proposal finished, waiting and
36 ready to go when funding does become available. Discussion ensued related to
37 signalization of intersections on state roadways, with Mr. Crowley explaining that TXDOT
38 installs signals in a reactive manner once traffic warrants installation (rather than
39 proactively, ahead of time). The Council took no action related to this agenda item.
40

- 41 2. HOLD WORK SESSION TO HEAR UPDATE REGARDING PARK ACCESSIBILITY ASSESSMENT,
42 AND TAKE ANY ACTION NECESSARY.
43

44 Parks Manager, Andy Hesser, came forth and briefed the council on a recently conducted
45 park accessibility assessment which was performed at the request of the City Council at its
46 March 17 meeting. Mr. Hesser explained the various accessibility standards at both the
47 state and federal levels. He further explained "fall zones" and materials such as "Fibar"
48 (engineered, shredded, wood fiber) and "poured in place rubber surfacing" (rubber and
49 epoxy that is poured in a similar manner as concrete). Mr. Hesser shared that two
50 individuals on the Parks staff are Certified Playground Safety Inspectors, and they helped
51 with this study. Furthermore, Registered Accessibility Specialists were also utilized during

52 the study, helping to perform the detailed accessibility inspections. The city's nineteen
53 playgrounds were assessed (on sixteen or seventeen different pieces of property). He
54 explained that accessibility of equipment, routes and fall zone surfacing. He indicated that
55 route improvements could be considered in six of the city's older playgrounds, a couple of
56 which were built by developers and then dedicated to the city. However, most all of them
57 meet accessibility standards by various methods. Mr. Hesser mentioned that four parks in
58 the city do have 'poured in place' rubber surfacing, which Mr. Crowley explained is easier
59 for a wheel chair to navigate on. Mr. Hesser mentioned Casey's Clubhouse, a 15,000 square
60 foot playground that is considered one of the premier playscapes in North Texas. It has
61 very specific handicap elements, with about \$600,000 being spent on equipment and about
62 \$215,000 on surfacing and about. He mentioned it was an older park that the city renovated
63 with the help of a great deal of private donations.

64
65 Several alternatives were discussed with council if it were decided to make modifications to
66 some parks to make them even more accessible. Mr. Crowley mentioned that funding for
67 any such modifications would either be budgeted out of the general fund or be taken out of
68 the city's Recreational Development Fund. Mrs. Smith indicated that over \$200,000 is
69 currently in the city's Recreation Development Fund.

70
71 Mayor Sweet acknowledged that he understands most city parks meet accessibility
72 standards; however, he also understands the reality of not very easily being able to
73 maneuver around in a wheelchair on the ground level at playgrounds.

74
75 Mayor Sweet made a motion to instruct staff to evaluate and bring back costs associated
76 with making surface modifications at Myers Park Kid Zone (on the north side) and Fox
77 Chase (on the south side) to make these parks more handicapped accessible.
78 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

79
80 At 4:50 p.m., Mayor Sweet read the below-listed discussion items into the public record
81 before recessing into Executive Session.

82
83 **III. EXECUTIVE SESSION (4:15 P.M.)**

84
85 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
86 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
87 CODE:

- 88
89 1. Discussion regarding update on proposed land lease/acquisition located near the Justin
90 Road right-of-way pursuant to Section 551.072 (Real Property).
- 91 2. Discussion regarding proposed term extension of a Real Property Exchange Agreement
92 with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within the
93 PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087
94 (Economic Development negotiations).

95 Mayor Sweet recessed Executive Session to allow Russell Phillips to make a short
96 presentation showing plans for PD-32 and the needs for extending the Property Exchange
97 Agreement with Harbor Heights. Once the presentation was completed, Mayor Sweet
98 reconvened Executive Session.

99 **IV. ADJOURN EXECUTIVE SESSION**

100
101 Executive Session adjourned at 5:55 p.m.

AGENDA
ROCKWALL CITY COUNCIL
Monday, May 05, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members were present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM WHITE

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

VIII. PROCLAMATIONS / AWARDS

1. Rockwall-Heath Highsteppers Day

Mayor Sweet called forth members of the Rockwall-Heath Highsteppers drill team. After their representative said a few words, Mayor Sweet then read and presented them with a proclamation to recognize their championship accomplishments.

2. Recognition of graduating Rockwall Youth Advisory Council (YAC) seniors

Mayor Sweet and Mayor Pro Tem White recognized the outgoing, graduating seniors by thanking and giving each one a certificate.

IX. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and asked if anyone in the audience would like to come forth and speak. There being no one wishing to come forth, Mayor Sweet then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the April 21, 2014 regular city council meeting, and take any action necessary.
2. Consider approval of an ordinance amendment related to "Regulated Activities in City Parks," and take any action necessary. **(2nd reading)**
3. Z2014-004 – Consider approval of an ordinance for a city-initiated request to amend the Unified Development Code (Ordinance No. 04-38), specifically Article II, Authority and Administrative Procedures, Section 6.1, Notice of Public Hearing, and take any action necessary **(2nd Reading)**.

Mayor Pro Tem White made a motion to approve the remainder of the Consent Agenda (#1 and #3.) Councilmember Lewis seconded the motion. The ordinance was read as follows:

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CITY OF ROCKWALL
ORDINANCE NO. 14-18

157 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
158 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
159 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
160 HERETOFORE AMENDED, BY AMENDING SECTION 6.1, NOTICE OF
161 PUBLIC HEARINGS, OF ARTICLE II, AUTHORITY AND
162 ADMINISTRATIVE PROCEDURES; PROVIDING FOR A PENALTY OF
163 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
164 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
165 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
166 AN EFFECTIVE DATE.

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

169
170 Councilmember Daniels pulled item #2, indicating he is opposed to the city allowing or
171 promoting the consumption of alcohol on any city owned property. Mayor Pro Tem White
172 made a motion to approve Consent Agenda item #2. Councilmember Townsend seconded
173 the motion. The ordinance was read as follows:

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177

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-19

178 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
179 TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 30 PARKS
180 AND RECREATION, ARTICLE I IN GENERAL, SECTION 30-2. REGULATED
181 ACTIVITIES IN PARKS TO AMEND THE POSSESSION AND CONSUMPTION OF
182 ALCOHOL AT HARRY MYERS PARK; PROVIDING FOR A PENALTY CLAUSE;
183 PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
184 PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE
185 OF THIS ORDINANCE.

186
187 The motion passed by a vote of 5 ayes with 2 opposed (Daniels and Pruitt).

188
189 Mayor Sweet addressed Action Item #2 next.

190
191 XI. APPOINTMENTS

- 192
193 1. Appointment with the Planning and Zoning Chairman to discuss and answer
194 any questions regarding cases on the agenda and related issues and take
195 any action necessary.

196 Mr. LaCroix indicated that the chairman is caught up in traffic and will be unable to make
197 the meeting. No discussion took place and no action was taken regarding this item.

- 198
199 2. Appointment with Russell Phillips to discuss and consider a variance to the
200 requirements for signage in conjunction with PD 32, and specifically wall
201 signage for the Trend Tower/parking garage and take any action necessary.

202 Russell Phillips came forth and briefed the council on his request. Councilmember Pruitt
203 then made a motion to approve the signage-related variance request related to the wall

204 signage on Trend Tower, including a caveat that the City of Rockwall will be able to put up a
205 sign at the back of the garage letting the public know that free public, Harbor parking is
206 located there. Councilmember Milder seconded the motion, which passed by a vote of 7
207 ayes to 0 nays.

- 208 3. Appointment with representative(s) of the Rockwall Youth Advisory Council
209 (YAC) to hear year-end report and to discuss and consider approval of a
210 resolution amending the YAC bylaws, and take any action necessary.

211 CJ Chidozie and Gunner Avenetti of the Rockwall YAC came forth and briefed the council
212 on the various YAC-related activities the group completed throughout this school year.
213 Following CJ and Gunner's presentation, Beth Naylor and Isabella Burzair of the YAC came
214 forth and explained details of the proposed YAC bylaw changes. After brief discussion,
215 Councilmember Pruitt made a motion to approve the resolution amending the bylaws.
216 Mayor Pro Tem White seconded the motion. Mayor Pro Tem White indicated that the YAC
217 students themselves debated for about forty-five minutes at a recent meeting regarding
218 attendance concerns and proposed language changes to the bylaws. After these brief
219 comments, the motion passed by a vote of 7 ayes to 0 nays.

220
221 **XII. PUBLIC HEARING ITEMS**

- 222
223 1. **Z2014-009** - Hold a public hearing to discuss and consider approval of an
224 ordinance for a request by Gregory D. Ollom for the approval of a change in
225 zoning from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-
226 4.0) District on a 7.969-acre tract of land situated in the William Dalton
227 Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, being
228 located at 941 Cornelius Road and take any action necessary. (1st
229 Reading)

230 Planning Director Robert LaCroix provided brief background information related to this
231 agenda item. He indicated that notices were sent out to property owners located within two
232 hundred feet, and staff received one reply back in favor. The Planning & Zoning
233 Commission has recommended approval of this zoning change request.

234 Mayor Sweet opened the public hearing. There being no one in the audience wishing to
235 come forth and speak, including the applicant, Mayor Sweet then closed the public hearing.

236 Mayor Pro Tem White made a motion to approve Z2014-009. Councilmember Lewis
237 seconded the motion. The ordinance was read as follows:

238 **CITY OF ROCKWALL**
239 **ORDINANCE NO. 14-21**

240
241 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
242 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.
243 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS
244 TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING
245 FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE FAMILY ESTATE (SF-
246 E/4.0) DISTRICT FOR A 7.969-ACRE TRACT OF LAND SITUATED IN THE
247 WILLIAM DALTON SURVEY, ABSTRACT NO. 72, AND LOCATED AT 941
248 CORNELIUS ROAD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
249 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS
250 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
251 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
252 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
253 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
254 PROVIDING FOR AN EFFECTIVE DATE.

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

256 XIII. ACTION ITEMS

- 257
258 1. Discuss and consider approval of an ordinance amending Chapter 12,
259 Article III, Section 12-51 through 12-66, of the Code of Ordinances,
260 regulating peddler activities in the city, and take any action necessary. (1st
261 reading)

262 City Attorney Frank Garza provided introductory comments to the council related to this
263 proposed ordinance. He explained he believes this ordinance protects our citizens, but, at
264 the same time, protects constitutional freedom of speech as well. All commercial
265 businesses would have to obtain a permit from the Chief of Police at a fee of \$65.00 per
266 individual, which would cover the cost of doing a background check, and the permit would
267 be good for one year. He explained that this ordinance contains clearly identified
268 definitions and those who would be exempt from obtaining a permit. He explained that
269 under state law, security alarm companies and life insurance companies are exempt and do
270 not have to obtain a permit from a local entity. He explained that there is an appellate
271 process defined within the ordinance in cases where the applicant is denied a permit or the
272 permit is revoked. Mr. Garza indicated that residents may place notice on their personal
273 property stating "no solicitation, no handbills, or no trespassing," and then individuals
274 would not be allowed to go onto that resident's property, even with a city issued permit.
275 Hours of operation under permits issued would be 8AM until 6PM.

276
277 Councilmember Pruitt thanked staff for the work on this ordinance. He indicated he is in
278 disagreement with a portion of the provisions, specifically contained within Section 12-57
279 (exemptions) of the proposed ordinance. Councilmember Pruitt made a motion to approve
280 the ordinance, but with the caveat that only (a) of 12-56 would be retained and (b) and (c)
281 would be deleted out. Also, regarding 12-57, he would like to omit the stated requirement
282 regarding notification to the city on the part of those individuals who are exempt from
283 obtaining a permit from the city. Mayor Pro Tem White seconded the motion, indicating he
284 agrees with the changes proposed within the motion made by Councilmember Pruitt. After
285 several questions and answers were addressed, the ordinance was read as follows:

286
287 CITY OF ROCKWALL
288 ORDINANCE NO. 14-_____

289
290 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS,
291 AMENDING CHAPTER 12, ARTICLE III, SECTION 12-51
292 THROUGH 12-66, OF THE CODE OF ORDINANCES,
293 REGULATING PEDDLER ACTIVITIES IN THE CITY; PROVIDING
294 A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE
295 AND PROVIDING FOR RELATED MATTERS.

296
297 The motion passed by a vote of 7 ayes to 0 nays.

- 298
299 2. Discuss and consider action as a member of the Atmos Cities Steering
300 Committee on a resolution denying a rate increase request by Atmos Energy
301 Corporation, Mid-Tex Division under the second annual Rate Review
302 Mechanism, and take any action necessary.

303 Mr. Boyd, Director of Internal Operations, explained the nature of this resolution, explaining
304 that approval of this resolution would deny Atmos' proposed rate increase. Councilmember

305 Daniels made a motion to deny the Atmos request through approval of the resolution.
306 Councilmember Milder seconded the motion. Councilmember Pruitt indicated that he has
307 never received information from the lawyer that represents the Atmos Cities Steering
308 Committee regarding how much his law firm got paid as a result of last year's approved rate
309 increase, even though the gentleman said he would submit said information to the city
310 council when he was here last year.

311 City Attorney Frank Garza clarified that the intended motion is to deny Atmos' proposed rate
312 increase.

313 Mr. Garza indicated that he will personally contact Lloyd Gosselink (attorney) to get
314 information that Councilmember Pruitt and our council sought last year (regarding money
315 earned).

316 Councilmember Daniels clarified that his motion is to approve the resolution denying Atmos'
317 proposed rate increase. The motion passed unanimously (7 ayes to 0 nays).

318 Mayor Sweet then reordered the agenda to address Appointment Item #3 on the agenda.
319

- 320 3. Discuss and consider approval of a letter of intent related to radio systems
321 and joint dispatch center, and take any action necessary.

322 Mr. Crowley indicated that staff has drafted this letter of intent at the request of the city
323 council as a result of discussions at the last council meeting. Mr. Crowley touched on
324 details contained within the letter. Councilmember Pruitt made a motion to approve the
325 letter of intent and have it forwarded to the County. Councilmember Townsend seconded
326 the motion. Mayor Pro Tem White clarified that the city sending this letter of intent in no way
327 commits the city to follow through, in any way, with future participation in either of the
328 proposed, joint projects. Mr. Garza agreed that this letter does not bind the city in any way,
329 explaining that a proposed interlocal agreement would have to come before the council for
330 action for anything to be binding in the future. Mayor Sweet indicated that cost, control /
331 command and coverage are the three issues that each one of the cities he has spoken with
332 has expressed. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

- 333 4. Discuss and consider a request by Councilmember Pruitt regarding the
334 naming of a city facility, and take any action necessary.

335 Councilmember Pruitt asked Mayor Sweet to recuse himself from this discussion, but asked
336 that he listen in on it. Mr. Pruitt explained that Mayor Sweet will soon be leaving to take
337 office as County Judge. He explained that he and Mayor Pro Tem White have evaluated
338 ways to properly honor Mayor Sweet and his contributions to the city. They have decided
339 to propose naming a 'mobile monument' after Mayor Sweet (the city's portable restroom
340 facilities trailer).
341

342 Councilmember Pruitt made a motion to name this mobile monument after Mayor Sweet.
343 Mayor Pro Tem White seconded the motion. After much laughter, the motion failed by a
344 vote of two in favor (Pruitt, White), four against (Townsend, Milder, Daniels, Lewis) and one
345 abstention (Sweet).
346

- 347 5. Discuss and consider an ordinance authorizing the issuance of City of
348 Rockwall, Texas, General Obligation Refunding Bond, Series 2014; levying
349 an annual ad valorem tax and providing for the security for and payment of
350 said bond; providing an effective date; enacting other provisions relating to
351 the subject. (1st reading) No action will be taken

352 Assistant City Manager Mary Smith provided background information related to this agenda
353 item, generally indicating that this proposed refinancing is related to GO bonds originally
354 issued in 2005 (\$9.82 million worth) at an interest rate of about four to four-and-a-half
355 percent. American National Bank is now offering a refinance interest rate of 2.28%, which
356 will save the city just over \$1,047,000.00 for the remaining life of the original term (the term
357 will remain the same and will not be extended). Overall, she explained that this refinancing
358 will result in a much better rate and significant savings to the city. After the comments, the
359 following ordinance caption was read into the record:

360 CITY OF ROCKWALL
361 ORDINANCE NO. 14-_____

362 ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY
363 OF ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING
364 BOND, SERIES 2014; LEVYING AN ANNUAL AD VALOREM TAX
365 AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF
366 SAID BOND; PROVIDING AN EFFECTIVE DATE; AND ENACTING
367 OTHER PROVISIONS RELATING TO THE SUBJECT

368 No action was taken by the council related to this agenda item at this time.

369 6. Discuss and consider a proposed franchise agreement between the City of
370 Rockwall and Leo Rodriguez for the purposes of installing and operating
371 batting cages at Leon Tuttle Athletic Complex, and take any action
372 necessary.

373 Assistant City Manager Brad Griggs provided brief background information related to this
374 agenda item. Parks Manager Andy Hesser came forth and showed a map of the proposed
375 location of these batting cages. He explained that the cages would be 60' x 14', and there
376 would be a total of three (3) cages. He explained that one of the three would be outfitted
377 with an interchangeable "arm" that would allow for fast pitch practice. Thirty percent of all
378 gross revenue would go to the city as part of the concessions agreement. A substantial
379 discount would be offered to RBSL teams and players.

380
381 After brief comments, Mayor Sweet made a motion to approve the proposed franchise
382 agreement. Councilmember Lewis seconded the motion.

383
384 Brief discussion took place related to RBSA teams and players having scheduling
385 preference for use of the batting cages as well as access to the batting cages "after hours"
386 when city staff is not present at Tuttle Field. Mr. Hesser indicated that staff will work with
387 the owner of the cages to coordinate locking and unlocking of the city gates at Tuttle. Mr.
388 Hesser indicated that only about two to three lights are needed to illuminate the cages, and
389 they can be metered separately.

390
391 It was clarified by Mr. Garza for Councilmember Daniels that there is no annual cap on the
392 insurance coverages expressed in the agreement (since it remains silent on this point).

393
394 Councilmember Milder asked how this particular space was decided on. Mr. Hesser
395 indicated that the proposed location is best because it offers the most room and will pose
396 the least interference with utilized warm up areas.

397
398 The motion passed by a vote of 7 ayes to 0 nays.
399

- 400 7. Discuss and consider authorizing the city manager to execute an Automatic
401 Aid Assistance Agreement between City of Rockwall and City of Dallas, and
402 take any action necessary.

403 **Mr. Crowley provided brief, introductory comments. Fire Chief Mark Poindexter indicated**
404 **that this agreement has been in negotiation for quite a while, and it will focus mainly on the**
405 **Rockwall Fire Department's rescue boat.**

406
407 **Mayor Pro Tem White made a motion to authorize the city manager to execute the automatic**
408 **aid assistance agreement with the City of Dallas. Councilmember Milder seconded the**
409 **motion. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.**

410
411 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
412 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 413
414 1. Departmental Reports
415 Rockwall Animal Adoption Center - March 2014
416 Building Inspections Monthly Report - March 2014
417 Fire Dept. Monthly Reports - March 2014
418 Harbor PD Monthly Report - March 2014
419 Internal Operations Department Monthly Report - March 2014
420 Recreation Monthly Report - March 2014
421 Police Department Monthly Report - March 2014

- 422 2. City Manager's Report

423 **Mr. Crowley indicated that quite a few upcoming events will be taking place. Work**
424 **continues in the downtown area, and several public works projects will be in process in the**
425 **next few weeks.**

426 **Director of Internal Operations, Joey Boyd, shared that representatives of the city will be**
427 **visiting guests this Wednesday, May 7 in the studios of the Good Morning Texas television**
428 **show in Victory Park Plaza in Dallas. Mayor Sweet mentioned that he will be there, in part,**
429 **promoting the city's upcoming Founder's Day Festival on May 17.**

430 **Police Chief Mark Moeller briefed the council on a recent police-related training event that**
431 **took place related to how the city can better protect its children and students.**
432 **Councilmember Milder gave kudos to our police department and our school district officials**
433 **for their proactive participation in this great training event.**

434 **No action was taken regarding this agenda item.**

435 **The public meeting was adjourned at 8:16 p.m.**

436
437 **XV. EXECUTIVE SESSION**

438
439 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
440 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
441 **CODE:**

- 442
443 1. Discussion regarding update on proposed land lease/acquisition located
444 near the Justin Road right-of-way pursuant to Section 551.072 (Real
445 Property).
446
447 2. Discussion regarding proposed term extension of a Real Property Exchange
Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real

448 property located within the PD-32 area pursuant to Section 551.071
449 (consultation with attorney) and Section 551.087 (Economic Development
450 negotiations).

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

452
453 **Council did not reconvene into Executive Session following the public meeting agenda.**

454
455 **XVII. ADJOURNMENT**

456
457 **Mayor Sweet adjourned the meeting at 8:16 p.m.**

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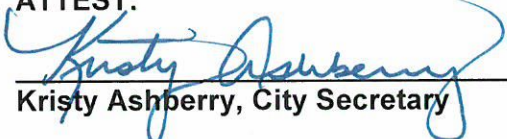
461 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
462 **this 19th day of May, 2014.**

463



David Sweet, Mayor

464 **ATTEST:**

465 
466 _____
467 **Kristy Ashberry, City Secretary**



MINUTES
ROCKWALL CITY COUNCIL
Monday, May 19, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

At 4:00 p.m., Mayor Sweet read the below-listed discussion items into the public record before recessing 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 securing legal representation from Scott Doggett of Burford and Ryburn, LLP for legal services associated with Condemnation/Acquisitions/Related Municipal Improvements pursuant to Tex. Gov't. Code, § 551.071 (Consultation with Attorney).
2. Discussion regarding proposed term extension of a Real Property Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
3. Discussion regarding update on proposed land lease/acquisition located near the Justin Road right-of-way pursuant to Section 551.072 (Real Property).
4. 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).
5. Discussion regarding appointment of Mayor Pro-Tem, County of Rockwall Emergency Services Corporation board members (2), Regional Transportation Council's Surface Transportation Technical Committee members, and city council subcommittees pursuant to Section, § 551.074 (Personnel Matters).
6. Discussion regarding the terms and conditions of contract with Collin County Humane Society to operate the City's animal adoption center pursuant to Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Executive Session adjourned at 5:55 p.m.

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 19, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members were present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to secure legal representation from Scott Doggett of Burford & Ryburn, LLP for legal services associated with Condemnation, Acquisitions, and Related Municipal Improvements. Councilmember Townsend seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

Mayor Sweet delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS / AWARDS

1. Motorcycle Safety and Awareness Month

Mayor Sweet called forth members of the Wolverine MC, and the Blacksheep MC. Representatives accepting the proclamation were Richard Goff and Curtis Henderson. After each representative said a few words, Mayor Sweet then read and presented them with a proclamation.

2. Swearing in of newly elected city council members

Assistant City Secretary Jacky Casey came forth to administer the Oaths of Office to Councilmembers Jim Pruitt, Dennis Lewis and Mike Townsend. Each newly elected member of council introduced their family members and accepted a Certificate of Appointment.

Mayor Sweet read a proclamation and presented a service award to City Manager, Rick Crowley, thanking him on behalf of the Council for his 30 years of service in various roles throughout his career at the City of Rockwall.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the May 5, 2014 regular city council meeting, and take any action necessary.

2. **Z2014-009** - Consider approval of an **ordinance** for a request by Gregory D. Ollom for the approval of a change in zoning from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District on a 7.969-acre tract of land situated in the William Dalton Survey, Abstract No. 72, City of

102 Rockwall, Rockwall County, Texas, being located at 941 Cornelius Road
103 and take any action necessary. **(2nd Reading)**

04 3. Consider approval of an **ordinance** amending Chapter 12, Article III,
05 Section 12-51 through 12-66, of the Code of Ordinances, regulating
06 peddler activities in the city, and take any action necessary. **(2nd**
107 **reading)**

108 4. Consider an **ordinance** authorizing the issuance of City of Rockwall,
109 Texas, General Obligation Refunding Bond, Series 2014; levying an
110 annual ad valorem tax and providing for the security for and payment of
111 said bond; providing an effective date; enacting other provisions relating
112 to the subject. **(2nd reading)**

113 5. Consider approval of a resolution setting a public hearing date to consider
114 the updated land use assumptions for establishing updated
115 water/wastewater impact fees, a capital improvements plan and the
116 adoption of water/wastewater impact fees, and take any action
117 necessary.

118 **Mayor Pro Tem White made a motion to approve all consent items. Councilmember**
119 **Milder seconded the motion. The ordinances were read as follows:**

120
121 **CITY OF ROCKWALL**
122 **ORDINANCE NO. 14-20**

123
124 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12,**
125 **ARTICLE III, SECTION 12-51 THROUGH 12-66, OF THE CODE OF ORDINANCES,**
26 **REGULATING PEDDLER ACTIVITIES IN THE CITY; PROVIDING A SEVERABILITY**
27 **CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED**
28 **MATTERS.**

129
130 **CITY OF ROCKWALL**
131 **ORDINANCE NO. 14-21**

132
133 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
134 **AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE**
135 **CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND**
136 **THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL**
137 **(AG) DISTRICT TO SINGLE FAMILY ESTATE (SF-E/4.0) DISTRICT FOR A 7.969-**
138 **ACRE TRACT OF LAND SITUATED IN THE WILLIAM DALTON SURVEY, ABSTRACT**
139 **NO. 72, AND LOCATED AT 941 CORNELIUS ROAD, CITY OF ROCKWALL,**
140 **ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT**
141 **'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING**
142 **FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**
143 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
144 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
145 **EFFECTIVE DATE.**

146
147 **CITY OF ROCKWALL**
148 **ORDINANCE NO. 14-22**

149
150 **ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL,**
51 **TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2014; LEVYING AN**
52 **ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND**
53 **PAYMENT OF SAID BOND; PROVIDING AN EFFECTIVE DATE; AND ENACTING**
54 **OTHER PROVISIONS RELATING TO THE SUBJECT.**

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

IX. APPOINTMENTS

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

Mr. Craig Renfro, chairman of the Planning & Zoning Commission, came forth and provided a brief update to the city council regarding recommendations of the Commission relative to planning-related items on tonight's city council agenda.

X. PUBLIC HEARING ITEMS

1. **Z2014-011** - Hold a public hearing to discuss and consider approval of ordinance for a request by Dewayne Cain, on behalf of the Cain Family Revocable Trust, for the approval of a zoning change from a Single Family 10 (SF-10) District to Planned Development District 53 (PD-53) for Residential-Office (RO) District uses and to amend the boundaries of Planned Development District 53 (PD-53) [Ordinance No. 02-33] for a 0.651-acre parcel of land identified as Lot 3, Block A, Lee Rhoades Subdivision, City of Rockwall, Rockwall County, Texas, addressed as 1002 Ridge Road, and take any action necessary (**1st Reading**).

Mr. LaCroix, Planning Director, gave brief background information related to this piece of property. Notices were mailed out to adjacent property owners, three responses were received back in favor of the request and one was received in opposition. The Planning & Zoning Commission did recommend approval of this item.

Mayor Sweet opened the public hearing, and he called the applicant forth to speak if he wished. Applicant Dewayne Cain came forth and explained he would like to make this property consistent with all the others, and it would also give him the opportunity to tear down the current eye sore that is there. There being no one else wishing to come forth and speak, Mayor Sweet then closed the public hearing.

Councilmember Milder asked for brief clarification from Mr. Cain that he would maintain the current Residential-Office zoning. Dewayne Cain advised that he would in fact be maintaining this zoning status.

Councilmember Jim Pruitt made a motion to approve this agenda item (Z2014-011). Mayor Pro Tem White seconded the motion.

Councilmember Daniels asked for clarification regarding the screening fence requirements of a wooden fence and why there are other masonry requirements in other locations. Robert LaCroix explained that in there were already wooden fences up due to the fact that it's in a residential location at said time of zoning. After brief comments from Councilmember Lewis regarding the location of the entry, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 14-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 53 (PD-53) [ORDINANCE NO. 02-33] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE FAMILY 10 (SF-10) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 53 (PD-53) AND TO AMEND THE BOUNDARIES OF PLANNED DEVELOPMENT DISTRICT 53 (PD-53) AS ESTABLISHED IN ORDINANCE 02-33 TO INCLUDE A 0.651-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK A, LEE RHOADES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS [1002 RIDGE ROAD] 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 (7 ayes / 0 nays).

2. **Z2014-012** - Hold a public hearing to discuss and consider approval of **ordinance** for a request by Master Plan, on behalf of Rockwall SH-205 Venture, LLC, for the approval of a Specific Use Permit (SUP) to allow a mini-warehouse facility on a 2.857-acre tract of land, zoned Commercial (C) District, being a portion of a larger 5.549-acre tract of land identified as a part of Tract 2 of the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, generally located south of the intersection of the IH-30 frontage road and Townsend Drive, and take any action necessary. (*Postponement Requested*)

Mayor David Sweet read the public hearing into record and advised that it would be postponed until the June 16th Council Meeting. No action was taken.

3. **Z2014-013** - Hold a public hearing to discuss and consider approval of **ordinance** for a request by Dean Cathey, on behalf of ASCDT Investments, LLC, for the approval of a zoning change from a Zero Lot Line (ZL-5) District to a Planned Development District for single-family attached uses for a 1.25-acre subdivision of land identified as Lots 4, 5, 6 & 7 of the Integrity Addition Phase 2, City of Rockwall, Rockwall County, Texas, addressed as 617, 619, 621 & 623 Boydston Avenue, and take any action necessary. (**1st Reading**)

This item was withdrawn by the applicant. No discussion took place.

4. **Z2014-014** - Hold a public hearing to discuss and consider approval of **ordinance** for a request by Brad Fenton of Fenton Motor Group, on behalf of Cambridge Companies Inc., for approval of a Specific Use Permit (SUP) to allow for a new car dealership being a 4.08-acre tract of land located in the J. LOCKHART SURVEY, Abstract No.134, being a portion of that certain tract of land described in deed to the Cambridge Companies, Inc. as recorded in Volume 101, Page 795 of the Deed Records of Rockwall County, Texas and zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and the 205 By-

256 Pass Corridor Overlay (205 BY-OV) District and generally located on the
257 southeast corner of John King Boulevard and IH-30, City of Rockwall,
258 Rockwall County, Texas, and take any action necessary. **(1st Reading)**

259 **Mr. LaCroix, Planning Director, gave brief background information related to this piece of**
260 **property. Notices were mailed out to adjacent property owners, and three responses**
261 **were received back in favor of the request. The Planning & Zoning Commission**
262 **recommended approval of this item, with the condition that only one dealership would be**
263 **on all fifteen acres of land.**

264 **Mayor Sweet indicated this is a public hearing. He opened it and called the applicant**
265 **forth to speak if he wished. The applicant, Brad Fenton, came forth to make a quick**
266 **statement that this facility would not only be an asset to the community, but that it would**
267 **create about 350 jobs with a payroll of about 35 million dollars over the next ten years.**
268 **This dealership will provide regular maintenance as well as safety recalls to the**
269 **surrounding Nissan owners in Rockwall County. Mr. Fenton explained that Nissan will be**
270 **making this dealership the newest of its kind. He then thanked the City Manager and staff**
271 **for working with them during the process. There being no one else wishing to come forth**
272 **and speak, Mayor Sweet then closed the public hearing.**

273
274 **Mayor Pro Tem White made a motion to approve this agenda item (Z2014-014).**
275 **Councilmember Lewis seconded the motion.**

276
277 **Councilmember Pruitt expressed concern regarding advertising on the main corners of**
278 **the dealership. Brad Fenton explained that Nissan has specific requirements and**
279 **standards for advertising, and none of the dealerships that he is familiar with currently**
280 **use things like car lifts to showcase their vehicles. They also do not use paint on**
281 **windows for marketing. After brief discussion, the ordinance was read as follows:**

282
283 **CITY OF ROCKWALL**
284 **ORDINANCE NO. 14-XX; SUP 14-XX**

285
286 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
287 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**
288 **TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT**
289 **TO ALLOW FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON A 4.08-ACRE**
290 **TRACT OF LAND LOCATED IN THE J. LOCKHART SURVEY, ABSTRACT NO. 134**
291 **AND BEING THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO THE**
292 **CAMBRIDGE COMPANIES, INC. AS RECORDED IN VOLUME 101, PAGE 795 OF**
293 **THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND MORE**
294 **SPECIFICALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR SPECIAL**
295 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM**
296 **OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR**
297 **A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING**
298 **FOR AN EFFECTIVE DATE.**

299
300 **The motion passed by a vote of 6 ayes and 1 nay by Councilmember Milder.**
301

302 **XI. SITE PLANS / PLATS**

- 303
304 **1. SP2014-007 - Discuss and consider a request by Stephen Seitz**
305 **Architects, Inc. on behalf of the owner of the property for the approval of**
306 **variances to the building material and screening requirements stipulated**
307 **for buildings located within a General Retail (GR) District with residential**

308 adjacency for a 0.75-acre tract of land identified as Lot E, Block 117 & Lot
309 D, Block 117 of B. F. Boydston Addition, City of Rockwall, Rockwall
10 County, Texas, located at the northeast corner of the intersection of SH-
11 205 [S. Goliad Street] and St. Mary's Street, and take any action
12 necessary.

313 **Planning Director, Robert LaCroix gave brief history regarding said location. This is a**
314 **site plan approved by the Planning & Zoning Commission, and this matter concerns**
315 **variances for building materials. There requirement is to not go over 50 percent of the**
316 **used building material, and the applicant is slightly over that requirement. The other part**
317 **of the request is regarding a screen fence requirement that is next to a historical home,**
318 **and the applicant is requesting to use landscaping instead of putting up a masonry wall.**

319 **Applicant Matthew Mulliken came forth as the contractor working on this property and**
320 **further explained the reasons for these requests.**

321 **Councilmember Daniels asked for clarification regarding the requirement for the live**
322 **screening and whether the city has approved these types of fence variances in the past.**
323 **He expressed concerns regarding maintaining a live fence and would like for this option**
324 **to be taken out of the request and would prefer a wooden or masonry fence be put up**
325 **instead.**

326 **Councilmember Pruitt made a motion to approve the stucco requirement as is. Mayor Pro**
327 **Tem seconded the motion. The vote passed by a vote of 6 ayes and 1 nay by**
328 **Councilmember Milder.**

329 **Councilmember Pruitt made a motion to deny the live screening variance request, and**
330 **require the masonry fence. Councilmember Daniels seconded the motion, which passed**
331 **by a vote of 6 ayes and 1 nay by Mayor Pro Tem White.**

332 **XII. ACTION ITEMS**

- 333
- 334 **1. MIS2014-004 - Discuss and consider approval of a special request for the**
335 **purpose of permitting the construction of a carport that does not conform**
336 **to the setback and material requirements as stipulated by Section 2.1.2(1)**
337 **[Carports] of Article IV, Permissible Uses, of the Unified Development**
338 **Code, for a 0.12-acre property that is identified as Lot 877, Block E of**
339 **Rockwall Lake Estates #1 Addition, City of Rockwall, Rockwall County,**
340 **Texas, is zoned Planned Development District 75 (PD-75), is generally**
341 **located at 486 Perch Road, and take any action necessary.**

342 **Planning Director, Robert LaCroix gave brief details regarding this request and indicated**
343 **the Planning and Zoning Commission did approve this request.**

344 **The applicant, Mr. Torres, came forth and explained that he would like to install the**
345 **carport for additional parking and to shield his vehicles from inclement weather. He**
346 **further explained that he would be using tin material for the structure and 4X4 square**
347 **tubing anchored down to the concrete; open on all sides.**

348 **Councilmember Bennie Daniels made a motion to approve this item (MIS2014-004).**
349 **Mayor Pro Tem White seconded the motion, which passed unanimously of council**
350 **present (7 ayes / 0 nays).**

- 351
- 352 **2. Discuss and consider a request by Jay and Alison Odom for the approval**
353 **of a structure preservation tax exemption application seeking to have the**
354 **assessed value for ad valorem taxation fixed for a period of seven (7)**

355 years on the subject property at 405 N. Fannin Street, further identified as
356 Lot B-1, Block 122 of the B. F. Boydston Addition, City of Rockwall,
357 Rockwall County, Texas, zoned Single Family 7 (SF-7) District, located
358 within the Old Town Rockwall (OTR) Historic District, and take any action
359 necessary.

360 **Planning Director, Robert LaCroix gave brief details regarding this request, indicating the**
361 **Historic Preservation Board did approve this request.**

362 **Councilmember Scott Milder made a motion to approve this item. Councilmember Dennis**
363 **Lewis seconded the motion. The vote passed by a vote of 6 ayes and 1 nay by**
364 **Councilmember Jim Pruitt.**

365 **At 7:11 p.m., Mayor Sweet then read Executive Session discussion items # 2 and #5 (see**
366 **below) into the public record before recessing the public meeting into Executive Session.**

367
368 **XIII. EXECUTIVE SESSION**

369
370 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
371 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
372 **CODE:**

- 373
374 1. Discussion regarding securing legal representation from Scott Doggett of
375 Burford and Ryburn, LLP for legal services associated with
376 Condemnation/Acquisitions/Related Municipal Improvements pursuant to
377 Tex. Gov't. Code, § 551.071 (Consultation with Attorney).
- 378 2. Discussion regarding proposed term extension of a Real Property
379 Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC
380 relating to real property located within the PD-32 area pursuant to Section
381 551.071 (consultation with attorney) and Section 551.087 (Economic
382 Development negotiations).
- 383 3. Discussion regarding update on proposed land lease/acquisition located
384 near the Justin Road right-of-way pursuant to Section 551.072 (Real
385 Property).
- 386 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
387 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
388 551.071 (Consultation with Attorney)
- 389 5. Discussion regarding appointment of Mayor Pro-Tem, County of Rockwall,
390 Emergency Services Corporation board members (2), Regional
391 Transportation Council's Surface Transportation Technical Committee
392 members, and city council subcommittees pursuant to Section, § 551.074
393 (Personnel Matters)
- 394 6. Discussion regarding the terms and conditions of contract with Collin
395 County Humane Society to operate the City's animal adoption center
396 pursuant to Section 551.071 (Consultation with Attorney)

397

398

399

400

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

402
403 Mayor Pro Tem White made a motion to extend by six months the commencement date of
404 the construction of the parking garage on the following condition: That JBR2, in the next
405 30 days, submit a plan for a new realignment of the location of the garage or a design
406 that the current alignment is workable and, if such plan is acceptable to the city, JBR2
407 shall be granted an extension to commence the garage until June 2015. Councilmember
408 Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

409
410 Mayor Pro Tem White made a motion to appoint Tim Tumulty (City Engineer) as the
411 representative to the Surface Transportation Technical Committee of the Council of
412 Governments. Councilmember Daniels seconded the motion, which passed by a vote of 7
413 ayes to 0 nays.

414
415 Mayor Pro Tem White made a motion to appoint Councilmember Lewis and Mayor Sweet
416 to the board of the County of Rockwall Emergency Services Corporation. Councilmember
417 Jim Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

418
419 Mayor Pro Tem White made a motion to appoint Councilmember Jim Pruitt as Mayor Pro
420 Tem. Mayor David Sweet seconded the motion, which passed by a vote of 7 ayes to 0
421 nays.

422
423 XV. ADJOURNMENT

424
425 The meeting was adjourned at 8:15 p.m.

426
427
428 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
429 this 2nd day of June, 2014.

430
431 
432 _____
433 David Sweet, Mayor

432 ATTEST:

433 
434 _____
435 Jacky Casey, Assistant City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 02, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. (4:00 P.M.) WORK SESSION

1. HOLD WORK SESSION TO DISCUSS AND CONSIDER WATER CONSERVATION PROGRAM, AND TAKE ANY ACTION NECESSARY.

City Manager Rick Crowley began discussion of this item, indicating that the North Texas Municipal Water District (NTMWD) has asked its member cities to institute once every two week watering. The City of Frisco will likely not go to once every two week watering like other NTMWD member cities plan to do, as Frisco continues to meet its conservation goals with utilizing once per week watering. We in Rockwall are achieving not only the 10% reduction goal, but also an additional 17-18% reduction in water usage compared to the baseline year utilized by NTMWD. Rockwall will continue with its a once every two week watering schedule and will educate residents on this schedule, including the need to turn off "automatic" settings on irrigation systems and to instead operate them manually. In the future, the city may educate residents on an assigned watering day (once every two weeks). The NTMWD is proposing an upcoming ten percent increase in water rates, a cost that will be charged to the member cities. Mr. Crowley spoke briefly about the top ten water users in the city, indicating that the city itself is the top user, and the school district and a local apartment complex are among the top ten. He indicated that the city and school district athletic fields are exempt from water conservation measures. Mr. Crowley indicated that during second tier conservation, as a user, the city would eliminate watering of medians and grass at city facilities. He stated that the City of Heath, Blackland Water Supply Corporation and the RCH Water Supply Corporation are all wholesale water customers of the City of Rockwall.

Mayor Pro Tem Pruitt is concerned about the NTMWD having increased water rates by thirty-one percent in the last three years and will be proposing an additional 10% cost increase. He is concerned they are using the recent Texoma project as a justification for continuing to increase their rates by 10-11% each year. In addition, he remains concerned about how these increases affect our city and our residents, as they are paying more for water but are not being able to use the water anyway. He does not feel it is fair for our city and our residents to be doing over and above what other member cities are doing regarding conservation while some of those other cities continue to do whatever they want to do. He would like the NTMWD to put some sort of enforcement mechanism(s) in place instead of making conservation 'voluntary' for member cities.

50 Mr. Crowley indicated that Plano is down by about 25-30% in water consumption, and
51 lowered water usage and sales will be affecting many other cities' budgets as well.
52 Plano, Richardson, and Garland will be designating days. Mesquite will allow customers
53 to pick their watering day. Wylie will likely designate watering days. McKinney indicates
54 on its website that it has made no changes from once per week watering on garbage
55 pick-up days; however, perhaps they have not yet updated their website. Frisco is more
56 than achieving its goal of ten percent reduction; however, it continues to allow once per
57 week (instead of once every other week) watering.

58
59 Mr. Crowley generally indicated that the NTMWD is limited and does not have a lot of
60 clout in instituting or enforcing penalty provisions for non-compliance associated with
61 conservation; however, they could go to stage 4, which would mean no outside watering
62 for anyone other than watering foundations. They could also go to an 'allocation' type
63 system if member cities all refused to voluntarily comply with conservation measures
64 ascribed by the District. That would mean our city would be allocated a certain amount
65 of water daily, and once it ran out, there would be no more.

66
67 Councilmember Lewis expressed concern about compliance being voluntary with the
68 NTMWD having no penalty or enforcement in place for member cities that choose to not
69 comply. He suggested that we engage in some thinking outside the box. For example,
70 perhaps have half the city water once per week for one month during the summer and
71 have the other half of the city water once every other week during the same month, and
72 then flip the schedule the next month.

73
74 Assistant City Manager Mary Smith indicated that the city down \$1.3 million this year
75 with regards to its water budget, in part due to an inability to sell water, which means we
76 are not "going in the hole" - we are already "in the hole," so to speak. She went on to
77 express that the city has continued to not fill empty staff positions and continues to
78 make no non-critical enhancements or maintenance to the water system infrastructure.

79
80 Mr. Crowley indicated that our city is experiencing a great deal of hurt and financial
81 burden due to the grim water / drought circumstances and outlook. He explained that
82 our city will be meeting with representatives of the NTMWD next week, and expressed
83 that we want to feel as though the NTMWD is joining us in this financial burden and hurt.
84 Furthermore, if there are things they can do to avoid the potential cost hike in the coming
85 year, we want them to do so; however, at the same time, we don't want them to do
86 anything that it would inhibit their ability to produce water needed in the coming year.

87
88 At 4:25 p.m., Mayor Sweet read the below listed discussion items into the public record
89 before recessing the public meeting into Executive Session.

90
91 **III. (4:15 P.M.) EXECUTIVE SESSION.**

92
93 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
94 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
95 **CODE:**

- 96
97 1. Discussion regarding Economic Development incentives, procedures and possible
98 projects pursuant to Section 551.087 (Economic Development)

- 99 2. Discussion regarding update on proposed land lease/acquisition located near the Justin
00 Road right-of-way pursuant to Section 551.072 (Real Property).
- 01 3. Discussion regarding the terms and conditions of contract with Collin County Humane
02 Society to operate the City's animal adoption center pursuant to Section 551.071
103 (Consultation with Attorney)
- 104 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas
105 and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with
106 Attorney)
- 107 5. Discussion regarding proposed term extension of a Real Property Exchange Agreement
108 with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within
109 the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section
110 551.087 (Economic Development negotiations).

111
112 **IV. ADJOURN EXECUTIVE SESSION**

113
114 **Executive Session was adjourned at 5:58 p.m.**

115
116 **V. RECONVENE PUBLIC MEETING (6:00 P.M. REGULAR CITY COUNCIL MEETING)**

117
118 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all seven council members
119 present.**

120
121 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

122
123 **The Council took no action as a result of Executive Session at this time.**

124
125 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**

126
127 **Councilmember Milder delivered the invocation and led the Pledge of Allegiance.**

128
129 **VIII. PROCLAMATIONS / AWARDS**

- 130
131 1. **Rockwall High School Academic Decathlon Champs Day**

132
133 **Mayor Sweet called the team forward to be recognized. After brief comments, Mayor
134 Sweet read and presented a proclamation to the team sponsor and students to recognize
135 them for achieving third place in the recent national championship competition.**

- 136
137 2. **Rockwall Homeschool Water Polo Team Day**

138
139 **Mayor Sweet called forth members of the water polo team. He then read and presented
140 them with a proclamation, recognizing them for their accomplishments during the year.**

141
142 **IX. OPEN FORUM**

143
144 **Mayor Sweet explained how Open Forum is conducted and asked if anyone in the
145 audience would like to come forth and speak during this time. There being no one
146 indicating a desire to do so, Mayor Sweet then closed Open Forum.**

147
148 Next, Mayor Sweet recessed the public meeting into Executives Session (at 6:12 p.m.) to
149 discuss the following matter as authorized by Chapter 551 of the Texas Government
150 Code:

151 *Discussion regarding proposed term extension of a Real Property*
152 *Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC*
153 *relating to real property located within the PD-32 area pursuant to Section*
154 *551.071 (consultation with attorney) and Section 551.087 (Economic*
155 *Development negotiations).*

156 Mayor Sweet called the meeting back to order at 6:25 p.m.

157
158 X. CONSENT AGENDA

- 159
160 1. Consider approval of the minutes from the May 19, 2014 regular city
161 council meeting, and take any action necessary.
- 162 2. **Z2014-011** - Consider approval of **ordinance** for a request by Dewayne
163 Cain, on behalf of the Cain Family Revocable Trust, for the approval of a
164 zoning change from a Single Family 10 (SF-10) District to Planned
165 Development District 53 (PD-53) for Residential-Office (RO) District uses
166 and to amend the boundaries of Planned Development District 53 (PD-
167 53) [Ordinance No. 02-33] for a 0.651-acre parcel of land identified as Lot
168 3, Block A, Lee Rhoades Subdivision, City of Rockwall, Rockwall County,
169 Texas, addressed as 1002 Ridge Road, and take any action necessary
170 **(2nd Reading)**.
- 171 3. **P2014-012** - Consider a request by Terrence Rowe of Double T.
172 Ventures, LLC for the approval of a replat for Lot 1, Block A, Double T.
173 Ventures Addition being one (1) lot currently identified as a portion of Lot
174 24, Amick Addition, zoned Planned Development District 50 (PD-50),
175 located at 807 N. Goliad Street, City of Rockwall, Rockwall County,
176 Texas, and take any action necessary.
- 177 4. Consider approval of a resolution allowing a temporary, partial closure of
178 FM 740 from Summer Lee Drive to the south City limits to facilitate the
179 U.S. Open Triathlon on Sunday, October 12, 2014 from 7:00 AM to 1:00
180 PM, and take any action necessary.

181 Mayor Pro Tem Pruitt pulled item #1. Councilmember Daniels pulled item #4.

182
183 Councilmember White made a motion to approve the remaining Consent Agenda items (#
184 2 and #3). Councilmember Daniels seconded the motion. The ordinance for #2 was read
185 as follows:

186 CITY OF ROCKWALL
187 ORDINANCE NO. 14-23

188
189 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
190 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 53 (PD-53)
191 [ORDINANCE NO. 02-33] AND THE UNIFIED DEVELOPMENT CODE
192 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE
193 AMENDED TO FURTHER AMEND THE ZONING MAP TO ADOPT A
194 CHANGE IN ZONING FROM A SINGLE FAMILY 10 (SF-10) DISTRICT TO
195 PLANNED DEVELOPMENT DISTRICT 53 (PD-53) AND TO AMEND THE

196 BOUNDARIES OF PLANNED DEVELOPMENT DISTRICT 53 (PD-53) AS
197 ESTABLISHED IN ORDINANCE 02-33 TO INCLUDE A 0.651-ACRE PARCEL
198 OF LAND IDENTIFIED AS LOT 3, BLOCK A, LEE RHOADES SUBDIVISION,
199 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS [1002 RIDGE ROAD]
200 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS
201 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
202 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
203 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
204 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
205 PROVIDING FOR AN EFFECTIVE DATE.
206

207 After the ordinance was read, the motion passed by a vote of 7 ayes to 0 nays.
208

209 Mayor Pro Tem Pruitt made a motion to approve the May 19, 2014 minutes contingent
210 upon them reflecting the actual wording of the approved motion that was made
211 pertaining to the Harbor Heights Planned Development amendment. Councilmember
212 White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).
213

214 Councilmember Daniels pulled item #4, indicating he supports this effort. However, he
215 would like staff to briefly explain the difference between the upcoming triathlon and the
216 one last year, and he would like some assurances that staff will have proper control and
217 monitoring of the event. Tim Tumulty, City Engineer, briefly explained some differences
218 related to the route, explaining that a portion of the route will go into the City of Heath
219 this year. Also, it will be held the second weekend in October (10/12/14), versus the first
220 weekend in October. Mr. Tumulty went on to explain that this resolution is necessary to
221 seek permission from TXDOT regarding necessary, temporary lane closures. Assistant
222 Chief Riggs of the Rockwall PD indicated that police staff will be able to be reduced to 75
223 (versus 120 in past years), staff will be meeting with the City of Heath, and the PD is
224 overall satisfied with this proposed route, believing it will be a better route for our staff
225 and our citizens. Councilmember Daniels urged staff to ensure that advanced
226 communication with the public regarding the event takes place and is sufficient.
227

228 Councilmember Daniels made a motion to approve Consent Agenda item #4.
229 Councilmember Milder seconded the motion, which passed unanimously.
230

231 Mayor Sweet then reordered the agenda, asking if there was any action to be taken as a
232 result of Executive Session. Mayor Pro Tem Pruitt made a motion that JBR2, by June 18,
233 2014, shall submit a plan of a new realignment of the location of the garage or a design
234 that the current alignment is workable and, if such plan is acceptable to the city council,
235 then JBR2 shall be granted an extension for the commencement of construction of the
236 garage until June 18, 2015. Councilmember Milder seconded the motion, which passed
237 unanimously of council (7 ayes to 0 nays).
238

239 XI. APPOINTMENTS

- 240
- 241 1. Appointment with the Planning and Zoning Chairman to discuss and
- 242 answer any questions regarding cases on the agenda and related issues
- 243 and take any action necessary.

244 Mr. John McCutcheon of the Planning & Zoning Commission came forth and briefed the
245 council on MIS2014-007, indicating that the P&Z Commission unanimously
246 recommended approval of this item. No action was taken.

247 2. Appointment with Rob Dixon of Hill & Wilkinson, General Contractors to
248 hear and discuss a progress update of the Downtown Rockwall
249 Improvement Project, and take any action necessary.

250 Mr. Dixon came forth and briefed the council on the progress of the downtown
251 improvements project. Mr. Dixon indicated that Phase I is almost complete, and Phase II
252 is expected to begin in the next couple of weeks. He estimated that July to September of
253 2015 should be the overall completion date for the project (about a year-and-a-half).
254 Also, they will plan to be out of the immediate downtown area during the 2014 holiday
255 shopping season. Mr. Crowley indicated that the County Commissioners Court has
256 tentatively agreed to place funding in the upcoming budget to cover costs associated
257 with redoing their sidewalk and their parking area as the city has requested. After brief
258 discussion, no action was taken related to this agenda item.

259
260 **XII. ACTION ITEMS**

261
262 1. **Z2014-014** - Discuss and consider approval of **ordinance** for a request
263 by Brad Fenton of Fenton Motor Group, on behalf of Cambridge
264 Companies Inc., for approval of a Specific Use Permit (SUP) to allow for a
265 new car dealership being a 4.08-acre tract of land located in the J.
266 LOCKHART SURVEY, Abstract No.134, being a portion of that certain
267 tract of land described in deed to the Cambridge Companies, Inc. as
268 recorded in Volume 101, Page 795 of the Deed Records of Rockwall
269 County, Texas and zoned Commercial (C) District, situated within the IH-
270 30 Overlay (IH-30 OV) District and the 205 By-Pass Corridor Overlay
271 (205 BY-OV) District and generally located on the southeast corner of
272 John King Boulevard and IH-30, City of Rockwall, Rockwall County,
273 Texas, and take any action necessary. **(2nd Reading)**

274 Councilmember White made a motion to approve **Z2014-014**. Councilmember Lewis
275 seconded the motion. Councilmember Townsend affirmed with staff that there will in fact
276 be pre-owned car sales at this “new” Nissan dealership. Councilmember Milder
277 expressed general concern about prime IH-30 corridor real estate being occupied by
278 numerous car dealerships. The ordinance was read as follows:

279
280 **CITY OF ROCKWALL**
281 **ORDINANCE NO. 14-24**
282 **SUP NO. 120**
283

284 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
285 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**
286 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**
287 **SPECIFIC USE PERMIT TO ALLOW FOR A “MOTOR VEHICLE**
288 **DEALERSHIP, NEW” ON A 4.08-ACRE TRACT OF LAND LOCATED IN THE**
289 **J. LOCKHART SURVEY, ABSTRACT NO. 134 AND BEING THAT CERTAIN**
290 **TRACT OF LAND DESCRIBED IN A DEED TO THE CAMBRIDGE**
291 **COMPANIES, INC. AS RECORDED IN VOLUME 101, PAGE 795 OF THE**
292 **DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND MORE**
293 **SPECIFICALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR SPECIAL**
294 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED**
295 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
296 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**
297 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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The motion passed by a vote of 6 in favor with one against (Milder).

2. **MIS2014-007** - Discuss and consider a request by the Josh Houser for the approval of an exception to the minimum masonry requirements stipulated in Section 3.1, General Residential District Standards, of Article V, District Development Standards, of the Unified Development Code, for a 0.24-acre parcel of land identified as Lot 11, Block A, Chandler's Landing, Phase 19, zoned Planned Development District 8 (PD-8), located at 105 Weatherly Circle, City of Rockwall, Rockwall County, Texas, and take any action necessary.

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Mr. Ryan Miller, Planning Manager, indicated that the applicant is wanting to utilize up to 62% stucco (as opposed to the allowable amount, which is up to 50%), and would like to have the remainder be stone veneer. The Planning & Zoning Commission did recommend approval of this item by a vote of 5 to 0, and the Chandler's Landing HOA submitted a letter stating they have no opposition to the request. Councilmember Lewis made a motion to approve MIS2014-007. Councilmember White seconded the motion.

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Councilmember Milder expressed concern about so many variances coming before the city council related to the Unified Development Code. He generally questioned why we have a code if we are not adhering to it. He suggested that the Architectural Review Board may be able to be involved in the process related to such variances.

319

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

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3. Discuss and consider water conservation program, and take any action necessary.

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City Manager Rick Crowley indicated that the board of directors of the North TX Municipal Water District (NTMWD) has extended its recommendation through the end of the summer for once every other week watering for its member cities and their residents. Despite recent rains in the last month or so, the water surface elevations in water supply reservoirs have only changed by a number of inches, rather than feet. Lavon, our city's water source, remains 'down' in excess of eleven feet. Rockwall has achieved its ten percent water reduction plus an additional seventeen percent reduction beyond that. The NTMWD is hoping its member cities will achieve an additional fifteen to twenty percent reduction in water usage throughout this summer. The city will be communicating with our citizens in the month of June to educate them and encourage them to conserve even more, including asking them to turn off automatic sprinkler systems and operate them manually instead. The city will visit with its top ten water users to educate them on the importance of water conservation and see if there are additional steps that can be taken towards achieving more conservation. There may be a need to assign watering days in the future if doing so becomes necessary to achieve conservation goals. Mr. Crowley indicated that existing staff will be monitoring things like water running down sidewalks and streets. He mentioned that the city itself, as well as the school district, is among the top ten water users. Regarding shrubs and new plantings, residents and businesses currently have thirty days to water these; however, depending on the water situation, council may be asked to revisit this issue.

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Mrs. Smith commented that reduced water sales on the part of the City have resulted in negative impacts to the city's fund balance in the water and sewer fund. Raising rates by ten percent this past January did have somewhat of an impact on the revenue stream; however, residents have done a tremendous job conserving water. An additional rate

346 increase is expected to be proposed by the NTMWD board next year as well. We expect
347 that with the conservation our residents have done, the city will miss sales projections
348 by about \$1.3 million dollars, which will exhaust the fund and any reserves. The Water
349 and Sewer Fund will need to be supplemented with some assistance from the General
350 Fund. We have frozen some positions and have proceeded to not make any “non-
351 critical” or major system repairs, but some assistance from General Fund reserves is
352 anticipated in the future.

353 Mayor Pro Tem Pruitt indicated that in the last three years, NTMWD has increased rates
354 by over 30%, and these increases have been passed along to and realized by our
355 Rockwall residents and customers. We have a “can’t take but will pay” contract with the
356 District. Until which time as the District implements ‘punishment provisions’ for other
357 member cities who do not ‘voluntarily’ comply with the conservation measures
358 suggested by NTMWD, he does not feel inclined to have our city customers comply. He
359 further indicated that our citizens are funding the other cities who continue to not choose
360 to. Councilmember Lewis indicated general agreement with Mayor Pro Tem Pruitt’s
361 sentiments regarding our city not complying if other member cities are not made to
362 comply.

363 Mr. Crowley indicated that two member cities have not adopted the once-every-two week
364 watering schedule as recommended by the NTMWD board. One of those two cities is in
365 compliance with the ten percent reduction goal, but the other city is not in compliance.

366 Councilmember White suggested that he does not agree with the City of Rockwall not
367 complying with the conservation plan because, if every city chose to not adhere to the
368 plan, there would be no water. He does believe Rockwall should send a letter to the
369 NTMWD board to encourage them to implement strong penalty provisions for member
370 cities that do not follow the conservation plan requested by the NTMWD.

371 Councilmember Milder suggested he believes we should remain in compliance with the
372 requested ten percent water reduction; however, he does not feel our city should be an
373 “over achiever” with regards to reduction in water usage.

374 No action was taken related to this agenda item at this time.

375
376 **XIII. CITY MANAGER’S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
377 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
378

- 379 1. Departmental Reports
380 Building Inspections Monthly Report - April 2014
381 Finance Department Monthly Report - April 2014
382 Fire Department Monthly Report - April 2014
383 Harbor PD Monthly Report - April 2014
384 Internal Operations Department Monthly Report for April 2014
385 Police Department Monthly Report - April 2014
386 Recreation Monthly Report - April 2014
387 Rockwall Animal Adoption Center Monthly Report - April 2014
388 2. City Manager’s Report
389

390 Mr. Crowley indicated that a draft agenda for the upcoming Council / Staff retreat will be
391 provided to council in the next day or so.
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XIV. EXECUTIVE SESSION

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding update on proposed land lease/acquisition located near the Justin Road right-of-way pursuant to Section 551.072 (Real Property).
3. Discussion regarding the terms and conditions of contract with Collin County Humane Society to operate the City's animal adoption center pursuant to Section 551.071 (Consultation with Attorney)
4. 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)
5. Discussion regarding proposed term extension of a Real Property Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real property located within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).

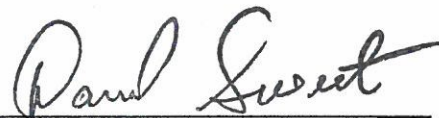
XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not reconvene in Executive Session following the close of the public meeting. See line 231 for action taken as a result of earlier Executive Session.

XVI. ADJOURNMENT

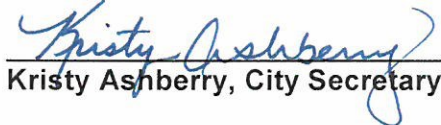
The meeting was adjourned at 7:06 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of June, 2014.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
ANNUAL RETREAT
June 12-14, 2014
Star Brand Ranch
1182 Star Brand Drive
Kaufman, Texas 75142

9 ***Thursday, June 12, 2014***

10
11 I. CALL PUBLIC MEETING TO ORDER

12
13 Mayor Sweet called the meeting to order at 7:00 p.m. Present were Mayor David Sweet,
14 Mayor Pro Tem Jim Pruitt, and Council Members David White, Mike Townsend, Scott
15 Milder, and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City
16 Managers Mary Smith and Brad Griggs, City Attorney Frank Garza, and all department
17 directors. Councilmember Bennie Daniels was absent from the meeting Thursday
18 evening.

19
20 City Engineer Tim Tumulty briefed the city council on retention and detention. The
21 council took no action related to this item.

22
23 Mayor Sweet adjourned the meeting at 7:35 p.m.

24
25
26 ***Friday, June 13, 2014***

27
28 I. CALL PUBLIC MEETING TO ORDER

29
30 Mayor Sweet called the meeting to order at 8:00 a.m. Present were Mayor David Sweet,
31 Mayor Pro Tem Jim Pruitt, and Council Members David White, Mike Townsend, Scott
32 Milder, Bennie Daniels, and Dennis Lewis. Also present were City Manager Rick Crowley,
33 Assistant City Managers Mary Smith and Brad Griggs, City Attorney Frank Garza, and all
34 department directors.

35
36 II. STAR TRANSIT

37
38 Omega Hawkins of STAR Transit was present and gave the city council an overview of
39 funding sources for the STAR transportation system as well as the 2013 needs
40 assessment. She indicated the City of Mesquite has been evaluating the possibility of
41 contracting with STAR. Discussion took place related to ridership and user costs versus
42 subsidies paid by entities in Rockwall County. Mrs. Hawkins indicated that riders under
43 sixty years of age are charged \$2 each way for rides, and senior citizens (those beyond
44 age 60) are charged \$1 each way to ride. Mrs. Hawkins explained that STAR is in the
45 process of increasing board members, but they currently only have four board members.
46 Mrs. Hawkins indicated that she will provide the bylaws of the organization to the
47 Rockwall council members for review. It was indicated that in Texas, counties are the
48 entities who designate the countywide transit service provider. The council took no
49 action related to this item.

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III. PD 32 / THE HARBOR

Planning Director Robert LaCroix briefed the council on the current PD 32 plan. Discussion took place related to the council's comfort level and satisfaction with various aspects of the plan including lot sizes and density. The council generally indicated that they are mainly concerned about the number of multifamily residential units (1161). After brief discussion related to zoning and the plan, the council took no action related to this item.

IV. LAND / OPEN SPACE DEDICATION

City Manager Rick Crowley led this discussion, suggesting the council consider continuing on with having park land dedicated to the city with all other types of land being dedicated to homeowners associations (HOAs). The council may wish to move forward with formal adoption of this policy at an upcoming, regular city council meeting. The council took no action related to this discussion item.

V. MAIN STREET / DOWNTOWN PLAN

Mr. LaCroix provided a history of the development of the downtown plan, and he explained each of its elements. Bethany Golden, the city's Main Street Manager, came forth and provided some statistics which showed positive increases in both sales tax revenues and property values in the downtown area since 2009. Mr. Crowley suggested the council may wish to consider formulating some downtown-related volunteer opportunities in addition to the two year advisory board appointments. The council may also consider some improved and added marketing of our city, including the downtown area. City council members generally indicated they do not desire to make changes to the downtown plan at this time. No action was taken regarding this discussion item.

VI. REGULATED BUSINESSES / CITY CHARTER / RATE CASES

Regarding the city charter, Mayor Pro Tem Pruitt indicated that he believes a lawyer, rather than a clerk, needs to serve as the judge. Discussion took place related to the last time a Charter Review Commission was established. Council gave indication they would like to move forward with appointing a Charter Review Commission to evaluate and make recommendations regarding ballot propositions for the May 2015 election. Brief discussion took place related to public utilities, such as Atmos, proposing rate increases. Thereafter, the council discussed how to encourage large homes on large estate lots within the City of Rockwall as well as diversification of the overall housing products in the city. The council took no formal action regarding these discussions.

VII. LAND USE / COMPREHENSIVE PLAN

The city manager and council members briefly discussed the "Blacklands Corridor Toll Road," a project that is currently being evaluated by a private company called "Public Works." Discussion also took place related to the city's comprehensive plan. No action was taken by council regarding this item.

101 VIII. STRATEGIC PLANNING, BRANDING, AND CITIZEN SURVEY

102
103 Mr. Crowley briefed the council on past strategic planning and branding as well as the
104 last citizen survey. The council took no action related to this discussion item.

105
106 IX. ADJOURNMENT

107
108 Friday's meeting was adjourned at 4:35 p.m.

109
110
111 ***Saturday, June 14, 2014***

112
113 I. CALL PUBLIC MEETING TO ORDER

114
115 Mayor Sweet called the meeting to order at 8:30 a.m. Present were Mayor David Sweet,
116 Mayor Pro Tem Jim Pruitt, and Council Members David White, Mike Townsend, Scott
117 Milder, Bennie Daniels, and Dennis Lewis. Also present were City Manager Rick Crowley,
118 Assistant City Managers Mary Smith and Brad Griggs, City Attorney Frank Garza, and all
119 department directors on staff.

120
121 II. WATER (NORTH TX MUNICIPAL WATER DISTRICT)

122
123 Mike Rickman, Deputy Director of the North TX Municipal Water District, as well as
124 Rockwall's NTMWD board members, Bill Lofland and Larry Parks, were present for this
125 discussion item. Mr. Rickman gave an in-depth presentation related to the drought,
126 including past, present and future effects and plans to try and address water-related
127 concerns. The council took no action related to this discussion item.

128
129 III. BUDGET PRIORITIES

130
131 City Manager Rick Crowley and Assistant City Manager Mary Smith spoke about the
132 upcoming fiscal year 2015 budget. Indication was given that all department directors
133 have submitted their requests at this time; however, city management has not yet
134 reviewed these proposals. Emphasis was placed on the negative impact that the current
135 drought has had on the city's water/sewer revenue fund. Indication was given that this
136 revenue shortage will be a large topic during the upcoming budget meetings, and
137 revenue from the general fund is expected to have to be transferred in order to make up
138 for the shortage. Discussion took place regarding possible meeting dates/times for the
139 budget work session and public hearings related to the budget. The council took no
140 action related to this item.

141
142 IV. CAPITAL IMPROVEMENT PROJECTS AND PLANNING (CIP)

143
144 Tim Tumulty, City Engineer, provided a presentation regarding roadway-related capital
145 improvement projects in the City. Regarding police and fire related CIP, Mr. Crowley
146 indicated that a short work session may be scheduled with the city council prior to one
147 of its regularly scheduled 1st and 3rd Monday council meetings. The council took no
148 action related to this item.

149
150

151 V. CITY MANAGER'S WORK PLAN

152

153 This item was not discussed, and no action was taken.

154

155 VI. ADJOURNMENT

156

157 Mayor Sweet adjourned the meeting at 11:45 a.m. on Saturday, June 14, 2014.

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

162 this 7th day of July, 2014.

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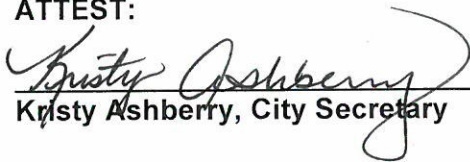
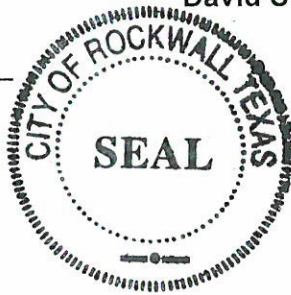
David Sweet, Mayor

165 ATTEST:

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 16, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

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

13
14 Mayor Sweet read the below listed items into the record before recessing the public
15 meeting into Executive Session:

16
17 II. EXECUTIVE SESSION.

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

- 22
23 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
24 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
25 551.071 (Consultation with Attorney)
- 26 2. Discussion regarding proposed term extension of a Real Property Exchange
27 Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real
28 property located within the PD-32 area pursuant to Section 551.071 (consultation
29 with attorney) and Section 551.087 (Economic Development negotiations).
- 30 3. Discussion regarding update on proposed land lease/acquisition located near the
31 Justin Road right-of-way pursuant to Section 551.072 (Real Property).

32
33 III. ADJOURN EXECUTIVE SESSION

34
35 Executive Session was adjourned at 4:26 p.m.
36

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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, June 16, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

43 **IV. RECONVENE PUBLIC MEETING**

44
45 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all seven council members**
46 **present.**

47
48 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

49
50 **No action was taken as a result of Executive Session.**

51
52 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**

53
54 **Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.**

55
56 **VII. PROCLAMATIONS / AWARDS**

- 57
58 1. Emma Santoro, Life Saving Hero

59
60 **Mayor Sweet called Fire Chief Mark Poindexter forward as well as Miss Emma Santoro,**
61 **her mother and father and her little brother. It was explained that Emma saved her little**
62 **brother from drowning when she jumped in and pulled him out of the family swimming**
63 **pool after he fell in. Mayor Sweet read and presented Emma with a proclamation, and**
64 **Chief Poindexter gave her the Civilian Medal of Honor Lifesaving Award.**

- 65
66 2. Juneteenth

67
68 **Mayor Sweet read a proclamation into the record to commemorate Juneteenth.**

69
70 **VIII. CONSENT AGENDA**

- 71
72 1. Consider approval of the minutes from the June 2, 2014 city council
73 meeting, and take any action necessary.
74 2. Consider approval of the award of the North Lakeshore Left Turn Lane
75 construction contract to Bowman Construction in the amount of
76 \$64,295.50 to be funded from the Streets Division Operations Budget,
77 and take any action necessary.

78 **City Manager Rick Crowley stepped out of the room during the time Consent Agenda was**
79 **addressed by the Council. Councilmember White made a motion to approve both items**
80 **on the Consent Agenda. Councilmember Townsend seconded the motion, which passed**
81 **unanimously of council present (7 ayes to 0 nays).**

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IX. APPOINTMENTS

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

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

2. Appointment with Michael Turner to discuss and consider proposed changes to the city's Recreational Vehicle (RV) ordinance regulations, and take any action necessary.

**Michael Turner
925 Mont Cascades
Rockwall, TX 75087**

Mr. Turner came forth and explained that he has concerns related to the city's ordinance regulating parking of boats in neighborhoods for loading and unloading purposes. He explained that he would like some clarity in the ordinance regulations related to the definition of "loading and unloading." He explained that he feels harassed by neighbors who constantly call the city to complain about his boat or utility trailer being parked for "loading and unloading" in front of his home. After brief comments, the council took no action related to this agenda item.

X. PUBLIC HEARING ITEMS

1. **Z2014-012** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Master Plan, on behalf of Rockwall SH-205 Venture, LLC, for the approval of a Specific Use Permit (SUP) to allow a mini-warehouse facility on a 2.857-acre tract of land, zoned Commercial (C) District, being a portion of a larger 5.549-acre tract of land identified as a part of Tract 2 of the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, generally located south of the intersection of the IH-30 frontage road and Townsend Drive, and take any action necessary. **(1st Reading)**

Planning Director Robert LaCroix provided background information related to this item, indicating notices were mailed out to twenty-one adjacent property owners located within two hundred feet of the property with one notice being returned in favor. He explained the Planning & Zoning commission did recommend approval of this facility with the caveat that any and all storage would be limited to a maximum height of eight feet and would be fully screened behind the 8' masonry wall.

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

**Maxwell Fisher
Master Plan**

135 Mr. Fisher came forth and provided a presentation to council, detailing the
136 characteristics of this proposed mini-warehouse facility. He explained that the product
137 his company builds is not like traditional storage facilities. Instead, the buildings look
138 more like very nice office buildings. He showed renderings / drawings as well as
139 pictures of facilities like this proposed one that have been built in other cities.
140

141 Councilmember White made a motion to approve Z2014-012. Councilmember Milder
142 seconded the motion. Mayor Pro Tem Pruitt asked for clarification regarding if the
143 motion does or does not include the stipulation of requiring an eight foot fence.
144 Councilmember White amended his motion to clarify approval of the item, indicating a
145 requirement that the applicant must install an 8' masonry fence in addition to planting
146 Leland Cypress trees to screen anything above the 8' screening fence. Councilmember
147 Milder seconded the amended motion.
148

149 Councilmember Daniels asked if the facility would have twenty-four hour access for
150 renters. Mr. Fisher indicated that access will be from 6:00 a.m. until 9:00 p.m., but there
151 will be 24/7 surveillance.
152

153 The ordinance was read as follows:
154

155 CITY OF ROCKWALL
156 ORDINANCE NO. 14-XX
157 SPECIFIC USE PERMIT NO. S-XXX
158

159 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
160 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
161 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
162 AMENDED, SO AS TO APPROVE A SPECIFIC USE PERMIT (SUP) TO
163 ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C)
164 DISTRICT AS SPECIFIED WITHIN ARTICLE IV, *PERMISSIBLE USES*, OF
165 THE UNIFIED DEVELOPMENT CODE, FOR A 2.857-ACRE TRACT OF
166 LAND, BEING A PORTION OF A LARGER 5.549-ACRE TRACT OF LAND
167 IDENTIFIED AS PART OF TRACT 2 OF THE J. CADLE SURVEY,
168 ABSTRACT NO. 65, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;
169 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
170 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
171 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
172 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
173 EFFECTIVE DATE.
174

175 The motion passed by a vote of 7 ayes to 0 nays.
176

- 177 2. **Z2014-015** - Hold a public hearing to discuss and consider approval of an
178 ordinance for a request by Dennis D. Alsup for the approval of a Specific
179 Use Permit (SUP) for an accessory building that does not conform to the
180 size requirements as specified by Section 2.1.2, Residential and Lodging
181 Use Conditions, of Article IV, Permissible Uses, of the Unified
182 Development Code for a property in a Single-Family 10 (SF-10) District
183 on a 0.74-acre parcel of land identified as a portion of Block 4, Garner
184 Addition, zoned Single-Family 10 (SF-10) District, situated within the
185 North Goliad Overlay (NGC OV) District, located at 921 Alamo Road, City

186 of Rockwall, Rockwall County, Texas, and take any action necessary.
187 **(1st Reading) (Postponement requested by applicant)**

188 **Mayor Sweet acknowledged the requested postponement and announced that the public**
189 **hearing for this case will be held on July 7, 2014. No action was taken at this time.**

- 190
191 **3. Z2014-016 - Hold a public hearing to discuss and consider approval of an**
192 **ordinance for a request by Scott W. Blackwood for the approval of a**
193 **zoning change from Agricultural (AG) District to a Planned Development**
194 **District for limited commercial/retail land uses on a 12.493-acre tract of**
195 **land identified as Tract 17-14 of the W. W. Ford Survey, Abstract No. 80,**
196 **City of Rockwall, Rockwall County, Texas, located west of the intersection**
197 **of SH-205 [S. Goliad Street] and S. FM-549, and take any action**
198 **necessary. (1st Reading) [Requires a 3/4 Majority Vote by the City**
199 **Council for Approval]**

200 **Mr. LaCroix provided brief background information related to this agenda item. He**
201 **indicated that the Planning & Zoning Commission had some concerns about this**
202 **property transitioning to Commercial at this time. However, since the time the Planning**
203 **& Zoning Commission review took place, the applicant has since informed staff that he is**
204 **willing to make some modifications to his original proposal. Seventeen notices were**
205 **mailed out to property owners located within five hundred feet of the subject property,**
206 **and nearby homeowners associations were informed as well. Two notices of**
207 **oppositions were received back by staff. Mr. LaCroix explained that these two**
208 **oppositions triggered at least thirty percent opposition, which has led to the need for a ¾**
209 **majority vote of the Council in order to be approved.**

210
211 **Mayor Sweet opened the public hearing and called the applicant forth to address the**
212 **council.**

213
214 **Scott Blackwood**
215 **5205 S. FM-549**
216 **Rockwall, TX**

217
218 **Stephen Straughan**
219 **5802 Constellation Circle**
220 **Rockwall, TX**

221
222 **Mr. Blackwood read a letter, explaining his reasons for requesting this zoning change**
223 **and urging the city council to approve this request.**

224
225 **Mr. Straughan indicated that Mr. Blackwood has been trying to sell his home for nearly**
226 **five years. So, with his appraisal experience, he recommended to Mr. Blackwood that he**
227 **may wish to consider a zoning change request as an option. He explained that he**
228 **understands it may be difficult for the city council to approve this request without a**
229 **concept plan being provided by the applicant. He asked the council to consider**
230 **approving this zoning change, but, if the council denies it, he asked that it do so without**
231 **prejudice.**

232
233 **Mayor Sweet asked if anyone else would like to come forth and speak at this time. There**
234 **being no one else in the audience wishing to come forth and speak, Mayor Sweet then**
235 **closed the public hearing.**

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Mayor Pro Tem Pruitt made a motion to send this item back to the Planning & Zoning Commission for further review and consideration, and he tabled this item until further input from the Planning & Zoning Commission is received. Councilmember Daniels seconded the motion, which, after brief comments, passed unanimously of Council (7 ayes to 0 nays).

- 4. **Z2014-017** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Dick Skorburch of the Skorburch Company on behalf of Breezy Hill 405, LTD for the approval of a zoning amendment to Planned Development District 74 (PD-74) to amend 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 12-26 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. LaCroix provided background information related to this agenda item, indicating that sixteen notices were sent out to adjacent property owners. No notices were received back by any property owner located within the city limits. However, one notice of opposition was received back, but it was submitted by a property owner located in the county. The Planning & Zoning Commission did recommend approval of this item.

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

Mr. Dick Skorburch
8214 Westchester Drive

Mr. Skorburch came forth and provided extensive background information related to his company, housing products that his company has built both in Rockwall and elsewhere in the Metroplex, and the nature of this particular request being considered this evening. He generally asked council for approval of this item.

Mayor Sweet asked if anyone would like to come forth and speak. There being no one else expressing such, Mayor Sweet then closed the public hearing.

Councilmember White made a motion to approve Z2014-017. Councilmember Lewis seconded the motion.

After extensive discussion regarding lot sizes and maximum number of lots, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 14-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74) [ORDINANCE NO. 12-26] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT PLAN AND THE DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO. 12-26, BEING A 405.184-ACRE TRACT OF LAND

287 SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R.
288 BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY,
289 ABSTRACT NO. 190, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
290 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR
291 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
292 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
293 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
294 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
295

296 The motion to approve passed by a vote of 6 in favor with one against (Sweet).
297

298 **XI. SITE PLANS / PLATS**
299

- 300 1. **SP2014-008** - Discuss and consider a request by Ken Hill of NADC
301 Architects, LLC on behalf of Heritage Buick, Pontiac, GMC, for the
302 approval of a variance to the material requirements stipulated by Section
303 6.6, IH-30 Overlay (IH-30) District, of Article V, District Development
304 Standards, of the Unified Development Code for a 5.285-acre parcel of
305 land identified as Lot 1, Block 1, Heritage BPG Addition, zoned
306 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)
307 District, located at 930 E. IH-30, City of Rockwall, Rockwall County,
308 Texas, and take any action necessary. [Requires a 3/4 Majority Vote by
309 the City Council for Approval]

310 Mr. LaCroix provided background information related to this agenda item, generally
311 indicating that the applicant would actually prefer that the city deny this request.

312 Ken Hill
313 NADC Architects, LLC
314 206 South Bois D' Arc
315 Forney, TX 75126
316

317 Mr. Hill came forth and indicated that the umbrella company for this car dealership
318 desires for the exterior façade of all their dealerships, nationwide, to be uniform.
319 However, he explained that doing so, in this case, would be a 'down grade' as far as
320 materials and aesthetics are concerned. He therefore asked the council to deny this
321 request.
322

323 Mayor Pro Tem Pruitt made a motion to deny this request. Councilmember Lewis
324 seconded the motion, which passed by a vote of 7 ayes to 0 nays.
325

- 326 2. **SP2014-009** - Discuss and consider a request by Lori Stevens of Patriot
327 PAWS for the approval of an exception to the exterior material
328 requirements as stipulated by Section 4.1, General Commercial District
329 Standards, of Article V, District Development Standards, of the Unified
330 Development Code to allow for an addition to an existing facility, which is
331 located on a 1.5304-acre parcel of land, being identified as Lot 4, Block A,
332 Maverick Ranch Addition, zoned Commercial (C) District, and located at
333 254 Ranch Trail, City of Rockwall, Rockwall County, Texas, and take any
334 action necessary.

335 **Mr. LaCroix explained that Patriot Paws purchased this property, and they would like to**
336 **build an additional building at the rear of the property. This building would be screened**
337 **from the public view.**
338

339 **The applicant(s) came forth, introduced themselves and respectfully asked the council to**
340 **approve this exception.**
341

342 **Mayor Pro Tem Pruitt made a motion to approve the request. Councilmember Lewis**
343 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**
344

345 **XII. ACTION ITEMS**
346

347 1. Discuss and consider approval of an **ordinance** at the recommendation
348 of the Airport Subcommittee to transfer the administrative and
349 enforcement authority of zoning regulations for the Ralph M.
350 Hall/Rockwall Municipal Airport from the Joint Airport Board to the
351 Planning and Zoning Commission, and take any action necessary. **(1st**
352 **reading)**

353 **Mayor Pro Tem Pruitt made a motion to table this item until the next council meeting.**
354 **Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0**
355 **nays.**

356 2. Discuss and consider a recommendation by the Airport Subcommittee to
357 direct staff to forward the consideration of design guidelines and land use
358 criteria for an Airport Overlay District (AP OV) District to the Planning and
359 Zoning Commission, and take any action necessary.

360 **Councilmember Townsend made a motion to table this item until the next council**
361 **meeting. Councilmember White seconded the motion, which passed by a vote of 7 ayes**
362 **to 0 nays.**
363
364

365 **Mayor Sweet indicated that there is no need to reconvene in Executive Session at this**
366 **time.**
367

368 **XIII. EXECUTIVE SESSION**
369

370 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
371 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
372 **CODE:**
373

374 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
375 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
376 551.071 (Consultation with Attorney)

377 2. Discussion regarding proposed term extension of a Real Property Exchange
378 Agreement with Harbor Heights Investors, L.P. / JBR2, LLC relating to real
379 property located within the PD-32 area pursuant to Section 551.071
380 (consultation with attorney) and Section 551.087 (Economic Development
381 negotiations).

382 3. Discussion regarding update on proposed land lease/acquisition located near
383 the Justin Road right-of-way pursuant to Section 551.072 (Real Property).

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

385
386 The council did not reconvene in Executive Session following the close of the 6:00 p.m.
387 public meeting.

388
389 **XV. ADJOURNMENT**

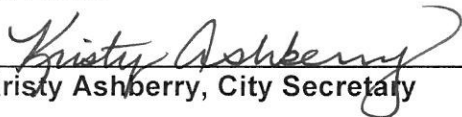
390
391 The meeting was adjourned at 7:39 p.m.

392
393
394 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
395 **this 7th day of July, 2014.**

396
397 

David Sweet, Mayor

398 **ATTEST:**

399 
400
401 Kristy Ashberry, City Secretary



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MINUTES

ROCKWALL CITY COUNCIL

Monday, July 07, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

8 I. CALL PUBLIC MEETING TO ORDER

9
10 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
11 Mayor Pro Tem Jim Pruitt, and Council Members David White, Mike Townsend, Scott
12 Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
13 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza.
14

15 II. (4:00 P.M.) WORK SESSION

- 16
17 1. HOLD WORK SESSION TO DISCUSS PROPOSED RESIDENTIAL DEVELOPMENT BY
18 ARCADIA REALTY (BILL GIETEMA).
19

20 Mr. Gietema came before Council to present various design options for The Lakes of
21 Summerset located at the intersection of 205 and FM 549. General discussion took place
22 and no action was taken at this time.
23

- 24 2. HOLD WORK SESSION TO HEAR UPDATE REGARDING PLAYGROUND SURFACING
25

26 Assistant City Manager Brad Griggs gave general update regarding the surface
27 temperatures of playground equipment at the various parks within the city. Mr. Griggs
28 stated that he would bring this item and more information back before Council on a
29 future agenda. No further action was taken.
30

31 At 5:01 p.m., Mayor Sweet read the below listed discussion items into the public record
32 before recessing the public meeting into Executive Session.
33

34 III. (4:30 P.M.) EXECUTIVE SESSION

35
36 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
37 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
38 CODE:
39

- 40 1. Discussion regarding proposed lease/sale of city land for possible private
41 project pursuant to Sections 551.072 (Real Property) and Section
42 551.087 (Economic Development negotiations).
43
44 2. Discussion regarding proposed term extension of a Real Property
45 Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC
46 relating to real property located within the PD-32 area pursuant to Section
47 551.071 (consultation with attorney) and Section 551.087 (Economic
Development negotiations).

- 48 3. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
49 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
50 551.071 (Consultation with Attorney)
- 51 4. Discussion regarding appointments to city regulatory boards,
52 commissions, and committees including the Building and Standards
53 Commission, Board of Adjustments, Planning & Zoning Commission and
54 Rockwall Economic Development Corporation pursuant to Section
55 551.074 (personnel matters)

56
57 **IV. ADJOURN EXECUTIVE SESSION**

58
59 **Mayor Sweet recessed the Executive Session at 5:28 p.m. to allow Developers JBR2 to**
60 **explain their proposed alternative plan. Executive Session was then adjourned at 5:54**
61 **p.m.**

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68 **MINUTES**
69 **ROCKWALL CITY COUNCIL**
70 **Monday, July 07, 2014**
71 **6:00 p.m. Regular City Council Meeting**
72 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
73

74 **V. RECONVENE PUBLIC MEETING**

75
76 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all seven council members**
77 **present.**

78
79 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

80
81 **No action as a result of Executive Session.**

82
83 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

84
85 **Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.**

86
87 **VIII. PROCLAMATIONS / AWARDS**

- 88
89 1. "Texas Sport" Champions Day under 8 years coach pitch baseball team.
90 Mayor Sweet read the proclamation.

91
92 **Mayor Sweet called forth members of the baseball team. He then read and presented**
93 **them with a proclamation, recognizing them for their accomplishments during the year.**

- 94
95 2. Soroptimist Recognition Day

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Mayor Sweet read a proclamation into the record to recognize Soroptimist and their community outreach efforts.

IX. OPEN FORUM

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

Ruth Peck – 108 Lakedale Drive, Rockwall, Texas
Ms. Peck came forth to discuss Rockwall Music Fest for Labor Day and introduce Michael Manley as the new conductor. She thanked the Council for their continued support.

X. CONSENT AGENDA

1. Consider approval of the minutes from the June 12-14 annual city council retreat, and take any action necessary.
2. Consider approval of the minutes from the June 16, 2014 regular city council meeting, and take any action necessary.
3. Consider authorizing the City Manager to engage Fox, Byrd & Company P.C. as the firm to conduct the City's audit for the fiscal year ending September 30, 2014 and take any action necessary.
4. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 38. Subdivisions to create a new Article, Article V. related to grading, excavation, earthwork and erosion control for developments, and taking any action necessary. **(1st reading)**
5. Consider approval of Change Order No. 1 to City Contract CIP2013-004, Central Water and Sewer Improvements with Barson Utilities, Inc. in the amount of \$107,766.25 for additional pavement repairs and related appurtenances with funding from 2008 revenue bonds and take any action necessary.
6. Consider approval of a resolution allowing a temporary partial closure of northbound shoulder of SH 205 from the YMCA facility to Memorial Drive to facilitate the Dirty Rocks Triathlon on Sunday, July 20, 2014 from 7:00 AM to 12:00 PM, and take any action necessary.
7. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 22. Miscellaneous Offenses, Article II. Offenses Regarding Minors, Division 5. Sex Offender Residency to modify provisions specifying victims' age, to add a section regarding notice to residents of registered sex offenders, and take any action necessary. **(1st reading)**
8. **P2014-007** - Consider a request by the Cabana's at Chandler's Landing Homeowner's Association on behalf of the residents of the Cabana's at Chandler's Landing for the approval of a replat of Lots 1-10, Block A, The Cabanas at Chandler's Landing, City of Rockwall, Rockwall County, Texas, for a 1.13-acre portion of a parcel of land identified as the Cabanas at Chandler's Landing, zoned Planned Development District 8

(PD-8) for multi-family or condominium uses as established in Ordinance 73-48 & 84-04, generally located south of Yacht Club Drive and west of Harbor View Drive, and take any action necessary.

9. **P2014-013** - Consider a request by Tommy Pulliam of Pulliam Construction Management Inc. on behalf of Rayburn Electric Cooperation, Inc. for the approval of a final plat for Lots 1-3, Block A, Rayburn Country Addition being 11.407-acres of land situated in the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District and Agricultural (AG) District, located on the south side of Sids Road west of S. Goliad Street [SH-205], and take any action necessary.
10. **P2014-014** - Consider a request by Rich Houston on behalf of R. Fifty Green Homes, LLC for the approval of a final plat for Lots 1-6, Block A, Solar Village Addition, containing six (6) single family lots on a 2.055-acre tract of land situated within the Rueben Ballard Survey, Abstract No. 29, Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, located directly west of the intersection of Williams Street (SH-66) and Caruth Lane, and take any action necessary.
11. Consider approval of the bid award for the FM 3097 Utility Relocation Project contract to War Horse Enterprises, Inc. in the amount of \$135,872.72 to be funded from 2008 revenue bonds, and take any action necessary.
12. **Z2014-012** - Consider approval of an **ordinance** for a request by Master Plan, on behalf of Rockwall SH-205 Venture, LLC, for the approval of a Specific Use Permit (SUP) to allow a mini-warehouse facility on a 2.857-acre tract of land, zoned Commercial (C) District, being a portion of a larger 5.549-acre tract of land identified as a part of Tract 2 of the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, generally located south of the intersection of the IH-30 frontage road and Townsend Drive, and take any action necessary. **(2nd Reading)**
13. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 12, Article III, Section 12 to add Sections 12-66 to 12-68, regulating peddler activities to occupants of vehicles on public roadways in the city and solicitation in public areas, and take any action necessary. **(1st reading)**
14. Consider approval of an **ordinance** (re)establishing prohibition regarding temporary habitation in a public place in Chapter 22. Miscellaneous Offenses, Article I. In General, Section 22-4, and take any action necessary. **(1st reading)**

Mayor Pro Tem Pruitt pulled items #4, #5 and #13.

Councilmember Lewis made a motion to approve the remaining Consent Agenda items. Councilmember White seconded the motion. The ordinances for #7, #12 and #14 were read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-_____**

189 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
190 ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN
191 CHAPTER 22. MISCELLANEOUS OFFENSES, ARTICLE II.
192 OFFENSES REGARDING MINORS, DIVISION 5. SEX OFFENDER
193 RESIDENCY, SECTIONS 22-136 AND 22-137 TO MODIFY
194 PROVISIONS SPECIFYING VICTIMS AGE; ADDING A SECTION
195 REGARDING NOTICE TO RESIDENTS OF REGISTERED SEX
196 OFFENDERS; PROVIDING FOR SEVERABILITY AND SAVINGS
197 CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

198
199 CITY OF ROCKWALL
200 ORDINANCE NO. 14-
201 SPECIFIC USE PERMIT NO. S-
202

203 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
204 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
205 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
206 AMENDED, SO AS TO APPROVE A SPECIFIC USE PERMIT (SUP) TO
207 ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C)
208 DISTRICT AS SPECIFIED WITHIN ARTICLE IV, PERMISSIBLE USES, OF
209 THE UNIFIED DEVELOPMENT CODE, FOR A 2.857-ACRE TRACT OF
210 LAND, BEING A PORTION OF A LARGER 5.549-ACRE TRACT OF LAND
211 IDENTIFIED AS PART OF TRACT 2 OF THE J. CADLE SURVEY,
212 ABSTRACT NO. 65, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;
213 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
214 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
215 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
216 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
217 EFFECTIVE DATE.

218 CITY OF ROCKWALL, TEXAS
219 ORDINANCE NO. 14-
220

221 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
222 TEXAS ESTABLISHING A PROHIBITION REGARDING TEMPORARY
223 HABITATION IN PUBLIC PLACES IN CHAPTER 22. MISCELLANEOUS
224 OFFENSES. ARTICLE I. IN GENERAL, SECTION 22-4; PROVIDING FOR
225 SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN
EFFECTIVE DATE.

226 After the ordinances were read, the motion passed by a vote of 7 ayes to 0 nays.

227
228 Mayor Pro Tem Pruitt made a motion to approve Consent Agenda Item #4 contingent
229 upon the proposed ordinance not having an effect on homeowners as it pertains to their
230 yards. Councilmember White seconded the motion, which passed unanimously of
231 council (7 ayes to 0 nays).

232
233 Mayor Pro Tem Pruitt pulled item #5 to ask further questions regarding the width of the
234 extension and the delay in repairs. City Engineer Tim Tumulty gave brief history and
235 explanation of the project. Mayor Pro Tem Pruitt made a motion to approve Consent
236 Agenda Item #5. Councilmember Daniels seconded the motion, which passed
237 unanimously of council (7 ayes to 0 nays).

238
239 Mayor Pro Tem Pruitt made a motion to approve Consent Agenda Item #13 contingent
240 upon the language of provisions only as it relates to people in private parking lots.

241 Councilmember Daniels seconded the motion. The ordinance for #13 was read as
242 follows:

243
244 CITY OF ROCKWALL
245 ORDINANCE NO. 14-____
246 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER
247 12, ARTICLE III, SECTION 12 BY ADDING SECTION 12-66 TO 12-68 OF THE
248 CODE OF ORDINANCES, REGULATING PEDDLER ACTIVITIES IN THE CITY AND
249 SOLICITATION IN A PUBLIC AREA; PROVIDING A SEVERABILITY CLAUSE;
250 PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.
251

252 After the ordinance was read, the motion passed by a vote of 6 ayes to 1 nays. (White)
253

254 XI. APPOINTMENTS
255

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

259 Ms. Kristen Minth of the Planning & Zoning Commission came forth and briefed the
260 council on Z2014-016, indicating that the P&Z Commission denied approval of this item.
261 All other P&Z items passed. No action was taken.

262
263 XII. PUBLIC HEARING ITEMS
264

- 265 1. **Z2014-015** - Hold a public hearing to discuss and consider approval of an
266 ordinance for a request by Dennis D. Alsup for the approval of a Specific
267 Use Permit (SUP) for an accessory building that does not conform to the
268 size requirements as specified by Section 2.1.2, Residential and Lodging
269 Use Conditions, of Article IV, Permissible Uses, of the Unified
270 Development Code for a property in a Single-Family 10 (SF-10) District
271 on a 0.74-acre parcel of land identified as a portion of Block 4, Garner
272 Addition, zoned Single-Family 10 (SF-10) District, situated within the
273 North Goliad Overlay (NGC OV) District, located at 921 Alamo Road, City
274 of Rockwall, Rockwall County, Texas, and take any action necessary.
275 (1st Reading)

276 Planning Director Robert LaCroix provided background information related to this item,
277 indicating notices were mailed out to sixty-five adjacent property owners located within
278 five hundred feet of the property with two notices being returned in favor. He explained
279 the Planning & Zoning commission did recommend approval of this item.
280

281 Mayor Sweet asked if anyone else would like to come forth and speak at this time. There
282 being no one else in the audience wishing to come forth and speak, Mayor Sweet then
283 closed the public hearing.
284

285 Councilmember White made a motion to approve Z2014-015. Councilmember Milder
286 seconded the motion. The ordinance for this item was read as follows:
287

288 CITY OF ROCKWALL, TEXAS
289 ORDINANCE NO. 14-27
290 SUP NO. 122

291 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
292 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
293 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
294 SPECIFIC USE PERMIT WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-
295 10) DISTRICT ALLOWING FOR AN ACCESSORY BUILDING EXCEEDING
296 THE SIZE REQUIREMENTS, ON THE PROPERTY LOCATED AT 921
297 ALAMO ROAD, BEING A 0.74-ACRE PARCEL OF LAND IDENTIFIED AS A
298 PORTION OF BLOCK 4, GARNER ADDITION, AND MORE SPECIFICALLY
299 DESCRIBED IN EXHIBIT 'A'; CITY OF ROCKWALL, ROCKWALL COUNTY,
300 TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
301 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
302 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
303 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
304 PROVIDING FOR AN EFFECTIVE DATE.
305
306

307 After the ordinance was read, the motion passed by a vote of 7 ayes to 0 nays.
308
309

- 310 2. Hold a public hearing to discuss and consider approval of the Land Use
311 Assumptions and Water and Wastewater Capital Improvement Plan
312 related to updating Water and Wastewater Impact Fees, and take any
313 action necessary.

313 City Engineer Tim Tumulty gave brief background information related to this item,
314 indicating that Matt Hickey with Birkhoff, Hendricks and Carter is present to answer any
315 questions and present their findings regarding the Capital Improvement Plan.

316 Matt Hickey of Birkhoff, Hendricks and Carter gave a brief presentation regarding the
317 cities Land Use Assumptions and Wastewater Capital Improvement Plan.

318 Mayor Sweet asked if anyone else would like to come forth and speak at this time. There
319 being no one else in the audience wishing to come forth and speak, Mayor Sweet then
320 closed the public hearing.
321

322 Mayor Pro Tem Pruitt made a motion to approve the Land Use Assumption and
323 Wastewater Capital Improvement Plan. Mayor David Sweet seconded the motion. The
324 motion passed unanimously of council, by a vote of 7 ayes to 0 nays.
325

326 XIII. ACTION ITEMS
327

- 328 1. **Z2014-017** - Discuss and consider approval of an ordinance for a
329 request by Dick Skorburg of the Skorburg Company on behalf of Breezy
330 Hill 405, LTD for the approval of a zoning amendment to Planned
331 Development District 74 (PD-74) to amend the concept plan to allow for
332 additional single-family residential lots and allow for changes to the
333 development standards contained in Exhibit 'C' of Ordinance 12-26 for
334 405.184-acres of land identified as Tract 7 & 7-1 of the J. Strickland
335 Survey, Abstract No. 187, Rockwall, Rockwall County, Texas, generally
336 located north of FM-552 and west of Breezy Hill Road, and take any
337 action necessary. (2nd Reading) pass 4 for and 3 against.

Councilmember White made a motion to approve Z2014-017. Councilmember Lewis
seconded the motion. Mayor Pro Tem Pruitt and Councilmember Daniels explained that

340 after further consideration he would not be in favor of lessening the lot size down to sixty
341 feet. The ordinance for this item was read as followed:

342 CITY OF ROCKWALL
343 ORDINANCE NO. 14-26
344 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
345 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74)
346 [ORDINANCE NO. 12-26] AND THE UNIFIED DEVELOPMENT CODE
347 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE
348 AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT
349 PLAN AND THE DEVELOPMENT STANDARDS APPROVED WITH
350 ORDINANCE NO. 12-26, BEING A 405.184-ACRE TRACT OF LAND
351 SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R.
352 BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY,
353 ABSTRACT NO. 190, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
354 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR
355 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
356 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
357 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
358 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

359
360 After the ordinance was read, the motion passed by a vote of 4 ayes to 3 nays. (Sweet,
361 Pruitt and Daniels)
362

363 2. Z2014-016 - Discuss and consider approval of an ordinance for a
364 request by Scott W. Blackwood for the approval of a zoning change from
365 Agricultural (AG) District to a Planned Development District for limited
366 commercial/retail land uses on a 12.493-acre tract of land identified as
367 Tract 17-14 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall,
368 Rockwall County, Texas, located west of the intersection of SH-205 [S.
369 Goliad Street] and S. FM-549, and take any action necessary. (1st
370 Reading) (3/4 majority vote required)

371 Planning Director Robert LaCroix explained that a Public Hearing for this item has
372 already taken place and was sent back to the Planning and Zoning Commission for
373 further consideration. The applicant revised the zoning, taking out the commercial
374 underlying district and adding planned development district with RO zoning.

375
376 The applicant(s) came forth, introduced themselves and respectfully asked the council to
377 approve this item.

378
379 Mayor Pro Tem Pruitt made a motion to deny this request without prejudice. Mayor Sweet
380 seconded the motion. The motion passed by a vote of 6 ayes to 1 nay. (White)
381

382 3. Discuss and consider requesting the Planning and Zoning Commission
383 initiate a review of specific aspects of the City's Comprehensive Land Use
384 Plan and take any action necessary.

385 City Manager Rick Crowley explained that Old Town Neighborhood Association and
386 residents at 304, 306, 308 and 310 Williams Street have requested that their designation
387 in the cities Comprehensive Land Use Plan be changed. Planning Director Robert
388 LaCroix explained the process for approval of this request to go back to the Planning &
389 Zoning Commission for consideration.

390 Mayor Sweet called forth Sandy Whitley, who resides at 704 Williams Street and is a
391 representative of the OT Neighborhood Association. Ms. Whitley explained that she was
392 here in support of the council's willingness to work with their association.

393 After further discussion, Mayor Pro Tem Pruitt made a motion to send this request along
394 with the six other items that were addressed in the memo to council to the Planning and
395 Zoning Commission for consideration. Mayor Sweet seconded the motion. The motion
396 passed by a vote of 7 ayes to 0 nays.

397 4. Discuss and consider approval of an ordinance at the recommendation
398 of the Airport Subcommittee to designate the Planning and Zoning
399 Commission as the Airport Zoning Commission for the Ralph M.
400 Hall/Rockwall Municipal Airport, and take any action necessary. (1st
401 reading)

402 City Manager Rick Crowley explained that this new change would allow for the Planning
403 and Zoning Commission to hear zoning as it relates to the airport, but would have no
404 impact on the operation of the airport. He further explained that this item does require
405 two readings and does not need to go before the Planning and Zoning Commission.

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

408
409 CITY OF ROCKWALL, TEXAS
410 ORDINANCE NO. 14-28

411 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
412 ROCKWALL, TEXAS, DESIGNATING THE CITY OF ROCKWALL
413 PLANNING AND ZONING COMMISSION AS THE AIRPORT ZONING
414 COMMISSION; PROVIDING FOR A SEVERABILITY CLAUSE;
415 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
416 EFFECTIVE DATE.
417

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

419

420 5. Discuss and consider a recommendation by the Airport Subcommittee to
421 direct staff to forward the consideration of design guidelines and land use
422 criteria for an Airport Overlay District (AP OV) District to the Planning and
423 Zoning Commission, and take any action necessary.

424 City Manager Rick Crowley explained that the Airport Subcommittee recommended this
425 item ask P&Z to review and develop land use regulations for an airport zoning overlay
426 district which is more specific toward properties that surrounding the airport for land
427 uses.

428 Councilmember White made a motion to approve this recommendation. Councilmember
429 Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

430 6. Discuss and consider a Park Board recommendation regarding a possible
431 amendment to the Code of Ordinances which would prohibit swimming in
432 ponds and lakes in city parks, and take any action necessary.

433 Assistant City Manager Brad Griggs gave background related to this item explaining that,
434 due to a pending drowning lawsuit in another city, the Parks and Recreation Board was
435 asked to consider the proposed ordinance and possible wording as it relates to

436 swimming in ponds. He asked Parks and Recreation Superintendent Andy Hesser to give
437 further details from the PARB meeting. Mr. Hesser explained that the PARB made a
438 unanimous recommendation at the meeting to prohibit recreational swimming only.
439 Much of the discussion and concern centered on not reducing the recreational value of
440 city parks.

441 City Attorney Frank Garza explained that there are many different ordinances that
442 prohibit such activities such as swimming and wading in lakes and ponds; however, it
443 would be at the council's recommendation as to what the correct wording should be.

444 After further discussion of council, Mayor Sweet made a motion to move forward with
445 ordering appropriate signage for all the city lakes and ponds that indicates there is a
446 body of water present and that there is no lifeguard on duty. Councilmember White
447 seconded the motion. After comments from Councilmember Lewis that he feels
448 swimming and wading city bodies of water should be prohibited, which passed by a vote
449 of 6 ayes and 1 nay. (Lewis)

450
451 7. Discuss and consider establishing procedures for communications with
452 TF-Harbor and other related matters, and take any action necessary.

453 Mayor David Sweet explained that he would like to encourage leasing at the Harbor in
454 every way possible. However, he would like for representatives of TF Harbor, LLC to
455 come before City Council regarding future special event needs and support provided by
456 the city.

457 City Manager Rick Crowley further explained the extent of the city's knowledge for the
458 leasing situation at the Harbor and that he has made extensive efforts to gather further
459 information through Senator Ted Cruz's office to better understand the steps that have
460 been made by TF Harbor to get the vacancy issue turned around. Mr. Crowley also
461 mentioned that the city has made investments in the nearby areas surrounding the
462 Harbor.

463 Council also generally stated they have heard several concerns from citizens regarding
464 the vacant spaces at the Harbor for which they have had to explain that the city's
465 authority is very limited as the Harbor is owned and operated by a private entity.

466 Mayor Sweet and Mayor Pro Tem Pruitt also explained that the council and staff have
467 made numerous attempts to reach out to TF Harbor regarding these issues and have had
468 no responses to these efforts. Mayor Sweet went on to note that any motion made would
469 not be to stand in the way of the Harbor being leased and also noted that it would not
470 apply to public utilization of said facilities.

471 Mayor Sweet made a motion that any request relating to TF Harbor hosting any events at
472 the Harbor that are going to require approval of the City of Rockwall, will now come for
473 approval from the City Council. The motion was seconded by Councilmember Milder. The
474 motion passed by a vote of 7 ayes and 0 nays.

475
476 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
477 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
478

479 1. Departmental Reports
480 Building Inspections Monthly Report - May 2014
481 Fire Department Monthly Reports - May, 2014
482 Harbor PD Monthly Report - May 2014

- 483 Internal Operations Department Monthly Report - May 2014
- 484 NTMWD Conservation Monthly Report - May 2014
- 485 Police Department Monthly Report - May 2014
- 486 Recreation Monthly Report - May 2014
- 487 Rockwall Animal Adoption Center Monthly Report - May 2014
- 488 Rockwall County Committee on Aging Quarterly Report

489 **2. City Manager's Report**

490 **City Manager Rick Crowley gave updates related to water conservation, explaining that**
491 **the city will continue to be in a once every two week watering schedule and stage 3 water**
492 **restriction. All conservation goals are being met at this time.**

493 **Mr. Crowley also explained that council had previously authorized staff to extend a lease**
494 **agreement offer on the Cain parking lot property and that these offers have been made**
495 **as directed by council.**

496 **Mr. Crowley explained that the North Texas Council of Governments (NTCOG) has asked**
497 **if the city would appoint a staff member to the Air Transportation Technical Advisory**
498 **Committee and recommends that Internal Operations Director Joey Boyd fill that**
499 **position.**

500 **Mayor Sweet asked if council would like to discuss further items under the department or**
501 **manager's reports. Councilmember Bennie Daniels stated that council asked that an**
502 **updated NTMWD Conservation Monthly Report be included in the packet, which was**
503 **done for this meeting and is appreciated. Councilmember Daniels stated that twenty of**
504 **the thirty four customer cities are exceeding their target amount and asked if there was**
505 **anything being done to caution those cities. City Manager Rick Crowley explained that**
506 **this is an effort and focus by the new executive director of the NTMWD and that there**
507 **would be a report sent out in the near future to address those concerns.**

508
509 **XV. EXECUTIVE SESSION**

510
511 **At 8:17 p.m., Mayor Sweet read the below listed discussion items into the public record**
512 **before recessing the public meeting into Executive Session.**

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

- 517 1. Discussion regarding proposed lease/sale of city land for possible private
518 project pursuant to Sections 551.072 (Real Property) and Section
519 551.087 (Economic Development negotiations).pulled for discussion.
- 520 2. Discussion regarding proposed term extension of a Real Property
521 Exchange Agreement with Harbor Heights Investors, L.P. / JBR2, LLC
522 relating to real property located within the PD-32 area pursuant to Section
523 551.071 (consultation with attorney) and Section 551.087 (Economic
524 Development negotiations). Pulled for discussion.
- 525 3. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
526 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
527 551.071 (Consultation with Attorney)
- 528 4. Discussion regarding appointments to city regulatory boards,
529 commissions, and committees including the Building and Standards

530
531
532
533

Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (personnel matters) pulled for discussion.

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

535
536
537

Mayor Sweet reconvened the Public Meeting at 8:45 p.m.

538 Mayor Pro Tem Pruitt made a motion to not extend the agreement with JBR2 with regards
539 to the city owned land in exchange for a parking garage. Councilmember White seconded
540 the motion. The motion passed by a vote of 7 ayes and 0 nays.

541
542


XVII. ADJOURNMENT

544 The meeting was adjourned at 8:49 p.m.

545
546


547 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
548 **this 21st day of July, 2014.**

549
550



David Sweet, Mayor

551 **ATTEST:**

552 
553 _____
554 Jacky Casey, Assistant City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, July 21, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Jim Pruitt, and Council Members David White, Mike Townsend, 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.

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 lease/sale of city land for possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations).
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 appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (personnel matters)
4. Discussion regarding update on proposed land lease/acquisition located near the Justin Road right-of-way pursuant to Section 551.072 (Real Property).

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:22 p.m.

IV. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the meeting at 6:02 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 WHITE

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

VII. CONSENT AGENDA

1. Consider approval of the minutes from the July 7, 2014 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution authorizing the city manager to execute a Multiple Use Agreement with Texas Department of Transportation for the parking area adjacent to the SH-66 pedestrian lane, and take any action necessary.
3. Consider authorizing the city manager to execute a contract with Wall Enterprises for the Phelps Lake Park Improvements Project in the amount of \$75,624 to be funded out of the Recreation Development Fund, and take any action necessary.
4. Consider approval of the Engineering Services Agreement with Birkhoff, Hendricks and Carter, L.L.P. to provide various general engineering services for water and wastewater improvements in the City of Rockwall to be paid for from the Water and Sewer Operating Fund, and take any action necessary.
5. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 38. Subdivisions to create a new Article, Article V. related to grading, excavation, earthwork and erosion control for developments, and taking any action necessary. **(1st reading)**
6. Consider approval of an **ordinance** (re)establishing prohibition regarding temporary habitation in a public place in Chapter 22. Miscellaneous Offenses, Article I. In General, Section 22-4, and take any action necessary. **(2nd reading)**
7. **Z2014-015** - Consider approval of an **ordinance** for a request by Dennis D. Alsup for the approval of a Specific Use Permit (SUP) for an accessory building that does not conform to the size requirements as specified by Section 2.1.2, Residential and Lodging Use Conditions, of Article IV, Permissible Uses, of the Unified Development Code for a property in a Single-Family 10 (SF-10) District on a 0.74-acre parcel of land identified as a portion of Block 4, Garner Addition, zoned Single-Family 10 (SF-10) District, situated within the North Goliad Overlay (NGC OV) District, located at 921 Alamo Road, City of Rockwall, Rockwall County, Texas, and take any action necessary. **(2nd Reading)**
8. Consider approval of an **ordinance** at the recommendation of the Airport Subcommittee to designate the Planning and Zoning Commission as the Airport Zoning Commission for the Ralph M. Hall/Rockwall Municipal Airport, and take any action necessary. **(2nd reading)**
9. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 22. Miscellaneous Offenses, Article II. Offenses Regarding Minors, Division 5. Sex Offender Residency to modify provisions specifying victims' age, to add a section regarding notice to residents of registered sex offenders, and take any action necessary. **(2nd reading)**

Councilmember Townsend pulled item #1 for discussion. Councilmember White made a motion to approve the remaining Consent Agenda items (#2, 3, 4, 5, 6, 7, 8, and 9). Councilmember Townsend seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE # 14-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 38. SUBDIVISIONS TO ADD ARTICLE V. REGARDING GRADING, EXCAVATION, EARTHWORK AND EROSION CONTROL; PROVIDING FOR SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ESTABLISHING A PROHIBITION REGARDING TEMPORARY HABITATION IN PUBLIC PLACES IN CHAPTER 22. MISCELLANEOUS OFFENSES. ARTICLE I. IN GENERAL, SECTION 22-4; PROVIDING FOR SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-27
SUP NO. 122

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 EXCEEDING THE SIZE REQUIREMENTS, ON THE PROPERTY LOCATED AT 921 ALAMO ROAD, BEING A 0.74-ACRE PARCEL OF LAND IDENTIFIED AS A PORTION OF BLOCK 4, GARNER ADDITION, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 14-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, DESIGNATING THE CITY OF ROCKWALL PLANNING AND ZONING COMMISSION AS THE AIRPORT ZONING COMMISSION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 14-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 22. MISCELLANEOUS OFFENSES, ARTICLE II. OFFENSES REGARDING MINORS, DIVISION 5. SEX OFFENDER RESIDENCY, SECTIONS 22-136 AND 22-137 TO MODIFY PROVISIONS SPECIFYING VICTIMS AGE; ADDING A SECTION REGARDING NOTICE TO RESIDENTS OF REGISTERED SEX OFFENDERS; PROVIDING FOR SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Regarding Consent Agenda item #1, specifically the discussion reflected in the July 7 meeting minutes related to swimming in ponds/lakes in city parks, Councilmember Townsend made a motion to amend the minutes to reflect that signage will indicate there is water present at any city park that has lakes or ponds. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

The Council addressed Appointment Item #3 (with Mr. Phelps) next.

VIII. APPOINTMENTS

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

Planning & Zoning Commissioner Connie Jackson came forth and briefed the council on recommendations of the Commission relative to items on tonight's city council meeting agenda.

Councilmember Lewis thanked Mrs. Jackson for her service on the Planning and Zoning Commission over the years. Mrs. Jackson indicated she has really enjoyed serving the last thirteen years and may hope to sit off one year and potentially serve again thereafter.

After a few, clarifying comments related to items on the agenda, the Council took no action related to this agenda item.

- 2. Appointment with Scott Self of Sail with Scott, LLC to discuss and consider approval of a request to extend his commercial boat dock at The Harbor / Lake Ray Hubbard, and take any action necessary.**

Mr. Self came forth and thanked the city council for its support and for previously allowing him to extend his boat dock out an additional thirty feet (30'). He explained that this current expansion will be well under the 100' "no wake zone." Mr. Self indicated there is a possibility of him not being able to get his boat out of the Chandler's Landing Marina soon due to the drought. He requested that the council consider allowing him to leave his boats parked at the docks at The Harbor overnight on occasion. Mr. Griggs generally indicated that this can be handled administratively through a permit issued by staff.

Councilmember White made a motion to approve the request to extend the commercial boat dock for Mr. Self at The Harbor. Councilmember Lewis seconded the motion.

Councilmember Daniels sought clarification regarding the motion, specifically related to Mr. Self potentially working with city staff if the dock needs to be extended again before the rainy season comes. Councilmember White amended his motion to reflect this. Councilmember Lewis seconded the amended motion. The motion passed by a vote of 7 ayes to 0 nays.

Mr. Self indicated that he has noticed weeds that have been growing in the lake area that is now dry around the shoreline due to the drought. He explained that these weeds will be problematic when lake levels come back up, as the weeds will lead to mosquitoes and other bugs as well as snakes and rodents. He urged the City of Rockwall to try and encourage the City of Dallas to address these weeds now rather than later or never. Mr. Griggs indicated that staff can certainly prepare a resolution to send to the City of Dallas City Council for their consideration.

3. Appointment with Russell Phelps to discuss retaining wall standards and take any action necessary.

Mr. Russell Phelps
214 Alta Vista
Rockwall, TX

Mr. Phelps provided photographs and expressed concerns regarding a specific retaining wall at the Walmart Neighborhood Market property located off of SH-66. He has concerns related to cracks and wear in the wall. He is concerned it is higher than four feet in certain places, it is leaning, and it is in disrepair.

Assistant City Manager Brad Griggs indicated that the Building Inspections Department looked at this particular wall back in 2007 and took photos at that time. The wall was leaning some then, and it looks as though it may be leaning a little more now.

Mayor Pro Tem Pruitt made a motion to instruct staff to evaluate the city's standards on retaining walls in the city that are constructed at less than four feet (4') tall. Councilmember Daniels seconded the motion.

Councilmember Milder is concerned that there should be maintenance and aesthetic standards, in addition to construction standards, on retaining walls in the city. He suggested the city should consider no longer allowing cinder block retaining walls.

Mr. Crowley indicated that staff will look into this matter and will return to the city council at a later date with a proposed policy or standards the council may wish to consider with regards to retaining walls of varying heights in the city.

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

Council next addressed Appointment Item #1 on the agenda.

IX. ACTION ITEMS

1. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 12, Article III, Section 12 to add Sections 12-66 to 12-68, regulating peddler activities to occupants of vehicles on public roadways in the city and solicitation in public areas, and take any action necessary. **(2nd reading)**

Councilmember Milder made a motion to approve the ordinance as presented at this time. Mayor Pro Tem Pruitt seconded the motion.

City Attorney Frank Garza briefed the council on the modifications (deletions) that were made to this ordinance at the council's request following first reading approval of the ordinance at the July 7 city council meeting.

The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 14-30**

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE III, SECTION 12 BY ADDING SECTION 12-66 TO 12-67 OF THE CODE OF ORDINANCES, REGULATING PEDDLER ACTIVITIES IN THE CITY AND SOLICITATION IN A PUBLIC AREA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

The motion passed by a vote of 5 in favor and 2 against (Pruitt and White).

2. 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 a grant application submittal, and take any action necessary.

Assistant City Manager Brad Griggs provided the council with background information related to this agenda item.

Mayor Pro Tem Pruitt clarified that staff is requesting the council consider approving paying MHS Planning and Design \$9,000.00 to write and submit a grant application on the city's behalf. He is curious why staff cannot prepare and submit the grant application themselves. Mr. Griggs indicated that staff likely could do the grant application; however, staff is not as familiar with specific scoring that is utilized to grade the applications submitted for consideration. He stated that about twenty percent of grants that are submitted end up being funded. Mr. Griggs indicated that a site master plan would be produced as well during this process, and, even if the grant is disapproved, the city would still walk away with a site master plan that would be useful. Mr. Griggs indicated that the city will need to provide matching funds if approved for the grant and will need to agree that the park will remain a public park in perpetuity.

Mr. Crowley indicated that the city has never been unsuccessful in the past when submitting a grant application under this program; however, it really all depends on the applicant pool. He also indicated that the city has been very particular regarding which projects it has submitted for in the past.

Councilmember Milder expressed general support for hiring a consultant who is much more familiar with grant submittals and the scoring process when applying for grants.

Councilmember Townsend made a motion to approve the resolution and to authorize the city manager to enter into the contract. Councilmember Lewis seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

3. **MIS2014-008** - Discuss and consider a request by Marco A. Esparza 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 Hardiboard panels in lieu of Hardiboard lap siding for a new manufactured home on a 0.17-acre property identified as Lots 1390, 1391 & 1392, Rockwall Lake Estates #2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single Family-7 (SF-7) District uses, located at 312 Rene Drive, and take any action necessary.

Mr. LaCroix provided background information related to this agenda item. He stated that the Planning & Zoning Commission did recommend approval of this item by a 4 to 0 vote.

Mayor Sweet invited Mr. Esparza to come forth and speak if he would like to; however, he declined

Councilmember White made a motion to approve MIS2014-008. Councilmember Lewis seconded the motion.

Mayor Pro Tem Pruitt asked if the cinder block skirting is permissible under the city's current ordinance. Mr. LaCroix indicated that, yes, they are allowed; however, skirting that is made of the lap siding would typically be required to cover the façade if the cinder blocks are used. Mr. LaCroix explained that if council approves this variance, they would also be allowing the cinder blocks to remain without requiring the lap siding to be extended down to cover the cinder blocks as a façade.

The motion passed by a vote of 6 ayes with 1 nay (Pruitt).

4. **SP2014-011** - Discuss and consider a request by Frank Richardson of Pross Design Group, Inc. on behalf of Channell Commercial Corporation and the Rockwall Economic Development Corporation for the approval of an exception to allow tilt wall as a primary building material and variances to the parking, articulation, building materials, and lighting standards as stipulated by the Unified Development Code for an office and industrial facility on an 18.95-acre tract of land being identified as a 2.006-acre portion of Tract 2-7 of the David Harr Survey, Abstract No. 102 and a 16.944-acre portion of Tract 5 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, being zoned Light Industrial (LI) District, situated within the SH 205 By-Pass Corridor Overlay (205 BY-OV) District, located on the west side of John King Boulevard south of Airport Road, and take any action necessary.

Mr. LaCroix indicated that the site plan was approved by the Planning and Zoning Commission; however, several stipulations and variances were also recommended by

the P&Z Commission. He indicated that this is at the corner of John King Boulevard and Justin Road. He explained the variances, including those related to parking, tilt wall construction, articulation, building materials, installation of cypress trees, and light standards.

The applicant, Frank Richardson with Pross Design Group (the architects), came forth and addressed the council, explaining in detail, the nature of each of his variance requests. Mr. Richardson generally indicated that the applicant would like these variances in order to maintain what is considered to be a "corporate identity" and is based on a building they currently have in California.

Councilmember Lewis made a motion to approve SP2014-011. Councilmember White seconded the motion.

Councilmember Milder asked the applicant why they are not able to work with the city to meet our masonry façade standards at least on the side of the building that faces John King Boulevard. Mr. Richardson indicated that Mr. Channell feels as though he would like to model this building after the building that was built in California in 1989 in order to keep in line with what he feels is his company's "corporate identity."

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

5. **SP2014-012** - Discuss and consider a request by Philip Graham, P.E. of Wier & Associates on behalf of the Rockwall Economic Development Corporation and Col-Met Spray Booths for the approval of certain variances to the Unified Development Code for an industrial facility on a 12.0-acre parcel of land identified as a portion of Lot 1, Block B, Rockwall Technology Park, Phase III, City of Rockwall, Rockwall County, Texas, being zoned Light Industrial (LI) District, located east of the intersection of Corporate Crossing (FM-3097) and Discovery Boulevard, and take any action necessary.

Mr. LaCroix provided background information related to this agenda item, explaining that the applicant already occupies a location within the Rockwall Technology Park; however, they are looking to expand. He then explained the nature of the variances being requested this evening by the applicant.

Kyle McCullah
Hardy MLM Architects
12221 Merit Drive
Dallas, TX

Mr. McCullah indicated they were the original architects on this project back in 2003. He asked the council to consider approving the building variances this evening.

Councilmember Townsend asked if anything has been included as far as landscaping is concerned on the Springer side of the building. Mr. LaCroix explained that landscaping is required as part of the city's development standards.

Councilmember White made a motion to approve SP2014-012. The motion was seconded by Councilmember Lewis. The motion passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider (re)appointments to the city's Historic Preservation Advisory Board, and take any action necessary.

Councilmember Daniels made a motion to reschedule this to the August 4, 2014 council meeting.

Mayor Sweet adjourned the public meeting at 7:10 p.m.

X. 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 lease/sale of city land for possible private project pursuant to Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations).
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 appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (personnel matters)
4. Discussion regarding update on proposed land lease/acquisition located near the Justin Road right-of-way pursuant to Section 551.072 (Real Property).

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

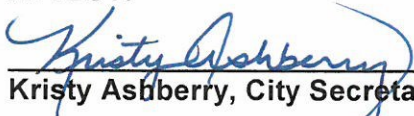
The Council did not convene in Executive Session following close of the 6:00 p.m. public meeting.

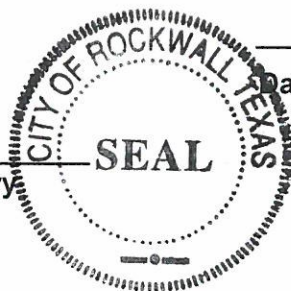
XII. ADJOURNMENT

Mayor Sweet adjourned the meeting at 7:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of August, 2014.

ATTEST:


Kristy Ashberry, City Secretary




David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 4, 2014 - 4:00 p.m.

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**Special Meeting of the Rockwall City Council
in Conjunction with the Rockwall Economic
Development Corporation (REDC) Board of Directors
Rockwall City Hall - 385 S. Goliad, Rockwall, Texas 75087**

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I. CALL PUBLIC MEETING TO ORDER (4:00 P.M.)

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Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor Sweet, Mayor Pro Tem Jim Pruitt and Councilmembers David White, Scott Milder, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney (fill-in) Patrick Lindner. Councilmember Mike Townsend was absent from the meeting. A quorum of the Rockwall Economic Development Corporation Board of Directors was present, including the following board members: Chip Imrie, John Hohenshelt, Kevin Fowler, Bill Houser, Bob Amick, and Gary Bunch (Board Member Stewart Storms was absent from the meeting).

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

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II. EXECUTIVE SESSION.

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

1. Discussion regarding land acquisitions related to potential purchase of public right of way pursuant to Section 551.087 (Economic Development), Section 551.071 (Consultation with Attorney), and Section 551.072 (Real Property).

III. ADJOURN EXECUTIVE SESSION & RECONVENE PUBLIC MEETING

Executive Session was adjourned and the public meeting was called back to order at 4:59 p.m.

IV. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Sweet indicated that there was no action to be taken as a result of Executive Session.

43 V. ADJOURN PUBLIC MEETING

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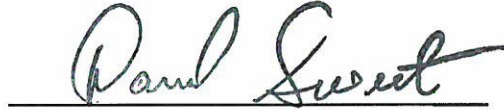
45 The public meeting was adjourned at 5:00 p.m.

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47 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
48 this 18th day of August, 2014.

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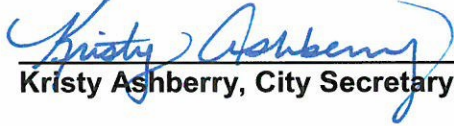
David Sweet, Mayor

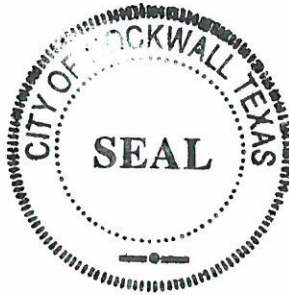
51 ATTEST:

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 04, 2014
4:30 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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Mayor Sweet called the meeting to order at 5:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Jim Pruitt and city council members David White, Scott Milder, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and (fill-in) City Attorney Patrick Lindner. Councilmember Mike Townsend was absent from the meeting.

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

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II. EXECUTIVE SESSION. (4:30 P.M.)

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

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1. Discussion regarding possible claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
 2. 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).
 3. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
 4. Discussion regarding Economic Development prospect pursuant to Section 551.087 (Economic Development)
 5. Discussion regarding update on proposed land lease/acquisition located near the Justin Road right-of-way pursuant to Section 551.072 (Real Property).
 6. 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)
 7. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (Personnel Matters)
 8. Discussion regarding appointment to fill city council member vacancy in accordance with City Charter provisions pursuant to Section 551.074 (Personnel Matters)

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III. ADJOURN EXECUTIVE SESSION

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Executive Session was adjourned at 5:52 p.m.

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

Mayor Sweet reconvened the public meeting at 6:00 p.m. with all council members, except Councilmember Townsend, being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

There was no action taken as a result of Executive Session at this time.

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

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

VII. PROCLAMATIONS / AWARDS

1. The Better Vision for Children Foundation

Mayor Sweet called representatives of this organization forward. He then read and presented them with the proclamation.

2. Russell Lawrence - 40 Years of Service to the City of Rockwall

Mayor Sweet called Mr. Lawrence forward. Both he and City Manager Rick Crowley offered brief comments related to Mr. Lawrence’s service over the last forty years working for the city, thirty-six of which have been in the role of Parks Superintendent. Mayor Sweet then read and presented a proclamation to Mr. Lawrence.

VIII. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted. He then asked if anyone in the audience would like to come forth and speak during this time.

**Ben Weible
215 Trout
Rockwall, TX 75032**

Mr. Weible came forth and expressed that he would like the council to have some discussion and provide additional information related to the item on tonight’s agenda relative to banning e-cigarettes or vapor cigarettes in city buildings. He is curious as to what the justification is for government intervention in this regard, especially since these devices are utilized to help people stop smoking. He suggested that nicotine gum and ‘the patch’ might also need to be added to such prohibition if there is in fact some reasonable justification for banning these particular devices.

**Al Crump
2295 Falls View Drive
Rockwall, TX**

Mr. Crump expressed that he recently sent an email to the city council members and the city manager pointing out some concerns about our city. He is particularly concerned

96 about several streets in the city that are very dirty and still have sand left over from ice
97 storms that occurred many, many months ago. He is also concerned about crumbled
98 bricks in certain medians. Thirdly, he encouraged the city to seek out a good tenant to
99 occupy the space previously occupied by Brookshire's. He and other residents he has
100 spoken with would like to see a Whole Foods, Trader Joe's or Central Market. Council
101 members and the City Manager expressed that they do not recall having previously
102 received an email from Mr. Crump. Mr. Crowley asked Mr. Crump to ensure the city
103 secretary is provided with his contact information so that city staff can get with him to
104 follow up on these concerns.

105
106 **Ruth Peck**

107 Mrs. Ruth Peck of Rockwall Music Fest and the Philharmonic Orchestra came to invite
108 the councilmembers to The Harbor on August 30 for a concert honoring Ralph Hall. She
109 also thanked the council for their continued support.

110
111 **Misti Potter**

112 (no address given)

113
114 Mrs. Potter came forward and indicated that, on behalf of the Legislative Youth Forum
115 that Representative Scott Turner recently created, she would like to make the city council
116 aware of several young, local students who are in the audience tonight observing the city
117 council meeting as part of learning about local government.

118
119 **IX. CONSENT AGENDA**

- 120
121 1. Consider approval of the minutes from the July 21, 2014 regular city
122 council meeting, and take any action necessary.
- 123 2. Consider approval of an **ordinance** amending the Code of Ordinances in
124 Chapter 38. Subdivisions to create a new Article, Article V. related to
125 grading, excavation, earthwork and erosion control for developments, and
126 taking any action necessary. **(2nd reading)**
- 127 3. Consider approval of a resolution allowing a temporary, partial closure of
128 FM 552 (John King Boulevard to the Rockwall East City Limits), FM 549
129 (FM 3097 to SH 205) and SH 205 (FM 549 to South John King
130 Boulevard) for the Hot Rocks Bike Ride on Saturday, August 9, 2014 from
131 6:30 AM to 3:00 PM, and take any action necessary.
- 132 4. **P2014-015** - Consider a request by Tracy Fetty on behalf of the owner,
133 Holly Britt, for the approval of a replat for Lot 1, Block A, Eye Care &
134 Laser Management of Rockwall Addition, being a 1.55-acre parcel of land
135 currently identified as Lot 1, Block A, Horizon Ridge Center, Phase 1
136 Addition, zoned Planned Development District 9 (PD-9) for general retail
137 land uses, located at the southeast corner of Rockwall Parkway and FM-
138 3097 [Horizon Ridge Road], and take any action necessary.

139 **Mayor Pro Tem Pruitt moved to approve the entire Consent Agenda (#1, 2, 3 and 4).**
140 **Councilmember Lewis seconded the motion. The ordinance was read as follows:**

CITY OF ROCKWALL, TEXAS
ORDINANCE # 14-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN
CHAPTER 38. SUBDIVISIONS TO ADD ARTICLE V. REGARDING
GRADING, EXCAVATION, EARTHWORK AND EROSION CONTROL;
PROVIDING FOR SEVERABILITY AND SAVINGS CLAUSES;
PROVIDING FOR AN EFFECTIVE DATE.

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

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.

Craig Renfro, Chairman of the city's Planning & Zoning Commission, came forth and provided the council with recommendations of the Commission relative to items on tonight's meeting agenda. Regarding Z2014-018, Mayor Pro Tem Pruitt wanted to know if the Commission discussed traffic flow through the parking lot area of the proposed daycare. Mr. Renfro indicated that, yes, traffic flow was evaluated, and the Commission was able to become comfortable with the plan in that regard. He pointed out that the number of students at this facility will be very minimal.

The council took no action related to this agenda item.

XI. PUBLIC HEARING ITEMS

1. **Z2014-018** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Karri Shojaei-Scott of the Marigold Learning Academy on behalf of the owner, Modern Pyramids, Inc., for the approval of a Specific Use Permit (SUP) to allow for a Day Care Facility on a 0.45-acre parcel of land identified as Lot 3-R, Block A, Washington Place Addition, zoned Downtown (DT) District, situated within the SH 66 Overlay (SH 66 OV) District, and located at 401 W. Washington Street, City of Rockwall, Rockwall County, Texas, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix provided background information related to this agenda item. He stated this site was originally built and occupied by a hair salon. He explained how traffic will flow in and out of this facility if the SUP for this proposed daycare is approved. The applicant already has an SUP and runs a daycare over in PD-50; however, the daycare now needs more space, so that is why they desire to relocate. She is currently licensed by the state to have a maximum of twenty-nine (29) students. Mr. LaCroix stated that owners and occupants of properties located within 500 feet were sent notices in the mail regarding this proposed SUP. One notice has been received back in favor of this request.

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

195 Karri Shojaei-Scott, the applicant, came forth and shared that she currently runs a
196 daycare on SH-205; however, they would like to move to create more space for an indoor
197 gym area. She stated that the school is for autistic children.
198

199 Mayor Sweet asked if anyone else in the audience would like to come forth and speak.
200 There being no one else wishing to come forth, Mayor Sweet then closed the public
201 hearing.
202

203 Councilmember White made a motion to approve Z2014-018. Councilmember Milder
204 seconded the motion.
205

206 The ordinance was read as follows:
207

208 CITY OF ROCKWALL
209 ORDINANCE NO. 14-
210 SPECIFIC USE PERMIT NO. S-
211

212 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
213 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
214 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
215 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) WITHIN
216 THE DOWNTOWN (DT) DISTRICT ALLOWING FOR A DAYCARE FACILITY,
217 FOR A PROPERTY LOCATED AT 401 W. WASHINGTON STREET, BEING A
218 0.45 ACRE PARCEL OF LAND DESCRIBED AS LOT 3-R, BLOCK A OF
219 WASHINGTON PLACE ADDITION; PROVIDING FOR SPECIAL
220 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
221 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
222 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
223 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
224

225 The motion passed by a vote of 6 ayes with 1 absent (Townsend).
226

- 227 2. **Z2014-019** - Hold a public hearing to discuss and consider approval of an
228 ordinance for a request by Shanessa Coburn of American Trooper on
229 behalf of the owner, Scott Milder, for the approval of a Specific Use
230 Permit (SUP) to allow an antiques/collectables and general retail store in
231 Planned Development District 50 (PD-50) for a 0.66-acre lot of land
232 containing two (2) parcels of land identified as a Block 23A (0.43-acres)
233 and Block 24C (0.23-acres) of the Amick Addition, zoned Planned
234 Development District 50 (PD-50) for Residential-Office (RO) District uses,
235 located within the North Goliad Corridor Overlay (NGC OV) District,
236 addressed as 803 & 805 N. Goliad Street, City of Rockwall, Rockwall
237 County, Texas, and take any action necessary. **(1st Reading)**

238 Councilmember Milder indicated that he will be recusing himself from this item. He then
239 left the room. An affidavit of recusal was signed and placed on file with the City
240 Secretary.

241 Mr. LaCroix, Planning Director, provided background information related to this agenda
242 item, indicating that the applicant would like to open an antiques/collectibles store as
243 part of a 501c3 organization.

244 Mayor Sweet opened the public hearing and called forth the applicant.

245 **Shanessa Coburn**
246 **Founder and President of American Trooper**

247
248 **Mrs. Coburn explained that this is a non-profit, 501c3 that benefits American Troops,**
249 **veterans and their families. She provided a brief presentation to the council, indicating**
250 **that this proposed shop would not only benefit troops, but also first responders.**

251
252 **Mr. Ben Weible**
253 **215 Trout**
254 **Rockwall, TX 75032**

255
256 **Mr. Weible generally encouraged the council to be favorable to this applicant and to a**
257 **small business of this nature (second hand goods and selling of antiques / collectibles).**
258 **He discouraged the council from any potential hostility or “anti-business” type of notion**
259 **towards this applicant or other applications for businesses like this one. He expressed**
260 **dissatisfaction for this applicant even having to seek approval from the city council in**
261 **order to operate her business.**

262
263 **There being no one else wishing to come forth and speak before council, Mayor Sweet**
264 **then closed the public hearing.**

265
266 **Councilmember Lewis made a motion to approve Z2014-019. Councilmember White**
267 **seconded the motion.**

268
269 **Councilmember Daniels asked for clarification related to exit and entry into/out of this**
270 **business. Mr. LaCroix indicated that a site planning process will take place after this**
271 **evening, but that the applicant does intend to try to have cars exit on Alamo. Mr. LaCroix**
272 **explained that the council could stipulate conditions on ingress/egress as part of**
273 **approving the SUP if they so desire.**

274
275 **Councilmember Daniels commended this organization for its track record and work,**
276 **expressing support for approval of this item.**

277
278 **The ordinance was read as follows:**

279
280 **CITY OF ROCKWALL**
281 **ORDINANCE NO. 14-XX**
282 **SPECIFIC USE PERMIT NO. S-XXX**

283
284 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
285 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**
286 **04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO**
287 **AS TO APPROVE A SPECIFIC USE PERMIT (SUP) TO ALLOW**
288 **ANTIQUE/COLLECTABLE SALES IN CONJUNCTION WITH A GENERAL**
289 **RETAIL STORE IN PLANNED DEVELOPMENT DISTRICT 50 (PD-50), FOR A**
290 **0.66-ACRE LOT, ADDRESSED AS 803 & 805 N. GOLIAD STREET AND**
291 **CONTAINING TWO (2) PARCELS OF LAND IDENTIFIED AS BLOCK 23A (0.43-**
292 **ACRES) AND BLOCK 24C (0.23-ACRES) OF THE AMICK ADDITION, CITY OF**
293 **ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL**
294 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE**
295 **SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
296 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**
297 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

298
299 The motion passed by a vote of 5 in favor, 1 absent (Townsend), and 1 abstention
300 (Milder).
301

302 Mayor Sweet then reordered the agenda to address Action Item #4 next.
303

304 XII. ACTION ITEMS
305

- 306 1. Discuss and consider a resolution related to the city's position on the
307 Blackland Corridor Feasibility Study associated with planning for a
308 freeway/tollway, and take any action necessary.

309 City Manager Rick Crowley began discussion of this agenda item. He explained that the
310 study area is generally between the City of Greenville and the George Bush Turnpike /
311 Tollway. It also goes up to the McKinney / 380 area. He indicated the route would
312 possibly intersect John King Boulevard and then swing back up north. He stated that
313 this roadway may be proposed to be a tollway. A September 4th meeting is set to take
314 place in Nevada, and it is thought that the North Central Texas Council of Governments
315 (NCTCOG) will be attending that meeting to present their recommendations relative to
316 this roadway proposal. Mr. Crowley stated that the City of Rockwall desires to have
317 additional information on this proposed roadway; however, for now, the council may
318 wish to adopt a resolution expressing its position for non-support of this roadway. Mr.
319 Crowley indicated that the council may, on the other hand, desire to hold off on acting
320 upon this resolution until one of the next two city council meetings, as there are two city
321 council meetings scheduled between now and that September 4th meeting in Nevada. Mr.
322 Crowley indicated that the City of Rockwall has yet to receive formal information with
323 regards to any proposed route in our city. Mayor Pro Tem Pruitt encouraged citizens of
324 Rockwall to take a look at this topic and provide feedback to the City regarding this
325 possible toll road so that the council and staff are able to take those sentiments with
326 them to the September 4th meeting.

327 Mr. Crowley indicated that there is a meeting scheduled for this Thursday, at which time
328 the City of Rockwall may gain some additional information about the proposed roadway.

329 Councilmember White indicated that he recalls public hearings that were held years ago
330 for the then proposed President George Bush Turnpike / tollway. He recalls that the city
331 had plenty of opportunity to provide public input regarding that roadway. He is
332 concerned there have not been public hearings or ample time / opportunity for the City of
333 Rockwall and its citizens to have more details and provide input on this proposed
334 roadway.

335 Mr. Crowley indicated that the City of Rockwall would at least like to have a proposed
336 route on a map showing how, if at all, this proposed roadway will affect the City of
337 Rockwall. He again mentioned that a meeting is to take place at 9AM this Thursday at the
338 NCTCOG offices in Arlington. The hope is to obtain said map at that meeting.

339 Councilmember White indicated that he is not in favor of this roadway. Mayor Pro Tem
340 Pruitt stated he will not be present at the next city council meeting in two weeks;
341 however, he would like it noted on the record that he is definitely not in favor of this
342 proposed roadway.

343 Mayor Pro Tem Pruitt moved to approve the resolution as to the city's position (of non-
344 support) regarding this Blacklands Corridor Study. Mayor Sweet seconded the motion.
345 Councilmember Milder expressed that he is against this proposed roadway due, in part,

346 to the complete lack of any attempt to provide the City of Rockwall or its residents with
347 any sort of concrete information related to this roadway proposal. Councilmember Lewis
348 clarified that the company behind the study of this proposed roadway and the roadway
349 itself, Public Works, is a private company. Mr. Crowley recommended forwarding this
350 resolution to Public Works, Rockwall County Commissioners and the NCTCOG
351 immediately following its passage. Mr. Crowley indicated that staff will attend the
352 meeting on Thursday and provide information gleaned to the council at that time.

353 The motion to approve the resolution passed by a vote of 6 ayes with 1 absent
354 (Townsend).

355 2. MIS2014-010 - Discuss and consider a request by Randy and Dianne
356 Almon for the approval of an exception to the minimum masonry
357 requirements stipulated in Section 3.1, General Residential District
358 Standards, of Article V, District Development Standards, of the Unified
359 Development Code [Ordinance No. 04-38], for a 0.14-acre parcel of land
360 identified as Block 48B, B. F. Boydston Addition, zoned Single Family 7
361 (SF-7) District, addressed as 213 Clark Street, City of Rockwall, Rockwall
362 County, Texas, and take any action necessary.

363 Mr. LaCroix provided brief background information related to this agenda item.
364 Councilmember White made a motion to approve MIS2014-010. Councilmember Milder
365 seconded the motion, which passed by a vote of 6 ayes with 1 absent (Townsend).
366

367 3. SP2014-010 - Discuss and consider a request by Matt Callan of Corgan
368 Associates, Inc. on behalf of the owner, Rockwall Regional Hospital, LLP,
369 for the approval of an exception to the exterior materials requirements in
370 association with a site plan for a medical office building on a 1.8907-acre
371 parcel of land identified as Lot 3, Block A, Presbyterian Hospital of
372 Rockwall Addition, City of Rockwall, Rockwall County, Texas, being
373 zoned Planned Development District 9 (PD-9), located along Horizon
374 Road [FM-3097] southeast of the intersection of Horizon Road [FM-3097]
375 and Rockwall Parkway, and take any action necessary.

376 Planning Director, Robert LaCroix, provided brief background information regarding this
377 agenda item. Councilmember White made a motion to approve SP2014-010.
378 Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1
379 absent (Townsend).

380 Mayor Sweet then called for a brief break (7:22 p.m.).

381 Mayor Sweet called the meeting back to order at 7:34 p.m. Action Item #8 was addressed
382 next on the agenda.

383 4. Discuss and consider a recommendation from the City Council Naming
384 Subcommittee related to naming of Dickson Lane, and take any action
385 necessary.

386 Mayor Pro Tem Pruitt provided a brief history of this agenda item, indicating that Mr.
387 Harry Myers, previous mayor of Rockwall, had some disagreements Mr. Ken Dickson
388 years ago. So, he decided to 'name' a certain roadway after Mr. Dickson because it went
389 nowhere else at the time other than the sewer plant. He clarified that the roadway now
390 also leads to our city's Squabble Creek hike/bike/walk trail. He then made a motion to
391 approve a resolution naming Dickson Lane. Councilmember Daniels seconded the
392 motion. Councilmember White expressed that he admittedly supports approval of this

393 item, even though he himself has had some disagreements with Mr. Dickson in the past.
394 Mayor Pro Tem Pruitt thanked Mr. Dickson for his past service on the Rockwall City
395 Council and through the Republican Men's organization. After brief comments, the
396 motion passed by a vote of 6 ayes with 1 absent (Townsend).
397

398 **Action Item #1 was addressed next.**
399

- 400 5. Discuss and consider correspondence with U.S. Senator John Cornyn
401 related to The Harbor, and take any action necessary.

402 **Mr. Crowley indicated that city staff and Mayor Pro Tem Pruitt met with representatives of**
403 **Senator Cornyn's office last week to discuss the management and ownership of The**
404 **Harbor. The Senator's office suggested the city put together a list of questions that the**
405 **city would like to have answered by the owners/managers. City staff has developed a list**
406 **of questions, which has been placed in today's meeting packet for council review and**
407 **consideration. Councilmember White asked if it will take Senator Cornyn's office a long**
408 **time to take action on this letter once the city submits it to his office. Mr. Crowley**
409 **indicated that he anticipates the agency will likely be responsive to the Senator fairly**
410 **quickly. He also feels Senator Cornyn will act upon the city's letter (to send it to the**
411 **agency) fairly quickly as well.**
412

413 **Mr. Crowley indicated that city staff will get the letter signed and sent over to Senator**
414 **Cornyn's office this week.**
415

- 416 6. Discuss and consider approval of a resolution of the City of Rockwall,
417 Texas, declaring a public necessity for the acquisition of fee simple title to
418 and a temporary construction easement on all or portions of properties for
419 the Justin Road Project located in Rockwall County, Texas owned by
420 Temunovic Partnership, LTD and listed as follows: a tract of land
421 containing 0.281 acres (12,247 square feet) and a tract of land containing
422 1,756 square feet, located off Justin Road between Industrial Boulevard
423 and John King Boulevard in the City of Rockwall, Rockwall County, Texas
424 for the public purpose of construction, operation, reconstruction,
425 improvement, repair and maintenance, of the Justin Road Street Project;
426 authorizing all appropriate action of the City in the institution and
427 prosecution of condemnation proceedings to acquire such properties that
428 cannot be acquired through negotiation; authorizing all other lawful action
429 necessary or incidental to such acquisitions.

430 **Assistant City Manager Brad Griggs provided brief background information related to**
431 **this agenda item. Mayor Pro Tem Pruitt made a motion as follows: I move that the City**
432 **of Rockwall authorize the City Attorney to make a last and final offer to Temunovic**
433 **Partnership, LTD to acquire a .281 acre parcel and a 1,756 square foot Temporary**
434 **Construction Easement generally located on the west side of John King Blvd for the**
435 **extension of Justin Road between Industrial Blvd and John King Blvd pursuant to state**
436 **law. If the final written offer is not accepted within fourteen days of the City making such**
437 **final offer, I move to authorize the City of Rockwall to authorize the use of the power of**
438 **eminent domain to acquire the above mentioned land interests for the Justin Road**
439 **extension. Councilmember White seconded the motion, which passed by a vote of 6**
440 **ayes with 1 absent (Townsend).**
441

442 7. Discuss and consider prohibiting use of electronic cigarettes and vaping
443 in city buildings, and take any action necessary.

444 Mayor Sweet indicated this item was placed on the agenda by Councilmember Milder. He
445 explained that this item is being brought forth by him in the context of our city's smoking
446 prohibition in city buildings. Mr. Crowley indicated that a prohibition of this nature would
447 include customers coming into city buildings as well, similar to how our 'no smoking
448 ordinance' prohibits smoking within city buildings. Councilmember Lewis asked if any
449 complaints have been received about these devices being utilized in city buildings. Mr.
450 Crowley indicated that no public complaints have been received; however, he has
451 received some concerns from employees about other employees utilizing these devices
452 at their desks / in their work areas.

453 Councilmember Lewis offered that he is a cancer survivor, and he basically contracted
454 cancer, most likely, from second hand smoke.

455 Councilmember Milder made a motion to include vaping and e-cigarettes within the
456 smoking prohibition that covers our city buildings. Councilmember Lewis seconded the
457 motion.

458 Councilmember White indicated that a study just came out on Friday, indicating that
459 carcinogens are not present at all in vaping residue. He indicated that, even if this is
460 passed as a prohibition, he will still continue to vape in city buildings. He suggested that
461 this agenda item is aimed to target him, and he generally has a problem with the city
462 council regulating the behavior of grown adults. He suggested the city council consider
463 banning consumption of cigarettes in our city if the goal is in fact to protect citizens.

464 Councilmember Milder indicated that, for the record, this item is not being directed at
465 Councilmember White. Councilmember White expressed disagreement with Councilman
466 Milder's reply, insisting the item is aimed at him.

467 Mayor Pro Tem Pruitt suggested that Councilmember White did not begin vaping until
468 Councilmember Milder brought up this subject matter some time back and a prohibition on
469 the sale of these products to minors was put in place by this council.

470 Councilmember Lewis expressed he believes nothing good comes from ingesting
471 nicotine.

472 Councilmember Daniels generally believes that vaping does affect others who are in the
473 vicinity when someone is vaping. He suggested vaping would likely adversely affect his
474 wife, for example, who suffers from diminished lung capacity. He is in favor of protecting
475 the majority of individuals from these types of products.

476 Mayor Sweet indicated he believes it should be left up to the City Manager to decide what
477 policies should be put in place to regulate what his employees are and are not allowed to
478 do while at work or in city vehicles or facilities.

479 Councilmember White suggested a government body should focus on banning
480 cigarettes, guns, alcohol, driving in cars, etc. if they really do wish to protect the public
481 from things which may harm them.

482 The motion failed by a vote of 3 in favor with 3 against (White, Pruitt, and Sweet) and 1
483 absent (Townsend).

484 Action Item #9 was addressed next by council.

- 485 8. Discuss and consider the city's current retaining wall standards and
486 possible amendments to the city's Engineering Standards of Design, and
487 take any action necessary.

488 **City Building Official, Jeffrey Widmer, came forth and provided a brief PowerPoint**
489 **presentation to city council to show various types of retaining walls. He indicated that**
490 **two of the cities staff surveyed have maintenance standards in place to require that 4'**
491 **walls leaning 10-15 degrees must be repaired. Councilmember Milder clarified that the**
492 **city does not currently have maintenance standards in place for leaning retaining walls.**
493 **Mr. Widmer confirmed that the city does not currently have such standard; however, if a**
494 **leaning wall posed a public health or safety concern and was not structurally sound, the**
495 **city could take action to see that such wall(s) is repaired.**

496
497 **Councilmember White generally expressed that he sees a lot of smooth face concrete**
498 **retaining walls, for example, on South Lakeshore, and he does not believe this type of**
499 **retaining wall has affected the desirability of the neighborhood or kept anyone from**
500 **moving there. He pointed out that nothing being discussed tonight that might be put into**
501 **place would in any way address a resident's concerns regarding 216 Alta Vista.**
502 **Councilmember White went on to make comments regarding various retaining wall**
503 **construction materials and their estimated durability.**

504
505 **Councilmember Milder expressed that this subject matter is more related to property**
506 **values rather than retaining walls or aesthetics. He indicated that he would like to see**
507 **stone retaining walls rather than concrete or cinder block retaining walls.**

508
509 **Councilmember White generally voiced that retaining wall materials and their aesthetic**
510 **appeal is subjective, and he has no problem with a haydite, smooth face retaining wall.**
511 **Furthermore, he does not believe that retaining wall materials have kept anyone from**
512 **moving into or out of Rockwall.**

513
514 **Councilmember Lewis indicated he believes anything above a 3' retaining wall should be**
515 **professionally engineered. Also, he believes some sort of standards for aesthetics and**
516 **maintenance should be in place.**

517
518 **Councilmember Daniels asked how city staff would determine if a wall is structurally**
519 **sound or not. Mr. Widmer indicated that staff would make a judgment call and would**
520 **possibly call upon a structural engineer to evaluate the leaning wall in order to determine**
521 **if it is unsafe or structurally unsound.**

522
523 **Mayor Pro Tem Pruitt made a motion to keep the city's current safety regulations in place**
524 **– that if a wall is unsafe, it needs to be replaced; if it's leaning more than ten degrees, the**
525 **owner will replace the wall; engineer approval will be required for any wall constructed**
526 **over three feet tall and that walls will not be constructed out of haydite block or smooth**
527 **faced concrete. Councilmember Milder seconded the motion. Councilmember Milder**
528 **expressed that he is in favor of even more stringent and specific masonry standards (i.e.**
529 **specifying particular types of materials that would be allowed) similar to the city's**
530 **masonry standards for new developments. After brief comments, the motion passed by**
531 **a vote of 5 in favor, 1 against (White) and 1 absent (Townsend).**

532
533 **Action Item #5 was addressed next by Council.**
534

535 9. Discuss and consider appointments to city advisory boards and
536 commissions, and take any action necessary.

537 Councilmember Daniels made a motion to reappoint Dick Clark, Tina Rowe and Enid
538 Reyes to the city's Historic Preservation Advisory Board for an additional two year term
539 ending in August 31, 2016. Councilmember White seconded the motion, which passed
540 by a vote of 6 ayes with 1 absent (Townsend).

541
542 Councilmember Daniels made a motion to appoint Carolyn Francisco to replace Patty
543 Canup on the HPAB for a partial term to expire in August 31, 2015. Councilmember
544 White seconded the motion. The motion passed by a vote of 6 ayes with 1 absent
545 (Townsend).

546
547 XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
548 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

549
550 1. Departmental Reports
551 Building Inspections Monthly Report - June 2014
552 Fire Dept. Monthly Reports - June 2014
553 Harbor PD Monthly Report - June 2014
554 Internal Operations Department Monthly Report - June 2014.
555 Police Department Monthly Report - June 2014
556 Recreation Department Monthly Report - June 2014
557 Rockwall Animal Adoption Center Monthly Report - June 2014

558 2. City Manager's Report

559
560 Councilmember Pruitt wished City Manager Rick Crowley happy birthday.

561
562 Mr. Crowley shared that TXDOT has notified the city that they will soon be installing LED
563 safety lighting (street lights) on IH-30 from Horizon to SH-205. They are set to 'let' the
564 contract around November of this year.

565
566 Regarding the North Goliad reconstruction project (from north of downtown up to the
567 city limits) (resurfacing, intersection improvements and addition of traffic lights at Ridge
568 Road West and Goliad), this project will be underway shortly by TXDOT.

569
570 The Rockwall County Roadway Consortium has asked consultants to evaluate the
571 county's current thoroughfare plan to see if there are any changes needed since it was
572 adopted a number of years ago. As part of this, FM-552 will be discussed to determine if
573 it needs to be reconstructed in the future as a four lane or a six lane roadway.

574
575 Mr. Crowley and Mrs. Smith indicated that one organization (The Rockwall News) has not
576 yet reported back to the city council regarding Hotel Occupancy Tax funding previously
577 granted. Staff has emailed this organization, reminding them they owe a report to the
578 council; however, thus far, staff has not heard back from this organization. Staff will be
579 following up again.

580
581 Mayor Sweet adjourned the meeting at 8:35 p.m.

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XIV. EXECUTIVE SESSION

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

1. Discussion regarding possible claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
2. 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).
3. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
4. Discussion regarding Economic Development prospect pursuant to Section 551.087 (Economic Development)
5. Discussion regarding update on proposed land lease/acquisition located near the Justin Road right-of-way pursuant to Section 551.072 (Real Property).
6. 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)
7. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (Personnel Matters)
8. Discussion regarding appointment to fill city council member vacancy in accordance with City Charter provisions pursuant to Section 551.074 (Personnel Matters)

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

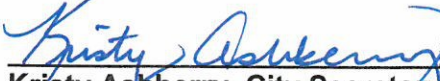
The council did not reconvene in Executive Session following the close of the public meeting, and no action was taken.

XVI. ADJOURNMENT

The public meeting was adjourned at 8:35 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 18th day of August, 2014.

ATTEST:


Kristy Ashberry, City Secretary




David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 18, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet
10 and Council Members David White, Mike Townsend, Scott Milder, Bennie Daniels and
11 Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager
12 Mary Smith and City Attorney Frank Garza. Mayor Pro Tem Pruitt and Assistant City
13 Manager Brad Griggs were absent from the meeting.
14

15 II. WORK SESSION

- 16
17 1. HOLD A WORK SESSION TO DISCUSS AND CONSIDER RETAINING WALL STANDARDS,
18 AND TAKE ANY ACTION NECESSARY
19

20 Councilmember Daniels expressed that he has some concerns regarding modifications
21 the city council made at the last meeting related to retaining wall standards. For
22 example, regarding the "degree of lean" that was agreed upon (over 10 percent) by
23 council, he believes that the degree of lean associated with a wall does not necessarily
24 make that wall safe or unsafe. He is concerned about having a specified "degree of lean"
25 associated with a wall without having some other qualifying factors taken into
26 consideration. He would like staff to research this topic further and bring back more
27 information to the city council for additional discussion.
28

29 City Engineer Tim Tumulty expressed that he has concerns about stipulating a 10
30 percent lean when, for example, a wall with an 8 percent lean could actually be unsafe
31 depending on a number of other factors. He is concerned about the city's liability if a
32 number is specified for the "degree of lean" but then a retaining wall outside of those
33 specifications fails. Brief comments were exchanged related to potential staff liability
34 regarding enforcement of a specific "degree of lean" standard.
35

36 City Attorney Frank Garza encouraged council to maintain the ability for staff to use
37 discretion when evaluating retaining walls and associated safety regardless of standards
38 that may be adopted.
39

40 Building Official Jeffrey Widmer indicated that standards have been outlined in the city's
41 property maintenance code for years and have been utilized by staff, including allowing
42 staff to utilize discretion. He suggested the city may consider adopting maintenance
43 provisions that stipulate that if city staff members suspect a wall is unsafe, they will then
44 ask the property owner to obtain an engineer's opinion to verify. That way the onus is on
45 the property owner to obtain a third party determination regarding if the wall is
46 structurally sound or not.
47

48 Regarding general design standards, Mr. Tumulty explained that the City Engineer
49 currently has the ability to change the standards; however, he would like for that

50 provision to be modified such that the city council stipulates and approves any changes
51 to the standards.

52
53 Councilmember Townsend expressed concern about specifying a number at all with
54 regards to an allowable percent of “lean” on retaining walls. He would like the engineers
55 to be able to utilize their own discretion when deciding if a wall is safe or not.

56
57 Mayor Sweet indicated he is still in favor of specifying a percentage number, but he is
58 open to modifying the specified number if it is found to be too lenient or too stringent.

59
60 Mr. Crowley indicated that staff will bring standards back in writing, perhaps in the form
61 of an ordinance, for the council to consider formally adopting. The standards will
62 include allowable building materials.

63
64 No action was taken regarding this work session item.

- 65
66 2. HOLD A WORK SESSION TO HEAR OVERVIEW OF PROPOSED FY 2015 CITY BUDGET,
67 AND TAKE ANY ACTION NECESSARY.

68
69 Mr. Crowley indicated he will be recommending a proposed budget based on adoption of
70 the effective rate (\$.4955 cents per \$100 valuation), and the current rate is \$.5025. He
71 indicated that about a twelve percent increase in appraised property tax values has been
72 experienced in our city. Furthermore, only one job category needs to be adjusted based
73 on a recent market study, and it is that of “dispatcher” in Police Communications.

74
75 Mr. Crowley indicated that the city’s budget will be greatly impacted in the coming fiscal
76 year by to the city’s Water Fund. Our customer’s ability to successfully conserve water
77 has resulted in revenue shortfalls for this fund. In the city’s current fiscal year budget,
78 about \$602,000 was set aside to be transferred to the General Fund to repay the General
79 Fund for services provided to the Water Fund; however, it is not possible for this transfer
80 to take place as previously planned, and it will not be proposed for transfer in the
81 upcoming fiscal year either. The cost of treated water, as indicated by our water
82 supplier, the North Texas Municipal Water District, is expected to increase, and several
83 debt obligations associated with the city’s water system will be coming due. The city will
84 need to pay for these obligations (about \$700,000 in debt service payments) out of
85 current tax revenues, rather than current water revenues, in the coming fiscal year.
86 Currently, four positions are frozen in the water/sewer maintenance department, and we
87 will be proposing that two of these four positions remain frozen throughout the coming
88 fiscal year. Mr. Crowley indicated that staff hopes by the end of fiscal year 2015, the
89 Water Fund will be at a breakeven point. A number of equipment purchases have been
90 deferred in the upcoming recommended budget; however, the city will continue to
91 operate its Water/Wastewater Department at the same level of service. He again pointed
92 out that \$602,000 is not being transferred into the General Fund from the Water Fund,
93 and that represents revenue lost this fiscal year and revenue lost next fiscal year in the
94 General Fund. He explained that we are expected to end this fiscal year with about
95 \$260,000 in revenues over expenditures in the General Fund; however, about a \$200,000
96 transfer to the Insurance Fund needs to be made. All things considered, the city
97 continues to have a very healthy General Fund Reserve. He briefly spoke about
98 upgrades in a few Police Department related positions. One Criminal Family Violence
99 Investigator position is proposed to be added, but only if the grant funding that helps pay
100 for said position comes to fruition. Only about two or three vehicles overall are

101 proposed to be purchased in the upcoming budget. He expressed that paying debt
102 service payments out of the current tax fund and being very conservative in terms of
103 what we spend out of reserves in the coming year are two tenants of the upcoming
104 budget proposal. It is important to be cautious since we do not know what the continued
105 effects the drought may have on funds. Mr. Crowley also mentioned that a two percent
106 growth in sales tax is being forecasted for the upcoming year. Health permits and
107 engineering inspection related service fees are proposed to increase in the coming year,
108 which will put Rockwall in line with other, similar, comparable cities. Mr. Crowley
109 indicated that downtown Christmas decorations will be proposed to be funded by the
110 city's garbage collection provider. These will be tailored to coordinate with the look of
111 the new downtown improvements and will be anticipated to last for several years. Also,
112 funds for citywide branding / logo refreshing will be included in the proposed budget.
113 Staff will be evaluating costs associated with refreshing the city's entry sign at the FM-
114 740 / IH-30 service road intersection as well as costs associated with possibly
115 refurbishing a historic fire truck to bring it up to par for parades and other types of
116 functions.

117
118 Mayor Sweet asked Mr. Crowley to be prepared to talk about the current tax rate and the
119 effective tax rate at the upcoming budget work session.

120
121 Councilmember Daniels and Councilmember White generally expressed that they do not
122 wish to hear from organizations such as STAR Transit and The Grace Clinic concerning
123 funding requests at the upcoming budget work session. Also, Councilmember Daniels
124 would like to see the private sector get involved in helping spruce up the Rockwall entry
125 sign at the FM-740 / IH-30 service road. Councilmember Milder suggested the city
126 consider not spending money at all on the entry sign at the FM-740 / IH-30 service road.
127 Instead, he suggested that it be power washed and then repainted by staff "as is,"
128 especially since the city may undergo a rebranding effort in the near future. He also
129 expressed a desire to consider discussing having some sort of "Welcome to Rockwall"
130 signage to alert drivers that they are entering our city. Mayor Sweet indicated he would
131 like to begin discussing branding / rebranding of the City of Rockwall soon.

132
133 Council took no action at this time concerning this work session item.

134
135 At 4:57 p.m., Mayor Sweet read the below listed discussion items into the public record
136 before recessing the public meeting into Executive Session.

137
138 **III. EXECUTIVE SESSION**

139
140 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
141 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 142 1. Discussion regarding Economic Development prospect pursuant to Section 551.087
143 (Economic Development)
- 144 2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall,
145 Texas and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation
146 with Attorney)
- 147 3. Discussion regarding appointment to fill city council member vacancy in accordance
148 with City Charter provisions pursuant to Section 551.074 (Personnel Matters)

- 149 4. Discussion regarding appointments to city regulatory boards, commissions, and
50 committees including the Building and Standards Commission, Board of Adjustments,
51 Planning & Zoning Commission and Rockwall Economic Development Corporation
52 pursuant to Section 551.074 (Personnel Matters)

153 **IV. ADJOURN EXECUTIVE SESSION**

154
155 **Executive Session was adjourned at 5:49 p.m.**

156
157 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

158
159 **Mayor Sweet reconvened the public meeting at 6:00 p.m. All city council members**
160 **except for Mayor Pro Tem Pruitt were present.**

161
162 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

163
164 **Mayor Sweet announced that no action is needed as a result of Executive Session.**

165
166 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET**

167
168 **Mayor Sweet delivered the invocation and led the Pledge of Allegiance.**

169
170 **VIII. CONSENT AGENDA**

- 171
172 1. Consider approval of the minutes from the August 4, 2014 Special Joint
173 Meeting between the Rockwall City Council and the Rockwall Economic
174 Development Corporation (REDC) Board of Directors, and take any
175 action necessary.
- 176 2. Consider approval of the minutes from the August 4, 2014 regular City
177 Council meeting, and take any action necessary.
- 178 3. Z2014-018 - Consider approval of an ordinance for a request by Karri
179 Shojaei-Scott of the Marigold Learning Academy on behalf of the owner,
180 Modern Pyramids, Inc., for the approval of a Specific Use Permit (SUP) to
181 allow for a Day Care Facility on a 0.45-acre parcel of land identified as
182 Lot 3-R, Block A, Washington Place Addition, zoned Downtown (DT)
183 District, situated within the SH 66 Overlay (SH 66 OV) District, and
184 located at 401 W. Washington Street, City of Rockwall, Rockwall County,
185 Texas, and take any action necessary. **(2nd Reading)**
- 186 4. Z2014-019 - Consider approval of an ordinance for a request by
187 Shanessa Coburn of American Trooper on behalf of the owner, Scott
188 Milder, for the approval of a Specific Use Permit (SUP) to allow an
189 antiques/collectables and general retail store in Planned Development
190 District 50 (PD-50) for a 0.66-acre lot of land containing two (2) parcels of
191 land identified as a Block 23A (0.43-acres) and Block 24C (0.23-acres) of
192 the Amick Addition, zoned Planned Development District 50 (PD-50) for
193 Residential-Office (RO) District uses, located within the North Goliad
194 Corridor Overlay (NGC OV) District, addressed as 803 & 805 N. Goliad
195 Street, City of Rockwall, Rockwall County, Texas, and take any action
196 necessary. **(2nd Reading)**

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203
5. Consider approval of an ordinance amending the Code of Ordinances in Chapter 44. Utilities; Article V. Water; Division 7; Sec. 44-436 "Stages and Measures" of the Drought Contingency and Water Emergency Response Plan, to provide for certain deletions and changes to these provision in order to comply with requirements of the TX Commission on Environmental Quality (TCEQ), and take any action necessary. **(1st reading)**
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211
6. P2014-016 - Consider a request by Rob Whittle on behalf of the Caruth Lake Development Corporation for the approval of a final plat for Lots 1 & 2, Block A, Caruth Lake Phase 1B Addition, currently identified as a 0.798-acre tract on land situated within the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for residential land uses, located on the south side of Midnight Pass, west of the intersection of Midnight Pass and N. Fannin Street, and take any action necessary.
- 212
213
214
215
216
7. Consider approval of a contract with Walter P. Moore Consulting Engineers to perform the engineering design services for the erosion control project at 2065 Lake Forest Drive in the amount of \$54,500 to be funded out of General Fund Reserves, and take the any action necessary.

217 **Councilmember Milder pulled item #4 in order to abstain from voting on the item, and he**
218 **filed a "conflict affidavit" with the City Secretary.**

219
220 **Councilmember White made a motion to approve Consent Agenda item #4.**
221 **Councilmember Townsend seconded the motion. The ordinance was read as follows:**

222
223 **CITY OF ROCKWALL**
224 **ORDINANCE NO. 14-34**
225 **SPECIFIC USE PERMIT NO. S-124**
226

227 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
228 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
229 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
230 **AMENDED, SO AS TO APPROVE A SPECIFIC USE PERMIT (SUP) TO**
231 **ALLOW ANTIQUE/COLLECTABLE SALES IN CONJUNCTION WITH A**
232 **GENERAL RETAIL STORE IN PLANNED DEVELOPMENT DISTRICT 50**
233 **(PD-50), FOR A 0.66-ACRE LOT, ADDRESSED AS 803 & 805 N. GOLIAD**
234 **STREET AND CONTAINING TWO (2) PARCELS OF LAND IDENTIFIED AS**
235 **BLOCK 23A (0.43-ACRES) AND BLOCK 24C (0.23-ACRES) OF THE AMICK**
236 **ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;**
237 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY**
238 **OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
239 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
240 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
241 **EFFECTIVE DATE.**

242
243 **The motion passed by a vote of 5 in favor with 1 abstention (Milder) and 1 absence**
244 **(Pruitt).**
245

246 Councilmember White made a motion to approve the remainder of Consent Agenda items
247 (#1, 2, 3, 5, 6 and 7). Councilmember Lewis seconded the motion. An ordinance was
248 read as follows:

249
250 CITY OF ROCKWALL
251 ORDINANCE NO. 14-33
252 SPECIFIC USE PERMIT NO. S-123

253 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
254 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
255 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
256 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) WITHIN
257 THE DOWNTOWN (DT) DISTRICT ALLOWING FOR A DAYCARE FACILITY,
258 FOR A PROPERTY LOCATED AT 401 W. WASHINGTON STREET, BEING A
259 0.45 ACRE PARCEL OF LAND DESCRIBED AS LOT 3-R, BLOCK A OF
260 WASHINGTON PLACE ADDITION; PROVIDING FOR SPECIAL
261 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
262 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
263 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
264 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
265

266 Mayor Sweet then reordered the agenda, indicating that Appointment Item #3 would be
267 addressed next by council.

268
269 IX. APPOINTMENTS

- 270
271 1. Appointment with the Planning and Zoning Chairman to discuss and
272 answer any questions regarding cases on the agenda and related issues
273 and take any action necessary.

274 Craig Renfro, Chairman of the Planning and Zoning Commission, came forth and briefed
275 the city council on recommendations of the Commission relative to items on tonight's
276 city council agenda. The council took no action related to this item.

- 277 2. Appointment with Kathryn Thurmond to hear concerns regarding the
278 proposed improvements to FM 549 South, and take any action
279 necessary.

280 Mrs. Thurmond indicated she lives at 5170 Bear Claw Lane in Rockwall, and she moved
281 here from Houston a year or so ago to be near her daughter. She mentioned Houston
282 has no zoning laws in place. She expressed concern about FM-549 being proposed to
283 become a six-lane roadway in the future. While she also has concerns related to SH-205
284 being proposed as a six-lane roadway in the future, she more easily understands that
285 particular proposal.

286
287 Mrs. Thurmond indicated she would appreciate the city council considering a proposal
288 she would like to make concerning FM-549. She proposed that the roadway remain two-
289 lanes rather than the six lanes that are being proposed. She showed the city council
290 maps of the existing and proposed roadway.

291
292 Mrs. Thurmond spoke briefly about the estimated timelines associated with these future
293 road projects according to the Rockwall County Traffic Consortium meetings.
294

295 Councilmember White asked if TXDOT has held public meetings related to these
296 thoroughfares yet. City Engineer Tim Tumulty indicated that no, they have not yet been
297 held.
298

299 Mr. Crowley indicated that these are state roadways, and he assured Mrs. Thurmond that
300 no one wants to construct a six lane roadway when a four lane road will suffice. He
301 expressed that he will ensure Mrs. Thurmond's concerns are passed along to those who
302 are overseeing the proposed future thoroughfare plans.
303

304 Regarding future, proposed new state highways/roadways, Mrs. Thurmond asked with
305 whom she may speak to influence those decisions. Councilmember White indicated, and
306 Mr. Crowley concurred, that our state representatives in Austin are the best ones to
307 contact regarding those matters.
308

309 No action was taken as a result of this appointment item.
310

- 311 3. Appointment with JJ Smith of The Rockwall News to hear report on
312 hotel/motel occupancy tax funding previously granted for a 2014
313 Memorial Day concert/event held at The Harbor, and take any action
314 necessary.

315 Councilmember White indicated that some veterans have inquired as to where some of
316 the profits from the event have gone. Mr. Smith expressed that about \$1,000 of the
317 proceeds went to him, indicating that this particular event was set up as a business
318 venture. He further expressed that he never provided indication that proceeds would be
319 donated to a non-profit organization. He explained he took a risk, counting it as a
320 business venture, and he could have potentially lost money on the event – he did not
321 know what to expect or how it would turn out.

322 Councilmember Lewis indicated that he was unaware when the city council granted hotel
323 / motel tax funding for this event that about \$1,563 of the funding would go to pay Mr.
324 Smith himself and that an additional \$800 (or so) would go to Mr. Smith's business, The
325 Rockwall News. Mr. Smith indicated that he is working towards establishing a 501c3
326 non-profit organization so that, in the future, any proceeds could be donated to a non-
327 profit agency. He stated that it costs about \$500 to set up a 501c3 with the State, so
328 some of the proceeds he took from the Memorial Day event are going towards getting
329 that set up.

330 Councilmember Daniels expressed that he would have never approved the city council
331 granting funding for this Memorial Day event had he known that Mr. Smith was going to
332 personally take any cut of the profits whatsoever. He also expressed dissatisfaction that
333 Mr. Smith was delayed in getting his required event report delivered to the city council in
334 a timely fashion.

335 Councilmember White asked how many times staff contacted him to remind him that his
336 report was due to the city. Mrs. Smith, Assistant City Manager, indicated that staff sent
337 several emails to Mr. Smith letting him know a report to the city was due.

338 Councilmember Milder expressed that he attended the event and thought it was a very
339 nice event; however, he too was unaware that proceeds were not going to be donated to
340 a non-profit beneficiary.
341

342 After commentary, the council took no action related to this appointment item.

343 X. PUBLIC HEARING ITEMS

- 344
- 345 1. Z2014-020 - Hold a public hearing to discuss and consider approval of an
346 ordinance for a request by Bobby and Kimberly Fritts for the approval of a
347 Specific Use Permit (SUP) to allow for a carport that does not meet the
348 minimum setback requirements stipulated by Section 2.1.2, Residential
349 and Lodging Use Conditions, of Article IV, Permissible Uses, of the
350 Unified Development Code [Ordinance No. 04-38] for a 0.31-acre
351 property identified as Lot 27, Block C of the Lynden Park Estates, Phase
352 4 Addition, zoned Planned Development District 17 (PD-17), addressed
353 as 109 Weston Court, City of Rockwall, Rockwall County, Texas, and
354 take any action necessary. (1st Reading)

355 Mr. LaCroix provided background information related to this agenda item. He shared
356 details of this proposed carport, explaining that this carport will be located in the rear of
357 the home and will not be visible from the street in front. The setback will be 7' from the
358 property line. Notices were mailed out to adjacent over seventy property owners located
359 within 500 feet of the property, and HOA's located within 1,500 feet were sent out as well.
360 Four notices were received back. Three were in favor, and one was opposed. The
361 Planning and Zoning Commission did recommend approval of this item by a vote of 5 to
362 0.

363

364 Mayor Sweet opened the public hearing and called forth the applicant.

365

366 Mr. and Mrs. Fritts, the applicants, came forth to speak. Mrs. Fritts indicated that her
367 mother has been diagnosed with Parkinsons, so they took in the patio and converted it
368 into living space to have a space to care for her mother. This has resulted in needing a
369 carport space.

370

371 Mayor Sweet asked if there is anyone else wishing to speak. There being no one else
372 wishing to speak, Mayor Sweet then closed the public hearing.

373

374 Councilmember White made a motion to approve Z2014-020. Councilmember Townsend
375 seconded the motion.

376

377 The ordinance was read as follows:

378

379 CITY OF ROCKWALL
380 ORDINANCE NO. 14-XX
381 SPECIFIC USE PERMIT NO. S-XXX
382

383

384 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
385 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
386 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
387 AMENDED, SO AS TO APPROVE A SPECIFIC USE PERMIT (SUP) WITHIN
388 THE SINGLE-FAMILY RESIDENTIAL (SF-7) DISTRICT TO ALLOW FOR A
389 CARPORT THAT DOES NOT MEET THE MINIMUM SETBACK
390 REQUIREMENTS, FOR A 0.31-ACRE PROPERTY IDENTIFIED AS LOT 27,
391 BLOCK C OF THE LYNDEN PARK ESTATES, PHASE 4 ADDITION, ZONED
392 PLANNED DEVELOPMENT DISTRICT 17 (PD-17), ADDRESSED AS 109

393 WESTON COURT, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;
394 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
395 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
396 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
397 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
398 EFFECTIVE DATE.
399

400 The motion passed by a vote of 6 ayes with 1 absent (Pruitt).
401

- 402 2. MIS2014-009 - Hold a public hearing to discuss and consider approval of
403 an ordinance for a City initiated request to amend the Future Land Use
404 Map contained within the Comprehensive Plan, and take any action
405 necessary. (1st Reading)

406 Planning Director Robert LaCroix provided background information related to this
407 agenda item. He explained that the city has received a request from the Old Towne
408 Neighborhood Association asking that four lots be removed from the downtown historic
409 designation area.
410

411 After Mrs. LaCroix's background information, Mayor Sweet opened the public hearing
412 and asked if anyone would like to come forward and speak at this time.
413

414 Sandi Whitley
415 704 Williams Street
416 President of the Rockwall Old Town Neighborhood Association
417

418 Mrs. Whitley indicated that she and others who reside in Old Town have become
419 increasingly concerned about the "commercial" establishments that have been creeping
420 into their neighborhood. She and others would like to maintain the historic feel and
421 integrity of their residential neighborhood.
422

423 There being no one else wishing to come forward and speak, Mayor Sweet then closed
424 the public hearing.
425

426 After brief comments, Councilmember White made a motion to approve the ordinance.
427 Councilmember Milder seconded the motion. The ordinance was read as follows:
428

429 CITY OF ROCKWALL
430 ORDINANCE NO. _____
431

432 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
433 ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE
434 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY
435 CHARTER.
436

437 The motion passed by a vote of 6 ayes with 1 absent (Pruitt).
438

439 XI. SITE PLANS / PLATS
440

- 441 1. SP2014-017 - Discuss and consider a request by Greg Wallis of
442 Mershawn Architects on behalf of the owner Rick Sharp for the approval
443 of variances, specifically to the pitched roof requirement and the required

444 amount of articulation, in association with a site plan for a warehouse
445 facility on a 1.10-acre portion of a larger 6.22-acre parcel of land identified
446 as Lot 2, Block A, Sharp Addition, City of Rockwall, Rockwall County,
447 Texas, zoned Planned Development District 46 (PD-46), situated within
448 the SH-276 Overlay (SH-276 OV) District, located on the south side of
449 Springer Road, east of the intersection of Springer Road and Corporate
450 Crossing [FM-3549], and take any action necessary. (3/4 majority vote
451 required)

452 **Planning Director Robert LaCroix provided background information for this agenda item.**

453 **Councilmember White made a motion to approve SP2014-017. Councilmember Lewis**
454 **seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).**
455

- 456 **2.** SP2014-019 - Discuss and consider a request by Lynsey Ondecker of
457 Glaus, Pyle, Schomer, Burns & DeHaven, GPD on behalf of the owner,
458 Travel Centers of America, for the approval of a variance, specifically to
459 allow for secondary materials in excess of 10%, in association with an
460 amended site plan for the purpose of remodeling the exterior façade of
461 the existing truck stop, which is located on a 13.167-acre parcel of land
462 identified as Lot 3, Block A, Travel Centers of America Addition, zoned
463 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)
464 District and the SH-205 Overlay (SH-205 OV) District, addressed as
465 2105 S. Goliad Street, City of Rockwall, Rockwall County, Texas, and
466 take any action necessary. (3/4 majority vote required)

467 **Planning Director Robert LaCroix provided background information for this agenda item.**

468 **Councilmember Lewis made a motion to approve SP2014-019. Councilmember**
469 **White seconded the motion.**

470 **Councilmember Milder asked what the city's relationship has been in the past with TA.**
471 **Mr. Crowley indicated that TA sued the City of Rockwall several years ago, and the city**
472 **did end up paying out money to TA in order to resolve that lawsuit.**

473 **After brief comments, the motion passed by a vote of 6 in favor with 1 absent (Pruitt).**

474 **At 7:11 p.m. Mayor Sweet recessed the public meeting and called for a short break.**

475 **Mayor Sweet called the meeting back to order at 7:23 p.m. It was noted that**
476 **Councilmember Milder left the meeting during the break and was not present for the**
477 **remainder of the meeting.**

478 **Since the reading of the ordinance associated with Consent Agenda item #5 was**
479 **inadvertently not read before the vote was taken and recorded, Mayor Sweet called on**
480 **City Secretary, Kristy Ashberry, at this point to read the ordinance caption into the**
481 **record so as to comply with the City Charter. Ms. Ashberry then read the ordinance**
482 **caption into the record as follows:**

483 **CITY OF ROCKWALL**
484 **ORDINANCE NO. 14-_____**
485

486 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
487 **ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN**
488 **CHAPTER 44. UTILITIES; ARTICLE V. WATER; DIVISION 7; Sec. 44-**
489 **436 "STAGES AND MEASURES" OF THE DROUGHT CONTINGENCY**
490 **AND WATER EMERGENCY RESPONSE PLAN, TO PROVIDE FOR**

491 CERTAIN DELETIONS AND CHANGES TO THESE PROVISIONS;
492 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
493 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE
494 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON
495 EACH DAY DURING OR ON WHICH A VIOLATION OCCURS;
496 PROVIDING FOR SEVERABILITY AND REPEALER CLAUSES;
497 PROVIDING FOR AN EFFECTIVE DATE.
498

499 **Mayor Sweet then moved on to address Action Items.**
500

501 **XII. ACTION ITEMS**
502

- 503 1. Discuss and consider the City's position on proposed Railroad
504 Commission rules affecting City participation in rate cases, authorizing
505 the Mayor to execute letters on the City's behalf, and take any action
506 necessary.

507 **City Manager Rick Crowley provided background information related to this agenda item.**
508 **Councilmember White expressed that it seems the Railroad Commission took this action**
509 **in the interest of the businesses rather than the citizens it represents because it seems**
510 **the action is beneficial to the businesses not citizens.**
511

512 **Councilmember Lewis made a motion to authorize the mayor to execute letters on the**
513 **city's behalf stating the city's position and that they be sent to the following:**
514

- 515 • **Rules Coordinator at the Railroad Commission;**
- 516 • **all members of the Railroad Commission;**
- 517 • **two elected officials; and**
- 518 • **two candidates for our State Senate District 2 general election.**
519

520 **Councilmember White seconded the motion.**
521

522 **The motion then passed by a vote of 6 in favor with 2 absent (Pruitt and Milder).**
523

- 524 2. Discuss and consider approval of a request from Baker Wells with First
525 Texas Homes for a front yard fence, 48" wrought iron, to be located at
526 1586 Edmondson Trail and take any action necessary.

527 **Building Official Jeffrey Widmer came forth and briefed the council on details of this**
528 **fence-related request. Councilmember White asked if a portion of the proposed fence**
529 **will be wood. Mr. Widmer indicated that some will be wood, and some of it will be**
530 **wrought iron.**
531

532 **Councilmember White made a motion to approve the request. Councilmember**
533 **Townsend seconded the motion, which passed by a vote of 5 in favor with 2 absent**
534 **(Pruitt and Milder).**
535

- 536 3. A2014-001 - Discuss and consider the expiration of an existing 212
537 Development Agreement for one (1) area contiguous with the City of
538 Rockwall's city limits and being identified as approximately 482.39-acres
539 of land situated within the City's Extraterritorial Jurisdiction (ETJ),

540 generally located north of FM-552, west of FM-549 and east of Anna
541 Cade Road, and take any action necessary.

542 **Mr. LaCroix, Planning Director, provided background information related to this agenda**
543 **item, indicating that 212 extension notifications were sent out by city staff to each**
544 **affected property owner at the end of June. At this point, the city has received extension**
545 **requests from all of the property owners, with all requesting a ten year extension on the**
546 **212 development agreements. Mr. LaCroix indicated that the city can extend the**
547 **agreements by up to forty-years.**

548
549 **Councilmember White made a motion to extend the 212 development agreements on**
550 **these properties for a period of ten (10) years. Councilmember Lewis seconded the**
551 **motion, which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).**

- 552
553 **4. MIS2013-006 - Discuss and consider the adoption of a resolution that will**
554 **set the public hearing date to consider the approval of water/wastewater**
555 **impact fees to October 6, 2014, and take any action necessary.**

556 **City Engineer Tim Tumulty provided brief background information related to this agenda**
557 **item. Councilmember White made a motion to approve the resolution associated with**
558 **MIS2013-006. Councilmember Townsend seconded the motion, which passed by a vote**
559 **of 5 ayes with 2 absent (Milder and Pruitt).**

560
561 **Mayor Sweet expressed that City Council has no need to reconvene in Executive Session**
562 **at this time.**

563
564 **XIII. EXECUTIVE SESSION**

565
566 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
567 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
568 **CODE:**

- 569 **1. Discussion regarding Economic Development prospect pursuant to Section**
570 **551.087 (Economic Development)**
- 571 **2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of**
572 **Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section**
573 **551.071 (Consultation with Attorney)**
- 574 **3. Discussion regarding appointment to fill city council member vacancy in**
575 **accordance with City Charter provisions pursuant to Section 551.074 (Personnel**
576 **Matters)**
- 577 **4. Discussion regarding appointments to city regulatory boards, commissions, and**
578 **committees including the Building and Standards Commission, Board of**
579 **Adjustments, Planning & Zoning Commission and Rockwall Economic**
580 **Development Corporation pursuant to Section 551.074 (Personnel Matters)**

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

582
583 **The council did not reconvene into Executive Session following the close of the public**
584 **meeting.**

588 XV. ADJOURNMENT

589

590 The public meeting was adjourned at 7:37 p.m.

591

592

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

594 this 2nd day of September, 2014.

595



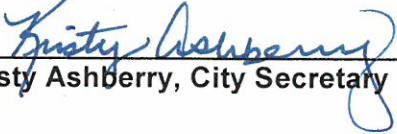
David Sweet, Mayor

596 ATTEST:

597

598

599



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Thursday, August 28, 2014
8:00 a.m. Budget Work Session
City Courts Building, 2860 SH-66 Rockwall, TX 75087

7
8

1. CALL TO ORDER

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14

Mayor Sweet called the meeting to order at 8:05 a.m. Present were Mayor David Sweet, Mayor Pro Tem Jim Pruitt and Councilmembers David White, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and city department directors. Councilmember Mike Townsend was absent from the meeting.

15
16
17

2. HOLD BUDGET WORK SESSION TO DISCUSS AND CONSIDER THE CITY OF ROCKWALL'S FISCAL YEAR 2015 BUDGET, AND TAKE ANY ACTION NECESSARY.

18
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24

City Manager Rick Crowley provided an overview of the proposed budget. He explained that the drought and associated loss of water sales has resulted in a large, negative impact on projected city revenues. Mr. Crowley explained that the previously budgeted transfer of over \$602,000 from the Water and Sewer Fund to the General Fund will not occur as planned, which is a direct result of lack of water sales due to the ongoing, prolonged drought.

25
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Assistant City Manager Mary Smith facilitated discussions related to the city's water and wastewater rates, including how the rate relates to revenues and expenditures. Council members indicated they would like staff to perform a water/wastewater rate study in order to glean a more accurate idea of how potential, future rate increases may affect revenues in the future.

31
32
33
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35

City Manager Rick Crowley and Assistant City Manager Mary Smith proceeded to facilitate discussions related to the budget proposal, including the city's current tax rate of \$.5025/\$100 valuation and the calculated effective tax rate of \$.4955/\$100 valuation.

36
37
38

Mayor Sweet called for a brief break and recessed the meeting at 10:01 a.m. Mayor Sweet called the meeting back to order at 10:13 a.m.

39
40
41
42

After additional discussion regarding budget proposal items, at 10:45 a.m., Mayor Sweet recessed the meeting and called for a break. The meeting was reconvened and called back to order at 11:26 a.m.

43
44
45
46
47

City Management proceeded to walk the city council through various aspects of the General Government Fund budget proposal. Discussion took place related to personnel costs and positions as well as various other expenditures covered in this fund.

48 At 12:12 p.m., Mayor Sweet called for a lunch break. The meeting was reconvened
49 at 12:25 p.m. It was noted that Mayor Pro Tem Jim Pruitt excused himself from the
50 meeting at this point.

51
52 Staff and council proceeded to discuss the Finance and Fire Department budgets
53 next. Council indicated they would like staff to evaluate possibly adding the
54 requested three (3) full-time driver positions back into the Fire Department budget.

55
56 The Police Department budget was discussed next. Chief Mark Moeller came forth
57 and briefed the council on anticipated increases in the department's overtime
58 budget and the reasons why. It was noted that Mayor Pro Tem Pruitt returned to
59 the meeting at 1:30 p.m. City Council asked the city manager to speak with the
60 school district regarding the possibility of RISD paying for costs associated with
61 outfitting a new vehicle with equipment for a School Resource Officer (SRO).


62
63 Mayor Sweet called for a short break at 2:10 p.m. The meeting was reconvened by
64 Mayor Pro Tem Pruitt at 2:28 p.m. Mayor Sweet was not present during this time
65 but rejoined the meeting at 2:35 p.m. Following the break, the Community
66 Development Budget was discussed, which includes the Planning, Neighborhood
67 Improvement Services, and Building Inspections Departments. The Public Works
68 Departmental Budget was discussed next. One of the highlights of this budget is
69 the proposed installation of a traffic signal at the intersection of Mims Road and
70 Ralph Hall Parkway. City council asked staff to try and get the study and
71 installation of this traffic signal completed by December to help alleviate
72 congestion associated with holiday shopping traffic. Discussion also took place
73 related to the city's Main Street Program and downtown.

74
75 The city council took no formal action related to the budget discussions at this
76 time.

77
78 **3. ADJOURNMENT**

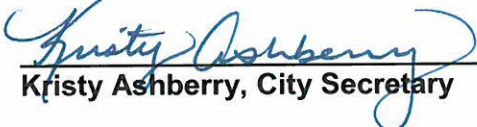
79
80 Mayor Sweet adjourned the meeting at 4:45 p.m.

81
82 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
83 **TEXAS, this 15th day of September, 2014.**



David Sweet, Mayor

84
85 **ATTEST:**

86
87 
88 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 02, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL PUBLIC MEETING TO ORDER

9
10
11
12
13

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Jim Pruitt and City Council Members David White, Mike Townsend, 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.

14
15

II. WORK SESSION

- 16
17
18
19
20
1. HOLD WORK SESSION TO HEAR PRESENTATION FROM JOHN N. CREW, PRESIDENT OF PUBLIC WERKS, INC./TEXAS TURNPIKE CORPORATION, REGARDING THE PROPOSED BLACKLANDS CORRIDOR/NORTH EAST GATEWAY TOLLWAY/ROADWAY AND ASSOCIATED STUDY, AND TAKE ANY ACTION NECESSARY.

21
22
23

Neil Barker with Texas Turnpike Corporation / Public Werks came forward and introduced the following speakers:

- 24
25
26
27
28
29
30
- Steve McCullough, former city manager with City of Irving and recent interim city manager of Irving (now current employee of Public Werks);
 - Steve Woodruff with Huitt-Zollars, Inc., design engineer, on the project; and
 - Andy Whitler with Austin Industries, construction advisor on the project.

31
32
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35

Mr. Barker explained that about three years ago, he was looking at an abandoned railroad right-of-way between Greenville and Lavon, and, through the course of several months of conversations, he decided there may be a need for a roadway long this corridor. So, the idea of the "Blacklands Turnpike" was born.

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Mayor Sweet asked who Public Werks is, requesting that Mr. Barker further explain this company and the Texas Turnpike Corporation. Regarding the Texas Turnpike Corporation, Mr. Barker explained that for over 100 years in Texas, corporations had the authority to build, own, and operate private toll roads in the state. However, after May of 1991, the State Legislature deemed that doing so would henceforth be a government function but that any corporation formed prior to this time would still be allowed to exist and have authorities that were previously granted. He explained that the Texas Turnpike Corporation was formed just prior to the legislative change that occurred in May of '91. He explained that the Texas Turnpike Corporation is a private entity, not governmental and not quasi-governmental, and it is not financially dependent on taxes or government revenues – in fact the Corporation itself pays taxes. He explained that Public Werks is basically an "operating company" that does infrastructure-related development / P-3 related developments, working with governments to implement solutions for things like water, power, wastewater, transportation and transit type of consulting projects. He indicated that Texas Turnpike Corporation and Public Werks have no formal relationship

51 other than those who work at Public Werks (6 employees), for the most part, are those
52 who own the majority of Texas Turnpike Corporation.

53
54 He went on to explain his belief that this abandoned rail line right-of-way may provide a
55 transportation solution to congestion and limited access associated with SH-66, IH-30,
56 and its bridge. He explained that the North Central Texas Council of Governments
57 (NCTCOG) in Arlington has been doing a feasibility study on the entire corridor to
58 determine what may be needed, transportation wise, in this area. The study is set to
59 wrap up in the next couple of weeks. A public meeting will be held on September 4 for
60 the NCTCOG to present its findings from this feasibility study, which should reflect
61 findings that include bike, pedestrian, arterial improvements and interstate
62 improvements. He believes that the study will show that, if a highway is needed, the best
63 option would be a toll road if the roadway is to be built soon (within / before the next
64 twenty years). He believes it will also show that the NETEX rail line will not be a viable
65 route option for the possible roadway. As a result, potential, alternative routes have
66 been evaluated. He explained that the initial name - "Blacklands Turnpike," which would
67 have been associated with a route along the NETEX rail line, has undergone rebranding.
68 It is now being referred to the "Northeast Gateway."

69
70 He indicated that, although they are a private entity, the Texas legislature has placed
71 some controls and rules on them, including those reflected in the TXDOT Administrative
72 Code, which is reflected in the Texas Transportation Code, Chapter 362, which further
73 references a more descriptive list of controls in the Texas Administrative Code, Title 43.
74 He explained that, as part of the rules, a private entity is required to show financial,
75 environmental and technical feasibility to the highway department and the Texas
76 Transportation Commission before being able to seek approval from the Commission to
77 move forward with a project. So, beginning September 4, he explained that his company
78 will begin getting the public involved as the project moves forward.

79
80 He explained that when the project was initially looking at the NETEX rail line as a
81 possible route, it was not really affecting the City of Rockwall very much; however, within
82 the last eight weeks or so, since the possible route has shifted a little further south, he
83 has begun meeting with potentially affected cities, such as Rockwall, to start
84 communicating with those city managers and council members about the project. He
85 generally explained that he had 'backed down' from meeting with cities over the last
86 several weeks because he has been allowing time for the NCTCOG to complete its
87 feasibility study and present its findings.

88
89 He explained that the Northeast Gateway is a proposed, limited access toll facility from
90 Northeastern Dallas County over into Western/Central Hunt County near the intersection
91 of 1570 and IH-30 in Hunt County all the way over to President George Bush in Dallas. He
92 explained that they are currently working with TXDOT on those feasibility studies to fulfill
93 their administrative duties prior to seeking approval to move forward with this project.
94 He explained that the roadway would be approximately twenty-seven miles, and a couple
95 of different possible routes, within a couple miles of each other, will be shown this
96 afternoon. The need and purpose is being defined by the NCTCOG study. The expected
97 population growth for the area will result in an increase of approximately 219,000
98 crossing four paths (SH-380, SH-78, SH-66, IH-30) to 386,000 crossing these paths in the
99 year 2035. He generally explained that he feels the projected growth in population and
100 transportation traffic between now and the year 2035 points to the need for a proposed,
101 new roadway in this area. He explained they plan to study the potential environmental

102 impacts on various route options and then choose the option that will have the very
103 least, or no, environmental impact. Some preliminary options for the roadway route have
104 been evaluated, however nothing is set in stone at this point. He indicated that once
105 their study is complete, it will be put forth before the public for their input next year.
106

107 Steve Woodruff then came forth and briefed the council on maps he showed concerning
108 the possible routes currently being studied. He explained that engineering and
109 environmental studies will occur simultaneously. Once the two end points (east end of
110 the roadway and west end of the roadway) are established, they will then study various
111 route options to connect the two end points together. The area in between the two end
112 points will be divided up into four segments – Segment A will be from IH-30 over to SH-
113 66; Segment B will be from SH-66 over to the proposed Collin County Outer Loop;
114 Segment C will be from the proposed Collin County Outer Loop over to SH-205; and
115 Segment D will be from SH-205 over to the President George Bush Turnpike. They will
116 use TXDOT design criteria. Residential displacements, cemeteries, schools, airports,
117 and other items will be taken into account when evaluating environmental constraints.
118 They will narrow down the two, preferred alignments, and then those two will be
119 evaluated in more detail from an engineering perspective, resulting in the final, preferred
120 alignment. He then briefly showed maps of four possible alignments that are currently
121 being evaluated. He explained that on September 4 in Lavon, a first public meeting will
122 be held. A second public meeting will be held in November of 2014. In early spring of
123 2015, a public hearing will be held. Then, in the summer of 2015, they will take their
124 proposal before the Texas Transportation Commission to seek approval of their
125 environmental assessment and route selection. Mr. Barker interjected, explaining that
126 for the November 2014 meetings, two meetings will be held on the eastern part of the
127 corridor, and two meetings will be held on the western side of the corridor to ensure they
128 involve as many people as possible from the public involved in the process. Then, they
129 will do the same for the public hearing in 2015.
130

131 Regarding the possibility that the NCTCOG's study results will show that this roadway is
132 in fact needed, Mayor Sweet asked Mr. Barker who would award his company the
133 opportunity to be the one to end up building said roadway. Mr. Barker indicated that no
134 one has picked his company. Instead, his company has chosen this project. Mayor
135 Sweet asked for clarification regarding who will exercise eminent domain on the project.
136 Mr. Barker indicated that the Texas Turnpike Corporation has that authority and would be
137 the one to exercise eminent domain.
138

139 Mayor Pro Tem Pruitt asked the presenters to provide maps specifically showing the
140 various proposed route options so that citizens can begin studying them and providing
141 feedback on them. Mr. Barker indicated that the public input portion of the project is
142 only in the beginning stages right now, and nothing, as far as routes are concerned, has
143 been set in stone at this point.
144

145 Mayor Sweet warned Mr. Barker that if he does not produce more detail of the potential
146 routes tonight when asked, and then he does so at the meeting in Lavon on Thursday
147 night, all of Rockwall County will be fired up at him. He asked if there is other
148 information concerning routes that he is not telling the city council today. Mr. Barker
149 indicated that, no, there is no additional information concerning routes at this point. He
150 explained that he does not have better map lines right now to show. As the process
151 moves forward, they will be looking at a four hundred foot corridor and will be talking

152 with any and all elected and appointed officials, as well as their constituents, to help
153 produce more detailed map lines in the November timeframe.

154
155 Mayor Sweet and Mayor Pro Tem White expressed strong dissatisfaction with the City of
156 Rockwall not having been provided with more details concerning this possible roadway
157 up until this date.

158
159 City Manager Rick Crowley indicated that he knows Public Werks has recently met with
160 some other cities to discuss the project. He asked if either one of the two routes in
161 question has been mentioned to the other cities as a “front runner” or one of preference
162 with regards to this roadway. Mr. Barker, after providing brief comments which did not
163 answer Mr. Crowley’s question, indicated that, while someone may have given his
164 personal opinion concerning the route options, his company has not officially named any
165 preferred route over the other at this time. Mr. Crowley indicated that Mr. Barker
166 previously stated in his presentation that his company worked for a period of two years
167 to get the NCTCOG and TXDOT “on board.” He then asked - to what level are these two
168 entities on ‘board’ with the routes and the work on the project, and what does ‘on board’
169 mean? Mr. Barker stated he cannot speak on behalf of those entities and is not sure if
170 they are “on board” or in agreement with the map that his company’s engineers have
171 drawn up. He can say that NCTCOG has said in the last few weeks that, in their analysis
172 of this corridor, a new location is needed, and they actually have some maps on their
173 presentation showing where their engineers think the new roadway would make sense.
174 Mr. Crowley asked if there is a role for an entity such as NTTA if this project moves
175 forward. Mr. Barker indicated that, yes, his company has been meeting with NTTA
176 already to discuss possible collaboration on this project, such as use of toll tags. He
177 stated that his company is working very closely with them.

178
179 Councilmember White indicated that he has heard nothing that will change his position
180 on the resolution of opposition recently passed by the Rockwall City Council. He also
181 guessed that a majority of members of the public are not in support of the project or any
182 potential toll road coming through Rockwall.

183
184 Councilmember Lewis pointed out that the city does not typically have this many people
185 present at an afternoon work session, so it is evident there is a lot of public interest in
186 this proposed roadway. He stated that he saw in a news report where the first, original
187 route was met with a lot of opposition, so he understands that is why an alternate route
188 is likely now being proposed. He inquired about the company’s ability to utilize eminent
189 domain. City Attorney Frank Garza indicated that a private toll company such as this has
190 actually been granted eminent domain authority by the Texas State Legislature and that it
191 has been in existence for many years, at least since the 1990’s.

192
193 Councilmember Milder asked how much this project is estimated to cost should it come
194 to fruition. Mr. Barker indicated that a ballpark estimate would be 500 million dollars
195 (total construction cost); however, as the plan develops, this estimate may change.
196 Councilmember Milder asked what toll ways in Texas his company has been involved
197 with that have been one hundred percent successful. Mr. Barker stated that the
198 principles of his corporation have been involved as financial advisors in several past
199 projects, including the Addison Toll Tunnel. Councilmember Milder further asked what
200 toll ways in Texas have been entirely privately funded and have been successful. Mr.
201 Barker indicated that there have not been any so far. Councilmember Milder asked what
202 happens if Mr. Barker’s private company builds this roadway entirely with private money,

203 but then it is unsuccessful and “goes ‘belly up.’” Mr. Steve McCullough of Public Werks
204 Inc. and Texas Turnpike Corporation came forth to answer the question, indicating that
205 an investment grade traffic and revenue study is currently being conducted today by a
206 nationally recognized firm. This will help identify potential, interested, private investors.
207 Any debt or equity that may result (the asset) would first be referred to the investors who
208 may try to recoup their funds by either trying to run it themselves or by trying to sell it to
209 an entity such as the State of Texas, NTTA or TXDOT or other interested buyer.
210 Regardless, the asset, which will be the built roadway itself, will exist and will remain in
211 place.

212
213 Councilmember Daniels indicated that in 2013 the Dallas Morning News reported that in
214 1991 the Texas Legislature disallowed private toll road companies. He asked city
215 attorney, Frank Garza, to check into this to see if it is factual information or not. He is
216 curious as to the reason(s) why the legislature may have done so.

217
218 Councilmember Lewis asked if this roadway could potentially involve foreign investors.
219 Mr. Barker indicated that his company’s preference would be Dallas and Texas based
220 companies as far as investors are concerned.

221
222 Mayor Pro Tem Pruitt again inquired about more map detail concerning the possible
223 routes being considered.

224
225 Mr. Barker indicated that his company does in fact have all of the maps showing satellite
226 imagery overlaid on maps. Mayor Pro Tem Pruitt expressed strongly that he would like
227 to see those maps. Mr. Barker indicated that he wants to open a dialogue with the City of
228 Rockwall and begin working with it and other cities regarding the project as it moves
229 forward. Mayor Pro Tem Pruitt indicated that, until two months ago, this project was not
230 even on the City of Rockwall’s radar because it was not believed to be a project that
231 would affect our city – Rockwall thought it would only be affecting Wylie.

232
233 Mayor Sweet indicated that, although this meeting is not advertised as a public hearing,
234 he is going to allow and invite two people to come forth and speak – former Rockwall city
235 council member Nell Wellborn and Bob Hall, who may end up being Rockwall’s State
236 Senator for District 2, as he is currently the unopposed Republican nominee.

237
238 **Nell Wellborn**
239 **Speaker (former city council member)**

240
241 Mrs. Wellborn asked for clarification regarding when the feasibility study for the entire
242 corridor will be completed by the North Central TX Council of Governments (NCTCOG).
243 Mr. Barker indicated that it will be completed within a couple of weeks. She indicated
244 she would like to know what options one through eight that may be reflected on this
245 NCTCOG study. Also, she wanted to know what other projects from start to finish has
246 Mr. Barker’s actual company (not necessarily its employees or its representatives) been
247 involved with in the past.

248
249 Mr. McCullough indicated that the NCTCOG feasibility study will soon be released, and it
250 will reflect recommendations related to bike trails, walking trails, freight, transit, IH-30
251 improvements, arterial bottleneck improvements (there are a total of nine (9)). He
252 indicated that one of the nine elements of the total study will be a new location, limited
253 access roadway, which is number nine. Mr. McCullough explained that the principal

254 person who founded and legally formed the Texas Turnpike Corporation prior to 1991
255 when the legislature repealed the ability for new, private toll way corporations to be
256 formed, is named John Crew. Mr. McCullough explained that Mr. Crew is traveling and
257 regrets his inability to be here this evening, but , he did call Mayor Sweet prior to today's
258 meeting. During his career, Mr. Crew has worked for First Southwest Company, has
259 been a financial advisor for many cities in the State of Texas, and was a partner at Dillon
260 Read for a large part of his career. He has been an investment banker and financial
261 advisor for various cities, counties and states throughout the country had has previously
262 been involved in the financing of the Dallas North Toll way, the Houston Ship Channel
263 Bridge as well as other roadways in the country. Mr. McCullough explained that he was
264 city manager of Irving for thirty years and was heavily involved, from the city
265 perspective, in the President George Bush Toll Road (PGBT) as it was being studied and
266 constructed through that city. He explained it started out as the 161 freeway, but TXDOT
267 ran out of money and was not going to be able to finish that limited access roadway in
268 Mr. McCullough's lifetime. He further explained that at the time, the City of Irving created
269 its own toll way authority, and he recommended to the city council at the time that the
270 City of Irving finish building it as a toll way and own it. He explained that while he and
271 Mr. Crew have been involved in several past projects such as the PGBT, this current
272 company has not yet personally built any privately funded toll roads in the State of Texas
273 to date. This is the first toll way this company is proposing to build. He briefly spoke
274 about eminent domain, acknowledging that he knows this subject matter is
275 controversial; however, almost always, there will be some estate that is contested.
276 Eminent domain is the mechanism that exists to fairly compensate, through a process
277 set by the legislature, affected landowners when public infrastructure is built.

278
279 Mayor Pro Tem Pruitt asked the engineering firm if they have already begun trying to
280 gain landowner access to go ahead and start doing surveys of these routes. So, surely,
281 the company must know where the routes may be since homeowners are already being
282 asked for access. Mayor Pro Tem Pruitt indicated that a pretty large subdivision, Breezy
283 Hill, is already going in right now, and the City of Rockwall Council has already approved
284 the zoning for it. Mr. Woodruff indicated that they are working off of photos that were
285 taken in March of 2013; however, they are aware of the Breezy Hill subdivision. Mr.
286 Woodruff indicated that the preliminary routes being shown today are those routes.
287 Mayor Pro Tem Pruitt expressed concern about the city having not been provided with
288 more detailed, proposed or possible route information.

289
290 Mr. Crowley indicated that he has been privy to at a couple of past meetings, for example
291 at the NCTCOG, at which representatives from Public Werks / TTC showed much more
292 detailed maps depicting possible routes. Those maps are what the Rockwall City
293 Council is now asking to be provided with at this time. Mr. Woodruff indicated that some
294 maps which may have existed or been shown in the past may now not be applicable due
295 to environmental concerns that have since shown to pose problems with those possible
296 routes. Mr. Crowley indicated that the City of Rockwall has been asked to provide some
297 input regarding possible environmental impacts associated with these routes; however,
298 the city is not able to provide such input without first being provided with more detail
299 concerning the possible routes being proposed.

300
301 Mr. Barker indicated that it is quite costly to have the area flown and have accurate maps
302 produced depicting the possible routes. He indicated the company does plan to do so;
303 however, this has not been done yet. At this point, any property owners that have been
304 approached to ask for access to their properties have been asked so that a company

305 representative can go onto those properties in person to gain a better understanding of
306 the physical attributes of the land itself (i.e. topography, contours, creeks, etc.). He
307 assured that no property owners have been asked for access to their property so that a
308 survey can be performed to build a road.

309
310 Mr. Crowley asked for Mr. Neil to provide to the City of Rockwall any sort of packets of
311 information or documents that may have already been provided to any Rockwall
312 landowner or resident pertaining to this potential toll road / roadway so that the city is
313 not the last to receive this type of information.

314
315 Bob Hall, Republican nominee for State Senate District 2, came forth and posed a series
316 of questions to Mr. Barker. Mr. Hall indicated that the bill, SB18, was passed in 2011 and
317 was a carefully crafted bill that exempted about a dozen or so companies from the
318 constitutional change that was made regarding eminent domain. The way he
319 understands it is that companies under these rules operate under "the old way," which
320 basically means there is no negotiating. Instead, a company likes a piece of property,
321 they pick a price, and they take the property. It is not like the current eminent domain
322 rules that we operate under now. It gives a private company eminent domain authority
323 for a private purpose. He asked Mr. Barker if this project is going to be a private road or
324 a public-private partnership (P3). Mr. Barker indicated that it will be a private partnership
325 only. Mr. Barker agreed with Mr. Hall's inquiry that no state or federal guarantees, no
326 bonds, and no other type of funding that taxpayers could potentially be 'on the hook' for
327 would be utilized – only private funding. Regarding "non-compete clauses," Mr. Hall
328 asked if the company will move forward with the project if a 'non complete clause' is
329 omitted from the project. Mr. Barker indicated that the Texas Turnpike Corporation has
330 not talked about or explored any sort of "non-compete" for this or any other project.

331
332 Mr. Hall indicated that every single toll road that has been built in Texas has been
333 advertised as private investment; however, Texas taxpayers have put in about seventy-
334 five percent of the cost of building those roads. He clarified if Mr. Barker's project will be
335 100% funded without taxpayer money and that there will be no cost to the state. Mr.
336 Barker indicated that Mr. Hall's statement is correct. Mr. Hall indicated that the builders
337 of the 130 were just paid a hundred million dollars in order to bail them out, build traffic
338 up along the road and others around the state. Mr. Hall asked if it is true that this sort of
339 situation will not occur with this particular project. Mr. Barker indicated that his
340 company is not seeking any sort of partnership with the state or any public entity – it will
341 be solely a private venture.

342
343 Mr. Barker indicated that he believes Public Werks is fully impacted by SB18, and that his
344 company will have to abide by all of its provisions. He further stated he believes this
345 type of eminent domain authority is the 'newer type.'

346
347 Mr. Barker thanked the City Council for its time, apologized for any miscommunication in
348 the past. He asked for a specific point of contact for Rockwall. Mayor Sweet indicated
349 that Mr. Barker should direct any and all communication to Mr. Crowley, the City Manager
350 of Rockwall.

351
352 Mayor Sweet then requested that the city secretary read into the public record the
353 contents of a resolution recently (unanimously) passed by the Rockwall City Council.
354 The resolution was read, in its entirety, as follows:

CITY OF ROCKWALL, TEXAS
RESOLUTION NO. 14-15

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROCKWALL, TEXAS, OPPOSING THE
CONSTRUCTION OF THE BLACKLANDS CORRIDOR
FREEWAY / TOLLWAY IN THE CITY OF ROCKWALL
TEXAS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The North Central Texas Council of Governments, the Texas Turnpike Corporation, the Texas Department of Transportation, and a private developer have been conducting a study known as the Blacklands Corridor Feasibility Study to assess and recommend a combination of strategies related to local and regional transportation needs; and

WHEREAS, the Blacklands Corridor Study Area includes parts of Collin, Dallas, Hunt, and Rockwall Counties and includes consideration of a new tollway connecting the City of Greenville with the President George Bush Turnpike; and

WHEREAS, the City of Rockwall has attended numerous meetings where the discussion of tollway routing has included numerous routes located in Collin County; and

WHEREAS, subsequent meeting of City of Rockwall representatives with representatives of the private developer have indicated that a new tollway route has been added for consideration which would be located in Rockwall County and partially within the City of Rockwall and its Extra-Territorial Jurisdiction.; and

WHEREAS, no documents indicating the new tollway route were provided to the City of Rockwall at said meeting by the private developer's representatives; and

WHEREAS, indications are that the new route being considered is contrary to the current planning of the City of Rockwall including adopted plans for parks, open space, thoroughfares, land use, and utilities; and

WHEREAS, the City of Rockwall has been requested to offer input related to the environmental impact of the proposed route without having been provided specific information as to the location of the route, thus denying the City of Rockwall the opportunities to adequately assess and respond to potential environmental impact and other possible consequences that such a route may have; and

WHEREAS, the limited information provided about the new route causes great concern;

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

Section 1. That the City of Rockwall strongly opposes the new route being considered for the Blacklands Corridor / Freeway which is partially located in Rockwall County and the City of Rockwall and its Extra-Territorial Jurisdiction,

Section 2. That the City of Rockwall urges that detailed, accurate information as to all routes currently under consideration by transportation planners be provided to the City of Rockwall and to all of the cities and counties affected by said routes being considered.

Section 3. That work continue on the study of all alternative solutions that may contribute to meeting the transportation needs with transit options being left to the discretion of local governments, and that the City of Rockwall (and other cities and counties located along all routes being considered) be specifically provided a designated official single point of contact for

412 the purpose of facilitating their involvement in the study as it progresses, and that clarification be
413 provided to those same cities and counties as to the relative roles of the NCTCOG, the Texas
414 Turnpike Corporation, the Texas Department of Transportation, the North Texas Turnpike
415 Authority, the private developer (and its consultants), and any other applicable entities.
416

417 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
418 **TEXAS, this 4th day of August, 2014.**

419
420
421 **At 5:30 p.m., Mayor Sweet read the below listed discussion items into the public record**
422 **before recessing the meeting into Executive Session:**
423

424 **III. EXECUTIVE SESSION**

425
426 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
427 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
428 **CODE:**

- 429 1. Discussion regarding City Manager performance evaluation pursuant to
430 Section 551.074 (Personnel Matters).
- 431 2. Discussion regarding sale, lease, exchange of real property in the vicinity
432 of Fannin/Heath Street pursuant to Section 551.072 (Real Property).
- 433 3. Discussion regarding Economic Development incentives, procedures and
434 possible projects pursuant to Section 551.087 (Economic Development)
- 435 4. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
436 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
437 551.071 (Consultation with Attorney)
- 438 5. Discussion regarding appointment to fill city council member vacancy in
439 accordance with City Charter provisions pursuant to Section 551.074
440 (Personnel Matters)
- 441 6. Discussion regarding appointments to city regulatory boards,
442 commissions, and committees including the Building and Standards
443 Commission, Board of Adjustments, Planning & Zoning Commission and
444 Rockwall Economic Development Corporation pursuant to Section
445 551.074 (Personnel Matters)
- 446 7. Discussion regarding Economic Development prospect pursuant to
447 Section 551.087 (Economic Development)
- 448 8. **Addendum item:** Discussion regarding notice of legal claim filed by J.
449 Cooley pursuant to Section 551.071 (Consultation with Attorney)

450 **IV. ADJOURN EXECUTIVE SESSION**

451
452 **Executive Session was adjourned at 5:55 p.m.**
453

454 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**
455

456 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all seven city council**
457 **members present.**
458

459 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

460

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

463

464 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER

465

466 Councilmember Milder delivered the invocation and led the Pledge of Allegiance.

467

468 VIII. PROCLAMATIONS / AWARDS

469

- 470 1. Constitution Week

471

472 This item was not addressed by city council, as the requestor for this item asked that it
473 be delayed until the September 15 regular council meeting instead.

474

475 IX. OPEN FORUM

476

477 Mayor Sweet explained how Open Forum is conducted and asked if anyone in the
478 audience would like to come forth and speak at this time. There being no one wishing to
479 come forth, Mayor Sweet then closed the Open Forum portion of the meeting.

480

481 X. CONSENT AGENDA

482

- 483 1. Consider approval of the minutes from the August 18, 2014 regular city
484 council meeting, and take any action necessary.

- 485 2. Consider approval of an **ordinance** amending the Code of Ordinances in
486 Chapter 44. Utilities; Article V. Water; Division 7; Sec. 44-436 "Stages
487 and Measures" of the Drought Contingency and Water Emergency
488 Response Plan, to provide for certain deletions and changes to these
489 provision in order to comply with requirements of the TX Commission on
490 Environmental Quality (TCEQ), and take any action necessary. **(2nd
491 reading)**

- 492 3. **Z2014-020** - Consider approval of an **ordinance** for a request by Bobby
493 and Kimberly Fritts for the approval of a Specific Use Permit (SUP) to
494 allow for a carport that does not meet the minimum setback requirements
495 stipulated by Section 2.1.2, Residential and Lodging Use Conditions, of
496 Article IV, Permissible Uses, of the Unified Development Code
497 [Ordinance No. 04-38] for a 0.31-acre property identified as Lot 27, Block
498 C of the Lynden Park Estates, Phase 4 Addition, zoned Planned
499 Development District 17 (PD-17), addressed as 109 Weston Court, City of
500 Rockwall, Rockwall County, Texas, and take any action necessary. **(2nd
501 Reading)**

- 502 4. **MIS2014-009** - Consider approval of an **ordinance** for a City initiated
503 request to amend the Future Land Use Map contained within the
504 Comprehensive Plan, and take any action necessary. **(2nd Reading)**

- 505 5. Consider authorizing the City Manager to execute a contract renewal with
506 Weldon's Tree and Lawn Service for grounds maintenance in the amount

507 of \$186,000 funded in the General Fund, Parks operating budget, and
508 take any action necessary.

509 6. Consider approval of an agreement with Rockwall Independent School
510 District for provision of School Resource Officers for the 2014-15 school
511 year, and take any action necessary.

512 7. Consider approval of an interlocal agreement with the Rockwall Central
513 Appraisal District for property tax collection services, and take any action
514 necessary.

515 8. **P2014-019** - Consider a request by Brandon O'Donald of Bannister
516 Engineering, LLC on behalf of Mark Hood of Spine Team Texas, PA for
517 the approval of a replat for Lot 21, Block A, Presbyterian Hospital of
518 Rockwall Addition, being a 1.888-acre parcel of land, currently identified
519 as Lot 3, Block A, Presbyterian Hospital of Rockwall Addition, City of
520 Rockwall, Rockwall County, Texas, zoned Planned Development District
521 9 (PD-9) for general retail land uses, located on the south side of Horizon
522 Road (FM-3097) southeast of the intersection of Horizon Road and
523 Rockwall Parkway, and take any action necessary.

524 9. **P2014-020** - Consider a request by Matthew Mulliken on behalf of
525 Jennifer Hill of Albright-Hill Properties, LLC for the approval of a replat for
526 Lot 1, Block 1, Albright-Hill Addition, currently identified as Lots D & E,
527 Block 117, B. F. Boydston Addition, City of Rockwall, Rockwall County,
528 Texas, being a 0.75-acre tract on land, zoned General Retail (GR)
529 District, located at the northeast corner of the intersection of S. Goliad
530 Street (SH-205) and St. Mary's Street, and take any action necessary.

531 10. **P2014-023** - Consider a request by Jay Bedford of A. J. Bedford Group,
532 Inc. on behalf of the owner, Rick Sharp, for the approval of a replat for
533 Lots 4, 5 & 6, Block A, Sharp Addition, being a 6.222-acre parcel of land
534 currently identified as Lot 2, Block A, Sharp Addition, City of Rockwall,
535 Rockwall County, Texas, zoned Planned Development District 46 (PD-46)
536 for commercial land uses, situated within the SH-276 Corridor Overlay
537 (SH-276 OV) District, generally located on the north side of SH-276 east
538 of the intersection of SH-276 and Corporate Crossing (FM-549), and take
539 any action necessary.

540 **Mayor Pro Tem Pruitt pulled item #7 for further discussion. Councilmember White made**
541 **a motion to approve all other remaining Consent Agenda items (#1, 2, 3, 4, 5 6, 8, 9 and**
542 **10). Councilmember Milder seconded the motion. The ordinances were read as follows:**

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CITY OF ROCKWALL
ORDINANCE NO. 14-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. UTILITIES; ARTICLE V.
WATER; DIVISION 7; Sec. 44-436 "STAGES AND MEASURES" OF THE DROUGHT
CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN, TO PROVIDE FOR
CERTAIN DELETIONS AND CHANGES TO THESE PROVISIONS; PROVIDING FOR A
PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
(\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE
DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION

555 OCCURS; PROVIDING FOR SEVERABILITY AND REPEALER CLAUSES;
556 PROVIDING FOR AN EFFECTVE DATE.

557
558 CITY OF ROCKWALL
559 ORDINANCE NO. 14-36
560 SPECIFIC USE PERMIT NO. S-125

561 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
562 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE
563 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A
564 SPECIFIC USE PERMIT (SUP) WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-7)
565 DISTRICT TO ALLOW FOR A CARPORT THAT DOES NOT MEET THE MINIMUM
566 SETBACK REQUIREMENTS, FOR A 0.31-ACRE PROPERTY IDENTIFIED AS LOT 27,
567 BLOCK C OF THE LYNDEN PARK ESTATES, PHASE 4 ADDITION, ZONED
568 PLANNED DEVELOPMENT DISTRICT 17 (PD-17), ADDRESSED AS 109 WESTON
569 COURT, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
570 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
571 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
572 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
573 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

574
575
576 CITY OF ROCKWALL, TEXAS
577 ORDINANCE NO. 14-37

578 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
579 ADOPTING REVISIONS TO THE COMPREHENSIVE PLAN IN ACCORDANCE WITH
580 THE CITY CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

581
582
583 **After the ordinance captions were read, the motion passed by a vote of 7 ayes to 0 nays.**

584 **Regarding Consent Agenda item #7, Mayor Pro Tem Pruitt asked staff to evaluate,**
585 **between now and next year's contract, how much money the City of Rockwall is saving**
586 **by hiring the Central Appraisal District to collect taxes on behalf of the city. He is**
587 **concerned about provisions in the contract that allow the CAD to pass on to the city all**
588 **their fees, including their attorney fees. He also has concerns about the CAD's ability to**
589 **initiate tax suits without even having to first contact or notify the city. He further**
590 **expressed concern specifically regarding the attorney fees because the wife of the chief**
591 **appraiser was previously running the law office that was collecting all of the money for**
592 **the cities, and he believes that was a conflict of interest. Also, the CAD can set whatever**
593 **attorney fee rates they wish, with only the chief appraiser approving said fees. He is**
594 **concerned that the CAD has an unelected person and an unelected board and is**
595 **essentially a private entity that has no real accountability to anyone. Mayor Pro Tem**
596 **Pruitt mentioned that a lot of cities in and around Dallas do not contract with the**
597 **appraisal district for collection of taxes. Pruitt then moved to approve the agreement**
598 **associated with Consent Agenda item #7. Councilmember White seconded the motion,**
599 **which passed unanimously of council present (7 ayes to 0 nays).**

600
601 **XI. APPOINTMENTS**

- 602
603 1. Appointment with the Planning and Zoning Chairman to discuss and
604 answer any questions regarding cases on the agenda and related issues
605 and take any action necessary.

606 It was indicated that the chairman was not present because there is nothing on tonight's
607 agenda on which he needs to report. Therefore, no discussion or action took place
608 concerning this agenda item.

609 2. Appointment with Bill Bricker to request a new zoning classification, and
610 take any action necessary.

611 Mr. Bricker came forth and expressed that he would like to open and operate a used car
612 lot (indoors, not outdoors at all); however, no appropriate 'use' currently exists under the
613 city's existing zoning categories. He suggested that this new 'use' be allowed in either
614 commercial or industrial zoned areas of the city. He mentioned he has done some
615 preliminary research and believes the state will require him to have a facility that holds
616 five cars, a \$25,000 bond, and a small sign (not necessarily out on the street).

617 Mr. LaCroix, Planning Director, indicated that staff also recently received an inquiry from
618 another, separate businessman in town who would like to sell one used car at a time out
619 of his business via internet-based advertising. He generally indicated that these types of
620 used vehicle businesses are becoming more and more common either through selling
621 out of warehouses or out of residential homes. He suggested the council consider
622 exploring a new 'use' for these types of businesses and consider allowing them through
623 a "Specific Use Permit" (SUP) process. The process would be (1) council direct staff to
624 explore this 'use' and take it before the Planning & Zoning Commission for
625 consideration, and (2) then the recommendations of the P&Z would come back before
626 council at some point for consideration and possible approval.

627 Councilmember White made a motion to send this concept to the Planning & Zoning
628 Commission to ask them to develop the requirements for a 'land use' and to create the
629 specifications for an SUP process. Councilmember Daniels seconded the motion, which,
630 after brief comments, passed by a vote of 7 ayes to 0 nays.

631 3. Appointment with Kim Lovett with Eventive Marketing Solutions,
632 representing UCR Asset Services, to request permission to hold a special
633 event (Harbor Auto Show 2014) on the Harbor property on September 20,
634 2014, and take any action necessary.

635 Sylvana Garcia Senior Property Manager with USR / representing The Harbor and Kim
636 and Kirk Lovett with Eventive Marketing Solutions introduced themselves to the city
637 council. Ms. Garcia explained that they would like to hold a small, low-key car show
638 at The Harbor on September 20th. She explained that this would be the fourth year for
639 this car show event and that a part of the proceeds would go to the Rubber Duck Regatta
640 from the classic car registrations. She stated that only about 15-20 vendors would
641 participate, and local dealerships would provide the vehicles for display.

642
643 Mayor Pro Tem Pruitt clarified that Mrs. Garcia is actually representing TF Harbor. Pruitt
644 then asked Mrs. Garcia why the City of Rockwall would give TF Harbor something that is
645 discretionary on the city's part when it is currently involved in a lawsuit. He explained
646 that the city has been sued by TF Harbor, a lawsuit which is currently costing city
647 citizens thousands and thousands of dollars every month. Mrs. Garcia indicated that
648 she is not involved in any of that and is simply here to make a request she believes is in
649 the best interest of her tenants. Pruitt indicated he is not in favor of approving this
650 request and would like the property management company to focus on leasing out space
651 at The Harbor so that it doesn't continue looking like a ghost town instead of suing cities.
652 He encouraged her company to start working with the city to try and get something done
653 instead of suing it.

654
655 **Mayor Sweet indicated that he also would like the property management firm to focus on**
656 **leasing out space rather than holding some cool events. He encouraged them to take**
657 **care of leasing out space and let the city continue to focus on special events.**
658

659 **Mayor Pro Tem Pruitt made a motion to deny this request. Councilmember Daniels**
660 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**
661

662 **XII. ACTION ITEMS**
663

- 664 **1. Discuss and consider Christmas planning and decorations for downtown,**
665 **and take any action necessary.**

666 **Mayor Sweet inquired from staff regarding what parts of downtown will be able to be**
667 **decorated for this upcoming Christmas holiday season. Mr. Crowley indicated that San**
668 **Jacinto Plaza, for sure, should be complete in time to decorate it for the 2014 Christmas**
669 **season.**
670

671 **Assistant City Manager Mary Smith indicated that Rib Rub proceeds and proceeds**
672 **donated through the city's solid waste collection contractor, go into a fund for purchase**
673 **of such holiday décor.**
674

675 **Councilmember Milder indicated that there are businesses out there that do design work**
676 **for Christmas lighting. He asked if the city might wish to consider hiring such a**
677 **company. Assistant City Manager Brad Griggs indicated that this possibility has been**
678 **explored; however, there is a fairly hefty price tag associated with this possibility.**
679

680 **Councilmember Daniels expressed that he would like whatever décor is utilized on San**
681 **Jacinto Plaza this year to be something that can be carried over and used in subsequent**
682 **years. He suggested that staff work on bringing back suggestions to the City Council for**
683 **consideration at the next city council meeting. Mr. Griggs indicated that staff will**
684 **evaluate this and bring back recommendations to the September 15th council meeting.**
685

686 **Mr. Griggs gave indication that commercial Christmas decorations are quite costly, as**
687 **they are expected to last 10-15 years.**
688

689 **The council took no formal action related to this agenda item at this time.**
690

- 691 **2. Discuss and consider City of Rockwall Fiscal Year 2015 Budget and**
692 **proposed tax rate, including calling of a Public Hearing and associated**
693 **dates, and take any action necessary.**

694 **City Manager Rick Crowley began discussion of this item, thanking the city council for**
695 **participating in a budget related work session this past Thursday. He summarized that**
696 **the drought and lack of water fund revenue is a driving force in the proposed FY15**
697 **budget. Based on council input at the budget work session, staff will be evaluating water**
698 **rate structure options for the council to consider, most likely in the November timeframe.**

699 **Mr. Crowley mentioned that Council asked staff to add into the proposed budget three (3)**
700 **Fire Department Driver positions (full time) and that staff has done so.**

701 **He further indicated that an effective tax rate of \$.4955/\$100 valuation is being proposed,**
702 **so the city will not need to advertise and hold a public hearing on the tax rate itself;**

703 however, a public hearing will need to be advertised and held for the budget itself. This
704 public hearing will take place on September 15, 2014. City Attorney Frank Garza has
705 advised that the public hearing may take place at the regular council meeting on
706 September 15, 2014, and that the council will also be able to adopt the budget at that
707 same meeting following the public hearing.

708 Councilmember Lewis made a motion to call the public hearing concerning the budget
709 and schedule it to be held on September 15, 2014. Councilmember Daniels seconded the
710 motion, which passed by a vote of 7 ayes to 0 nays.

711 3. Discuss and consider modifications to Article V, District Development
712 Standards, of the Unified Development Code for the purpose of
713 addressing the permissible location of stucco on commercial and
714 industrial buildings not located within an overlay district, and take any
715 action necessary.

716 Planning Director Robert LaCroix provided background information related to this
717 agenda item. He further explained that the Planning and Zoning Commission has asked
718 for some time now if this correction, of sorts, can be made. Staff is looking for direction
719 from Council concerning this possible amendment to the UDC, which would need to go
720 to through the P&Z for review and recommendation back to the city council.

721 Councilmember Lewis made a motion to approve moving forward with the modifications
722 to Article V, District Development Standards, of the Unified Development Code for the
723 purpose of addressing the permissible location of stucco on commercial and industrial
724 buildings not located within an overlay district. Councilmember White seconded the
725 motion, which passed by a vote of 7 ayes to 0 nays.

726 4. Discuss and consider modifications to the composition of the city's
727 Architectural Review Board (ARB), and take any action necessary.

728 Mr. LaCroix provided background information related to this agenda item, indicating that
729 the city's current requirements regarding the technical expertise and qualifications of
730 those who may be considered for appointment to this board have made it difficult to find
731 qualified applicants to serve. He suggested the council may wish to consider making
732 some modifications to these requirements in order to make it a little easier to appoint
733 good candidates to serve on this board in the future.

734
735 Councilmember Milder made a motion to move forward with modifying the composition
736 of the city's Architectural Review Board as suggested by staff (that at least one
737 member shall be a registered architect in the State of Texas. Other members are
738 chosen for qualifications and training in related fields such as landscape
739 architecture, interior or exterior design, municipal planning, municipal
740 government and other professions with related disciplines or civic interest).
741 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

742
743 5. Discuss and consider modifications to the city's Animal Adoption Center /
744 Shelter Advisory Committee, and take any action necessary.

745 Assistant City Manager Brad Griggs provided brief, background information related to
746 this agenda item, explaining that the council may wish to consider modifying the
747 composition of the city's advisory board to mirror the state law requirements.
748

749 Mayor Pro Tem Pruitt made a motion to instruct staff to draw up an ordinance making
750 changes to the city's Animal Advisory Board to mirror what State law requires (that the
751 board be composed of at least one licensed veterinarian, one county or municipal
752 official, one person whose duties include the daily operation of an animal shelter,
753 and one representative from an animal welfare organization). Councilmember
754 White seconded the motion. After brief comments, the motion passed by a vote of 7 ayes
755 to 0 nays.

756
757 6. Discuss and consider the city's nomination submittal for the Board of
758 Trustees for the TX Municipal League Intergovernmental Risk Pool, and
759 take any action necessary.

760 Mr. Crowley provided brief background information related to this agenda item,
761 suggesting the council consider the incumbent for Place 4, which is the only contested
762 place on the ballot. Mr. Crowley explained that the incumbent is currently the city
763 manager of Allen, and he believes he has been doing a good job in this role.

764
765 Councilmember White made a motion to nominate Mr. Peter Vargas, current City
766 Manager of Allen, TX, for the TML Intergovernmental Risk Pool Board of Trustees.
767 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

768
769 7. Discuss and consider appointments to city advisory boards and
770 commissions, and take any action necessary.

771 Councilmember Milder made a motion to reappoint Kristi Mase and Julien Meyrat to the
772 city's Architectural Review Board (ARB) (for a two-year term to expire in August of 2016).
773 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

774 Councilmember Townsend made a motion to reappoint Brad Bassett, Kevin Moffatt and
775 Charles Johnson to the city's Park Board (for a two-year term to expire in August of
776 2016). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to
777 0 nays.

778 Councilmember Lewis made a motion to reappoint Craig Renfro and Matthew Nielsen to
779 the city's Planning & Zoning Commission (for a three-year term to expire in August of
780 2017). Councilmember White seconded the motion, which passed by a vote of 7 ayes to
781 0 nays.

782 Mayor Sweet made a motion to reappoint Todd White to the Board of Adjustments (for a
783 two-year term to expire in August of 2016). Councilmember White seconded the motion,
784 which passed by a vote of 7 ayes to 0 nays.

785 Mayor Sweet made a motion to reappoint Eric Chodun to the Building and Standards
786 Commission (for a two-year term to expire in August of 2016). Councilmember White
787 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

788
789 XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
790 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

791
792 1. Departmental Reports
793 Recreation Monthly Report - July 2014
794 Building Inspections Monthly Report - July 2014
795 Fire Dept. Monthly Reports - July 2014

796 Harbor PD Monthly Report - July 2014
797 Internal Operations Department Monthly Report - July 2014
798 Police Department Monthly Report - July 2014
799 Rockwall Animal Adoption Center Monthly Report - July 2014

800 2. City Manager's Report

801 **Mr. Crowley indicated that departmental reports have been provided to the city council**
802 **and that staff is prepared to answer any questions of Council at this time. There being**
803 **no questions, Mayor Sweet then announced that the City Council will recess the public**
804 **meeting and convene in Executive Session (at 7:00 p.m.). He then read into the public**
805 **record the below listed discussion items.**

806
807 **XIV. EXECUTIVE SESSION**

808
809 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
810 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
811 **CODE:**

- 812 1. Discussion regarding City Manager performance evaluation pursuant to
813 Section 551.074 (Personnel Matters).
- 814 2. Discussion regarding sale, lease, exchange of real property in the vicinity
815 of Fannin/Heath Street pursuant to Section 551.072 (Real Property).
- 816 5. Discussion regarding appointment to fill city council member vacancy in
817 accordance with City Charter provisions pursuant to Section 551.074
818 (Personnel Matters)
- 819 6. Discussion regarding appointments to city regulatory boards,
820 commissions, and committees including the Building and Standards
821 Commission, Board of Adjustments, Planning & Zoning Commission and
822 Rockwall Economic Development Corporation pursuant to Section
823 551.074 (Personnel Matters)
- 824 7. Discussion regarding Economic Development prospect pursuant to
825 Section 551.087 (Economic Development)

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

827
828 **Mayor Sweet reconvened the public meeting at 7:43 p.m. with all seven council members**
829 **present.**

830
831 **Mayor Pro Tem Pruitt made a motion to approve the timetable associated with filling the**
832 **upcoming city council vacancy and adopt the associated memo from staff concerning**
833 **those timeframes. Councilmember White seconded the motion, which passed by a vote**
834 **of 7 ayes to 0 nays.**

835
836 **Councilmember Lewis made a motion to appoint Mike Jusko to the Planning and Zoning**
837 **Commission to replace Kristen Minth who is termed out (Jusko's term will run through**
838 **August of 2017). Councilmember White seconded the motion, which passed by a vote of**
839 **7 ayes to 0 nays.**

840
841
842

843 XVI. ADJOURNMENT

844

845 Mayor Sweet adjourned the meeting at 7:44 p.m.

846

847

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

849 this 15th day of September, 2014.

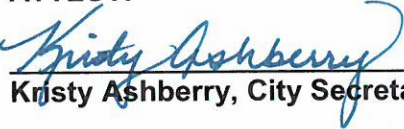
850

851 ATTEST:

852

853

854



Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, September 15, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem Jim Pruitt and City Council Members David White, Mike Townsend, Scott
11 Milder, Bennie Daniels and Dennis Lewis. Also present were Assistant City Managers
12 Mary Smith and Brad Griggs and City Attorney Frank Garza. City Manager Rick Crowley
13 was absent from the meeting.
14

15 II. WORK SESSION

- 16
17 1. DISCUSS AND CONSIDER MODIFICATIONS TO THE BRICK PATTERN IN THE DOWNTOWN
18 AREA, AND TAKE ANY ACTION NECESSARY.
19

20 Mayor Sweet explained that the city council, staff and guests in attendance in the
21 audience will be walking to the city hall parking lot just south of the building in order to
22 view the "mock up" of bricks which have been laid in a portion of the downtown area as
23 part of the renovation project. He explained that brief discussion will be held there
24 outdoors (not audio recorded) and that subsequent discussion will occur once everyone
25 returns to the council chambers afterward.
26

27 Upon convening outdoors in the parking lot, Mayor Sweet read the following memo from
28 City Manager Rick Crowley:
29

30 **MEMORANDUM**

31
32 **TO: Mayor and Council**
33 **FROM: Rick Crowley, City Manager**
34 **DATE: September 12, 2014**
35 **SUBJECT: Brick Pattern Modifications Downtown**
36

37 Over the course of this week, Mayor Sweet and Mayor Pro Tem Pruitt have
38 indicated that the Council continues to receive complaints of varying detail
39 related to the brick selection of the downtown project. Several meetings with Hill
40 Wilkinson and La Terra have been held. Hill Wilkinson has suggested that they
41 have determined that it is possible to make certain limited changes in the brick
42 with considerably less expense and less timeline change than that had previously
43 indicated provided that they changes were somewhat limited and that they brick
44 associated with the change is readily available. Discussions with several
45 members of the selection committee have been held.
46

47 Hill Wilkinson has provided a cost estimate for the change under consideration
48 as well as the timeline differential, and discussion will be held in workshop format
49 at Monday's meeting. The downtown advisory committee who has been involved

50 in the selection process have been invited to convene a meeting at 4pm as well
51 and will join the Council in looking at the mockup of the brick wall behind Napoli's
52 restaurant.

53
54 The cost and timeline information assumes the following:

55
56 The newly completed brick wall on San Jacinto in the block adjacent to the
57 Center will remain as is (with the pattern that contains the black brick).

58
59 The area on the square where brick has just been installed would be modified by
60 chiseling out the black bricks and replacing each with a rose-colored brick which
61 may be selected as a more desirable color and is apparently readily available.

62
63 Adjusting the not yet installed mingled brick pallets to replace the black brick with
64 the proposed rose-colored brick (The black brick is 10% of the current blend

65
66 Hill Wilkinson has confirmed with Acme Brick that they have 8,000 of the Rose
67 brick on the ground ready to ship. They have indicated they will hold them for a
68 few days pending Council's decision.

69
70
71 Hill Wilkinson's cost estimate to purchase the rose-colored brick; chisel out the
72 installed black bricks and replace with the rose colored brick; remove black bricks
73 from the mingled pallets and insert rose-colored brick; along with other ancillary
74 costs totals \$30,534. They have conservatively estimated a two-week project
75 timeline impact. They would anticipate installing the CMU walls and leaving them
76 bare during the waiting period while the brick is delivered and re-mingled – they
77 would not stop work during this period. This change is expected to be minimally
78 disruptive to the schedule.

79
80 Staff has requested the price and timeline implications if Council were to choose
81 to demo the newly installed wall and rebuild it with the re-mingled color pallet.
82 Hill Wilkinson will have that information available for the Council on Monday and
83 will be present at the meeting to answer any questions.

84
85 **After reading the memo above, Mayor Sweet then explained that no final decision has**
86 **been made at this time. He indicated that he recognizes the importance of keeping the**
87 **project on time as well as keeping in mind the long term impact of this decision.**

88
89 **Mayor Pro Tem Pruitt indicated that he was previously approached by downtown**
90 **property owners and citizens and was asked to meet to discuss this matter, so he did so,**
91 **just as he would meet with any constituent who requested to meet. He stressed that no**
92 **'secret meetings' have been held concerning the matter. Mayor Pro Tem Pruitt indicated**
93 **that he knows downtown merchants are concerned about keeping the project on**
94 **schedule, and although he has heard some are not happy with the way the brick looks,**
95 **they are more concerned with keeping the project on time. He explained that the city is**
96 **not taking down the existing brick that has already been laid, as the city owns all of the**
97 **brick already. He has heard that the most undesirable color in the mix is the black brick,**
98 **which accounts for 10%.**

100 Carol Crow, local citizen and member of the council appointed committee charged with
01 providing input into the downtown renovations project, mentioned that the first set of
02 meeting minutes from the committee indicates that the committee did not want a modern
03 looking brick. She further stated that the wrong brick was ordered – that a smooth brick
104 instead of a tumbled brick was ordered. She and the committee had wanted an “old
105 world,” reclaimed type of brick, and she asked if the bricks that have been bought can be
106 ‘tumbled’ in some way.

107
108 Mayor Pro Tem Pruitt indicated that ‘tumbling’ the bricks will not be possible, and Mrs.
109 Crow replied that it will not look ‘historic’ then. Mayor Pro Tem Pruitt indicated that the
110 darker rose colored brick is available and is currently being held for the city, and the cost
111 to replace the black bricks with the rose color is reasonable within the contingency fund.

112
113 Councilmember Milder indicated he has received a lot of emails from people who like the
114 brick and believes that probably half the citizens tend to be happy with city council’s
115 decisions, and the other half are likely unhappy. He expressed his understanding that
116 only about half of the project committee members showed up and ‘blessed’ the brick
117 selection before it was ordered.

118
119 Christi Foster, downtown merchant / store owner of Groovy’s, came forth and indicated
120 that at a recent meeting, indication was given that a “wash” may be able to be applied to
121 the brick some time in the future. She stated that a portion of the new sidewalk had been
122 poured on Monday following that meeting, and since that time, she made a point to stand
123 out there for two days and solicit feedback from downtown visitors regarding their
124 opinions about the brick that has already been laid. In doing so, she heard from a lot of
125 people who indicated that they like it and believe it looks good and matches the other
126 elements of downtown very well. She acknowledged the understanding that it is the brick
127 that the committee chose, and, while overall she is not quite sure how she feels about it,
128 she does believe it complements the other elements downtown.

129
130 Mayor Sweet pointed out that the city needs to control the expense, which is something a
131 responsible elected body should always consider. He explained that there is a
132 contingency built into the project, and making modifications to change out the black
133 brick with the rose brick, if it is in fact approved, would not shortchange the long term
134 impact of the project.

135
136 Councilmember Townsend pointed out that no matter what the city council chooses to
137 do, some members of the public will like it, and some will not. He pointed out that when
138 any brick is first installed, it may look ‘stark;’ however, over time it begins to look
139 weathered. He offered brief comments about how an “older look” is created when laying
140 brick, pointing out that often there is contrasting brick involved. He generally expressed
141 concern about putting a lighter, red colored brick in place of the black brick because he
142 believes the design will not look near as sharp as it does now. He believes the brick that
143 is laid will lighten up over time and will not be as noticeable later on.

144
145 Mayor Pro Tem Pruitt shared that he has heard comments that there is a lot of contrast.
146 He estimates that about 1/3 of downtown is made up of brick. As far as the colors
147 blending in with what is already in downtown, it seems that was not completely
148 considered when this brick was chosen. He pointed out that whatever is chosen, it will
149 have to be suitable for about the next fifty years. He, like some on the committee, feels it
150 does look too modern and does not really achieve a historic look. He understands the

151 committee that chose the brick does have a right to change their minds. He is not crazy
152 about the rose colored brick replacement option; however, this is a way to modify the
153 brick at a minimal cost and timeframe.

154
155 Councilmember Lewis indicated that what the brick looks like now may not be what it
156 looks like in ten or fifteen years.

157
158 Councilmember Daniels expressed concern about varying “compromises” that have
159 been discussed and preliminarily arrived at in recent meetings that have occurred
160 between staff and committee members. He understands it may not achieve the historic
161 look that some were seeking; however, he explained that we are now in a position where
162 reaching a final decision is necessary and imminent.

163
164 Councilmember Milder stated that if the black bricks are eliminated and the rose ones put
165 in their place, the rose color may not be the right color either. He cautioned about the
166 need to be careful about making decisions which affect the entire community based on
167 the concerns of one or two people.

168
169 Mayor Pro Tem Pruitt made a motion to take the black brick out and replace it with the
170 rose colored brick and provide a change order to the construction manager contingent
171 upon that cost and timeline keeping the project on time and within budget. Mayor Sweet
172 seconded the motion.

173
174 Mayor Sweet pointed out he is the only member of council who was originally involved in
175 discussions about putting forth downtown improvements to the voters for consideration
176 in the bond election. He believes it was the right thing to do. He wanted the project to
177 achieve two major things – incremental, additional, much needed parking in the
178 downtown area and a more pedestrian friendly downtown. Also, he wanted to minimize
179 the impact that the entire project had on the downtown merchants, traffic flow and all the
180 events that are typically held in the downtown area. Creating, communicating, and
181 managing a successful timeline has been achieved and continues to take place. He
182 pointed out that downtown buildings are a “hodge podge,” with some liking the stark
183 differences and some hating it. He acknowledged that he likes the differences and
184 believes there is no other downtown out there like the one here in Rockwall. Sweet went
185 on to indicate that a lot of feedback and conversations have taken place with people who
186 have expressed concern about the downtown brick. He indicated that he can support
187 replacing the black brick with the rose colored brick as long as the black brick will be
188 utilized elsewhere in the city on a different project, perhaps at the municipal airport.
189 Sweet understands that this brick decision is one that will be in effect for at least fifty
190 years or more. He also understands that it is imperative to ensure this brick replacement
191 will not result in the timeline being extended on the project. He overall encouraged the
192 various groups (merchants, homeowners and volunteers) to regroup and realign after
193 this decision is made in order to get back to promoting and supporting the downtown.

194
195 Mayor Pro Tem Pruitt commented that he is not in favor of tearing down the entire brick
196 work and starting over. He concurred that his building is unique and so are a lot of the
197 other buildings downtown, and he likes the differences. He enjoys having his business
198 downtown and would not have his business located in any other place in Rockwall. He
199 pointed out he is not a member of the “downtown merchants” organization, including his
200 law business, but he appreciates being invited to one of their recent meetings. He did
201 begin receiving comments about the downtown aesthetics once the brick started going

202 up downtown. He expressed that downtown is vibrant, with property values having
03 increased between 100-300%. Furthermore, he does not wish to change it to look
04 modern. His desire is to keep it looking historic.

05
206 Mayor Sweet indicated that no new brick will be placed downtown without it somewhat
207 looking 'new;' however, he believes the rose colored bricks will help the new blend in
208 with the old.

209
210 Councilmember Lewis asked if the designer originally had black accents in the wall
211 renderings. Mr. Griggs indicated that, yes, the original renderings, he believes in
212 January of 2013, did reflect black accent bricks.

213
214 The motion on the floor failed by a vote of 2 in favor (Sweet and Pruitt) and 5 opposed
215 (White, Townsend, Milder, Daniels and Lewis).

216
217 Councilmember Milder made a motion to move forward with the plan as it currently
218 stands. City Attorney Frank Garza clarified that there is not a need to make said motion
219 at this time.

220
221 Councilmember White suggested that we move forward 'as is' with the black brick, and
222 then, if it needs to be modified later on with a veneer or paint, that may be done later on
223 at a very, very minimal cost.

224
225 Mayor Sweet indicated that White's suggested option does still exist sometime in the
226 future. Councilmember White pointed out that the mock-ups that the city sent out to
27 advertise the bond proposal for downtown showed a wall that looked nothing historic
28 and looked nothing like what has been built; however, they voted to approve the project
229 based on what they saw in those mock-ups.

230
231 Councilmember Daniels wanted to know who will decide whether we like it or not once
232 the project is completed.

233
234 Mayor Sweet indicated that making downtown more pedestrian friendly and adding
235 additional parking are two goals that must be achieved. He reiterated that these goals
236 will invariably come to pass upon completion of this project.

237
238 **III. EXECUTIVE SESSION**

239
240 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
241 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
242 CODE:

- 243 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
244 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
245 551.071 (Consultation with Attorney)
- 246 2. Discussion regarding appointments to city regulatory boards,
247 commissions, and committees including the Building and Standards
248 Commission, Board of Adjustments, Planning & Zoning Commission and
249 Rockwall Economic Development Corporation pursuant to Section
50 551.074 (Personnel Matters)

51

252 IV. ADJOURN EXECUTIVE SESSION

53

54 The Council adjourned from Executive Session at 5:52 p.m.

55

256 V. RECONVENE PUBLIC MEETING (6:00 P.M.)

257

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

259

260 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

261

262 Mayor Pro Tem Pruitt made a motion to appoint Tracy (Friggle) Logan as a member of the
263 Planning and Zoning Commission (to replace Connie Jackson, who has termed out, and
264 with an initial term to expire in August of 2017). Councilmember Lewis seconded the
265 motion, which passed unanimously of council (7 ayes to 0 nays).

266

267 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

268

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

270

271 VIII. PROCLAMATIONS / AWARDS

272

- 273 1. Hispanic Heritage Month

274

275 Mayor Sweet read the proclamation into the record.

276

- 277 2. Constitution Week

278

279 Mayor Sweet called forth a few members of the Daughters of the American Revolution
280 (DAR). He then read and presented a proclamation for Constitution Week. DAR
281 indicated that individual American flags and copies of the U.S. Constitution were
282 distributed to those in the audience. They stated that DAR exists to promote U.S.
283 history, and they hope to reinstitute the U.S. Constitution as part of the local school
284 curriculum.

285

286 IX. CONSENT AGENDA

287

- 288 1. Consider approval of the minutes from the August 28, 2014 city council
289 budget work session, and take any action necessary.
- 290 2. Consider approval of the minutes from the September 2, 2014 regular city
291 council meeting, and take any action necessary.
- 292 3. P2014-018 - Consider a request by Chase Finch of Corwin Engineering,
293 Inc. on behalf of John Arnold of the Skorburg Company for the approval
294 of a final plat for Stone Creek, Phase VI, containing 76 residential lots on
295 a 26.532-acre tract of land situated within the S. King Survey, Abstract
296 No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned
297 Development District 70 (PD-70) for residential land uses, generally
298 situated south of FM-552 and east of N. Goliad Street (SH-205), and take
299 any action necessary

- 300 4. P2014-021 - Consider a request by Chase Finch of Corwin Engineering,
301 Inc. on behalf of John Arnold of the Skorburg Company for the approval
302 of a final plat for Breezy Hill, Phase III, containing 71 residential lots on a
303 48.250-acre tract of land situated within the J. Strickland Survey, Abstract
304 No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned
305 Development District 74 (PD-74) for residential land uses, generally
306 situated north of FM-552 in between John King Boulevard and Breezy Hill
307 Lane, and take any action necessary.
- 308 5. P2014-022 - Consider a request by Chase Finch of Corwin Engineering,
309 Inc. on behalf of John Arnold of the Skorburg Company for the approval
310 of a final plat for Breezy Hill, Phase IV, containing 51 residential lots on a
311 29.646-acre tract of land situated within the J. Strickland Survey, Abstract
312 No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned
313 Development District 74 (PD-74) for residential land uses, generally
314 situated north of FM-552 in between John King Boulevard and Breezy Hill
315 Lane, and take any action necessary.
- 316 6. Consider adoption of a resolution amending the Permit, Health and Misc.
317 Fees Schedule to add a fee for late health permits, to increase the fee
318 charged for food service/child care center plan reviews, and take any
319 action necessary.
- 320 7. Consider approval of an ordinance amending the Code of Ordinances in
321 Chapter 6. Animals, Article II. Administration, Division 2. Adoption Center
322 Advisory Committee, Sec. 6-51 to modify the composition of the
323 committee to align with state law, and take any action necessary. (1st
324 reading)
- 325 8. Consider approval of an Interlocal Cooperative Agreement with Rockwall
326 County to fund the engineering design and construction of the IH30 Ramp
327 Reversal project east of SH 205 with city's contribution of \$950,000.00
328 toward the estimated project cost of \$1,310,216.37 to be funded out of
329 2012 Bond Election proceeds, and take any action necessary.

330 **Councilmember Townsend pulled Consent Agenda items #3 and #7 for further**
331 **discussion.**

332
333 **Councilmember Townsend made a motion to approve the remaining items (#1, 2, 4, 5, 6**
334 **and 8). Councilmember Daniels seconded the motion. The motion passed by a vote of 7**
335 **ayes to 0 nays.**

336
337 **Regarding Consent Agenda item #3, Councilmember Townsend inquired as to what may**
338 **have been indication on the plat regarding possible removal of a city park from the Stone**
339 **Creek proposed final plat. Mr. Griggs clarified that this piece of land will still be**
340 **dedicated to the city for the purpose of being public open space / a park area.**
341 **Councilmember Townsend then moved to approve Consent Agenda item #3.**
342 **Councilmember White seconded the motion, which passed unanimously of council (7**
343 **ayes to 0 nays).**

344
345 **Regarding Consent Agenda item #7, Mayor Pro Tem Pruitt provided details of what the**
346 **proposed ordinance spells out, indicating that an updated ordinance was handed to**
347 **council this afternoon and is different than the one included in the meeting packet over**

348 the weekend. He proposed adding language to the proposed ordinance before second
49 reading to stipulate that "the animal welfare organization representative may not also be
50 employed by the shelter." Mayor Pro Tem Pruitt then made a motion to approve the
51 ordinance as presented with the expressed modifications being added. Councilmember
352 Townsend seconded the motion. The ordinance was read as follows:

353
354 CITY OF ROCKWALL
355 ORDINANCE NO. 14-
356

357 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
358 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
359 CHAPTER 6. ANIMALS; ARTICLE II. ADMINISTRATION; DIVISION 2.
360 ANIMAL ADOPTION CENTER / ADVISORY COMMITTEE; SECTION 6-
361 51. ESTABLISHED; COMPOSITION TO AMEND COMMITTEE MEMBER
362 COMPOSITION IN ACCORDANCE WITH STATE LAW
363 REQUIREMENTS. PROVIDING FOR REPEALING, SAVINGS AND
364 SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE
365 DATE OF THIS ORDINANCE.
366

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

368
369 X. APPOINTMENTS
370

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

374 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed
375 the council on recommendations of the Commission relative to items on tonight's city
376 council meeting agenda. The council took no action regarding this item.
377

- 378 2. Appointment with representative(s) from the Rockwall County Open
379 Space Alliance (RCOSA) to hear presentation regarding the
380 organization's work and associated progress, and take any action
381 necessary.

382 Mr. Bob DeJean, Chairman of the RCOSA, came forth and introduced other
383 representatives of the RCOSA who were present at the meeting including the following:
384 Co-chair Nell Wellborn, Dale Morgan, and Earl Milner.
385

386 Mr. Milner recognized Mayor David Sweet and City Manager Rick Crowley for their
387 representation of the City of Rockwall on the Rockwall County Open Space Alliance. He
388 then explained the purpose and history of formation of the Open Space Alliance. He
389 briefed the council on various, recent tasks of the Alliance, including holding monthly,
390 countywide meetings with elected and appointed officials throughout Rockwall County,
391 making t-shirts and brochures to advertise the RCOSA, and speaking to the various
392 elected bodies throughout the county. Overall, the purpose is to coordinate open space-
393 related goals and plans throughout and among all the entities located in Rockwall
394 County to create a unified, joint effort.
395

396 Mayor Sweet thanked the City of Rockwall for supporting things like dedicating park
397 space, biking and walking trails. He indicated that the City of Rockwall has over five
398 hundred people who volunteer for the city, and he indicated that Mr. Milner is welcome

399 and invited to reach out to any of those volunteers to seek support for the RCOSA. No
00 action was taken by the council related to this agenda item.

01 XI. PUBLIC HEARING ITEMS

-02
403 1. Hold public hearing to hear comments regarding the proposed City of
404 Rockwall Fiscal Year 2015 Budget, and take any action necessary.

405 Assistant City Manager Mary Smith indicated that \$.4955 per \$100 of assessed valuation
406 will be the proposed tax rate associated with the fiscal year 2015 budget. She explained
407 that this is the effective rate, so essentially there will be no tax rate increase for this
408 budget. Mrs. Smith commented on some of the highlights of this budget, which include
409 addition of a maintenance worker in the downtown area once the improvement project is
410 completed; a criminal investigator in the Police Department contingent on approval of
411 partial funding of this position through a grant for which the city has applied; four new
412 firefighter driver positions in the Fire Department; several months of reserves; about
413 \$900,000 in road repairs; a traffic signal at Mims and Ralph Hall Parkway; and small
414 projects to update parks and facilities.

415 Following Mrs. Smith's comments, Mayor Sweet opened the public hearing, asking if
416 anyone would like to come forth and speak. There being no one wishing to come forth
417 and speak, Mayor Sweet then closed the public hearing.

418 No action was taken related to this agenda item.

419 2. P2014-017 - Hold a public hearing to discuss and consider a request by
420 Joe Allman of Inner Urban Homes, Inc. for the approval of a replat for
421 Lots 24 & 25, Block A, Chandler's Landing Phase 7 Installment Two
422 Addition, being a 0.49-acre parcel of land currently identified as Lot 23,
423 Block A, Chandler's Landing Phase 7 Installment Two Addition, City of
424 Rockwall, Rockwall County, Texas, zoned Planned Development District
425 8 (PD-8) for residential land uses, located at 104 Thistle Place, and take
426 any action necessary

427 Planning & Zoning Director, Robert LaCroix, provided brief background information
428 related to this agenda item. He explained that this replat will be changing one large lot
429 back to two, individual, smaller lots and abandon a ten foot utility easement along the
430 south side of the property. He explained that it was replated in 2013 because the
431 previous owner was going to build a larger home on one, larger tract; however, the new
432 homeowner would like to take it back to the original, two separate lots. Mr. LaCroix
433 indicated that notices were sent out to adjacent property owners located within five
434 hundred (500') feet of the lot in question. He stated that one response was received back
435 in opposition, and one was received back in favor (from the Chandler's Landing HOA).
436 The Planning & Zoning Commission has recommended approval of this request.

437
438 Councilmember Townsend clarified that the utility easement is being taken out of the
439 south side of the property and is then being added back in, in between the two lots.

440
441 Mayor Sweet opened the public hearing and called the applicant forth to speak. Mr.
442 Allman indicated he would like to take the property back to what it was originally like
443 back in 1974 and has been for thirty-nine years. He believes two reasonably sized
444 houses can be built on the two lots once they are separated again.

45

446 There being no one else wishing to come forth and speak, Mayor Sweet then closed the
47 public hearing.
48

449 Councilmember Lewis made a motion to approve P2014-017. Councilmember White
450 seconded the motion, which passed by a vote of 7 ayes to 0 nays.
451

452 3. Z2014-022 - Hold a public hearing to discuss and consider approval of an
453 ordinance for a City initiated zoning request for the approval of a text
454 amendment to Article V, District Development Standards, of the Unified
455 Development Code [Ordinance No. 04-38] for the purpose of creating and
456 implementing an Airport Overlay (AP OV) District, which will be applicable
457 for the Ralph M. Hall/Rockwall Municipal Airport property, and for all
458 properties located within 500-feet of the airport property and/or located
459 within the Airport's Runway Protection Zones as defined by AC150/5300-
460 13A, Airport Design, of the FAA standards, and take any action
461 necessary. (1st Reading) [Requires a 3/4-Majority Vote for Approval]

462 Mr. LaCroix, Planning Director, provided background information related to this agenda
463 item. He indicated that the Planning & Zoning Commission, which has been designated
464 by the city council as the "Airport Zoning Board," has recommended this amendment to
465 the Unified Development Code. He indicated that the airport division of the TXDOT has
466 reviewed the proposed changes, which resulted in comments received back and
467 adjustments being made to the proposed changes. Notices were sent out to adjacent
468 property owners located within five hundred feet of the property. One notice was
469 received back in favor, and six were received back in opposition. Because of the
470 opposition received, a 3/4 majority vote of the council is needed tonight in order to have
471 this item approved.

472 Councilmember White explained that this amendment will basically create a way for the
473 city itself to monitor and enforce FAA-related restrictions and rules already in place on
474 and around the airport.

475 After additional comments, Mayor Sweet opened the public hearing, asking if anyone in
476 the audience would like to come forth and speak during this time.

477 Jack Athey
478 1780 Airport Road
479 Rockwall, Texas
480

481 Mr. Athey indicated that he and his family (siblings) are all involved in and affected by
482 this matter. He indicated that the city is in violation of the United States Constitution,
483 Amendment 4 (related to 'unreasonable searches and seizures'). He generally indicated
484 he believes private property is being taken for use on / by the public airport without just
485 compensation. He stated that he previously submitted two correspondence letters
486 letting the council know that he and his siblings are opposed to the proposed zoning
487 change. He generally expressed that the timeframe associated with public notices sent
488 related to this proposed zoning-related modification was short. He again expressed
489 that he is opposed to this item and believes the city is in violation of the 4th and 5th
490 amendments of the U.S. Constitution.
491

92 JoAnna Athey
93 1780 Airport Road
94 Rockwall, Texas

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43

Mrs. Athey expressed concern about her not completely understanding what exactly is being proposed. She explained that she did receive the notice, which referred her to the city's website for more information; however, she did not find any additional information online. She was not able to find any audio recording of the recent Planning & Zoning Commission meeting either. She further explained that she does not completely understand the FAA's rules and regulations, and she believes that the FAA makes "suggestions" rather than rules/regulations. She wants to know the city's specific interpretation of these rules and regulations. She wants to know what other, similar airports the city may have looked to for comparison when creating this proposed ordinance. She expressed concern about the city placing a lot of erroneous rules and restrictions on what she can and cannot do with her land in the future. She pointed out that she believes the FAA recommends that a city buy adjacent land next to an airport if and when restrictions become excessive.

John White
1929 South Lakeshore
Rockwall, Texas

Mr. White expressed support for this agenda item because he believes it will make the area in and around the airport safer. He explained his understanding that this is being done in the interest of the public to prevent the creation of an airport hazard. He explained he is a former pilot who has flown in and out of the airport many times in years past. He believes that sometimes pilots run out of gas, and he believes that putting this zoning in place will help protect the public in and around the airport. He explained he is in support of this item.

There being no one else wishing to come forth and speak during this time, Mayor Sweet then closed the public hearing.

Councilmember Daniels asked what would happen if the city does not adopt the proposed ordinance this evening. Mr. Garza, City Attorney, explained that if the council does not adopt the ordinance being proposed, the original ordinance from the 1960s which adopted the original Airport Overlay District would continue to stay in effect. He clarified that current land uses by the property owners would be allowed to continue even after adoption of this ordinance.

Councilmember Pruitt explained that high power lines located at the very end of the airport were the original concern that caused the Airport Subcommittee to begin looking into the land uses around the airport for safety reasons. He explained that state law changed some years ago, and about fifteen years ago, the city should have created and established this Airport Zoning Board in order to control what is built around the airport in the interest of safety.

Councilmember White asked for clarification regarding the land around the airport, asking if it is controlled by the FAA. Mr. LaCroix clarified that it is ultimately controlled by the FAA, but the local jurisdiction has to first pass regulations to establish land uses, including prohibited uses. Councilmember White suggested that the council might consider changing the "prohibited uses" language and replacing it with language to stipulate that a Specific Use Permit (SUP) will be required in order to allow the Council to

544 have discretion in each instance. Mr. Garza indicated that it is possible to reword the
545 ordinance to include this suggestion.

546 Councilmember White made a motion to approve Z2014-022 with the caveat that
547 "prohibited uses" will be replaced with "specific use permit required" before second
548 reading of the ordinance and that language will be included to state that any SUP or
549 overruling of the Overlay District would require a ¾ majority vote approval of the council.
550 Councilmember Milder seconded the motion.

551

552 After brief comments, Councilmember White withdrew his motion and indicated he is ok
553 with tabling this item until the October 6 council meeting. He volunteered that the Airport
554 Subcommittee will read back through the entire ordinance again to further evaluate
555 language reflecting "prohibited uses" prior to considering this item again at a future
556 council meeting.

557 Councilmember White made a motion to table Z2014-022 until the next city council
558 meeting. Councilmember Milder seconded the motion, which passed by a vote of 7 ayes
559 to 0 nays.

560 4. Z2014-023 - Hold a public hearing to discuss and consider approval of an
561 ordinance for a request by Beth Godfrey of TKC CLXXXVI, LLC on behalf
562 of the owner, Rick Sharp, for the approval of a zoning amendment to
563 Planned Development District 46 (PD-46) [Ordinance No. 99-05] to allow
564 for a Rental Store with Outside Storage (i.e. Sunbelt Rentals Company) to
565 be established on a ~3.35-acre portion of a larger 6.222-acre parcel of
566 land identified as Lot 2, Block A, Sharp Addition, City of Rockwall,
567 Rockwall County, Texas, zoned Planned Development District 46 (PD-46)
568 for commercial land uses, situated within the SH-276 Corridor Overlay
569 (SH-276 OV) District, located east of Corporate Crossing (FM-549) in
570 between SH-276 and Springer Lane, and take any action necessary. (1st
571 Reading)

572 Planning Director Robert LaCroix provided brief background information related to this
573 agenda item, indicating that the underlying zoning is "Commercial" that allows for other
574 uses which may be more intense. It used to be occupied by a trucking company and
575 limited outside storage was allowed at this location. He explained that the applicant's
576 site plan has been approved, and it shows a back road off of Springer Road that will be
577 mainly utilized for trucks coming in and out as opposed to utilizing SH-276. The now
578 proposed rental store will need to have approval of a limited amount of outside storage.
579 This rental facility will rent to contractors as well individual members of the public. It has
580 been recommended that the outside storage be limited in that it would be 'stowed away'
581 (i.e. long arms on equipment would have to be stored in a lowered position).

582
583 Mr. LaCroix explained that notices were sent out to adjacent property owners located
584 within five hundred (500') of the property in question. Two notices of opposition have
585 been received back by staff. The Planning & Zoning Commission did recommend
586 approval of this agenda item.

587
588 Mayor Sweet opened the public hearing, and called the applicant forth to speak.

589
590 Beth Godfrey
591 TKC CLXXXVI, LLC

592 5935 Carnegie Boulevard, Ste. 200
593 Charlotte, North Carolina 28209

594
595 Mayor Sweet asked if anyone else would like to come forth and speak. There being no
596 one else wishing to come forth, Mayor Sweet then closed the public hearing.

597
598 Councilmember Lewis made a motion to approve Z2014-023. Councilmember White
599 seconded the motion.

600
601 Councilmember Milder indicated he drove out to the location today and does believe it is
602 appropriately zoned.

603
604 The ordinance was read as follows:

605
606 CITY OF ROCKWALL
607 ORDINANCE NO. 14-XX

608 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
609 AMENDING PLANNED DEVELOPMENT DISTRICT NO. 46 (PD-46) [ORDINANCE NO.
610 99-05] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
611 CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, BY ALLOWING A
612 RENTAL STORE WITH OUTSIDE STORAGE TO BE DESIGNATED ON TRACK 2,
613 LOT 00 OF EXHIBIT 'B' WITHIN ORDINANCE NO. 99-05, BEING A 3.211-ACRE
614 PORTION OF A LARGER 6.222-ACRE TRACT OF LAND IDENTIFIED AS LOT 2,
615 BLOCK A, SHARP ADDITION, ABSTRACT 186 J. A. RAMSEY SURVEY, LOCATED
616 AT 2582 STATE HWY 276, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A";
617 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE
618 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
619 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
620 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

621
622 The motion passed unanimously of council (7 ayes to 0 nays).

- 623
624 5. Z2014-024 - Hold a public hearing to discuss and consider approval of an
625 ordinance for a request by Juan J. Vasquez, PE of Vasquez Engineering,
626 LLC on behalf of James R. Thompson of Cavender Investment Properties
627 E, LTD for the approval of a Specific Use Permit (SUP) for a general retail
628 store within a Light Industrial (LI) District for the purpose of constructing a
629 Cavender's Boot City on a 3.27-acre parcel of land identified as Tract 9-4
630 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall
631 County, Texas, zoned Light Industrial (LI) District, situated within the IH-
632 30 Overlay (IH-30 OV) District, located on the south side of the E. IH-30
633 frontage Road west of Corporate Crossing (FM-549), and take any action
634 necessary. (1st Reading)

635 Mr. LaCroix provided brief background information related to this agenda item, indicating
636 that this request is associated with a proposed Cavender's Boot City retail store. He
637 explained that this is located in a "light industrial" district, so having a retail use
638 approved in this location will require the city council to approve issuance of a Specific
639 Use Permit.

640
641 Mayor Sweet opened the public hearing and called the applicant forth. The applicant, Mr.
642 Juan Vasquez of Vasquez Engineering, came forth and indicated he is available to
643 answer any questions the council may have. There being no one else wishing to come

644 forth and speak, Mayor Sweet then closed the public hearing. Mayor Sweet asked if
645 anyone else would like to come forth and speak. There being no one else, Mayor Sweet
646 then closed the public hearing.

647
648 Councilmember Lewis made a motion to approve Z2014-024. Councilmember White
649 seconded the motion. The ordinance as read as follows:

650
651 CITY OF ROCKWALL
652 ORDINANCE NO. 14-
653 SPECIFIC USE PERMIT NO. S-

654 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
655 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
656 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
657 SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT
658 ALLOWING FOR A GENERAL RETAIL STORE ON A 3.27-ACRE PARCEL OF LAND
659 IDENTIFIED AS TRACT 9-4 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134;
660 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE
661 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
662 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
663 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

664
665 The motion passed unanimously of council (7 ayes to 0 nays).

666
667 6. Z2014-025 - [Request to Postpone to the October 20, 2014 Meeting] Hold
668 a public hearing to discuss and consider approval of an ordinance for a
669 request by Christopher Orr of Arcadia Lakes of Somerset Holdings, LLC
670 for the approval of a zoning amendment to Planned Development District
671 63 (PD-63) to allow for changes to the concept plan and development
672 standards stipulated by Ordinance No. 05-51 for a 139.354-acre tract of
673 land identified as Tracts 1 & 7 of the A. Johnson Survey, Abstract No.
674 123, City of Rockwall, Rockwall County, Texas, zoned Planned
675 Development District 63 (PD-63) for Single Family 10 (SF-10) District use,
676 situated within the SH-205 Overlay (SH-205 OV) District, located at the
677 northeast corner of the Intersection of FM-549 and S. Goliad Street (SH-
678 205), and take any action necessary. (1st Reading)

679 Mayor Sweet made a motion to postpone this item, as requested, until the Monday,
680 October 20, 2014 regular city council meeting. Councilmember Daniels seconded the
681 motion, which passed by a vote of 7 ayes to 0 nays.

682 7. Z2014-026 - Hold a public hearing to discuss and consider approval of an
683 ordinance for a request by Caprice Michelle of Rockwall's Rustic Ranch,
684 LLC for the approval of a Specific Use Permit (SUP) for a restaurant
685 within Planned Development District 50 (PD-50) on a 0.53-acre parcel of
686 land identified as Lot B, Block 123, B. F. Boydston Addition, zoned
687 Planned Development District 50 (PD-50) for Residential Office (RO)
688 District uses, situated within the North Goliad Corridor Overlay (NGC OV)
689 District, addressed as 406 N. Goliad Street, City of Rockwall, Rockwall
690 County, Texas, and take any action necessary. (1st Reading)

691 Mr. LaCroix, Planning Director, provided background information related to this agenda
692 item. He indicated that a site plan was already approved back in August, and it showed
693 how parking, traffic circulation and access would operate in and out of this property.
694 Since that time, the property owner has a new tenant, a restaurant, who wishes to

695 operate at this location, which will require a Specific Use Permit (SUP). The maximum
696 square footage of the restaurant is limited to 2,000 square feet. One parking space per
697 100 square feet is required, and the applicant's plans do comply with this requirement.
698 Mr. LaCroix stated that 108 notices were mailed out to property owners and residents
699 located within five hundred (500') feet of the subject property. One notice has been
700 received back in favor by staff at this time. He indicated that the Planning & Zoning
701 Commission is not recommending approval of the variance request regarding
702 public access. This would mean the applicant would be required to grant public
703 access to the south of the property and west onto SH-205.

704
705 The restaurant should be no more than 2,000 square feet and all patio or waiting areas
706 should be situated behind the front setbacks.

707
708 General comments were made by staff and council related to parking, traffic flow and
709 public access.

710
711 Mayor Sweet opened the public hearing. There being no one wishing to come forth and
712 speak, Mayor Sweet then closed the public hearing.

713
714 Councilmember Lewis made a motion to approve Z2014-026, including Planning &
715 Zoning Commission's recommendation to leave the cross access in place.
716 Councilmember White seconded the motion. The ordinance was read as follows:

717
718 CITY OF ROCKWALL
'19 ORDINANCE NO. 14-____
'20 SPECIFIC USE PERMIT NO. S-____
'21

722 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
723 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
724 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC
725 USE PERMIT (SUP) FOR A RESTAURANT THAT IS LESS THAN 2,000 SF IN
726 SERVICE AREA AND THAT DOES NOT HAVE A DRIVE-THROUGH OR DRIVE-IN
727 SERVICE ON A 0.53-ACRE PARCEL OF LAND; ZONED PLANNED DEVELOPMENT
728 DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES;
729 BEING ADDRESSED AS 406 N. GOLIAD STREET AND IDENTIFIED AS LOT B,
730 BLOCK 123, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL
731 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
732 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
733 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
734 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

735
736 The motion passed by a vote of 7 ayes to 0 nays.

737
738 Mayor Sweet called for a brief break at 7:34 p.m.

739
740 At 7:45 p.m., Mayor Sweet called the meeting back to order.

741
742 XII. SITE PLANS / PLATS
743

- 744 1. SP2014-014 - Discuss and consider a request by Matthew Alexander on
745 behalf of the Rockwall Downes Development, LLC for the approval of a
746 variance to the dead end street requirements as stipulated by the

747 Engineering Standards of Design and Construction manual for Phase 3 of
48 the Rockwall Downes Subdivision, containing 26 single-family lots and
49 being one phase of the proposed 35.651-acre subdivision, which is
750 situated within the J. M. Allen Survey, Abstract No. 2, Rockwall, Rockwall
751 County, Texas, zoned Planned Development District 10 (PD-10), situated
752 within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located
753 adjacent to John King Boulevard north of SH-276 and south of IH-30, and
754 take any action necessary.

755 **Planning Director Robert LaCroix provided background information related to this**
756 **agenda item. He explained that the Planning & Zoning Commission has recommended**
757 **approval of this request with incorporation of a twenty-four (24') emergency access onto**
758 **John King Boulevard. It was noted that the applicant was not present at the city council**
759 **meeting. Councilmember Lewis made a motion to approve SP2014-014. Councilmember**
760 **White seconded the motion. After brief comments, the motion to approve passed by a**
761 **vote of 6 ayes to 1 nay (Pruitt).**

762 **Mayor Sweet reordered the council agenda to address Action Item #6 and #7 next.**

763
764 **XIII. ACTION ITEMS**

- 765
766 1. Discuss and consider appointments to city advisory boards and
767 commissions, and take any action necessary.

768 **Regarding this agenda item, brief discussion took place related to outstanding**
769 **appointments needed on various city boards and commissions. Indication was given**
770 **that no action will be taken at this time.**

- 771 2. Discuss and consider approval of an ordinance amending the budget for
772 fiscal year 2014, and take any action necessary.

773 **Mrs. Smith offered brief comments related to this agenda item. Mayor Pro Tem Pruitt**
774 **asked why the city added \$40,500 to the Rec Development Fund. Mrs. Smith indicated**
775 **that that dollar amount is reflective of previously approved projects earlier in the year by**
776 **the city council, including dredging the takeline and improvements at Tuttle Ballfields.**
777 **After the brief comments, Councilmember White made a motion to approve the ordinance**
778 **amending the FY 2014 budget. Councilmember Milder seconded the motion. The**
779 **ordinance was read as follows:**

780 **CITY OF ROCKWALL, TEXAS**

781 **ORDINANCE NO. 14-__**

782 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
783 **AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2013**
784 **THROUGH SEPTEMBER 30, 2014; PROVIDING FOR AN EFFECTIVE DATE.**

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

- 786 3. Discuss and consider approval of an ordinance adopting the budget for
787 fiscal year 2015, and take any action necessary

788 **Assistant City Manager Mary Smith provided comments related to this agenda item. She**
789 **then read the following, required statement into the public record:**

90 **This budget will raise more revenue from property taxes than last year's**
91 **budget by the amount of \$822,348, which is an increase of 4.7% from last**

792 year's budget. The property tax revenue to be raised from new property
93 added to the tax roll this year is \$ 969,635.

94 After brief comments, Councilmember Lewis made a motion to adopt the proposed
795 budget for FY2015. Councilmember White seconded the motion.

796 Mayor Pro Tem Pruitt asked Mrs. Smith if the increase in the budget is less than the
797 combination of the population growth and inflation. Mrs. Smith confirmed that it is.

798 The ordinance was then read as follows:

799 CITY OF ROCKWALL
800 ORDINANCE NO. 14-___

801 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
802 APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR
803 OCTOBER 1, 2014, THROUGH SEPTEMBER 30, 2015; PROVIDING THAT
804 EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE
805 WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

807 4. Discuss and consider approval of an ordinance levying ad valorem taxes
808 for the tax year 2014 and take any action necessary.

809 Councilmember Milder made a motion to approve the ordinance levying ad valorem taxes
810 for the tax year 2014. Councilmember Townsend seconded the motion.

811 Mayor Sweet commented that this is the fourth consecutive year in a row that either the
812 current or effective tax rate has been passed, and the fourth year in a row that public
813 safety needs have been addressed in the police and fire departments. The ordinance
814 was read as follows:

815 CITY OF ROCKWALL, TEXAS
816 ORDINANCE NO. 14-___

817 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
818 LEVYING THE AD VALOREM TAXES FOR THE YEAR 2014 AT A RATE OF \$.4955
819 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL
820 TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF
821 JANUARY 1, 2014 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT
822 EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL
823 OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT
824 DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2014 TAX
825 ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65)
826 YEARS; PROVIDING AN EFFECTIVE DATE.

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

828 5. Discuss and consider the Hotel tax subcommittee recommendations for
829 funding allocations in fiscal year 2015, including authorizing the City
830 Manager to execute associated funding agreements, and take any action
831 necessary.

832 Mrs. Smith explained that Councilmembers White, Townsend and Lewis met as a
833 subcommittee to discuss the proposed requests. All funding recommendations have
834 been included in the council member meeting packets for consideration. If these
835 recommendations are approved, a little over \$87,000 will be left as a balance in the
836 hotel/motel tax fund. Councilmember Daniels indicated that some funding requests

837 significantly increased this year over last year. Mrs. Smith provided a brief explanation
38 associated with each increase. Mayor Sweet made a motion to approve the
39 recommendations for hotel/motel tax funding. Mayor Pro Tem Pruitt seconded the
o40 motion, which passed unanimously of council (7 ayes to 0 nays).

841 Action Item #8 was addressed next by council.

842 6. Discuss and consider approval of the Rockwall Economic Development
843 Corporation (REDC) budget for fiscal year 2015 and amended budget for
844 fiscal year 2014, and take any action necessary.

845 Regarding this agenda item, Assistant City Manager Mary Smith provided brief
846 background information, indicating that the REDC board did review and recommend
847 approval of this proposed budget at a recent meeting. She indicated that this budget
848 includes the same two percent estimated sales tax increase that is reflected in the city's
849 upcoming budget. It also includes the infrastructure improvement project that is
850 currently underway and is expected to be completed next year.

851
852 Sheri Franza, President of the Rockwall Economic Development Corporation came forth,
853 indicating that the line item for personnel may need to be amended towards to end of the
854 year. Project Manager Ken Keaton is nearing retirement, but this won't be until around
855 July of next year. After Mrs. Franza's brief comments, Councilmember Daniels made a
856 motion to approve the amended budget for the REDC for FY2014 and the proposed
857 budget for FY2015. Councilmember Milder seconded the motion. After brief comments,
858 the motion passed by a vote of 7 ayes to 0 nays.

859
30 7. Discuss and consider approval of the Rockwall Technology Park
31 Association budget for fiscal year 2015 and amended budget for fiscal
32 year 2014, and take any action necessary.

863 Mrs. Smith indicated that this budget goes towards maintaining the common areas at the
864 Tech Park as well as the tracts of land which have not yet sold. No significant changes
865 were proposed in this particular budget for the upcoming fiscal year. After brief
866 comments from Mrs. Franza, Councilmember Daniels made a motion to approve the
867 Rockwall Tech Park Association budget for fiscal year 2015 and the amended budget for
868 fiscal year 2014. Councilmember White seconded the motion, which passed unanimously
869 of council (7 ayes to 0 nays).

870 The council addressed Action Item #1 next.

871 8. MIS2014-011 - Discuss and consider a request for the approval of a
872 special request for the purpose of permitting the construction of a covered
873 porch that does not conform to the setback requirements as stipulated by
874 Planned Development District 75 (PD-75) [Ordinance No. 09-37] for a
875 0.12-acre property that is identified as Lot 685 of Rockwall Lake Estates
876 #1 Addition, City of Rockwall, Rockwall County, Texas, is zoned Planned
877 Development District 75 (PD-75), is addressed as 208 Texas Avenue,
878 and take any action necessary.

879 Mr. LaCroix provided brief background information related to this agenda item, indicating
880 that this is a corner lot, so it requires dual setbacks. A 10'x14' porch area is being
881 proposed, so a 7' setback is being requested as opposed to the 20' setback on Texas
32 Avenue in order to build the proposed covered porch. The Planning & Zoning
33 Commission did recommend approval of this agenda item. Councilmember White made

884 a motion to approve MIS2014-011. Councilmember Daniels seconded the motion, which
885 passed by a vote of 7 ayes to 0 nays.

886 9. Discuss and consider appointments to the city's Youth Advisory Council
887 (YAC), and take any action necessary.

888 City Secretary Kristy Ashberry explained that about twenty applications were received
889 for the YAC this year, and interviews were recently held with a panel consisting of two
890 existing YAC members, Councilmember David White, Rockwall High School Geography
891 Teacher, Brandy Myers and herself. Ms. Ashberry further explained that a couple of the
892 students on the list of recommendations live in either Heath or Fate, and both of those
893 city managers has given indication that those respective cities are willing to financially
894 sponsor those students this school year at a rate of \$250.00. Mayor Sweet made a
895 motion to approve the five re-appointments and seven new appointments to the city's
896 Youth Advisory Council as recommended by the interview panel. Councilmember Lewis
897 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

898 The re-appointments and appointments include the following slate of students:

1	Re-appointment	Senior (RHHS)	Samuel	Strahan
2	Re-appointment	Junior (HmSch)	Beth	Naylor
3	Re-appointment	Junior (RHHS)	Isabella	Burzair
4	Re-appointment	Junior (RHHS)	Baldwin	Bakkal
5	Re-appointment	Junior (RHS)	Derek	Avenetti
6	NEW appointment	Junior (RHS)	Cate	Ghormley
7	NEW appointment	Junior (RHHS)	Logan	Peet
8	NEW appointment	Freshman (RHS)	Bethany	Villabos
9	NEW appointment	Senior (HmSch)	Elsa	Castro
10	NEW appointment	Senior (RHS)	Mie	Pighee
11	NEW appointment	Sophomore (RHS)	Reid	Rakow
12	NEW appointment	Junior (RHS)	Jake	Mirelez

899

900 10. Discuss and consider Christmas planning and decorations for downtown,
901 including associated cost estimates, and take any action necessary.

902 Assistant City Manager Brad Griggs has indicated that staff has evaluated Christmas
903 decorations for downtown at the request of the city council. Staff has evaluated a 24'
904 foot Christmas tree with a 12' diameter base lighted with soft glowing, white lights,
905 ornaments and garland around all of the light poles downtown. The cost for lighting the
906 San Jacinto square would be just under \$20,000, with installation and removal being
907 handled by the city's Parks Department. Mayor Sweet made a motion to approve the
908 recommendations for the Christmas decorations. Councilmember White seconded the
909 motion. Councilmember White asked what the funding source is for these decorations.
910 Mrs. Smith indicated that the downtown donations fund is funded by Republic Waste, the
911 city's garbage contractor, who has been making contributions to this fund for a while
912 now. The motion passed by a vote of 7 ayes to 0 nays.

913 11. Discuss and consider the City Charter including possible establishment of
914 a Charter Review Commission, and take any action necessary.

915 Assistant City Manager, Mrs. Smith, provided brief comments related to a timeline that
916 staff has prepared related to the city council appointing a Charter Review Commission.
917 She suggested the council consider naming citizens to a Charter Review Commission no
918 later than the second meeting in October in order to move forward with this process.
919 Mayor Sweet encouraged members of the public to contact the City Council if they have
920 a desire to serve on this committee. It was clarified that a possible charter amendment
921 would take place at the May 2015 election. The council took no formal action related to
922 this agenda item at this time.

923 **XIV. EXECUTIVE SESSION**

924
925 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
926 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
927 CODE:

- 928 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
929 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
930 551.071 (Consultation with Attorney)
- 931 2. Discussion regarding appointments to city regulatory boards,
932 commissions, and committees including the Building and Standards
933 Commission, Board of Adjustments, Planning & Zoning Commission and
934 Rockwall Economic Development Corporation pursuant to Section
935 551.074 (Personnel Matters)

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

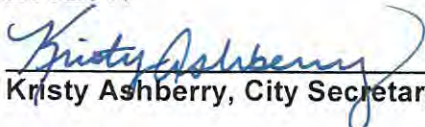
937
938 The Council did not reconvene in Executive Session following the close of the public
939 meeting agenda. See start of 6:00 p.m. public meeting above for action taken at that
940 time.

941
942 **XVI. ADJOURNMENT**

943
944 The meeting was adjourned at 8:24 p.m.

945
946
947 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
948 **THIS THE 6th day of October, 2014.**

949
950 **ATTEST:** 
951 **David Sweet, Mayor**

952 
953 **Kristy Ashberry, City Secretary**



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MINUTES

ROCKWALL CITY COUNCIL

Monday, October 06, 2014

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Jim Pruitt 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 Bennie Daniels and Dennis Lewis were absent from the council meeting.

II. WORK SESSION

1. HOLD WORK SESSION TO DISCUSS AND CONSIDER THE CITY'S ART IN PUBLIC PLACES PROVISIONS, INCLUDING THE ART REVIEW TEAM (ART) COMMISSION, AND TAKE ANY ACTION NECESSARY.

Assistant City Manager Brad Griggs provided background information related to this agenda item. He indicated that the Art Review Team / Commission was established by council about eight years ago. The council may soon wish to consider revamping the Art Review Team to begin evaluating the city's first piece of public art, including public art for the downtown area. It was indicated that, according to the current ordinance provisions, five members are to be appointed to serve on this committee. About \$72,000 has been allocated associated with the downtown bond improvements project related to public art, and that money is segregated to be utilized for downtown. Mr. Crowley asked the council to please review the ordinance provisions related to the Art in Public Places Master Plan and the Art Review Team and let staff know if any ordinance changes are desired, including any related to the composition of the board as far as specialization of its membership is concerned. Mayor Sweet asked staff to place an agenda item on the next council meeting to discuss and consider appointments to the Art Review Team. Council took no action related to this agenda item at this time.

2. HOLD WORK SESSION TO DISCUSS AND CONSIDER THE CITY'S RADIO SYSTEM, AND TAKE ANY ACTION NECESSARY.

Mr. Crowley provided the council with information related to this work session item. He also passed out a draft interlocal agreement between Rockwall County and the City of Rockwall for participation in the Rockwall County interoperability radio system. He explained that the draft has been reviewed and marked up by both city staff and the city's radio consultant. Staff is still gathering information and will be having conversations with the county regarding this draft agreement and distribution of an RFP associated with this new radio system. This proposed countywide radio system is expected to be equally as good if not better than the radio system the city has been accustomed to having. Our current equipment is going to be replaced with new equipment, perhaps somewhat sooner than might have otherwise been expected. Regarding cost, staff member Joey Boyd indicated that he is unsure what the county's total cost of the new radio system may be. At one time, the county had preliminarily said about \$13 million. Mr. Crowley explained that the City of Rockwall's cost will include costs associated with maintaining our user equipment and adding any user equipment we may need. The cost and joint program does not include a joint dispatch system under one roof. A dispatch center at Rockwall County and a separate dispatch center at the City of Rockwall will

53 still be in place and maintained by each entity. Mr. Crowley indicated that this joint radio
54 system project will allow the City of Rockwall to upgrade its radio system at a much less cost
55 than the city would incur on its own sometime in the future. Also, it will allow the various
56 public safety and emergency response agencies throughout Rockwall County to readily
57 communicate with each other during times when those agencies are assisting us (mutual aid)
58 and/or our city is assisting them. We hope to discover from the RFP process what costs the
59 City of Rockwall will be expected to incur.

60
61 Staff was asked to evaluate cost estimates such as the following: What is the cost savings to
62 the citizens of the City of Rockwall over ten years (if we buy into this system vs. if we do not
63 partner on this system)? Mr. Crowley said that staff is able to do so, but most likely not until
64 after the RFP process takes place and more information is gathered.

65
66 Mr. Crowley indicated that this system will have a warranty and service contract associated
67 with it. Brief discussion took place related to how dependent the City may have to be on the
68 County in order to have issues which may arise associated with the system addressed timely
69 and adequately. Discussion also took place related to what the city will do at the end of the
70 expected ten year "life expectancy" of this new radio system. Also, future use of existing
71 facilities and future sites for radio towers was discussed.

72
73 The Council took no action related to this agenda item.

74
75 Mayor Sweet then read the below listed discussion items into the public record before
76 recessing the public meeting into Executive session at 4:40 p.m., indicating Executive Session
77 will commence at 4:45 p.m.

78
79 **III. EXECUTIVE SESSION.**

80
81 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
82 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 83
84 1. Discussion regarding appointment of Mayor Pro-Tem pursuant to Section 551.074
85 (Personnel Matters)
- 86 2. Discussion regarding appointment to fill city council member vacancy in accordance with
87 City Charter provisions pursuant to Section 551.074 (Personnel Matters)
- 88 3. Discussion regarding appointments to city regulatory boards, commissions, and
89 committees including the Building and Standards Commission, Board of Adjustments,
90 Planning & Zoning Commission, Rockwall Economic Development Corporation, and
91 Charter Review Commission pursuant to Section 551.074 (Personnel Matters)
- 92 4. Discussion regarding City Manager performance evaluation pursuant to Section 551.074
93 (Personnel Matters).
- 94 5. Pulled from public meeting agenda for discussion:

95 **Consent Agenda Item #13** Consider authorizing the City Manager to enter into an
96 agreement with APA for the 2015 Founders Day Festival headline entertainment in the
97 amount of \$30,000 to be funded by Hotel/Motel Tax Funds, and take any action
98 necessary.

99 **Appointment Item #4** Appointment with Dewayne Cain regarding Rest Haven Funeral
100 Home expansion, and take any action necessary.

101 **Appointment Item #6** Appointment with Kim Lovett with Eventive Marketing Solutions,
102 representing UCR Asset Services, to request permission to hold two special events

(Harbor HOWL-O-Ween on 10/25/14 and Harbor Holiday on 11/15/14) on the Harbor property, and take any action necessary.

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:52 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Pruitt made a motion to establish and appoint the following individuals to serve on a Charter Review Commission (in accordance with the Charter and resolution to be signed by the mayor):

Bill Lofland	Adam Tovar
Nell Welborn	Bill Houser
Charles Johnson	Daniel Nichols
Connie Jackson	Larry Parks
Freddie Jackson	Bill Cecil

Councilmember Milder seconded the motion, which passed by a vote of 5 ayes with 2 absent (Lewis and Daniels).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE

Councilmember David White delivered the invocation and led the Pledge of Allegiance.

VIII. PROCLAMATIONS / AWARDS

1. Fire Prevention Month

Fire Marshal Ariana Hargrove came forth and offered brief comments, indicating that the Fire Department Open House over the weekend was a huge success. Also, staff began visiting every elementary school in Rockwall this week to share a public education program related to fire safety and prevention. Mrs. Hargrove also shared that the City of Rockwall Fire Department offers free smoke detectors to Rockwall city residents through a grant, and they will come to your home and install them and/or change batteries in existing ones free of charge. Mayor Sweet then read the proclamation for Fire Prevention Month.

2. Texas Night Out

Mayor Sweet called Police Chief Mark Moeller forth to say a few words about National Night Out and Texas Night Out. Chief Moeller explained that the State of Texas celebrates Texas Night Out each year in October, which is affiliated with National Night Out but is celebrated later in the year when the weather in Texas is cooler. Chief Moeller indicated that Texas Night Out in Rockwall will be celebrated tomorrow night, and many neighborhoods throughout the city will be hosting outdoor gatherings in recognition and celebration of Texas Night Out. He encouraged all residents to find a gathering to attend to enjoy the event and interact with the Rockwall Police Department. Mayor Sweet then read the proclamation.

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3. Breast Cancer Awareness Month

Mayor Sweet read a proclamation declaring October as Breast Cancer Awareness Month.

IX. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted. He then asked if anyone in the audience would like to come forth and speak during this time.

Alice Bland
Pebblebrook Apartments on Goliad
Rockwall, TX

Mrs. Bland expressed that she heard a rumor that Race Track over near Fudrucker's/Luby's may be moving out. Also, she has heard that there will be some work done to redirect traffic in and around the SH-205 / SH-276 area. Staff indicated that they do not believe Fudrucker's/Luby's is going anywhere but that TXDOT is planning to reroute a part of SH-276.

Judith Matherne
(address not provided)
Rockwall, TX

Mrs. Matherne came forth to express concern regarding a brick wall that was blown off of the back of Signal Ridge Place and an ongoing electrical power outage caused by a recent storm. On behalf of the residents she asked if the city council fast track a building permit to repair the wall. She also inquired about if the city may be able to encourage Oncor to provide temporary power to the residents living at these condominiums. Mr. Crowley indicated that the city will definitely fast track any permit that Oncor requests. It was indicated that electricians may be needed to do some preparatory work before Oncor can turn power back on. Mr. Crowley indicated the city's willingness to help in any way it is able to.

There being no one else wishing to come forth and speak, Mayor Sweet then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the September 15, 2014 regular city council meeting, and take any action necessary.
2. Consider approval of change orders number 1 and number 2 with War Horse Inc. for the FM 3097 waterline connections relocation project in the amount of \$27,854.16 to be funded from 2008 revenue bonds, and take any action necessary.
3. **Z2014-023** - Consider approval of an **ordinance** for a request by Beth Godfrey of TKC CLXXXVI, LLC on behalf of the owner, Rick Sharp, for the approval of a zoning amendment to Planned Development District 46 (PD-46) [Ordinance No. 99-05] to allow for a Rental Store with Outside Storage (i.e. Sunbelt Rentals Company) to be established on a ~3.35-acre portion of a larger 6.222-acre parcel of land identified as Lot 2, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for commercial land uses, situated within the SH-276 Corridor Overlay (SH-276

201 OV) District, located east of Corporate Crossing (FM-549) in between SH-276
202 and Springer Lane, and take any action necessary. **(2nd Reading)**

203 4. **Z2014-024** - Consider approval of an **ordinance** for a request by Juan J.
204 Vasquez, PE of Vasquez Engineering, LLC on behalf of James R. Thompson of
205 Cavender Investment Properties E, LTD for the approval of a Specific Use
206 Permit (SUP) for a general retail store within a Light Industrial (LI) District for
207 the purpose of constructing a Cavender's Boot City on a 3.27-acre parcel of
208 land identified as Tract 9-4 of the J. Lockhart Survey, Abstract No. 134, City of
209 Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated
210 within the IH-30 Overlay (IH-30 OV) District, located on the south side of the E.
211 IH-30 frontage Road west of Corporate Crossing (FM-549), and take any action
212 necessary. **(2nd Reading)**

213 5. **Z2014-026** - Consider approval of an **ordinance** for a request by Caprice
214 Michelle of Rockwall's Rustic Ranch, LLC for the approval of a Specific Use
215 Permit (SUP) for a restaurant within Planned Development District 50 (PD-50)
216 on a 0.53-acre parcel of land identified as Lot B, Block 123, B. F. Boydston
217 Addition, zoned Planned Development District 50 (PD-50) for Residential Office
218 (RO) District uses, situated within the North Goliad Corridor Overlay (NGC OV)
219 District, addressed as 406 N. Goliad Street, City of Rockwall, Rockwall County,
220 Texas, and take any action necessary. **(2nd Reading)**

221 6. **P2014-024** - Consider a request by Glenn Breyszcher of Dallas Mapping &
222 Design on behalf of David Spiegel of the Lakes Assembly of God Church for the
223 approval of a replat for Lot 1, Block A, Lakes Assembly Addition, being a 6.210-
224 acre parcel of land, currently identified as Blocks B & C, Green Meadows
225 Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-
226 7) District, located on the north side of Williams Street (SH-66) east of the
227 intersection of N. Clark Street and Williams Street, and take any action
228 necessary.

229 7. **P2014-026** - Consider a request by Chase Finch of Corwin Engineering, Inc. on
230 behalf of John Arnold of the Skorburg Company (BH Phase IIB SF, LTD) for the
231 approval of a replat of Lots 51-60, Block D, Breezy Hill, Phases IIA & IIB, being
232 a 3.624-acre portion of land that is currently identified as Lots 20-26 & 50, Block
233 D, Breezy Hill, Phases IIA & IIB, City of Rockwall, Rockwall County, Texas,
234 zoned Planned Development District 74 (PD-74) for residential land uses,
235 generally located north of the intersection of FM-552 and John King Boulevard,
236 and take any action necessary.

237 8. **P2014-028** - Consider a request by Harold Fetty of H. D. Fetty Land Surveying,
238 LLC on behalf of the owner R. D. Vanderslice for the approval of a replat for Lot
239 3, Block A, Adams Addition, being a 0.30-acre parcel of land identified as Lot 1,
240 Block A, Adams Addition, zoned Planned Development District 50 (PD-50) for
241 Residential Office (RO) District uses, situated within the North Goliad Corridor
242 Overlay (NGC OV) District, addressed as 911 N. Goliad Street, and take any
243 action necessary.

244 9. Consider authorizing the City Manager to execute a contract with CXT Precast
245 Products for the construction of a restroom at Tuttle Sports Complex in the
246 amount of \$110,409.37 to be funded from the Recreation Development Fund,
247 and take any action necessary.

248 10. Consider authorizing the City Manager to execute a contract with Rockwall
249 County Committee on Aging for certain nutritional and senior service programs

- 250 in the amount of \$30,000.00 to be funded from the Administration Department
251 operating budget, and take any action necessary.
- 252 11. Consider authorizing the City Manager to execute a contract with the Texas
253 Department of Transportation, Aviation Division for participation in the Routine
254 Airport Maintenance Program at the Ralph M. Hall / Rockwall Municipal Airport,
255 with matching funds for the grant to be provided by the Airport Operating
256 Budget, and take any action necessary.
- 257 12. Consider authorizing the Mayor to execute an interlocal agreement for fire
258 protection services between Rockwall County and the City of Rockwall, and
259 take any action necessary.
- 260 13. Consider authorizing the City Manager to enter into an agreement with APA for
261 the 2015 Founders Day Festival headline entertainment in the amount of
262 \$30,000 to be funded by Hotel/Motel Tax Funds, and take any action
263 necessary.
- 264 14. Consider authorizing the City Manager to execute an engineering services
265 contract with Hydrological Support Services, LLC to perform flood study reviews
266 for developments within the City in an amount not to exceed \$40,000.00 to be
267 funded from the FY 2014-15 Engineering Department Operations Budget and
268 developer reimbursement, and take any action necessary.
- 269 15. Consider approval of an **ordinance** establishing the speed limit along SH 205
270 from E. Interurban Street to south of S. Heath Street at 35 miles per hour and
271 take any action necessary. **(1st Reading)**
- 272 16. Consider approval of an **ordinance** amending Chapter 38. Subdivisions; Article
273 I. In General; Section 38-15. Miscellaneous requirements, Subsection (m) to
274 increase Engineering Inspection fees from two percent to four percent, and
275 taken any action necessary. **(1st reading)**
- 276 17. Consider approval of an **ordinance** amending the Code of Ordinances in
277 Chapter 6. Animals, Article II. Administration, Division 2. Adoption Center
278 Advisory Committee, Sec. 6-51 to modify the composition of the committee to
279 align with state law, and take any action necessary. **(2nd reading)**
- 280 18. Consider approval of a resolution authorizing the City Manager to execute an
281 agreement with TXDOT for Construction, Maintenance and Operations of
282 Safety Lighting Systems Within Municipalities with the Texas Department of
283 Transportation, and take any action necessary.

284 **Councilmember White made a motion to approve the entire Consent Agenda (items #1-**
285 **18). Councilmember Townsend seconded the motion. The ordinances were read as**
286 **follows:**

287 CITY OF ROCKWALL
288 ORDINANCE NO. 14-42

289 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
290 AMENDING PLANNED DEVELOPMENT DISTRICT NO. 46 (PD-46) [ORDINANCE NO. 99-
291 05] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
292 ROCKWALL, TEXAS, AS HERETOFORE AMENDED, BY ALLOWING A RENTAL STORE
293 WITH OUTSIDE STORAGE TO BE DESIGNATED ON TRACK 2, LOT 00 OF EXHIBIT 'B'
294 WITHIN ORDINANCE NO. 99-05, BEING A 3.211-ACRE PORTION OF A LARGER 6.222-
295 ACRE TRACT OF LAND IDENTIFIED AS LOT 2, BLOCK A, SHARP ADDITION, ABSTRACT
296 186 J. A. RAMSEY SURVEY, LOCATED AT 2582 STATE HWY 276, AND MORE
297 SPECIFICALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS;
298 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
299 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
300

301 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
302 DATE.
303

304 CITY OF ROCKWALL
305 ORDINANCE NO. 14-43
306 SPECIFIC USE PERMIT NO. S-126
307

308 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
309 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY
310 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC
311 USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR A
312 GENERAL RETAIL STORE ON A 3.27-ACRE PARCEL OF LAND IDENTIFIED AS TRACT 9-
313 4 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134; PROVIDING FOR SPECIAL
314 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
315 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
316 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
317 EFFECTIVE DATE.

318 CITY OF ROCKWALL
319

320 ORDINANCE NO. 14-44
321 SPECIFIC USE PERMIT NO. S-127
322

323 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THE
324 UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL,
325 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
326 FOR A RESTAURANT THAT IS LESS THAN 2,000 SF IN SERVICE AREA AND THAT DOES
327 NOT HAVE A DRIVE-THROUGH OR DRIVE-IN SERVICE ON A 0.53-ACRE PARCEL OF
328 LAND; ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL
329 OFFICE (RO) DISTRICT LAND USES; BEING ADDRESSED AS 406 N. GOLIAD STREET
330 AND IDENTIFIED AS LOT B, BLOCK 123, B. F. BOYDSTON ADDITION, CITY OF
331 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
332 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
333 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
334 CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
335 PROVIDING FOR AN EFFECTIVE DATE.

336 CITY OF ROCKWALL, TEXAS
337 ORDINANCE NO. 14-45
338
339

340 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
341 ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER
342 THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON STATE
343 HIGHWAY NO. 205 GENERALLY FROM E. INTERURBAN STREET TO SOUTH OF S.
344 HEATH STREET OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY
345 OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A
346 PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$200.00 FOR EACH OFFENSE;
347 PROVIDING AN EFFECTIVE DATE.
348

349 CITY OF ROCKWALL, TEXAS
350 ORDINANCE NO. 14-
351

352 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
353 CHAPTER 38. SUBDIVISIONS; ARTICLE I. IN GENERAL; SECTION 38-15. MISCELLANEOUS
354 REQUIRMENTS BY AMENDING SUBSECTION (m) TO REVISE THE ENGINEERING
355 INSPECTION FEE TO RAISE IT FROM TWO PERCENT TO FOUR PERCENT; REPEALING ALL
356 ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A
357 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
358

359 CITY OF ROCKWALL
360 ORDINANCE NO. 14-41
361

362 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
363 THE CODE OF ORDINANCES IN CHAPTER 6. ANIMALS; ARTICLE II. ADMINISTRATION;
364 DIVISION 2. ANIMAL ADOPTION CENTER / ADVISORY COMMITTEE; SECTION 6-51.

365 ESTABLISHED; COMPOSITION TO AMEND COMMITTEE MEMBER COMPOSITION IN
366 ACCORDANCE WITH STATE LAW REQUIREMENTS. PROVIDING FOR REPEALING,
367 SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF
368 THIS ORDINANCE.
369

370 **The motion to approve passed by a vote of 5 ayes with 2 absent (Daniels and Lewis).**

371 **XI. APPOINTMENTS**

372
373 1. Appointment with the Planning and Zoning Chairman to discuss and answer
374 any questions regarding cases on the agenda and related issues and take any
375 action necessary.

376 **Mayor Sweet indicated that the Chairman of the Planning & Zoning Commission, Craig Renfro,**
377 **is unable to attend this evening. So this item was not discussed, and no action was taken.**

378
379 2. Appointment with Dana Macalik of the Rockwall Area Chamber of Commerce to
380 hear report on Hotel Motel Occupancy Tax funding utilized for various projects
381 including a community map, "Visit Rockwall" website and visitor's brochure, and
382 Rockwall Chamber website, and take any action necessary.

383 **Dana Macalik of the Rockwall Chamber came forth and handed out several pieces of printed**
384 **material to the city council members. She then provided brief comments regarding how**
385 **hotel/motel tax funds granted to the Chamber by the City of Rockwall were spent. The council**
386 **thanked Mrs. Macalik for her well organized, informative report, and no action was taken.**

387
388 3. Appointment with representatives from Suntex RHCL, LLC to request relief from
389 the concession agreement to operate the marina within Chandlers Landing, and
390 take any action necessary.

391 **Stephen Lehn**
392 **17330 Preston Road, Ste. 220A**
393 **Dallas, TX 75252**

394
395 **Mr. Lehn explained that the water level at the lake has hit a historic low, and close to \$300,000**
396 **of his company's own capital has been spent on dredging operations thus far. He indicated**
397 **that his company is asking for an abatement of dues owed to the city until which time as the**
398 **lake water levels raise back up to 434 feet. They are currently at about 425 feet. He explained**
399 **that his business is at stake because boat slip fees are being hindered due to low lake levels.**

400
401 **Mayor Pro Tem Pruitt expressed concern about Suntex not giving slip tenants financial relief**
402 **when some have had to leave and take their boats elsewhere to be stored due to very low lake**
403 **levels at Lake Ray Hubbard. He expressed that he is still paying about \$3,000 per year to the**
404 **marina at Chandlers Landing even though he has had to move his boat elsewhere and is now**
405 **paying those fees at the alternate location on top of those he is paying here locally. Mr. Lehn**
406 **indicated that some financial relief has occurred on a case-by-case basis for those who are**
407 **unable to access their boat. Mayor Pro Tem Pruitt indicated that no one at Suntex has ever**
408 **proactively reached out to him regarding his boat storage, including levels reaching lows**
409 **which have inhibited his ability to access his boat.**

410
411 **Chris Petty with Suntex joined the meeting at this point.**

412
413 **Mr. Griggs indicated that a portion of funds from things such as slip revenues, fuel sales, and**
414 **store sales contribute towards this concessions agreement. He indicated that revenues**

415 typically received from Suntex associated with this concessions agreement are about \$100,000
416 per year.

417
418
419 Mr. Petty offered general comments related to the lake levels and varying circumstances
420 related to individual boat slips at the marina as well as individual contracts with boat owners
421 related to lease of those slips. He indicated that dredging in, around and under the slips at the
422 marina has been challenging.

423 Councilmember White asked what percentage of revenue has been lost due to tenants pulling
424 out, cancelling their membership and docking their boats elsewhere. Mr. Petty indicated that
425 revenue has declined about 33% due to "rent relief" arrangements that have been negotiated
426 between tenants and the marina and/or due to those who've cancelled and moved their boats
427 elsewhere entirely.

428
429 Mr. Griggs indicated that money received from this concessions agreement is deposited into
430 the city's Recreational Development Fund, and the money is used to fund recreational projects
431 for city residents (example: most recently used to renovate Tuttle and Yellow Jacket ball
432 fields). Also, part of the revenues anticipated to be received by the city from this concessions
433 agreement has been budgeted in the 2015 fiscal year for upcoming projects.

434
435 Councilmember Milder pointed out that the City of Rockwall is also feeling a lot of stress and
436 financial strain due to the drought and the lack of water sales. So, as a result, he expressed an
437 uncertainty about the city's ability to grant the company's request for relief this evening. Mr.
438 Petty indicated that the company operates twenty-two other marinas elsewhere outside of
439 Rockwall. Councilmember Milder suggested the company consider seeking financial relief
440 from elsewhere within the company itself so that Rockwall taxpayers do not have to bail out
441 the company.

442
443 Councilmember Townsend expressed that their concessions agreement is based on a
444 percentage of sales. His struggle is that the company is still charging Rockwall citizens
445 associated with the boat docks, yet then the company wants the city to not charge the
446 company associated with the concessions agreement and the associated financial obligations.
447 He has a problem with the company charging Rockwall residents for boat dock slips they are
448 unable to utilize due to the drought. Mayor Sweet generally echoed Councilmember
449 Townsend's concerns.

450
451 Councilmember White asked if the company has sales other than slip rentals. Mr. Petty
452 indicated that the rentals makes up a majority of the sales (about 85%).

453
454 Mr. Petty offered brief, closing remarks, indicating that his company may be able to partner
455 with the City in the future to come up with and execute a long term plan which may be
456 beneficial to both the company and the citizens of Rockwall, for example with regards to future
457 dredging operations and green space for residents (using backfill/dredged material).

458
459 The council took no action related to this agenda item.

- 460
461 4. Appointment with Dewayne Cain regarding Rest Haven Funeral Home
462 expansion, and take any action necessary.

463
464 Dewayne Cain
465 305 Stonebridge
466 Rockwall, TX

467 Mr. Cain came forth and indicated he owns the Rest Haven Funeral Home and Memorial Park in
468 Rockwall, a building which has never been expanded since it was originally constructed in
469 1992. There is now a tremendous need to expand, adding about 1,500 square feet. He would
470 like the city council to consider a temporary postponement associated with the requirement
471 that the new construction and existing construction be equipped with a fire sprinkler
472 suppression system. He explained that his business was annexed into the city several years
473 ago, and, since that time, no city water or sewer lines have been extended to his particular
474 business. He explained that his existing water line is a small line from Mt. Zion Water Supply
475 that comes from Cornelius Street; however, it does not have the capacity to supply sufficient
476 water to service a fire sprinkler system. He explained that he is requesting that the council
477 consider allowing him to go ahead and proceed with construction of the building expansion
478 but defer the fire sprinkler system requirement for a period of time. He suggested that his
479 company could enter into a legal contract with the city that would postpone putting the fire
480 system in until such time as the city extends water to his business. He explained that he is
481 willing to include with the building expansion/construction the fire suppression lines needed
482 to activate the system once city water lines have been extended to his property. After brief
483 discussion, Councilmember Pruitt made a motion for the City to enter into a contract with
484 Dewayne Cain on behalf of Rest Haven Funeral Home to delay installation of the fire sprinkler
485 system until which time as the city extends the water line to his business so he may tie into it
486 and activate the sprinkler system at that future date. Councilmember Townsend seconded the
487 motion. The motion passed by a vote of 5 ayes with 2 absent (Daniels and Lewis).

488
489 Staff indicated that a contract will be drawn up and brought back to the City Council for review
490 and final approval at a future date.

491
492 5. Appointment with Mark Spencer to discuss and consider the master plan for the
493 Park at Stone Creek, and take any action necessary.

494 Assistant City Manager Brad Griggs provided brief introductory comments related to this
495 agenda item, indicating that the city authorized submission of a grant application to the Texas
496 Department of Parks and Wildlife to assist with development of this park. The Park Board
497 voted unanimously on August 5 to approve the master plan for the Park at Stone Creek.

498 Mr. Spencer with MHS Planning and Design then came forth to address council. He indicated
499 that this park is located on the northwest corner of Featherstone and John King Boulevard
500 next to a middle school. He indicated that a portion of a flood plain is included in this tract,
501 and some sort of a water works play area may be incorporated there. The master plan for this
502 park includes a playground area, a 1/3 mile trail loop, a 9-hole executive disc golf area, a
503 basketball court, plaza with covered pavilion, open lawn area, 1 acre pond, fishing pier, nature
504 area with native grasses and trees and a bike rest stop along the trail along John King. Two
505 parking lots are included for this particular park. About 3.5 acres will be irrigated (out of
506 about 16-17 total acres). He indicated that the play area in this particular park will have about
507 twice as much funding devoted to the playground area than that which has been devoted in
508 other neighborhood parks in Rockwall because a lot of young families live in this particular
509 area.

510 Mr. Griggs indicated that this park land came about through the city's mandatory park land
511 dedication policy which calls for a developer to either dedicate open space land for parks or
512 pay cash in lieu of land. In this case, the developer dedicated actual land to the city (11.88
513 acres) for future development of a park. In addition, the developer pays pro rata equipment
514 fees, and those have been collected in the first five phases of the developer's development.
515 Those funds will be utilized as the "matching funds" if the city is awarded the grant for which
516 it has applied. If the grant does not come to fruition, the city will plan to utilize those funds to
517 develop the park more slowly over time in phases and will reapply for a grant again later on.

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Mr. Spencer indicated that resident feedback at the Park Board meeting was very positive, especially related to the emphasis that will be placed on developing the playground area.

Mayor Pro Tem Pruitt asked about what sort of barrier will be in place between the park and the nearby middle school. Mr. Spencer indicated that there is currently a chain link fence there, but staff is still working to determine what sort of access might be put in place. Mr. Griggs indicated that staff has spoken to a science teacher at the middle school to glean feedback as to what sort of vegetation could be placed at the park that would be of benefit to his students regarding nature studies, and that feedback will be incorporated into the selection and planting of that vegetation.

Mayor Sweet made a motion to approve the Master Plan at Stone Creek. Councilmember White seconded the motion. Councilmember White asked if the school will partner with the city on development and maintenance of the native grasslands/plant/tree area. Mr. Griggs indicated that it is not anticipated that there will be large, ongoing expense associated with the grasslands area, so a financial partnership with the school should not be necessary. After brief comments, the motion passed by a vote of 5 ayes with 2 absent (Daniels and Lewis).

Mayor Sweet then called for a brief, ten minute break (at 7:16 p.m.).

At 7:27 p.m., Mayor Sweet called the public meeting back to order.

- 6. Appointment with Kim Lovett with Eventive Marketing Solutions, representing UCR Asset Services, to request permission to hold two special events (Harbor HOWL-O-Ween on 10/25/14 and Harbor Holiday on 11/15/14) on the Harbor property, and take any action necessary.

Sylvana Garcia Senior Property Manager with USR / representing The Harbor (TF Harbor) and Kim Lovett with Eventive Marketing Solutions came forth and briefly explained the events that they would like to host at The Harbor. They briefly explained that each one will benefit certain local non-profit organizations. Mrs. Lovett indicated that last year they donated a couple hundred dollars to the Rockwall Paws organization, and that money was generated from the "per pet entry fee" charged for the Halloween doggy costume contest. Mayor Sweet mentioned that the city will be hosting a public event at The Harbor that same day, and he asked staff to extend an invitation to Rockwall PAWS to participate in some way.

Mayor Pro Tem Pruitt pointed out that a legal counsel representative associated with Mrs. Garcia and Mrs. Lovett is present in the audience this evening. He invited the gentleman to come forth and introduce himself. Mr. Curt M. Covington then came forth and provided his business card to the City Secretary. He introduced himself, explaining that he represents TF Harbor, and he is here to observe the city council's actions this evening. He further clarified that he represents TF Harbor and not UCR or the marketing firm, so he is not the lawyer for either of these ladies. Mr. Covington's business card information is as follows:

Curt M. Covington
Munsch, Hardt, Kopf and Harr, PC
3800 Lincoln Plaza
500 N. Akard Street
Dallas, TX 75201-6659.

Mayor Pro Tem Pruitt made a motion to deny the permit request for the Howl-o-Ween event at The Harbor since the city is already hosting an event at The Harbor that same day. Councilmember Milder seconded the motion. The motion passed unanimously of council (5 ayes with 2 absent (Daniels and Lewis)).

568 Councilmember Townsend made a motion to approve the Harbor Holiday and tree lighting
569 event and the associated city special event permit. Councilmember White seconded the
570 motion, which passed by a vote of 3 ayes with 2 against (Pruitt, Sweet) and 2 absent (Daniels
571 and Lewis).

572
573 PUBLIC HEARING ITEMS

574
575 1. MIS2013-006 – Hold a public hearing to discuss and consider approval of an
576 ordinance for a City initiated amendment to Sections 38-360 through 38-368 of
577 Chapter 38, Subdivisions, of the Municipal Code of Ordinances of the City of
578 Rockwall, Texas, concerning updated impact fees for water and wastewater
579 facilities based on recently approved and updated land use assumptions and
580 utility capital improvement plans for such facilities. (1st Reading)

581 City Engineer Tim Tumulty provided brief introductory comments associated with this agenda
582 item, indicating that the city hired a consultant to do an in depth fee study associated with the
583 city's water and wastewater impact fees. He then called for the consultant to come forth and
584 speak.

585
586 Mr. Matt Hickey, P.E.
587 11910 Greenville Avenue, Suite 600
588 Dallas, TX 75243

589
590 Mr. Hickey came forth and briefed the council on the results of a water / wastewater impact fee
591 study. He indicated that water/wastewater impact fees are charged to developers of new
592 development in the city in order to fund water/wastewater related capital improvements. He
593 explained that ten year growth projections for residential and commercial are taken into
594 account as a part of the process associated with establishing appropriate fees.

595
596 After Mr. Hickey's presentation, Mayor Sweet then opened the Public Hearing and asked if
597 anyone would like to come forth and speak. There being no one indicating a desire to do so,
598 Mayor Sweet then closed the public hearing.

599
600 Mayor Pro Tem Pruitt made a motion to approve the ordinance as presented. Councilmember
601 White seconded the motion. The ordinance was read as follows:

602 CITY OF ROCKWALL
603 ORDINANCE NO. 14-XX

604
605 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
606 AMENDING SECTIONS 38-360 THROUGH 38-368 OF CHAPTER 38, *SUBDIVISIONS*,
607 OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ROCKWALL,
608 ROCKWALL COUNTY, TEXAS, CONCERNING UPDATED IMPACT FEES FOR
609 WATER AND WASTEWATER FACILITIES BY UPDATING THE LAND USE
610 ASSUMPTIONS, CAPITAL IMPROVEMENTS PLANS, EQUIVALENCY TABLES, AND
611 IMPACT FEE ASSESSMENT AND COLLECTION RATES FOR SUCH FACILITIES;
612 PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
613 PENALTIES; AND PROVIDING AN EFFECTIVE DATE.
614

615
616 The motion passed unanimously of council present (5 ayes with 2 absent (Daniels and Lewis)).

617
618 XII. ACTION ITEMS

619
620 1. SP2014-018 - Discuss and consider a request by Scott Lay on behalf of Lay
621 Construction, LLC for the approval of variances to the SH-205 Overlay (SH-205
622 OV) District requirements in association with a site plan for a Dairy Queen

623 restaurant on a 2.0638-acre tract of land identified as Tract 36 of the B. J. T.
624 Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas,
625 zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV)
626 District, located on the east side of SH-205 [S. Goliad Street] north of the
627 intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

628 **Planning Director Robert LaCroix provided background information related to this agenda**
629 **item. He indicated that the Planning & Zoning Commission did recommend approval of this**
630 **request; however, they recommended not approving the allowance for parking spaces within**
631 **the twenty foot landscape buffer, which will subsequently result in about sixteen less parking**
632 **spaces than what the applicant is requesting. This landscape buffer is located between the**
633 **parking spaces in front and the building itself. It was explained that this is required as part of**
634 **it being located in an Overlay District.**

635 **Scott Lay**
636 **Lay Design / Build**
637 **P.O. Box 5300**
638 **Tyler, TX 75712**
639

640 **Mayor Pro Tem Pruitt made a motion to approve SP2014-018 along with recommendations**
641 **made by the Planning and Zoning Commission. Councilmember Townsend seconded the**
642 **motion.**
643

644 **Mr. Lay generally explained that he had requested the ability to make parking spaces within**
645 **the city's required landscape buffer (a variance to make the required 20' landscape buffer**
646 **smaller). Lengthy discussion ensued related to parking and the desire for the city council to**
647 **ensure that ample parking spaces are included as part of this proposed Dairy Queen.**
648 **Discussion focused, in part, on the twenty-foot landscape buffer that is required.**
649

650 **The motion to approve, including recommendations of the Planning and Zoning Commission**
651 **(not allowing parking within the 20' landscape buffer) passed by a vote of 4 in favor, 1 against**
652 **(Sweet) and 2 absent (Daniels and Lewis). Mayor Sweet explained that he voted against the**
653 **motion because he is in favor of more parking.**
654

- 655 **2. MIS2014-013 - Discuss and consider a request by Darryl LaCaze for the**
656 **approval of a special request for the purpose of permitting an accessory**
657 **structure that exceeds the maximum permissible size stipulated by Section**
658 **2.1.2 of Article IV, Permissible Uses, of the Unified Development Code and**
659 **does not meet the exterior material requirements as stipulated in Ordinance No.**
660 **09-37 for a 33.05-acre property identified as Lots 1340 & 1341 of Rockwall**
661 **Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned**
662 **Planned Development District 75 (PD-75) [Ordinance No. 09-37], addressed as**
663 **503 Nicole Drive, and take any action necessary.**

664 **Mr. LaCroix explained that the applicant is asking to build a 288 square foot accessory**
665 **building; however, the city only allows a 250 square foot building in this particular Planned**
666 **Development District. Also, the applicant is requesting a variance related to the city's**
667 **masonry requirement on the hardy plank building. Mr. LaCroix explained that the Planning &**
668 **Zoning Commission did recommend approval of these variance requests.**
669

670 **Darryl LaCaze, applicant, came forth to address the council. Mr. LaCaze clarified that the**
671 **actual building that will be constructed will have a metal roof, rather than a composition roof**
672 **like that shown in the photograph.**

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Councilmember Milder made a motion to approve MIS2014-013. Councilmember White seconded the motion, which passed by a vote of 5 ayes with 2 absent (Daniels and Lewis).

- 3. MIS2014-014** - Discuss and consider a miscellaneous request by Tim Spiars of Spiars Engineering on behalf of Master Developers SNB LLC for the approval of a variance to the alley requirements stipulated by Planned Development District 41 (PD-41) [Ordinance No. 01-27] and Section 2.11 of the Standards of Design Manual, for a 12.45-acre subdivision of land identified as the North Shore Addition, being a portion of the Preserve preliminary plat, zoned Planned Development District 41 (PD- 41) for single family residential land uses, generally located on the south side of East Fork Drive, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this agenda item. Mr. Spiars of Spiars Engineering then came forth and briefly addressed the city council. Councilmember White made a motion to approve MIS2014-014. Councilmember Milder seconded the motion, which passed by a vote of 5 ayes with 2 absent (Daniels and Lewis).

- 4. Z2014-022** – Discuss and consider approval of an **ordinance** for a City initiated zoning request for the approval of a text amendment to Article V, District Development Standards, of the Unified Development Code [Ordinance No. 04-38] for the purpose of creating and implementing an Airport Overlay (AP OV) District, which will be applicable for the Ralph M. Hall/Rockwall Municipal Airport property, and for all properties located within 500-feet of the airport property and/or located within the Airport’s Runway Protection Zones as defined by AC150/5300-13A, Airport Design, of the FAA standards, and take any action necessary. **(1st Reading)**

Planning Director Robert LaCroix provided brief background information related to this item, indicating that a public hearing on this issue was held at the last, regular city council meeting. Mayor Sweet indicated that Mayor Pro Tem Pruitt, Councilmember White and Councilmember Townsend are the council members that currently sit on the council’s Airport Subcommittee, and, following discussions had at the last council meeting, they were asked to further evaluate this matter. Mayor Pro Tem Pruitt indicated that, after further discussions with the Airport Subcommittee, they are comfortable with recommending that the council leave the zoning ‘as is’ at this time. Therefore, no action will be taken by the city council to make any modifications to the zoning at this time.

**JoAnn Athey
124 Main Street
P.O. Box 219
Lavon, TX 75166**

Mrs. Athey came forth and asked if hangars can be built on the land surrounding the airport. Staff clarified that the FAA is the authority that approves or disapproves these sorts of requests; however, “thru the fence” agreements are not allowed at the Rockwall Municipal Airport.

- 5.** Discuss and consider approval of a resolution establishing an intent to apply for Preserve America Community Designation, supporting heritage tourism and historic preservation, and take any action necessary.

723 Planning Director Robert LaCroix provided background information related to this agenda
724 item, explaining this program and its potential benefits to the City of Rockwall. He indicated
725 that both the Main Street Advisory Board and the city's Historic Preservation Advisory Board
726 have recommended the city become part of this program. He explained that if the city
727 becomes part of this program, the opportunity for federal matching grants for projects related
728 to heritage tourism and historic preservation would become available to the city.

729 Councilmember Milder made a motion to approve the resolution. Councilmember White
730 seconded the motion, which passed by a vote of 5 ayes with 2 absent (Daniels and Lewis).

- 731
- 732 6. Discuss and consider approval of a resolution establishing a Charter Review
733 Commission, and take any action necessary.

734 It was indicated that the action taken out of pre-meeting Executive Session took care of this
735 agenda item.

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

- 738
- 739 1. Departmental Reports
740 Building Inspections Monthly Report - August 2014
741 Fire Department Monthly Reports - August 2014
742 Harbor PD Monthly Report - August 2014
743 Internal Operations Department Monthly Report - August 2014
744 Police Department Monthly Report - August 2014
745 Recreation Monthly Report - August 2014
746 Rockwall Animal Adoption Center Monthly Report - August 2014

- 747 2. City Manager's Report

748 Councilmember Milder offered compliments regarding the Fire Department's recent Open
749 House. Mayor Sweet also complemented the Main Street Manager, staff and those involved in
750 downtown activities for a job well done this past weekend at the annual Rib Rub event.

751 The Council took no action related to city manager / department reports, and they did not
752 reconvene in Executive Session following the end of the public meeting agenda.

753

754 **XIV. EXECUTIVE SESSION**

755

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

- 758
- 759 1. Discussion regarding appointment of Mayor Pro-Tem pursuant to Section 551.074
760 (Personnel Matters)
- 761 2. Discussion regarding appointment to fill city council member vacancy in accordance with
762 City Charter provisions pursuant to Section 551.074 (Personnel Matters)
- 763 3. Discussion regarding appointments to city regulatory boards, commissions, and
764 committees including the Building and Standards Commission, Board of Adjustments,
765 Planning & Zoning Commission, Rockwall Economic Development Corporation, and
766 Charter Review Commission pursuant to Section 551.074 (Personnel Matters)
- 767 4. Discussion regarding City Manager performance evaluation pursuant to Section 551.074
768 (Personnel Matters).

769 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
770

771 The Council did not reconvene into Executive Session following the close of the public
772 meeting agenda. See start of 6:00 p.m. public meeting above for action taken at that time.

773
774

775 XVI. ADJOURNMENT

776
777

777 Mayor Sweet adjourned the public meeting at 8:27 p.m.

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780 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
781 20th day of October, 2014.

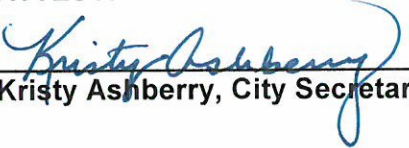
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David Sweet, Mayor

784 ATTEST:

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787


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, October 20, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David
10 Sweet, Mayor Pro Tem Jim Pruitt, and City Council Members David White, Mike
11 Townsend, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City
12 Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City
13 Attorney Frank Garza.
14

15 II. (4:00 P.M.) WORK SESSION

- 16
17 1. Hold work session to hear update from Tom Kula of the North Texas Municipal Water
18 District (NTMWD) regarding the drought and associated water supply, and take any
19 action necessary.

20 Present for this agenda item were Tom Kula and Mike Rickman of the North TX Municipal
21 Water District as well as the City of Rockwall's appointed members to the NTMWD board,
22 Mr. Larry Parks and Mr. Bill Lofland.
23

24 Tom Kula came forth, introducing himself as the Executive Director of the NTMWD and
25 indicating he has been in this role for about six months. He thanked the citizens of
26 Rockwall for achieving about a thirty-one percent reduction in water consumption/usage.
27 He explained that the drought officially began four years ago in October of 2010, and it
28 may rival the drought of the 1950s. For five years, water for Lake Lavon could not be
29 pulled from Texoma. As a result, Lavon is six feet lower than it really should have been.
30 More rain than normal is being forecasted for the winter months.
31

32 Councilmember Daniels expressed that he has heard concerns regarding Lake Ray
33 Hubbard from resident homeowners and businesses that are being adversely affected by
34 the low water levels. Mike Rickman, Deputy Director of Water Operations for the
35 NTMWD, came forth and briefed the council on lake levels at the various lakes around the
36 region. He also briefed the council on lake releases from Lake Ray Hubbard in
37 collaboration with the City of Dallas through two contracts that NTMWD has with the City
38 of Dallas. He explained that two wastewater treatment plants discharge into Lake Ray
39 Hubbard. Those flows get released through the spillway into the wetlands, and it is then
40 pumped back to Lake Lavon. The second contract is a three year one that expires in May
41 of 2016. It deals with the purchase of raw water, with some of the raw water coming from
42 Lake Ray Hubbard and the rest coming from either Lake Tawakoni or Lake Fork.
43

44 Councilmember Lewis pointed out that the NTMWD recently added several new
45 employees. Regarding a future, anticipated water rate increase on the part of the
46 NTMWD, Councilmember Lewis expressed a desire for the District to reassure Rockwall
47 that it is doing all it can do in order to keep costs down. He expressed that the city is
48 currently doing its own study related to water rates, and those results will be discussed
49 by the city council in November.

50 Mr. Kula explained that employees were added at the NTMWD this fiscal year to begin
51 projects that they are behind on. For example, employees were added to Maintenance
52 Management to manage and begin to address aging infrastructure.

53
54 Councilmember Daniels expressed that he would like the NTMWD to better explain and
55 communicate to Rockwall citizens the process of letting water out of Lake Ray Hubbard
56 and the reasons why. Mayor Sweet expressed a desire for a short summary of this
57 nature to be prepared by the District for inclusion in city water bills as an informational
58 insert. Mr. Kula agreed to also contact the local newspaper(s) in Rockwall to see about
59 putting information of this nature in the local newspapers too. Mr. Kula expressed that

60
61 After brief dialogue between the Council and Mr. Parks and Mr. Lofland, the Council took
62 no action related to this agenda item.

- 63
64 2. Hold work session to discuss and consider the city's Art in Public Places ordinance
65 provisions, including the Art Review Team (ART) Commission, and take any action
66 necessary.

67
68 Assistant City Manager Brad Griggs provided brief background information related to
69 this agenda item, indicating that Councilmember White requested that this item be
70 placed back on the council agenda for discussion.

71
72 Councilmember White indicated that he would like as many citizens involved in public art
73 submissions as possible, and then have the five person Commission review those
74 submissions. Discussion took place related to the composition of the commission, with
75 Mayor Pro Tem Pruitt indicating that he has a problem with only one "interested citizen"
76 serving on the Commission. Also, he would like to ensure that all five who serve have to
77 be residents of the City of Rockwall. City Attorney Frank Garza confirmed that,
78 according to the city's Charter, they will need to be residents of the city.

79
80 Councilmember White then made a motion to change the composition of the ART Review
81 Team to call for five residents (with no specialties as far as their background, education
82 or profession are concerned) to serve. Mayor Pro Tem Pruitt seconded the motion,
83 which passed by a vote of 7 ayes to 0 nays.

84
85 At 4:50 p.m. Mayor Sweet read the below listed discussion items into the public record
86 before recessing the meeting into Executive Session.

87
88 **III. EXECUTIVE SESSION.**

89
90 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
91 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
92 CODE:

- 93
94 1. Discussion regarding right-of-way land acquisition located near Justin Road and John
95 King Blvd. pursuant to Section 551.072 (Real Property) and status of Temunovic
96 condemnation proceeding pursuant to Section 551.071 (Consultation with Attorney).
- 97 2. Discussion regarding possible claim related to Oncor pursuant to Section 551.071
98 (Consultation with Attorney)
- 99 3. Discussion regarding appointment to fill city council member vacancy in accordance with
100 City Charter provisions pursuant to Section 551.074 (Personnel Matters)

- 101 4. Discussion regarding appointments to city regulatory boards, commissions, and
102 committees including the Building and Standards Commission, Board of Adjustments,
103 Planning & Zoning Commission, Rockwall Economic Development Corporation, and
104 Charter Review Commission pursuant to Section 551.074 (Personnel Matters)
- 105 5. Discussion regarding city council member appointment as "alternate member" to STAR
106 Transit board of directors pursuant to Section 551.071 (Consultation with Attorney) and
107 Section 551.074 (Personnel Matters).
- 108 6. Discussion regarding City Manager performance evaluation pursuant to Section 551.074
109 (Personnel Matters).
- 110 7. Discussion regarding incentives to tenured employees and possible legal issues
111 pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with
112 Attorney).
- 113 8. Discussion regarding possible claim in enforcing city sign ordinance pursuant to Section
114 551.071 (Consultation with Attorney).

115
116 **IV. ADJOURN EXECUTIVE SESSION**

117
118 **Executive Session was adjourned at 5:50 p.m.**

119
120
121 **V. (6:00 P.M.) RECONVENE PUBLIC MEETING**

122
123 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all seven city council**
124 **members present.**

125
126 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

127
128 **Mayor Pro Tem Pruitt indicated that no action was needed as a result of Executive**
129 **Session.**

130
131 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

132
133 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**
134 **Mayor Sweet then announced that members of the city's Youth Advisory Council (YAC)**
135 **are present to observe the council meeting this evening, and each of them introduced**
136 **themselves.**

137
138 **VIII. PROCLAMATIONS / AWARDS**

139
140 **1. Cain Middle School Day**

141
142 **Mayor Sweet called forth representatives of Cain Middle School. He then read and**
143 **presented them with a proclamation recognizing the school and staff for several recent**
144 **accomplishments.**

145
146 **2. Police Department Presentation: Citizen Certificate of Merit (David Earls)**

147
148 **Mayor Sweet called forth Police Chief Mark Moeller and Assistant Police Chief Kirk**
149 **Riggs. Chief Moeller provided background information about lifesaving measures that**

150 **Mr. Earls took in order to save his coworker's life when he became electrocuted while**
151 **working on electrical repairs in the City of Rockwall back in June.**

152
153 **3. Rockwall Kiwanis Recognition Day**

154
155 **Mayor Sweet called forth representatives from the local Kiwanis club. He then read and**
156 **presented Rockwall Kiwanis with a proclamation recognizing them for their contributions**
157 **to the Rockwall community.**

158
159 **4. J.E.R. Chilton YMCA Recognition Day**

160
161 **Representatives of the J.E.R. Chilton YMCA (of Rockwall), including Executive Director**
162 **Bonnie LaVielle, were called forth by Mayor Sweet. Mayor Sweet then read and**
163 **presented the representatives with a proclamation recognizing the organization for its**
164 **programs and contributions to the community.**

165
166 **5. Chamber of Commerce Week**

167
168 **Dana Macalik, President of the Rockwall Area Chamber of Commerce, came forth with**
169 **various representatives to explain a little bit about what the Chamber does for the**
170 **Rockwall community. Mayor Sweet then read and presented the Chamber**
171 **representatives with a proclamation declaring October 20-24 as Chamber of Commerce**
172 **Week in Rockwall.**

173
174 **6. Red Ribbon Week**

175
176 **Mayor Sweet called Enid Reyes forth to say a few words about Red Ribbon Week. Ms.**
177 **Reyes introduced several guests who accompanied her this evening. He then read and**
178 **presented a proclamation declaring October 23-31 as Red Ribbon Week in the City of**
179 **Rockwall. Chief Moeller reminded the public about an upcoming "Drug Take Back**
180 **Initiative," which is a community wide effort that takes place annually and allows citizens**
181 **to safely dispose of old, unused pharmaceutical drugs. A secure drop box that is locked**
182 **will soon be implemented in the City of Rockwall to allow anyone to drop off unused**
183 **pharmaceuticals at any time.**

184
185 **Mayor Sweet reordered the city council agenda to address Appointment Item #1 next.**

186
187 **IX. CONSENT AGENDA**

188
189 **1. Consider approval of the minutes from the October 6, 2014 regular city**
190 **council meeting, and take any action necessary.**

191 **2. Consider approval of an ordinance establishing the speed limit along SH**
192 **205 from E. Interurban Street to south of S. Heath Street at 35 miles per**
193 **hour and take any action necessary. (2nd reading)**

194 **3. Consider approval of an ordinance amending Chapter 38. Subdivisions;**
195 **Article I. In General; Section 38-15. Miscellaneous requirements,**
196 **Subsection (m) to increase Engineering Inspection fees from two percent**
197 **to four percent, and taken any action necessary. (2nd reading)**

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204
4. **MIS2013-006** – Consider approval of an **ordinance** for a City initiated amendment to Sections 38-360 through 38-368 of Chapter 38, Subdivisions, of the Municipal Code of Ordinances of the City of Rockwall, Texas, concerning updated impact fees for water and wastewater facilities based on recently approved and updated land use assumptions and utility capital improvement plans for such facilities. **(2nd Reading)**
- 205
206
207
208
5. Consider approval of a Professional Engineering Services Contract with Kimley-Horn and Associates, Inc. to perform various traffic related studies within the City in an amount not to exceed \$10,000.00 funded from the FY2015 Engineering Budget and take any action necessary.
- 209
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211
212
6. Consider authorizing the City Manager to execute a purchase order to Caldwell Country Motors for the purchase of two (2) Chevrolet Tahoes for Fire Inspectors in the amount of \$72,482 funded with General Fund Reserves and take any action necessary.
- 213
214
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217
7. Consider authorizing the City Manager to enter into a contract with Benbrooke Ridge Partners, L.P. for lease of office space for the John Fitzwater, Sr. Community Service Center at 1113 Ridge Road (former Brookshires Shopping Center) to be paid from the Police Department Community Services operating budget and take any action necessary.

218 **Following Appointment Item #1, the Consent Agenda was addressed.**

219 **Mayor Pro Tem Pruitt pulled item #1 for discussion.**

220 **Councilmember Lewis made a motion to approve the remaining items on the Consent**
221 **Agenda (#s 2, 3, 4, 5, 6 and 7). Councilmember White seconded the motion. The**
222 **ordinances were read as follows:**

223 **CITY OF ROCKWALL, TEXAS**
224 **ORDINANCE NO. 14-45**

226 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS**
227 **ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES**
228 **UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON**
229 **STATE HIGHWAY NO. 205 GENERALLY FROM E. INTERURBAN STREET TO**
230 **SOUTH OF S. HEATH STREET OR PARTS THEREOF, WITHIN THE CORPORATE**
231 **LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE;**
232 **AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$200.00**
233 **FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.**

235 **CITY OF ROCKWALL, TEXAS**
236 **ORDINANCE NO. 14-46**

238 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
239 **AMENDING CHAPTER 38. SUBDIVISIONS; ARTICLE I. IN GENERAL; SECTION 38-**
240 **15. MISCELLANEOUS REQUIRMENTS BY AMENDING SUBSECTION (m) TO**
241 **REVISE THE ENGINEERING INSPECTION FEE TO RAISE IT FROM TWO PERCENT**
242 **TO FOUR PERCENT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE**
243 **PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE;**
244 **PROVIDING AN EFFECTIVE DATE.**

CITY OF ROCKWALL
ORDINANCE NO. 14-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, AMENDING SECTIONS 38-360 THROUGH 38-368 OF CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, CONCERNING UPDATED IMPACT FEES FOR WATER AND WASTEWATER FACILITIES BY UPDATING THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLANS, EQUIVALENCY TABLES, AND IMPACT FEE ASSESSMENT AND COLLECTION RATES FOR SUCH FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

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

Regarding Appointment Item #2, the second paragraph, Mayor Pro Tem Pruitt expressed that the language should be modified to clarify that Mr. Covington indicated that he is in fact a lawyer; however, he explained that he does not represent Sylvana Garcia, Senior Property Manager with USR or Kim Lovett with Eventive Marketing Solutions. Instead, he is a lawyer with the firm that represents TF Harbor. Mayor Pro Tem White then made a motion to approve Consent Agenda item #1 with the said changes being incorporated. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENTS

1. Appointment with Joe DeLane, Rockwall County Emergency Management Coordinator, to hear update regarding Emergency Management related activities, including public health, and take any action necessary.

Joe DeLane indicated that partnerships were formulated early on with various individuals across multiple disciplines throughout Rockwall County in order to facilitate discussions and information related to the recent Ebola related events that have arisen throughout the Dallas region. He stated that countywide officials continue to monitor the situation and associated developments, and press releases issued by Rockwall County have been created and disseminated through a joint effort with countywide partners. Mr. DeLane indicated that the Texas Department of State Health Services is the authority on this Ebola event, and the County of Rockwall also has a county health authority, Dr. Bonaquisti, who has been receiving limited information from the State related to individuals (now a total of six) who have been being monitored within Rockwall County by state health officials. He explained that Dr. Bonaquisti has indicated that, although he has not requested specific addresses of those who are being monitored in Rockwall County, even if he were to be provided with this information, he would be unable to release said information due to privacy-related legal issues. Mayor Sweet indicated that a daily conference call has been taking place with representatives of each and every entity in Rockwall County as well as with the local ambulance provider and the two school districts in Rockwall County. He complimented the partners for their work in monitoring the developments and keeping the public informed. Councilmember Lewis complimented Mr. DeLane on his work as the County of Rockwall Emergency Management Coordinator and thanked him for his work on this Ebola situation.

Mayor Sweet then addressed the Consent Agenda.

- 297 2. Appointment with Perry Havenar of Garver, Inc. to hear final presentation
98 on the airport development plan conducted at the Ralph M. Hall /
99 Rockwall Municipal Airport, and take any action necessary.

300
301 **Mr. Havenar came forth and briefed the city council on the airport development plan. Mr.**
302 **Havenar generally indicated that the cost and logistics associated with extending the**
303 **airport runway would outweigh the benefits that would ultimately be gained. Mr. Havenar**
304 **also provided the council with possible capital improvements they may wish to consider**
305 **in five-year phased increments over a period of about fifteen years.**
306

307 **Mayor Pro Tem Pruitt, Councilmember White and Councilmember Townsend as well as a**
308 **few representatives from the Rockwall Economic Development Corporation served on**
309 **the subcommittee that oversaw this study.**
310

311 **Councilmember White made a motion to approve the Airport Development Plan as**
312 **presented by Mr. Havenar, including authorizing the staff to submit it to TXDOT Aviation**
313 **for review. Councilmember Milder seconded the motion, which passed unanimously of**
314 **council (7 ayes to 0 nays).**
315

316 **XI. ACTION ITEMS**
317

- 318 1. Discuss and consider countywide Interoperability Radio System Interlocal
319 Agreement and take any action necessary.

20 **City Manager Rick Crowley indicated that, unfortunately, there is no updated contract to**
21 **be evaluated by the Rockwall City Council this evening. The county's attorneys are still**
22 **reviewing comments previously submitted by the city related to the last draft.**

323 **Councilmember White asked if either of the chiefs have any comments. Both Chief**
324 **Poindexter (Fire) and Chief Moeller (Police) expressed that the last draft had some details**
325 **that did not meet the city's needs. So, appropriate comments were sent back to the**
326 **county.**

327 **After brief comments, the council took no action related to this agenda item.**

- 328 2. Discuss and consider appointments to the city's Park Board, Architectural
329 Review Board, and the Art Review Team Commission, and take any
330 action necessary.

331 **Regarding the Architectural Review Board, Councilmember Milder indicated that does**
332 **not yet have a recommendation to provide; however, he is speaking with a possible**
333 **candidate at this time. Mayor Sweet briefed the council on various, outstanding board**
334 **openings and needed appointments.**
335

336 **Regarding the Park Board, Councilmember Townsend made a motion to appoint Wayne**
337 **Larson to serve (replacing Marcus Yarborough with an initial term to expire in August of**
338 **2016). Councilmember White seconded the motion, which passed unanimously of**
339 **council present (7 ayes to 0 nays).**
340

341
342 **At 7:20 p.m., Mayor Sweet indicated that the city council will recess the public meeting**
343 **into Executive Session. The then read discussion items #4 and #7 listed below into the**
344 **public record.**

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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 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).
2. Discussion regarding possible claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding appointment to fill city council member vacancy in accordance with City Charter provisions pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission, Rockwall Economic Development Corporation, and Charter Review Commission pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding city council member appointment as "alternate member" to STAR Transit board of directors pursuant to Section 551.071 (Consultation with Attorney) and Section 551.074 (Personnel Matters).
6. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (Personnel Matters).
7. Discussion regarding incentives to tenured employees and possible legal issues pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney).
8. Discussion regarding possible claim in enforcing city sign ordinance pursuant to Section 551.071 (Consultation with Attorney).

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

Mayor Sweet reconvened the public meeting at 8:13 p.m. Pro Tem Pruitt made a motion to appoint G. David Smith to the Charter Review Commission (replacing Connie Jackson who was originally appointed but has since expressed an inability to serve). Councilmember White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

XIV. ADJOURNMENT

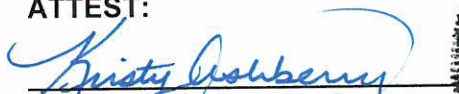
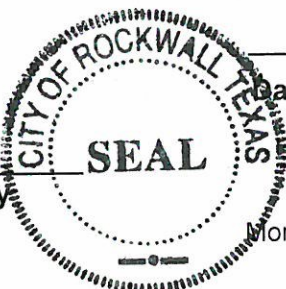
The meeting was adjourned at 8:13 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of November, 2014.



David Sweet, Mayor

ATTEST:


Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 03, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL PUBLIC MEETING TO ORDER

9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem Jim Pruitt and Council members David White, Mike Townsend, Scott
11 Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
12 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza.
13 Mayor Sweet read the below listed discussion items into the public record before
14 recessing the public meeting into Executive Session at 4:02 p.m.
15

16
17

II. EXECUTIVE SESSION.

18 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
19 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
20 CODE:
21

- 22 1. Discussion regarding right-of-way land acquisition located near Justin Road
23 and John King Blvd. pursuant to Section 551.072 (Real Property) and status
24 of Temunovic condemnation proceeding pursuant to Section 551.071
25 (Consultation with Attorney).
- 26 2. Discussion regarding Economic Development prospect pursuant to Section
27 551.087 (Economic Development)
- 28 3. Discussion regarding possible claim related to Oncor pursuant to Section
29 551.071 (Consultation with Attorney)
- 30 4. Discussion regarding proposed lease/sale of city land for possible private
31 project pursuant to Sections 551.072 (Real Property) and Section 551.087
32 (Economic Development negotiations)
- 33 5. Discussion regarding appointment to fill city council member vacancy in
34 accordance with City Charter provisions pursuant to Section 551.074
35 (Personnel Matters)
- 36 6. Discussion regarding appointments to city regulatory boards, commissions,
37 and committees including the Building and Standards Commission, Board of
38 Adjustments, Planning & Zoning Commission, and the Rockwall Economic
39 Development Corporation pursuant to Section 551.074 (Personnel Matters)
- 40 7. Discussion regarding City Manager performance evaluation pursuant to
41 Section 551.074 (Personnel Matters).

42
43

III. ADJOURN EXECUTIVE SESSION

44
45 Executive Session was adjourned at 5:58 p.m.
46

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 03, 2014
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Sweet called the public meeting back to order at 6:00 p.m. with all seven city council members present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Pruitt made a motion to authorize the city manager to institute an action concerning the sale of city owned property at The Harbor. Councilmember Townsend seconded the motion, which passed unanimously of council (7 – 0).

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

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

VII. PROCLAMATIONS / AWARDS

1. Nebbie Williams Elementary School Recognition Day

Mrs. Gielow, principal at Nebbie Williams, came forth to introduce herself and several faculty members, students and parents. Mayor Sweet then read and presented the guests of Nebbie Williams Elementary School with a proclamation recognizing the school.

2. Pancreatic Cancer Awareness Month

Mayor Sweet invited Brenda Dillehay forth to invite her to say a few words. She explained that she is with the Pancreatic Cancer Network and is trying to have every city in the Metroplex issue a proclamation to help educate the public about this disease. Mayor Sweet then read and presented Ms. Dillehay with a proclamation declaring November as Pancreatic Cancer Awareness Month in the City of Rockwall.

3. Rockwall Boys and Girls Club Recognition Day

Mayor Sweet called forth Misti Potter, Executive Director of the local Boys & Girls Club. After a few introductions and brief comments, Mayor Sweet then read and presented the club with an honorary proclamation recognizing it for the numerous contributions it makes to benefit kids in the Rockwall community.

4. American Diabetes Month

Mayor Sweet called forth Ms. Sandi Peters. He then read and presented a proclamation declaring it to be American Diabetes Month in the City of Rockwall.

97 5. Pulmonary Hypertension Awareness Month
98

99 Mayor Sweet read this proclamation into the record, declaring November as Pulmonary
100 Hypertension Awareness Month in the City of Rockwall.
101

102 6. Movember
103

104 Mayor Sweet called forth city employee, JoDee Sanford. Mrs. Sanford came forth and
105 said a few words about Movember, explaining what that the campaign raises money and
106 awareness about men's health issues, including certain cancers.
107

108 VIII. OPEN FORUM
109

110 Mayor Sweet explained how Open Forum is conducted and asked if anyone would like to
111 come forth and speak during this portion of the meeting. There being no one wishing to
112 come forward to speak, Mayor Sweet then closed Open Forum.
113

114 IX. CONSENT AGENDA
115

- 116 1. Consider approval of the minutes from the October 20, 2014 regular city
117 council meeting, and take any action necessary.
- 118 2. Consider approval of an **ordinance** amending the Code of Ordinances in
119 Ch. 36. Streets, Sidewalks and Public Places; Article IV. Art in Public
120 Places Master Plan; Division 2. Art Review Team (ART) Commission;
121 Section 33-77. Established, Subsection (a) Composition to change the
122 required composition of the Commission membership, and take any
123 action necessary. **(1st reading)**
- 124 3. **P2014-027** - Consider a request by Chase Finch of Corwin Engineering,
125 Inc. on behalf of John Arnold of the Skorburg Company (BH 60's POD,
126 LTD) for the approval of a preliminary plat for Breezy Hill, Phases IXA &
127 IXB, containing 92 residential lots on a 26.32-acre tract of land situated
128 within the T. R. Bailey Survey, Abstract No. 30 and the J. Simmons
129 Survey, Abstract No. 190, City of Rockwall, Rockwall County, Texas,
130 zoned Planned Development District 74 (PD-74) for residential land uses,
131 generally located east of the intersection of FM-552 and John King
132 Boulevard, and take any action necessary.
- 133 4. **P2014-031** - Consider a request by Dub Douphrate of Douphrate &
134 Associates, Inc. on behalf of Kash Parbhu of Peak Pedi, LLC for the
135 approval of a final plat for Lot 1, Block A, Peak Pedi Medical Office, being
136 a 0.954-acre tract of land currently identified as Tract 1-02 of the J. M.
137 Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas,
138 zoned Light Industrial (LI) District, situated within the SH-276 Overlay
139 (SH276 OV) District, located on the north side of SH-276 east of the
140 intersection of John King Boulevard and SH-276, and take any action
141 necessary.
- 142 5. **P2014-032** - Consider a request by Richard Garcia of Triangle
143 Engineering, LLC on behalf of Ketan Parekh of A. J. Squared, LLC for the
144 approval of a replat for Lot 1, Block A, AJ Squared Addition being a
145 1.460-acre parcel of land currently identified as Lot 2, Block A, Rockwall

146 Assisted Living Facility Addition, zoned Planned Development District 18
147 (PD-18) for office and retail uses, situated within the Scenic Overlay
148 (SOV) District, located on the west side of Ridge Road [FM-740] south of
149 Cemetery Road, and take any action necessary.

- 150 6. Consider approval of a resolution of the City of Rockwall, Texas,
151 declaring a public necessity for the acquisition of fee simple title to all
152 portions of properties for the Justin Road Project located in Rockwall
153 County, Texas owned by unknown persons and/or entities, described as
154 follows: A tract of land containing 0.298 acres (12,991 square feet),
155 located off Justin Road between Industrial Boulevard and John King
156 Boulevard in the City of Rockwall, Rockwall County, Texas for the public
157 purpose of construction, operation, reconstruction, improvement, repair
158 and maintenance, of the Justin Road Street Project; authorizing all
159 appropriate action of the City in the institution and prosecution of
160 condemnation proceedings to acquire such properties that cannot be
161 acquired through negotiation; authorizing all other lawful action necessary
162 or incidental to such acquisitions.

163 **Councilmember White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4,**
164 **5, and 6). Councilmember Lewis seconded the motion. The ordinance for #2 was read as**
165 **follows:**

166
167 **CITY OF ROCKWALL**
168 **ORDINANCE NO. 14-41**

169
170 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
171 **ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CH.**
172 **36. STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV. ART**
173 **IN PUBLIC PLACES MASTER PLAN; DIVISION 2. ART REVIEW TEAM**
174 **(ART) COMMISSION; SECTION 33-77. ESTABLISHED, SUBSECTION**
175 **(a)(1). COMPOSITION TO CHANGE THE REQUIRED COMPOSITION**
176 **OF THE FIVE (5) MEMBER COMMISSION; PROVIDING FOR**
177 **REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND**
178 **PROVIDING FOR AN EFFECTIVE DATE.**
179

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

181
182
183 **X. APPOINTMENTS**

- 184
185 1. Appointment with the Planning and Zoning Chairman to discuss and
186 answer any questions regarding cases on the agenda and related issues
187 and take any action necessary.

188 **Craig Renfro, Chairman of the Planning and Zoning Commission came forth and briefed**
189 **the city council on recommendations of the Commission relative to Planning-related**
190 **items on tonight's city council meeting agenda. The council took no action related to**
191 **this agenda item.**

- 192
193 2. Appointment with Todd Parks, FBO of the Ralph M. Hall / Rockwall
194 Municipal Airport, to request a modification to winter operating hours and
195 discuss holiday closings, and take any action necessary.

196 Mr. Parks came forth and explained that the contract that was signed back in April allows
197 for changes if mutual agreed upon by both parties. He then requested that the council
198 consider allowing him to change the operating hours, including some holiday hours
199 (closing on Thanksgiving day, Christmas day, and possibly New Years day).
200

201 Mayor Pro Tem Pruitt suggested that Mr. Parks may consider staying open for these
202 holidays this year in order to better gauge whether or not he will have transient traffic.
203 After additional discussion,
204

205 Councilmember White made a motion to allow winter hours of 7 AM – 6PM (from
206 November 1st through April 1st) and allow him to close Christmas, Thanksgiving and New
207 Years Day with the availability of a “ten minute call out” (since he lives nearby).
208 Councilmember Daniels seconded the motion, which passed unanimously of council
209 present (7 – 0).
210

211 XI. PUBLIC HEARING ITEMS 212

- 213 1. **Z2014-025** - Hold a public hearing to discuss and consider approval of an
214 ordinance for a request by Christopher Orr of Arcadia Lakes of Somerset
215 Holdings, LLC for the approval of a zoning amendment to Planned
216 Development District 63 (PD-63) to allow for changes to the concept plan
217 and development standards stipulated by Ordinance No. 05-51 for a
218 139.354-acre tract of land identified as Tracts 1 & 7 of the A. Johnson
219 Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas,
220 zoned Planned Development District 63 (PD-63) for Single Family 10 (SF-
221 10) District use, situated within the SH-205 Overlay (SH-205 OV) District,
222 located at the northeast corner of the Intersection of FM-549 and S.
223 Goliad Street (SH-205), and take any action necessary. **(1st Reading)**

224 Planning Director Robert LaCroix provided background information related to this agenda
225 item. He explained that this is a request for a zoning change on a previously established
226 Planned Development District. He stated that notices were sent out to adjacent properties
227 located within five hundred feet (total of 27) of the subject property and to homeowner's
228 associations located within fifteen hundred feet. Three notice replies were received back
229 in opposition, and 1 was received back in favor. The Planning & Zoning Commission has
230 recommended approval of this item by a vote of 7- 0. It was mentioned that a substantial
231 sewer line extension will be needed, and the developer would bear this cost.

232 Mayor Sweet opened the public hearing and called the applicant forward. The applicant,
233 Bill Gietema (3500 Maple Avenue Dallas, TX), came forth and explained that he is a master
234 planned developer, not a home builder, and his company designs master planned
235 neighborhoods. He then made a presentation to the council concerning elements of this
236 particular master planned community.

237 Mayor Sweet asked if any member of the public in the audience would like to come forth
238 and speak. There being no one in the audience wishing to do so, Mayor Sweet then
239 closed the public hearing.

240 Councilmember Lewis asked what the price point may be for these homes. Mr. Gietema
241 explained that they would likely start at about \$320,000.00. Councilmember Daniels
242 expressed concern about the increased lot size, especially in light of the current drought
243 and associated water supply concerns. Mayor Pro Tem Pruitt asked if the applicant is
244 prepared to move forward with this development if the council is not willing to go along

245 with approving the increase in density at this time. Mr. Gietema indicated that they would
246 either develop it as it is currently approved, or they would sell it to a builder.

247 Councilmember Lewis asked if there is a way to calculate how much water it would take
248 to water the lawns with lots of this size. City Engineer Tim Tumulty indicated that staff
249 has done some calculations on this. He explained that, with the smaller lots, there will be
250 more area that won't be pervious, so going with the smaller lots will actually save water
251 since 'more house' will take up more of a smaller lot size.

252 Councilmember Milder expressed that he likes the uniqueness of this development and is
253 in favor of granting a slightly higher density in order to get a development like this in
254 Rockwall.

255 Councilmember Daniels asked Mr. Tumulty for clarification on the watering calculations,
256 indicating that he still has concerns about increased water consumption that is likely
257 associated with larger, estate homes (i.e. more showers, more toilet flushes, etc.) – not
258 just concerns related to outdoor watering of the lawns and landscapes. Mr. Tumulty
259 indicated that staff only focused on outdoor lawn watering when attempting to make
260 some of these water consumption calculations.

261 Councilmember Lewis indicated that he has seen some of these developments in other
262 cities, and they are very well done. Mr. Gietema indicated that in other developments,
263 they have anywhere from eight to as many as eleven architectural styles to choose from
264 with multiple builders involved.

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

267 Councilmember Lewis made a motion to approve 2014-025. Councilmember Townsend
268 seconded the motion.

269 Mayor Sweet emphasized the uniqueness and quality of the homes that will be involved in
270 this development.

271 The ordinance was read as follows:

272 CITY OF ROCKWALL
273 ORDINANCE NO. 14-49

274
275 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
276 TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 63 (PD-63)
277 [ORDINANCE NO. 05-51] AND THE UNIFIED DEVELOPMENT CODE
278 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE
279 AMENDED, BY SUPERSEDING ORDINANCE NO. 05-51 FOR THE
280 PURPOSE OF MODIFYING THE CONCEPT PLAN, OPEN SPACE PLAN
281 AND DEVELOPMENT STANDARDS FOR THE SUBJECT PROPERTY,
282 BEING A 139.354-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 1 & 7
283 OF THE A. JOHNSON SURVEY, ABSTRACT NO. 123, CITY OF
284 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
285 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
286 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
287 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
288 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
289 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
290

291 The motion passed by a vote of 6 in favor with 1 opposed (Daniels).

292 2. **Z2014-028** - Hold a public hearing to discuss and consider approval of an
293 **ordinance** for a request by Mohamed Taha for the approval of a Specific
294 Use Permit (SUP) to allow a minor auto repair garage to be established in
295 conjunction with an existing oil/lube change facility located on a 0.2755-
296 acre parcel of land identified as Lot 3, Block B, Rockwall High School
297 Addition, zoned Commercial (C) District, situated within the Scenic
298 Overlay (SOV) District, addressed as 2225 Ridge Road, and take any
299 action necessary. **(1st Reading)**

300 **Planning Director Robert LaCroix provided background information related to this agenda**
301 **item, explaining that this request is for a stand alone, minor automotive repair business.**
302 **He explained that there is already an established oil / lube business located at this**
303 **address. Its use was established back in the 1980's, prior to the scenic overlay district**
304 **being created in this area. He further explained that outside storage of vehicles and**
305 **merchandise, such as tires, is not permissible at this location under the current zoning.**
306 **The applicant now is asking the city council to consider allowing him to store no more**
307 **than seven vehicles at the rear of the business, and these vehicles would be screened**
308 **from FM-740 (Ridge Road). The applicant is aware that there have been some Code**
309 **Enforcement related concerns at his location (i.e. storage of tires, boat, jet skis, etc.)**

310 **Notices were mailed out to thirty property owners within five hundred feet, and the Turtle**
311 **Cove HOA was mailed notice since it is located within fifteen hundred feet. One notice**
312 **was received back in favor, and six notices were received back in opposition. In addition,**
313 **one email was received back indicating opposition. The Planning & Zoning Commission**
314 **has recommended approval of this item with allowance for overnight parking of cars;**
315 **however, they would like there to be an "expiration date" associated with this SUP if it is**
316 **in fact granted. The SUP would then need to come back before the city council to be**
317 **reviewed for a possible extension to be considered at that time.**

318 **Mayor Sweet opened the public hearing and called the applicant forth. The applicant not**
319 **being present, Mayor Sweet asked the city attorney if the public hearing is allowed to be**
320 **held. Mr. Garza indicated that moving forward with the public hearing is permissible, so**
321 **Mayor Sweet continued with opening the public hearing, asking if anyone in the audience**
322 **would like to come forth and speak.**

323 **Laura Carr**
324 **667 Stafford Circle**
325 **Rockwall, Texas 75087**
326

327 **Mrs. Carr came forth and presented various photographs to the council for their**
328 **consideration. She explained that outside storage of both vehicles and tires has been**
329 **taking place illegally at this location for some time now. It was clarified that the applicant**
330 **has requested permission to leave as many as seven (7) vehicles parked in the rear of**
331 **the business; however, the Planning & Zoning Commission has recommended allowing**
332 **up to four (4) vehicles parked overnight in the rear of the building with the caveat that**
333 **they be screened from public view. Mrs. Carr expressed concern about the outside**
334 **storage being unsightly, and she also has some safety-related concerns and pollution-**
335 **related concerns about "run off" associated with this type of business, especially since**
336 **the lake is nearby. She generally encouraged the council to not approve this request.**
337

338 **Mr. Dan Donahoo**
339 **655 Turtle Cove Boulevard**
340 **Rockwall, Texas**

341
342 Mr. Donahoo expressed that this is a health / safety issue. They are already doing some
343 "minor" auto repairs at this location, and that is in violation of its current zoning. He is
344 concerned about an increased amount of metal type products stored at the location.
345 Also, there are not enough parking spaces at this location to accommodate overnight
346 parking. He generally encouraged the council to not approve this request.

347
348 Dr. Jean Conway
349 358 Turtle Cove
350 Rockwall, TX
351

352 Mrs. Conway came forth and explained that she has concerns about the zoning
353 violations that have been occurring, and the unsightliness of this business location
354 along this scenic corridor within the city. For example, unsightly tires, until recently,
355 were piled high at this business location. She explained that she is president of
356 Eastfield College, and she watched the decline of the Pleasant Grove area over a period
357 of time. She explained that this decline in Pleasant Grove began with one business that
358 caused the whole area to eventually go downhill. She expressed general opposition to
359 this request.

360 James R. Jackson
361 608 White Hills Drive
362 Rockwall, TX 75087
363

364 Mr. Jackson expressed that he owns an auto business in town, and he believes every
365 business in town needs to abide by the regulations and associated zoning. In his
366 opinion, the size of this particular location is far too small to accommodate various
367 services, including automotive repairs. He generally expressed opposition regarding this
368 SUP request.

369 There being no one else wishing to come forth and speak to the council at this time,
370 Mayor Sweet then closed the public hearing.

371 Councilmember Lewis made a motion to deny Z2014-028 and the associated SUP request.
372 Councilmember Daniels seconded the motion. Councilmember Daniels expressed that
373 this business has had a long list of code-related violations ever since it opened, and none
374 of these concerns have been addressed and rectified. He also has concerns about the
375 applicant not even being here this evening to address the council.

376 Councilmember White asked if tires are allowed to be stored outside at this location right
377 now. Mr. LaCroix indicated that a few, handful of tires can be displayed out front of the
378 business during business hours only, but then they have to be taken indoors at closing.
379 Also, right now, no outside storage of vehicles is allowed with the current zoning. Mr.
380 Griggs explained that two citations have been issued to date for code related violations at
381 this location; however, the outcome of those citations have been placed on hold for now
382 until the applicant's zoning case is concluded. Mr. LaCroix clarified that any work done
383 on vehicles at this business location would need to occur indoors, within the bay area
384 with no work being allowed outdoors.

385 Mr. Crowley clarified that four citations have been issued at this location to date. These
386 were issued only after city staff attempted to work with the business owner to rectify the
387 violations. The city placed the outcome of these code violation citations 'on hold' until

388 the applicant has had an opportunity to have his zoning change request heard and
389 considered by the Planning & Zoning Commission and by City Council.

390 Mayor Pro Tem Pruitt expressed that vehicles are parked in the front of the lot, and he has
391 concerns about there being no accessible fire lane at this location. Fire Chief Mark
392 Poindexter expressed that, at the time this was approved years ago, it was built without
393 any reference to a fire lane requirement on the plat that was filed.

394 Mayor Sweet thanked Mr. Jackson and the representative from Christian Brothers
395 Automotive (in the audience) for their abiding by their own business' zoning regulations.

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

397

398 At 7:42 p.m., Mayor Sweet called for a brief break.

399 Mayor Sweet called the public meeting back to order at 7:55 p.m.

400 3. **Z2014-029** - Hold a public hearing to discuss and consider approval of an
401 ordinance for a request by Steven Freeman of Kimley-Horn and
402 Associates, Inc. on behalf of Don Holloway of Lofland Farms, LTD for the
403 approval of a Specific Use Permit (SUP) for a retail store with more than
404 two (2) gasoline dispensers for a 0.743-acre tract of land identified as a
405 portion of Tract 5-3 of the W. H. Baird Survey, Abstract No. 25, City of
406 Rockwall, Rockwall County, Texas, zoned Planned Development District
407 45 (PD-45) for general retail land uses, situated within the SH-205 By-
408 Pass Overlay (205 BY-OV) District and the SH-276 Overlay (SH-276 OV)
409 District, located at the southeast corner of the intersection of SH-276 and
410 John King Boulevard, and take any action necessary. **(1st Reading)**

411 Mr. LaCroix, Planning Director, provided brief background information related to this
412 agenda item. He indicated that the applicant has platted this area as two different
413 properties. This particular application is for a fuel center with more than two gasoline
414 pumps. It is located on almost $\frac{3}{4}$ of an acre. Traffic circulation will be off of John King
415 Boulevard, including any fuel supply trucks. The Planning & Zoning Commission has
416 recommended approval of this item by a vote of five in favor with one against with the
417 requirement that no outside display of merchandise is to be allowed and that no delivery
418 of fuel would be allowed during school zone hours.

419
420 Mayor Pro Tem Pruitt asked Mr. LaCroix for clarification on if this is a stand alone
421 business. Mr. LaCroix clarified that this gas station location is associated with the
422 adjacent, proposed Walmart Neighborhood Market. He asked if this location could
423 accommodate a gas station of some other kind (i.e. a 7-11). Mr. LaCroix indicated that,
424 yes, another gas station could be allowed here if an SUP were granted to allow the fuel
425 tanks/pumps but that a gas station with no more than two pumps is already permissible
426 here 'by right.'

427
428 Mayor Sweet opened the public hearing and called the applicant forth.

429
430 Steven Freeman with Kimley-Horne and Associates came forth as the applicant. Mr.
431 Freeman explained that he has several representatives present this evening, including
432 the following: Scott Johnson with Kimley Horne and Associates (did traffic study for this
433 project); Ty Holcolm with Raymond Harris (the lead architect); and Kelly Dura with
434 Walmart. Mr. Freeman clarified that this particular fuel center would be owned and

435 operated by Walmart (as opposed to Murphy Oil). He expressed concern about the
36 recommended restriction that fuel not be delivered during school zone hours because
37 this would be difficult to adhere to. So, he requested that the city council not include
38 that restriction as part of this SUP approval.

439
440 Mayor Sweet asked if anyone in the audience would like to address the council at this
441 time.

442
443 Nichole Clark
444 2011 Trailglen
445 Rockwall, TX 75032
446

447 Mrs. Clark expressed she would like this item bundled with the application for the
448 building itself because she prefers that this development not be located in front of the
449 school at all. She is generally opposed to this development.
450

451 City Attorney Frank Garza indicated that the applicant has submitted the applications
452 separately, so, therefore, the city council must consider these two items separately with
453 two, separate votes.
454

455 Eric Hatley
456 2440 Fieldcrest Drive
457 Rockwall, TX
458

459 Mr. Hatley also feels these two items should be bundled and considered together. He
60 expressed that he has strong opposition to this item. He is concerned about the
61 eighteen wheelers which may be delivering fuel during school zone hours when children
462 are crossing at the nearby intersection. He explained that he has grave safety concerns.
463

464 Erica Akers
465 2421 Wagon Wheel Drive
466 Rockwall, TX
467

468 Mrs. Akers expressed that she thinks this development is a great idea; however, she
469 does agree with some safety-related concerns associated with a nearby crossing guard
470 area for school students going to and from the school. She does agree with limiting the
471 times that fuel delivery trucks could make their deliveries due to safety related concerns
472 associated with the nearby school and student pedestrians.
473

474 Leon Townsend
475 2111 Paint Creek Court
476 Rockwall, TX
477

478 He explained that he has lived in Lofland Farms for about ten years now. He expressed
479 that he has safety-related concerns, especially related to drivers who are attempting to
480 exit out of the subdivision onto SH-276 or onto John King Boulevard.
481

482 Tara Gonzales
83 2441 Teagle Drive
84 Rockwall, TX (Lofland Farms Subdivision)
85

486 Mrs. Gonzales expressed that she is in opposition of the proposed gas station. She
487 generally expressed that there are a sufficient number of fuel stations located within
488 close proximity to this location already. She has safety concerns related to underground
489 fuel tanks, especially since they would be located in such close proximity to the nearby
490 school.

491
492 Mike McQuiddy
493 2221 Fieldcrest
494 Rockwall, TX
495

496 Mr. McQuiddy reiterated what others have said in that he is opposed to the proposed gas
497 station pumps. He has concerns about traffic congestion, which is already a serious
498 issue, even without this development. He expressed that approval of this fuel center will
499 only serve to compound the traffic congestion related concerns.
500

501 Mrs. Hatley
502 2440 Fieldcrest Drive
503 Rockwall, TX
504

505 Mrs. Hatley pointed out the mission statements of the Planning & Zoning for the city as
506 well as the mission statement for the City of Rockwall itself, pointing out that both speak
507 to a desire to have a safe community. She is not okay with this particular Walmart being
508 located so close to the nearby school. She has concerns about child pedestrians
509 crossing lanes of traffic, and she is concerned about 18 wheeler fuel tank trucks making
510 fuel deliveries during school zone hours. She is not opposed to Walmart in general. In
511 fact, she shops across town at the existing Walmart Neighborhood Market; however, she
512 is not in favor of one going in at this particular location.
513

514 David Eason
515 202 E. Interurban
516 Rockwall, TX
517

518 Mr. Eason is generally opposed to this proposed fuel center and has safety related
519 concerns.
520

521 Erica Akers
522 2421 Wagon Wheel Drive
523 Rockwall, TX
524

525 Mrs. Akers expressed that she is in agreement with both the gas station and the store.
526 She believes the Clean Water Act and other regulations as well as current, modern day
527 design standards will ensure the safety of in ground fuel tanks. Furthermore, she
528 believes that a gas station at this location is very likely inevitable. She pointed out that if
529 it is not a gas station that goes in at this location, it could be something even less
530 desirable.
531

532 Ashley Denton
533 2160 Paintcreek Court
534 Rockwall, TX 75032
535

536 Mrs. Denton indicated that the crossing guard who normally works the intersection of
537 John King Boulevard and SH-276 sometimes does not show up to assist children
538 crossing the roadway. It was explained that some students go to Jones from the
539 Meadowcreek subdivision, and those are the pedestrian students residents are
540 concerned about.

541
542 **Jamie Cutler**
543 **2461 Teagle Drive**
544 **Rockwall, TX 75032**
545 **(Lofland Farms)**

546
547 Mrs. Cutler expressed that she walks her kids to school every day, and she is concerned
548 about the already very congested area. She is concerned that a Walmart and fuel center
549 at this location will only serve to increase traffic congestion in this is already a problem.

550
551 Mayor Pro Tem Pruitt made a motion to table action on this item until Public Hearing Item
552 #4 and Action Item #2 can be addressed. Councilmember Milder seconded the motion.

553
554 Councilmember White asked for clarification as to where in this area kids are actually
555 crossing to go to school.

556
557 **Lesli Kilgore**
558 **1662 Chesterwood**
559 **Rockwall, TX**

560
561 Mrs. Kilgore came forth to speak. It was clarified that kids cross at the intersection of
562 John King Boulevard and Chesterwood, and that is where the school crosswalk is
563 located. However, sometimes the crossing guard assigned to this crosswalk does not
564 show up in the mornings and/or afternoons.

565
566 Councilmember White clarified with staff that SH-276 is proposed to be expanded by the
567 State of Texas to four lanes and eventually to six lanes. Mr. Crowley affirmed that the
568 roadway is slated for expansion sometime in the future, indicating that the expansion of
569 this road would occur with some county road funding with a majority of the cost being
570 funded by the Texas Department of Transportation (TXDOT).

571
572 **Scott Johnson**
573 **Kimley-Horne**
574 **Dallas, TX**

575
576 Mr. Johnson came forth and indicated that about 12,800 cars per day are currently on SH-
577 276, which is considered "busy" but not "full" for a highway. Councilmember Lewis
578 asked for how many days traffic was counted associated with this study. Mr. Johnson
579 indicated that traffic was counted for one day, and it was most likely done on a Tuesday,
580 Wednesday or Thursday. Councilmember Lewis expressed concern about the city
581 council not being given the traffic study results. He also has concerns about the
582 developer putting these items forth for consideration in two, separate parts.

583
584 The motion to table passed by a vote of 7 ayes to 0 nays.

585

586 Following Public Hearing item #4 and Action item #2, the council revisited this agenda
587 item. Councilmember Townsend made a motion to approve Z2014-029. Councilmember
588 Milder seconded the motion. The ordinance was read as follows:
589

590 CITY OF ROCKWALL
591 ORDINANCE NO. 14-XX
592 SPECIFIC USE PERMIT NO. S-XXX
593

594 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
595 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
596 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
597 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL STORE WITH
598 MORE THAN TWO (2) GASOLINE DISPENSERS ON A 0.743-ACRE TRACT
599 OF LAND IDENTIFIED AS A PORTION OF TRACT 5-3 OF THE W. H. BAIRD
600 SURVEY, ABSTRACT NO. 25, AND ZONED PLANNED DEVELOPMENT
601 DISTRICT NO. 45 (PD-45) FOR GENERAL RETAIL LAND USES, AND
602 MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; PROVIDING FOR
603 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
604 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
605 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
606 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
607

608 The motion to approve passed by a vote of 6 in favor with 1 against (Sweet).
609

- 610 4. **Z2014-032** - Hold a public hearing to discuss and consider approval of an
611 ordinance for a request by Steven Freeman of Kimley-Horn and
612 Associates, Inc. on behalf of Don Holloway of Lofland Farms, LTD for the
613 approval of a Specific Use Permit (SUP) for a building greater than
614 25,000 SF in a General Retail (GR) District for a 5.52-acre tract of land
615 identified as a portion of Tract 5-3 of the W. H. Baird Survey, Abstract No.
616 25, City of Rockwall, Rockwall County, Texas, zoned Planned
617 Development District 45 (PD-45) for general retail land uses, situated
618 within the SH-205 By-Pass Overlay (205 BY-OV) District and the SH-276
619 Overlay (SH-276 OV) District, located at the southeast corner of the
620 intersection of SH-276 and John King Boulevard, and take any action
621 necessary. (1st Reading)

622 Planning Director Robert LaCroix provided brief background information related to this
623 item. Mr. LaCroix explained that these cases are being handled separately because they
624 each require a separate SUP, and the applicant submitted them separately. He indicated
625 that thirty-seven notices were sent out in accordance with the manner in which the city
626 typically sends notice (within 500' of the property and to the homeowner's associations
627 (HOA) located within fifteen hundred feet). In addition, a large, yellow sign indicated a
628 proposed zoning change was also placed on site. The Planning & Zoning Commission
629 did recommend approval of this item with the stipulation that an 8' masonry screening
630 wall be placed at the rear of the building (east side of the property). Three official notices
631 were received back in favor, and two were received back in opposition. Mr. Ryan Miller,
632 Planning Manager, clarified that, in addition to staff receiving these replies to the official
633 notice, several emails were received by staff as well.
634

635 Mayor Sweet expressed that the city has sincerely worked hard towards improving public
636 notices on zoning cases, including expanding the notification area for those who receive
637 mailed notice, and changing the signage to make them larger and more noticeable to

638 passersby. He expressed that the city council has experienced some confusion as to
639 why these two items are being presented as two, separate cases for consideration.
640

641 Mayor Sweet opened the public hearing and called the applicant forth to speak. Mr.
642 Steven Freeman with Kimley-Horn came forth and apologized for the confusion
643 associated with the two SUP items being presented separately. He indicated that pre-
644 development meetings were held with staff, and it was noted at that time that two,
645 separate SUPs would be required – one for the Walmart store itself and one for the fuel
646 center. It was originally projected that the SUP for the store itself would be further along
647 and considered in advance of the fuel center SUP request, but they wanted them to both
648 come forth for consideration at the same time. He then explained how 18-wheeler
649 deliveries would be made to the store itself, indicating that the route the trucks would
650 take would not actually pass through the existing school zone. He also spoke about the
651 proposed buffer behind the proposed Neighborhood Market store itself, indicating that
652 what they are proposing exceeds the city’s minimum requirements.
653

654 Councilmember Milder asked for clarification as to where the wall buffer would be
655 located. Mr. Freeman expressed that it would be an eight foot wall located between the
656 tree and the back of the Walmart.
657

658 Eric Hatley
659 2440 Fieldcrest Drive
660 Rockwall, TX
661

662 Mr. Hatley came forth and expressed that he is not in opposition to Walmart itself;
663 however, he believes there are better locations for this proposed Walmart to be located.
664 Mr. Hatley expressed that if a gas station (only) goes in at this location, it will result in
665 less traffic than would be created if the Walmart store itself also goes in at this site
666 location. He suggested that there may be better locations North of SH-276. Mr. Hatley
667 expressed that Walmart is convenient, but it comes at a cost. He generally has concerns
668 about safety and security of kids in the area. He expressed that it will bring increased,
669 abnormal traffic that kids both at the school and nearby pool and park areas are not
670 accustomed to. He also questions if the physical condition of existing roadways will be
671 able to handle the additional traffic and the large delivery trucks. Also, while he does not
672 have actual crimes statistics, he does still have safety concerns related to possible
673 increase in crime. He is also concerned about alcohol and tobacco products being sold
674 in such close proximity to where children will be located. Mr. Hatley read an email from
675 Linda Mitchell Duram, VP of the Rockwall ISD school board of trustees, which indicated
676 that neither she nor the superintendent is in favor of any place that sells alcohol or
677 tobacco being located within three hundred feet of any school. He also read some
678 emails from a school board member and from the superintendent of schools expressing
679 that they are opposed to the sale of alcohol and tobacco within three hundred feet of any
680 Rockwall schools. Mr. Hatley generally expressed strong opposition to the proposed
681 Walmart at this location.
682

683 Mr. LaCroix clarified that there is a vacant, commercial piece of property that would be
684 located in between the Walmart and the nearby elementary school.
685

686 Tara Gonzales
687 2441 Teagle Drive
688 Rockwall, TX (Lofland Farms Subdivision)

689
390 Mrs. Gonzales expressed concern about there not being adequate infrastructure
391 (roadways) in place prior to approving a development of this magnitude. She explained
392 that she is not against Walmart; however, she is not in favor of one being placed at this
693 particular location, especially in such close proximity to the nearby school. Mrs.
694 Gonzales then read an email that she sent to both city council members and school
695 board members earlier today. Mrs. Gonzales expressed that she believes there are better
696 locations for placement of a Walmart of this nature. If indeed the council does chose to
697 approve this SUP, she would like the council to consider some concessions. She would
698 like the Walmart Neighborhood Market to be built at no more than 25,000 sq. feet, which is
699 what this general retail area is currently zoned for (instead of the 40,000 sq. feet that is
700 being proposed). She generally asked the council to consider the interests and concerns
701 of the nearby residents and their school aged, pedestrian children walking to and from
702 school. She would like additional traffic lights at entrances and exits. She would speed
703 bumps placed in the area of SH-276 and Trailglen. Also, she would like street signs
704 indicating "no thru traffic." Also, she is concerned about strangers that will be brought
705 into her neighborhood. She would like this Walmart Neighborhood Market to not be
706 allowed to be a 24 hour operation if it is in fact approved. She would also like no
707 deliveries between 10PM and 7AM as well as any time the school zone lights are flashing.
708 Furthermore, she requested that no overnight parking to be allowed if it is approved.
709 Furthermore, she requested that the buffer / screen wall be at eight feet and that it be
710 expanded to also provide a screen at the school property line. She also wants to prohibit
711 the sale of alcohol at this particular location if it is approved.
712

713 Nichole Clark
714 2011 Trailglen
715 Rockwall, TX 75032
716

717 Mrs. Clark asked for certain considerations if this SUP is approved. She would like to
718 see traffic signals / lights at the intersections of SH-276 at Trailglen and at John King and
719 Fieldcrest. She believes the developer could be responsible for said signals lights. She
720 would also like speed bumps installed on Trailglen, Stableglen, and Fieldcrest as well as
721 "no thru traffic" signs to make it unappealing for traffic to cut through these areas. She
722 would like restrictions on delivery times (none between 10 PM and 7 AM); no overnight
723 parking; only downward facing lights on the property so they do not shine beyond the
724 property's boundaries; a shopping cart containment system to ensure the carts are not
725 taken off sight.
726

727 Mike McQuiddy
728 2221 Fieldcrest
729 Rockwall, TX
730

731 Mr. McQuiddy asked when the city staff first learned that the site plan submittal did not
732 conform to the zoning. Mr. LaCroix indicated that staff was made aware about three
733 weeks ago. At that time, the process was stopped, and city staff had to re-advertise the
734 case. Mr. McQuiddy expressed that the development is poorly planned. The building
735 size is about 70% greater that what a General Retail district actually allows (25k square
736 feet is what it is zoned for). He is concerned about 24 hour operations if this Walmart is
737 approved. He is concerned about noise, traffic, litter and late night hours, among other
738 concerns. Mr. McQuiddy quoted some provisions located within the city's Unified

739 Development Code. He then encouraged the applicant to abide by the codes as they are
'40 written instead of asking for exceptions.

'41
'42 **Jamie Cutler**
'43 **2461 Teagle Drive**
744 **Rockwall, TX**
745 **(Lofland Farms)**
746

747 **Mrs. Cutler expressed that she is opposed to this development because of all of the**
748 **children in and around the adjacent neighborhoods.**
749

750 **Mayor Pro Tem Pruitt explained that Walmart could, "by right," build a 25,000 square foot**
751 **store with two gas pumps and not sell alcohol and not have to seek permission from the**
752 **city council. He asked Mrs. Cutler if she would still be opposed if Walmart did this. Mrs.**
753 **Cutler generally expressed that she may still be opposed to it even then.**
754

755 **Mr. Tommy Miller**
756 **2401 Fieldcrest Drive**
757 **Rockwall, TX**
758

759 **Mr. Miller generally expressed support for this proposed Walmart Neighborhood Market.**
760 **He is not necessarily in support of adding speed bumps on nearby, neighborhood**
761 **roadways. He also believes, in some cases, that having retail establishments somewhat**
762 **close to residential areas actually has a positive affect on property values.**
763

'64 **Erica Akers**
'65 **2421 Wagon Wheel Drive**
766 **Rockwall, TX**
767

768 **Mrs. Akers expressed that she is in support of this proposed development. She**
769 **expressed that the store itself sells limited items and that it caters to the nearby**
770 **neighborhoods. This will bring about 100 part time positions (work force) to the area,**
771 **and she believes this will be a good thing. She acknowledged that there are some traffic-**
772 **related concerns that may accompany this development; however, she believes these**
773 **concerns could be worked out. She expressed that there are already speeding concerns**
774 **in the neighborhood, and she does not believe those will become any worse with this**
775 **development. She also pointed out that this store would not directly abut the school**
776 **property. There is another lot in between the two property lines. She generally**
777 **expressed support for this proposed Walmart.**
778

779 **Mr. Tim Wilson**
780 **2850 Avery**
781 **Rockwall, TX**
782 **(Lofland Farms subdivision)**
783

784 **Mr. Wilson expressed that his main concern is simply how close it is to the nearby**
785 **neighborhood community. He suggested that the onsite drainage be moved to the rear**
'86 **of the building rather than in the front of the building. He asked the Council to deny this**
'87 **Special Use Permit to relook at it to figure out how the circumstances associated with the**
'88 **development could be made better for the community.**
'89

790 **Josh Denton**
91 **2160 Paintcreek Court**
92 **Rockwall, TX 75032**

93
794 **Mr. Denton is concerned about this development bringing in additional traffic from other**
795 **areas outside of the immediate, surrounding areas. Mr. Denton expressed that he prefers**
796 **a 25,000 square foot store, with only two gas pumps and with no alcohol sales.**

797
798 **Ashley Denton**
799 **2160 Paintcreek Court**
800 **Rockwall, TX 75032**

801
802 **Mrs. Denton expressed that she is opposed to this SUP. She stated that the roadway**
803 **infrastructure is not sufficient in this area to support this proposed Walmart at this time.**
804 **SH-276 needs to be expanded first before something like this is possibly approved. She**
805 **does not want this to be a 24 hour operation if it is in fact approved. She explained that**
806 **she sometimes sits through six or seven cycles of the light at SH-276 and John King**
807 **Boulevard. She is opposed to this development.**

808
809 **Mayor Pro Tem Pruitt and Mayor Sweet both pointed out that SH-276 is slated to be**
810 **expanded to a six-lane roadway by the County and TXDOT.**

811
812 **Leon Townsend**
813 **2111 Paint Creek Court**
814 **Rockwall, TX**

815
816 **Mr. Townsend suggested that staff show a map of the area in order to solicit more input**
817 **from potentially affected, nearby residents.**

818
819 **Mayor Pro Tem White indicated that the city recently amended its practice of notifying**
820 **residents to also include notification to the Homeowner's Associations. He encouraged**
821 **residents to ensure that management companies who oversee their HOAs are in fact**
822 **disseminating word to the residents in their neighborhoods concerning zoning change**
823 **notifications emailed by the city.**

824
825 **Mr. Tim Wilson came forth and indicated that he is the president of the Homeowners**
826 **Association in this area (Lofland Farms). He stated that the city did notify the HOA**
827 **management company; however, they did not send the notice to the correct contact**
828 **person within the management company. Mr. Wilson expressed concern about the city**
829 **not having confirmation from the HOA's to which they send notification. If the city does**
830 **not have the correct contact information for the homeowner's association board**
831 **president him/herself and only has contact information for the property management**
832 **company, then saying that the city notified the HOA does not look good or go over well**
833 **with the President of an HOA who may have in fact not received notification from the city.**
834 **Planning Director Robert LaCroix explained that city staff made a registry for the various**
835 **HOAs and associated management companies to utilize to keep the city staff informed of**
836 **up-to-date and accurate contact information for the various HOAs throughout the**
837 **community. The public is encouraged to utilize this registry to ensure notices sent to the**
838 **HOAs by the city are received by the correct companies and/or individuals associated**
839 **with those HOAs.**

840

841 Mayor Pro Tem Pruitt made a motion to table this item until after Action Item #2 is
842 addressed. Mayor Sweet seconded the motion. General discussion took place related to
843 various, possible scenarios for what size building or type of business could go in at this
844 location if this Walmart Neighborhood Market is not approved.

845
846 Action Item #2 was addressed next by Council.

847
848 Councilmember Townsend made a motion to approve Z2014-032, including the
849 associated P&Z recommendations. Councilmember White seconded the motion. Brief
850 comments took place related to fire wall related building materials and the associated fire
851 code regulations. The ordinance was read as follows:

852
853 CITY OF ROCKWALL
854 ORDINANCE NO. 14-XX
855 SPECIFIC USE PERMIT NO. S-XXX
856

857 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
858 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
859 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
860 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A BUILDING GREATER
861 THAN 25,000 SQUARE FEET IN A GENERAL RETAIL DISTRICT ON A 5.52-
862 ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 5-3 OF
863 THE W. H. BAIRD SURVEY, ABSTRACT NO. 25, AND ZONED PLANNED
864 DEVELOPMENT DISTRICT NO. 45 (PD-45) FOR GENERAL RETAIL LAND
865 USES, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A';
866 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
867 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
868 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
869 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
870 EFFECTIVE DATE.

871
872 The motion failed by a vote of 3 in favor with four against (Pruitt, Sweet, Daniels and
873 Lewis).

874
875 Mayor Sweet then called for a brief, ten minute break.

876
877 Mayor Sweet called the meeting back to order and addressed Public Hearing item #5
878 next.

- 879
880 5. Z2014-030 - Hold a public hearing to discuss and consider approval of an
881 ordinance for a request by Dub Douphrate of Douphrate & Associates,
882 Inc. on behalf of Barry Luff of L2 Properties, LLC for the approval of a
883 zoning change from an Agricultural (AG) District to a Planned
884 Development District for Single Family 1 (SF-1) District land uses for a
885 138.79-acre tract of land identified as Tract 1 of the J. Lockhart Survey,
886 Abstract No. 137, City of Rockwall, Rockwall County, Texas, and zoned
887 Agricultural (AG) District, generally located on the east side of Dowell
888 Road south of the intersection of SH-276 and Dowell Road, and take any
889 action necessary. (1st Reading)

390 Planning Director Robert LaCroix provided brief background information related to this
391 agenda item, indicating that this would be for 107, separate one acre lots and would be
392 the city's first area with an SF-1 District. A rural street section would exist that would use

893 valley ditches to facilitate street drainage. This would require an exception to the city's
894 on-site sewage requirements. Twenty percent would be open space with a "pocket park"
895 being included. The lots would have 40' setbacks with a minimum lot width of 150' and a
896 minimum 2,600 square foot dwelling size and a lot coverage of 45 percent. The closest
897 sewage tie in is located about 1.5 miles away, so if these estate lots could be effectively
898 implemented, the sewer-related variance would need to be granted. Regarding future
899 construction of a nearby four-lane divided roadway (planned for in the city's
900 Comprehensive Plan), a water line easement has been discovered, and it complicates
901 plans associated with construction of this roadway. City staff did discuss possible
902 construction of this roadway with the developer. A traffic impact analysis was done to
903 see if in fact the traffic counts would warrant a four-lane divided roadway, and the results
904 were just received back by staff on Friday. The study did indicate that a two lane divided
905 roadway can accommodate the traffic with utilization of some 'flare outs' in some areas to
906 allow for needed turn lanes. This area is slated to be low density in accordance with the
907 city's Comprehensive Plan, so this development does meet the intent of the plan. Mr.
908 LaCroix indicated that staff mailed out notices to twenty-six properties located within 500
909 feet of the proposed zoning. One notice was received back in support, and 1 notice was
910 received back with what appears to be a neutral response.

911 City Manager Rick Crowley provided brief comments regarding a septic tank monitoring
912 and inspections program that could be provided either through the county through
913 expansion of a current interlocal agreement or through a private contractor. He explained
914 that septic tank owners pay an annual fee that could fund an inspections services
915 program through a private contractor.

916 Mayor Sweet opened the public hearing and called the applicant forth to speak at this
917 time.

918 Dub Douphrate
919 Douphrate and Associates
920 2235 Ridge Road
921 Rockwall, TX

922
923 Mr. Douphrate came forth and indicated he represents the applicant and is here to
924 answer any questions the council may have of him.

925
926 Mr. John Thomas
927 494 Dowell Road
928 Rockwall, TX

929
930 Mr. Thomas expressed concern about the poor condition of Dowell Road currently. He
931 questions the ability of Dowell Road to handle construction-related and other traffic
932 associated with this development.

933
934 There being no one else wishing to come forth and speak, Mayor Sweet closed the public
935 hearing.

936
937 Councilmember White made a motion to approve Z2014-030. Councilmember Townsend
938 seconded the motion.

939
940 Mr. Crowley asked if most of the construction related vehicles would utilize Dowell Road.
941 Mr. Douphrate indicated that, yes, Dowell Road would mainly be utilized. Mr. Crowley

942 questioned if the developer may be willing to help assist with maintenance and or correct
943 any issues associated with Dowell Road during the construction period. Mr. Douphrate
944 indicated that he will need to speak with his client about making this concern a priority
945 and facilitate discussions about this road and its condition. Mr. Douphrate indicated that
946 the goal is to have two access points, and they are currently speaking with an adjacent
947 property owner in order to hopefully accomplish this.

948
949 Mayor Pro Tem Pruitt asked if council could, as part of this approval, make some sort of
950 condition related to the condition of Dowell Road. Mr. Garza indicated that, no, as part of
951 this zoning change, conditions cannot be placed; however, the council could consider
952 such conditions with the plat approval at a later date.

953
954 The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 14-XX

955
956
957
958
959 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
960 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
961 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,
962 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)
963 DISTRICT TO PLANNED DEVELOPMENT DISTRICT 76 (PD-76) FOR
964 SINGLE FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT
965 PROPERTY, BEING A 138.79-ACRE TRACT OF LAND IDENTIFIED AS
966 TRACT 1 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 137, CITY OF
967 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
968 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
969 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
970 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
971 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
972 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

973
974 The motion passed unanimously of council (7 ayes to 0 nays).

975
976 6. **Z2014-031** - Hold a public hearing to discuss and consider approval of an
977 ordinance for a request by Jimmy Strohmeyer of Strohmeyer Architects,
978 Inc. on behalf of D. W. Bobst of J-BR2, LLC for the approval of a PD
979 Development Plan proposing to establish five (5) pad sites for restaurants
980 and retail shopping within Planned Development District 32 (PD-32), on a
981 2.893-acre parcel of land identified as Lot 1, Block B, Harbor District
982 Addition, City of Rockwall, Rockwall County, Texas, situated within the
983 Hillside Sub-District of Planned Development District 32 (PD-32), located
984 within the IH-30 Overlay (IH-30 OV) District, at the southwest corner of
985 the intersection of the IH-30 frontage road and Sunset Ridge Drive, and
986 take any action necessary. (1st Reading)

987 Mr. LaCroix, Planning Director, provided background information related to this agenda
988 item. Notices were sent out to twenty-three property owners within 500' of the area and
989 to the HOAs in the area (within fifteen hundred feet). No replies related to these notices
990 have been received back by staff at this time.

991
992 Mayor Sweet opened the public hearing and called the applicant forth to speak.

993 Jimmy Strohmeyer
994 1620 Fairlakes Point
995 Rockwall, TX
996

997 Mr. Strohmeyer came forth and explained the setback request and the requested "stair
998 step" elevation located right in front of the restaurant/retail spaces. It was explained
999 that the "stair step" slopes are being requested in order to accommodate outdoor
1000 seating at these retail spaces.

1001 Councilmember White made a motion to approve Z2014-031, including staff
1002 recommendations. Councilmember Milder seconded the motion. After brief discussion,
1003 the ordinance was read as follows:

1004 CITY OF ROCKWALL
1005 ORDINANCE NO. 14-XX
1006

1007 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
1008 TEXAS, AMENDING *ORDINANCE NO. 10-21* OF PLANNED DEVELOPMENT
1009 DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE
1010 [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE
1011 AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN FOR
1012 RETAIL/RESTAURANT PAD SITES ON A 2.893-ACRE PARCEL OF LAND
1013 IDENTIFIED AS LOT 1, BLOCK B, HARBOR DISTRICT ADDITION, CITY OF
1014 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
1015 DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL
1016 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
1017 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
1018 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
1019 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
1020

1021 The motion passed by a vote of 7 ayes to 0 nays.

1022 XII. ACTION ITEMS

- 1023
- 1024 1. **MIS2014-016** - Discuss and consider a request from David Dorotik for
1025 approval of a Special Exception to the Unified Development Code, Article
1026 VI, Section 4, Residential Parking, regarding the storage of farm
1027 machinery (antique tractor) on a residential lot being zoned Single-Family
1028 Residential District (SF-7) and located at 509 Parks Avenue, Rockwall,
1029 Texas, and take any action necessary.

1030 Planning Director Robert LaCroix provided brief background information related to this
1031 agenda item.

1032 David Dorotik
1033 509 Parks Avenue
1034 Rockwall, TX
1035

1036 Mr. Dorotick pointed out six letters from surrounding neighbors who have all expressed
1037 having no problems or concerns with his tractor parked underneath his carport. Mr.
1038 Dorotick explained that this is a 1937 tractor that was originally purchased by his father.
1039 It is only utilized in local parades, and it is not utilized for farming operations. Mr.
1040 Dorotick explained that he has a large concern about safety involved in moving and
1041 storing the tractor. He expressed that a while back then Code Enforcement Supervisor

1042 Cliff Griffin and employee Laura Morales had expressed to him that his tractor was ok
1043 being parked there; however, some time later, city staff informed him that it was not ok.
1044 He requested that the council allow him to continue to park his antique tractor on his
1045 property under the shed where it has been parked for quite some time now.

1046
1047 Councilmember White made a motion to approve MIS2014-016. Councilmember
1048 Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.
1049

1050 **Action Item #3 was next addressed by city council.**

1051 2. Discuss and consider a request from David English with Ridge Point
1052 Commercial Real Estate for approval of a variance to the Unified
1053 Development Code, Article VI, Section 3.5, Permissible Uses, regarding
1054 the distance regulations for a retail establishment (Walmart Neighborhood
1055 Market) with alcoholic beverage sales on a tract of land being zoned
1056 Planned Development District 45 (PD-45) and located at the southeast
1057 corner of John King Boulevard, Rockwall, Texas, and take any action
1058 necessary.

1059 Planning Director Robert LaCroix indicated that the city adopted TABC-related
1060 regulations pertaining to alcohol sales and distance requirements from nearby churches
1061 and schools. The regulations, in this instance (since it involves an adjacent school),
1062 mean that the 300' is measured from property line to property line, and, in this case, that
1063 distance is only about 139'. Therefore, this short distance requires a variance to be
1064 granted by the city council in order to allow alcoholic beverages to be sold at this
1065 proposed Walmart location.

1066 Mr. English with Ridge Point Commercial Real Estate
1067 2255 Ridge Road, Suite 208
1068 Rockwall, TX

1069 Mr. English generally encouraged the council to consider voting favorably to approve
1070 this request.
1071

1072
1073 Mr. Freeman with Kimley-Horne came forth and reminded the council that the city council
1074 granted a variance to the large, Super Walmart near the Rockwall High School back in
1075 2007 to allow alcohol to be sold at that location. He explained that the applicant has tried
1076 to listen to staff and resident concerns and bring forth a quality product that takes those
1077 concerns into consideration.
1078

1079 Mayor Pro Tem Pruitt asked the applicant - if the variance for alcohol is not granted, will
1080 that particular disapproval result in Walmart pulling out of this proposed store
1081 altogether? Mr. Freeman indicated that, yes, it will likely "kill the deal," so-to-speak.
1082

1083 Mayor Pro Tem Pruitt made a motion to deny this variance request concerning alcohol
1084 sales, especially in light of the school district board expressing strong opposition to it.
1085 Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1
1086 against (White).

1087
1088 A vote related to Public Hearing item #3 was next addressed by council.
1089

1090 Mayor Sweet called for a brief break at 9:52 p.m. At 10:06 p.m., Mayor Sweet called the
1091 public meeting back to order. Public Hearing item #5 was addressed next by City
1092 Council.
1093

1094 3. Discuss and consider a request by Matt Mulliken of Mulliken Construction
1095 Management, Inc., on behalf of the owner of the property, for the approval
1096 of an amended site plan to allow for a variance to the screening from
1097 residential uses requirement stipulated by Article VIII, Landscape
1098 Standards, of the Unified Development Code for a professional office
1099 building on a 0.75-acre tract of land identified as Lot E, Block 117 & Lot
1100 D, Block 117 of B. F. Boydston Addition, City of Rockwall, Rockwall
1101 County, Texas, zoned General Retail (GR) District, located at the
1102 northeast corner of the intersection of SH-205 [S. Goliad Street] and St.
1103 Mary's Street, and take any action necessary.

1104 Mr. LaCroix provided brief background information related to this agenda item.
1105 The applicant, M

1106 Mr. Matt Mulliken
1107 2305 Lakeforest Drive
1108 Rockwall, TX
1109

1110 Mr. Mulliken expressed that the neighbor is concerned about him building a physical wall
1111 as a buffer. Instead the neighbor and he himself would like permission to utilize the
1112 'living screen' (trees) as a buffer in lieu of the masonry wall.
1113

1114 Mr. Rickerson
1115 109 St. Mary's
1116 Rockwall, TX
1117

1118 Mr. Rickerson expressed that he is the neighbor living adjacent to the subject property.
1119 He would like the "live screening" in lieu of the masonry wall because he feels it would
1120 be more in keeping with the historical feel of the area.
1121

1122 Councilmember Lewis made a motion to approve the "live screen" wall in lieu of the
1123 masonry wall. Councilmember Milder seconded the motion, which passed by a vote of 6
1124 in favor with 1 against (Pruitt).
1125

1126 4. Discuss and consider ADA accessible playground options, including
1127 associated cost estimates, and take any action necessary.

1128
1129 Assistant City Manager Brad Griggs provided background information related to this
1130 agenda item, indicating that, as previously requested by Council, staff has evaluated the
1131 option of building a 'barrier free' playground that has a series of ramps so that those in a
1132 wheelchair could have unrestricted access. He indicated that mandatory neighborhood
1133 park land dedication fees in the amount of \$137,000 as well as about \$260,000 from
1134 previous trail bonds is available for park improvements. Also, \$75,000 for infrastructure
1135 improvements could be taken from the city's Rec. Development Fund.
36

37 Mayor Sweet made a motion to move forward with the total project utilizing staff
38 recommendations as outlined by staff. Councilmember Lewis seconded the motion.

1139 Councilmember Lewis asked staff if they had an opportunity to speak with Texas
1140 Scottish Right hospital since they have a barrier free park there that is appealing. Mr.
1141 Griggs indicated that he has not yet reached out to that hospital. He clarified that this
1142 park would not include a cover/awning.

1143
1144 Mr. Crowley suggested to the city council that the proposed park plan for this park could
1145 first be run through the city's park board for review and to help plan this particular
1146 facility.

1147
1148 Mayor Pro Tem Pruitt asked for clarification on the bond program funding. Mr. Griggs
1149 indicated that no restrictions were placed on where in the city the funds could be spent,
1150 and there are no outstanding park related projects that these funds would need to be
1151 reserved for. After brief comments, Mayor Sweet pulled his original motion and made a
1152 replacement motion to have staff take this proposal before the city's Park Board for
1153 review and consideration at an upcoming Park Board meeting. Councilmember Lewis
1154 seconded this amended motion. Mr. Griggs explained that staff could advertise and
1155 receive public input at the December Park Board meeting and then bring back those
1156 recommendations to the council for consideration thereafter. The motion then passed by
1157 a vote of 7 ayes to 0 nays.

- 1158
1159 5. Discuss and hear update regarding ongoing water conservation efforts,
1160 including outdoor watering schedule, and take any action necessary.

1161 Mr. Crowley indicated that the North TX Municipal water district is recommending a once
1162 every two week (instead of once every week) watering schedule for the winter months.
1163 So, unless he hears objections form the city council, he will move forward,
1164 administratively, with communicating this change to our citizens as soon as possible. No
1165 formal action was taken by the city council related to this discussion item.

- 1166 6. Discuss and consider countywide Interoperability Radio System Interlocal
1167 Agreement and take any action necessary.

1168 Mr. Crowley provided background information related to this agenda item.

1169
1170 Mayor Pro Tem Pruitt made a motion to approve the contract and submit it to Rockwall
1171 County. Councilmember Lewis seconded the motion.

1172
1173 Councilmember Milder expressed that he is feeling some reservations about moving
1174 forward with this contract proposal. After additional, brief comments, the motion passed
1175 by a vote of 6 in favor with 1 against (White).

1176
1177

1178 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
1179 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 1180
1181 1. Departmental Reports
1182 Building Inspections Dept. Monthly Report - September 2014
1183 Fire Dept. Monthly Reports - September 2014
1184 Harbor PD Monthly Report - September 2014
85 Internal Operations Department Monthly Reports - September 2014
86 Police Department Monthly Report - September 2014
87 Recreation Monthly Report - September 2014

190 2. City Manager's Report

1191
1192 **Mr. Crowley indicated that the Park Foreman, Russell Lawrence, who has been serving**
1193 **the city for forty years now, recently informed staff of his intent to retire towards the end**
1194 **of this month.**

1195
1196 **Regarding the lake level being down, our Parks Department staff is being utilized to mow**
1197 **and take down some of the weeds and high grass in the takeline area of Lake Ray**
1198 **Hubbard. The city may consider some sort of joint venture type program to encourage**
1199 **residents to assist the city with cleaning up and properly disposing of old tires along the**
1200 **lakeshore.**

1201
1202 **Mayor Sweet adjourned the meeting at 11:14 p.m.**

1203
1204 **XIV. EXECUTIVE SESSION**

1205
1206 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
1207 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
1208 **CODE:**
1209

- 1210 1. Discussion regarding right-of-way land acquisition located near Justin
1211 Road and John King Blvd. pursuant to Section 551.072 (Real Property)
1212 and status of Temunovic condemnation proceeding pursuant to Section
213 551.071 (Consultation with Attorney).
- 1214 2. Discussion regarding Economic Development prospect pursuant to
1215 Section 551.087 (Economic Development)
- 1216 3. Discussion regarding possible claim related to Oncor pursuant to Section
1217 551.071 (Consultation with Attorney)
- 1218 4. Discussion regarding proposed lease/sale of city land for possible private
1219 project pursuant to Sections 551.072 (Real Property) and Section
1220 551.087 (Economic Development negotiations)
- 1221 5. Discussion regarding appointment to fill city council member vacancy in
1222 accordance with City Charter provisions pursuant to Section 551.074
1223 (Personnel Matters)
- 1224 6. Discussion regarding appointments to city regulatory boards,
1225 commissions, and committees including the Building and Standards
1226 Commission, Board of Adjustments, Planning & Zoning Commission, and
1227 the Rockwall Economic Development Corporation pursuant to Section
1228 551.074 (Personnel Matters)
- 1229 7. Discussion regarding City Manager performance evaluation pursuant to
1230 Section 551.074 (Personnel Matters).

1231

232

233

1234 XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

1235
1236 The council did not reconvene in Executive Session following the close of the public
1237 meeting agenda.

1238
1239
1240 XVI. ADJOURNMENT

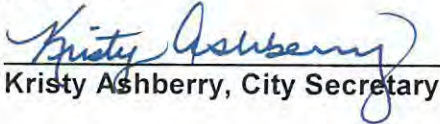
1241
1242 The meeting was adjourned at 11:14 p.m.

1243
1244
1245 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
1246 this 17th day of November, 2014.

1247
1248 

David Sweet, Mayor

1249 ATTEST:

1250 
1251
1252 Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Wednesday, November 12, 2014
6:00 p.m. Special City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Pruitt called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Jim Pruitt and City Council Members David White, Mike Townsend, Scott Milder, Bennie Daniels and Dennis Lewis. Mayor David Sweet was not present at the meeting.

Mayor Pro Tem Pruitt read the below listed discussion items into the public record before recessing the public meeting into Executive Session at 6:02 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 appointment to fill city council member vacancy in accordance with City Charter provisions pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, and the Rockwall Economic Development Corporation (REDC) pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 8:00 p.m.

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

Mayor Pro Tem Pruitt called the public meeting back to order at 8:05 p.m. All council members were present with the exception of Mayor Sweet.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken.

46 VI. ADJOURNMENT


47 The meeting was adjourned at 8:06 p.m.

48

49 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
50 this 17th day of November, 2014.

51

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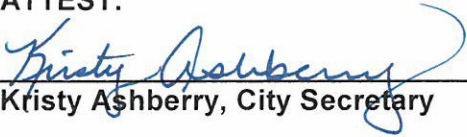
David Sweet, Mayor

53 ATTEST:

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 17, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet and
10 Councilmembers David White, Mike Townsend, Scott Milder, Bennie Daniels and Dennis
11 Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith
12 and Brad Griggs and City Attorney Frank Garza. Mayor Pro Tem Jim Pruitt was absent from
13 the meeting. Mayor Sweet read the below listed discussion items into the public record
14 before recessing the meeting into Executive Session. It was noted that Mayor Sweet did not
15 participate in the portion of Executive Session concerning discussion item #2 (filling of city
16 council member vacancy).
17

18 **II. EXECUTIVE SESSION.**

19
20 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
21 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
22 CODE:
23

- 24 1. Discussion regarding proposed lease/sale of city land for possible private project pursuant to
25 Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations)
- 26 2. Discussion regarding appointment to fill city council member vacancy in accordance with City
27 Charter provisions pursuant to Section 551.074 (Personnel Matters)
- 28 3. Discussion regarding appointments to city regulatory boards, commissions, and committees
29 including the Building and Standards Commission, Board of Adjustments, and the Rockwall
30 Economic Development Corporation pursuant to Section 551.074 (Personnel Matters)
- 31 4. Discussion regarding appointment of city council member liaisons to city boards, commissions, and
32 committees pursuant to Section 551.074 (Personnel Matters)
- 33 5. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (Personnel
34 Matters).
35

36 **III. ADJOURN EXECUTIVE SESSION**

37
38 Executive Session was adjourned at 5:58 p.m.
39

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

41
42 Mayor Sweet reconvened the public meeting at 6:00 p.m. with all council members except
43 Mayor Pro Tem Pruitt present.
44

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

46
47 Councilmember Townsend announced that no action was needed as a result of Executive
48 Session.
49

50 VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

51 Mayor Sweet delivered the invocation and led the Pledge of Allegiance.
52
53

54 VII. PROCLAMATIONS / AWARDS

- 55
56 1. Shannon Elementary School Recognition Day
57

58 Mayor Sweet called forth Mrs. Bennett, the principal of Shannon Elementary, who then
59 introduced herself and her guests. A short video about Shannon Elementary was shown
60 about their “Leader in Me” program. Mayor Sweet then read and presented the school with
61 an honorary proclamation.
62

- 63 2. Rockwall Meals on Wheels Recognition Day
64

65 Mayor Sweet called the executive director, Margie Verhagen, forward to recognize Meals on
66 Wheels. Mrs. Verhagen introduced herself and her guests, including several board
67 members, volunteers and employees. The mayor then read and presented the organization
68 with an honorary proclamation to recognize its contributions made to Rockwall residents.
69

70 VIII. CONSENT AGENDA

- 71
72 1. Consider approval of the minutes from the November 3, 2014 regular city
73 council meeting, and take any action necessary.

- 74 2. Consider approval of the minutes from the November 12, 2014 Special City
75 Council Meeting, and take any action necessary.

- 76 3. Consider authorizing the City Manager to enter into an agreement with the
77 North Central Texas Council of Governments for the acquisition of aerial
78 imagery, ground contours, and LiDAR (3D) GIS data in the amount of
79 \$29,279.25 to be paid from the Engineering operating budget, and take any
80 action necessary.

- 81 4. Consider approval of an **ordinance** amending the Code of Ordinances in
82 Ch. 36. Streets, Sidewalks and Public Places; Article IV. Art in Public Places
83 Master Plan; Division 2. Art Review Team (ART) Commission; Section 33-
84 77. Established, Subsection (a) Composition to change the required
85 composition of the Commission membership, and take any action necessary.
86 **(2nd reading)**

- 87 5. **Z2014-030** - consider approval of an **ordinance** for a request by Dub
88 Douphrate of Douphrate & Associates, Inc. on behalf of Barry Luff of L2
89 Properties, LLC for the approval of a zoning change from an Agricultural
90 (AG) District to a Planned Development District for Single Family 1 (SF-1)
91 District land uses for a 138.79-acre tract of land identified as Tract 1 of the J.
92 Lockhart Survey, Abstract No. 137, City of Rockwall, Rockwall County,
93 Texas, and zoned Agricultural (AG) District, generally located on the east
94 side of Dowell Road south of the intersection of SH-276 and Dowell Road,
95 and take any action necessary. **(2nd Reading)**

- 96 6. **Z2014-031** - Consider approval of an **ordinance** for a request by Jimmy
97 Strohmeyer of Strohmeyer Architects, Inc. on behalf of D. W. Bobst of J-
98 BR2, LLC for the approval of a PD Development Plan proposing to establish

99 five (5) pad sites for restaurants and retail shopping within Planned
100 Development District 32 (PD-32), on a 2.893-acre parcel of land identified as
101 Lot 1, Block B, Harbor District Addition, City of Rockwall, Rockwall County,
102 Texas, situated within the Hillside Sub-District of Planned Development
103 District 32 (PD-32), located within the IH-30 Overlay (IH-30 OV) District, at
104 the southwest corner of the intersection of the IH-30 frontage road and
105 Sunset Ridge Drive, and take any action necessary. **(2nd Reading)**

106 7. Consider authorizing the City Manager to execute a contract with Texas Fire
107 Museum Inc. for restoration of the 1959 Ford Fire Engine in the amount of
108 \$33,000 to be funded with Fire Equipment Funds and take any action
109 necessary.

110 8. **P2014-033** - Consider a request by Chase Finch of Corwin Engineering, Inc.
111 on behalf of Matt Alexander of the Cambridge Company, Inc. for the
112 approval of a final plat for Rockwall Downes, Phase 1, containing 34
113 residential lots on a 15.135-acre tract of land identified as a portion of Tract 3
114 of the J. M. Allen Survey, Abstract No. 0002, City of Rockwall, Rockwall
115 County, Texas, zoned Planned Development District 10 (PD-10) for
116 residential land uses, situated within the 205 By-Pass Overlay (205-BY OV)
117 District, located south of the intersection of the IH-30 Frontage Road and
118 John King Boulevard, and take any action necessary.

119 9. **P2014-036** - Consider a request by Philip Graham, PE of Wier & Associates
120 on behalf of Sheri Franza of the Rockwall Economic Development
121 Corporation for the approval of a replat for Lots 2 & 3, Block B, Rockwall
122 Technology Park, Phase II being a 22.649-acre parcel of land currently
123 identified as Lot 1, Block B, Rockwall Technology Park, Phase II, City of
124 Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District,
125 generally located east of the intersection of Corporate Crossing and
126 Discovery Boulevard, and take any action necessary.

127 10. **P2014-037** - Consider a request by Arthur F. Beck of BSM Engineers, Inc.
128 on behalf of the First United Methodist Church of Rockwall for the approval
129 of a replat for Lots 6, 7 & 8, Block 1, First United Methodist Church Addition,
130 being a 19.5556-acre tract of land composed of two (2) parcels of land
131 identified as Lots 3 & 5, Block 1, First United Methodist Church Addition, City
132 of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,
133 addressed as 1200 E. Yellow Jacket Lane, and take any action necessary.

134 11. **P2014-038** - Consider a request by Steven Heilbrun of Pacheco Koch, LLC
135 on behalf of Williams H. Channell, Jr. of Channell Commercial Corp for the
136 approval of a replat for Lot 2, Block A, Channell Subdivision, being a 18.762-
137 acre parcel of land currently identified as Lot 1, Block A, Channell
138 Subdivision, City of Rockwall, Rockwall County, Texas, zoned Light
139 Industrial (LI) District, situated within the SH-205 By-Pass Corridor Overlay
140 (205 BY-OV) District, located on the west side of John King Boulevard south
141 of Airport Road, and take any action necessary.

142 **Councilmember Milder pulled item #3 for further discussion. Councilmember Lewis made a**
143 **motion to approve the remaining consent agenda items. Councilmember White seconded**
144 **the motion. The ordinances were read as follows:**

5
6

CITY OF ROCKWALL
ORDINANCE NO. 14-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CH. 36. STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV. ART IN PUBLIC PLACES MASTER PLAN; DIVISION 2. ART REVIEW TEAM (ART) COMMISSION; SECTION 33-77. ESTABLISHED, SUBSECTION (a)(1). COMPOSITION TO CHANGE THE REQUIRED COMPOSITION OF THE FIVE (5) MEMBER COMMISSION; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 14-50

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 76 (PD-76) FOR SINGLE FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 138.79-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 137, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 14-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 10-21* OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN FOR RETAIL/RESTAURANT PAD SITES ON A 2.893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Concerning Consent Agenda item #3, Councilmember Milder expressed that he may not be inclined to support this item; however, he asked staff for additional information and clarification concerning this technology and the associated cost.

Planning Director Robert LaCroix indicated that this expense is associated with having access to updated aerial photography through the North Central TX Council of Governments (NCTCOG) as well as 3-D imaging. Access to this new technology will enable the city's GIS program to be taken a step further and will enhance the program overall.

204 Councilmember Milder made a motion to approve Consent Agenda item #3. Councilmember
205 Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

206
207 IX. APPOINTMENTS

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

212 Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the
213 council on recommendations of the Commission relative to items on tonight's council
214 agenda. The Council took no action related to this agenda item.

215
216 X. PUBLIC HEARING ITEMS

217
218 1. **Z2014-033 - [Request to Postpone to the December 1, 2014 Meeting]**
219 Hold a public hearing to discuss and consider approval of an ordinance for
220 a request by Amy and Mark Stehr for the approval of an amendment to
221 Specific Use Permit (SUP) No. S-81 [Ordinance No. 11-05] to allow vehicles
222 to be stored outside overnight in conjunction with an existing automotive
223 repair garage on a 0.702-acre parcel of land identified as Lot 2, Rockwall
224 Market Center South Addition, City of Rockwall, Rockwall County, Texas,
225 zoned Commercial (C) District, the subject property is addressed as 129 E.
226 Ralph Hall Parkway, and take any action necessary. (1st Reading)

227 Planning Director Robert LaCroix began discussion of this agenda item, indicating that the
228 applicant has requested that this item be postponed until the December 1st city council
229 meeting. Councilmember White asked if there have been any complaints related to this
230 property by members of the public. Mr. Griggs, Assistant City Manager, indicated that the
231 city itself has initiated a case concerning this property, and staff is currently working with
232 the owner to address code/zoning related concerns; however, no public complaints have
233 been received thus far.

234 Councilmember White made a motion to postpone Z2014-033 until the December 1, 2014
235 council meeting. Councilmember Lewis seconded the motion, which passed by a vote of 6
236 ayes with 1 absent (Pruitt).

237

238 2. **Z2014-027 - Hold a public hearing to discuss and consider approval of an**
239 **ordinance** for a City initiated zoning request for a text amendment to Article
240 II, Authority and Administrative Procedures, Article IV, Permissible Uses, and
241 Article V, District Development Standards, of the Unified Development Code
242 [Ordinance No. 04-38] for the purpose of modifying various sections of the
243 code, and take any action necessary. (1st Reading)

244 Mr. LaCroix began discussion of this item, generally explaining the three subject matters
245 which are proposed to be amended with the passage of this ordinance (related to
246 composition of the Architectural Review Board; related to created a new zoning/land use for
247 indoor Motor Vehicle Dealership/Showroom, New and/or Used; and related to modifying the
248 regulation on commercial/industrial buildings not located within an Overlay District to
249 stipulate that stucco is prohibited from being located within the first four (4) feet above
250 grade on any building façade that is visible from a street or public area as opposed to within
251 the first (8) eight feet.

252
253 Mayor Sweet opened the public hearing and asked if anyone would like to come forth and
254 speak. There being no one expressing such, Mayor Sweet then closed the public hearing.
255 Councilmember Milder made a motion to approve Z2014-027. Councilmember White
256 seconded the motion. The ordinance was read as follows:

257
258 CITY OF ROCKWALL
259 ORDINANCE NO. 14-XX
260

261 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
262 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
263 CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 13.2
264 OF ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*; SECTIONS 1.1
265 & 2.1.8 OF ARTICLE IV, *PERMISSIBLE USES*; AND SECTIONS 4.1 & 5.1, *DISTRICT*
266 *DEVELOPMENT STANDARDS*; PROVIDING FOR A PENALTY OF FINE NOT TO
267 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
268 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
269 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
270

271 The motion passed by a vote of 6 ayes with 1 absent (Pruitt).
272

273 XI. SITE PLANS / PLATS
274

- 275 1. **SP2014-029** - Discuss and consider a request by John Spiars of Spiars
276 Engineering, Inc. on behalf of Bill Lavin of Fenton Motor Group for the
277 approval of variances associated with a site plan for a new automobile
278 dealership on a 14.751-acre tract of land being composed of a 10.5-acre
279 parcel of land identified as Lot 1, Block A, Lafon Addition and a 4.251-acre
280 portion of Tract 2 & 12 of the J. Lockhart Survey, Abstract No. 134, City of
281 Rockwall, Rockwall County, Texas, being zoned Light Industrial (LI) and
282 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District
283 and the 205 By-Pass Overlay (205-BY OV) District, located at the
284 southeastern corner of the intersection of John King Boulevard and the IH-30
285 Frontage Road, and take any action necessary.

286 Mr. LaCroix began discussion of this agenda item, explaining that the Planning and Zoning
287 Commission has recommended approval of this site plan as well as several variances which
288 have been requested. He explained that the variances are related to the following: not
289 meeting the masonry standards; not meeting some of the horizontal/vertical articulation
290 standards; not meeting the screening standards from residential uses (to the south); not
291 meeting the requirements for service bays; twenty-one foot (rather than 24') fire lanes going
292 in and out of the area; stone requirement (20% natural poured stone on all elevations);
293 allowing some variances related to their design due to a desire to establish a "corporate
294 identity." The Architectural Review Board did make some recommendations to the
295 Planning & Zoning Commission, and the Commission did agree.
296

297 It was clarified that if the trees are planted as part of meeting the zoning's screening
298 requirements, any trees that may die in the future would have to be replaced by the
299 applicant because it would be considered a code violation if they were not in place and
300 living. Mr. LaCroix indicated that once the trees are established, if they are the right type of
301 trees, they should do ok; however, staff will physically go out and check on this over time.
302 It was clarified that the applicant prefers to put a natural screen (trees) in lieu of the
303 masonry wall between this development and the residential development to the south. It is

304 staff's understanding that the residential area would also prefer the natural screening, as
305 they may put a small retaining wall and some sort of fencing of their own.

306 Jeff Ball
307 Boynton Williams & Associates (BWA Architects)

308 Mr. Ball clarified that the single family residential development is slated to put in a small
309 retaining wall. He indicated that the "living screen" will consist of Live Oaks and Leland
310 Cyprus trees spaced 25' on center and double stacked, so the residents in that future
311 neighborhood will see a large canopy of trees when looking in the direction of the
312 dealership. Mr. Ball showed a rendering of the articulation and briefly explained his request
313 for a variance to the masonry standards, explaining their attempt to blend the masonry with
314 Nissan's corporate identity. He explained that articulated windows are being placed on the
315 East side of the building, even though they will not be visible from John King or from IH-30.
316 Regarding the screening of the service doors on the front of the building, he explained that
317 these will not be visible from IH-30 either, and they will not be seen until you are driving up
318 the main entry on site.

319 After brief comments, Councilmember White made a motion to approve SP2014-029.
320 Councilmember Lewis seconded the motion.

321 Councilmember Milder asked the council to consider amending the motion that has been
322 made to move forward with approving item numbers three (3) and five (5) that have been
323 recommended by the Planning & Zoning Commission (related to allowing a "live screen" in
324 lieu of the masonry wall and related to the 21' fire lane) and then deny items #1, 2, 4, 6, and
325 7 that were recommended by P&Z.

326 Councilmember White indicated he did not wish to amend his motion and that his motion
327 will stand 'as is.'

328 Councilmember Daniels pointed out that the Honda dealership's service bays face the
329 street. Also, the council just granted an exception for a living screen/fence recently near St.
330 Mary's and Goliad. He encouraged consistency and suggested that the city council may
331 want to revisit some of its ordinance provisions since so many variance requests keep
332 coming before the council for consideration.

333 After additional comments, the motion passed by a vote of 5 in favor, 1 against (Milder) and
334 1 absent (Pruitt).

335 XII. ACTION ITEMS

- 336 1. **Z2014-029 - [Applicant has requested to withdraw]** Discuss and consider
337 approval of an ordinance for a request by Steven Freeman of Kimley-Horn
338 and Associates, Inc. on behalf of Don Holloway of Lofland Farms, LTD for
339 the approval of a Specific Use Permit (SUP) for a retail store with more than
340 two (2) gasoline dispensers for a 0.743-acre tract of land identified as a
341 portion of Tract 5-3 of the W. H. Baird Survey, Abstract No. 25, City of
342 Rockwall, Rockwall County, Texas, zoned Planned Development District 45
343 (PD-45) for general retail land uses, situated within the SH-205 By-Pass
344 Overlay (205 BY-OV) District and the SH-276 Overlay (SH-276 OV) District,
345

354 located at the southeast corner of the intersection of SH-276 and John King
355 Boulevard, and take any action necessary. **(2nd Reading)**

3 **It was noted in the public record that the applicant requested to withdraw, so the city**
357 **council took no action concerning this item.**

- 358 2. **Z2014-025** - Discuss and consider approval of an ordinance for a request
359 by Christopher Orr of Arcadia Lakes of Somerset Holdings, LLC for the
360 approval of a zoning amendment to Planned Development District 63 (PD-
361 63) to allow for changes to the concept plan and development standards
362 stipulated by Ordinance No. 05-51 for a 139.354-acre tract of land identified
363 as Tracts 1 & 7 of the A. Johnson Survey, Abstract No. 123, City of
364 Rockwall, Rockwall County, Texas, zoned Planned Development District 63
365 (PD-63) for Single Family 10 (SF-10) District use, situated within the SH-205
366 Overlay (SH-205 OV) District, located at the northeast corner of the
367 Intersection of FM-549 and S. Goliad Street (SH-205), and take any action
368 necessary. **(2nd Reading)**

369 **Mr. LaCroix explained that first reading of the ordinance associated with this agenda item**
370 **passed on first reading at the last council meeting. Councilmember Lewis made a motion to**
371 **approve this agenda item (Z2014-025). Councilmember Townsend seconded the motion.**
372 **Councilmember Daniels stated that he remains in opposition of this item because of the**
373 **increased number of proposed lots. The ordinance was read as follows:**

374 CITY OF ROCKWALL
375 ORDINANCE NO. 14-49

376 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
377 AMENDING PLANNED DEVELOPMENT DISTRICT 63 (PD-63) [ORDINANCE NO. 05-51]
8 AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
9 ROCKWALL, AS HERETOFORE AMENDED, BY SUPERSEDING ORDINANCE NO. 05-
0 51 FOR THE PURPOSE OF MODIFYING THE CONCEPT PLAN, OPEN SPACE PLAN
381 AND DEVELOPMENT STANDARDS FOR THE SUBJECT PROPERTY, BEING A
382 139.354-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 1 & 7 OF THE A. JOHNSON
383 SURVEY, ABSTRACT NO. 123, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
384 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
385 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
386 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
387 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
388 AN EFFECTIVE DATE.
389

390
391 **The ordinance passed by a vote of 5 in favor, 1 against (Daniels), and 1 absent (Pruitt).**

392
393 **Mayor Sweet then recessed the public meeting, calling for a short, ten minute break (7:08**
394 **p.m.).**
395

- 396 3. Discuss and consider a special request by Michael Clark to allow for a land
397 use (fourplex residential dwelling unit) not otherwise allowed on property
398 within the Southside Residential Neighborhood Overlay (SRO) with
399 underlying zoning of Single Family Residential (SF-7) and located at 808
400 Sam Houston Street, City of Rockwall, and take any action necessary.

401 **Planning Director Robert LaCroix provided background information related to this agenda**
402 **item, explaining that if the council elects to have this item considered, it will then be**
3 **forwarded to the Planning & Zoning Commission for evaluation and recommendations.**
4 **Then, those recommendations from the Planning & Zoning Commission would be**

405 considered by the Council thereafter. He explained that the council could direct the P&Z
406 Commission to hold public hearings to glean input concerning this matter and direct staff
407 to send out public notifications to those living in the area as well.

408 Blakeley Hall (207 East Rusk Street) came forth, indicating he represents the applicant. He
409 encouraged the city council to allow consideration of this item by sending it through the
410 Planning & Zoning process.

411 Councilmember White asked staff who provided the petition in favor of this item. Mr.
412 LaCroix indicated that Mr. Clark (the applicant) provided the petition to the city.

413 Councilmember Daniels made a motion to deny the request to allow for this land use.
414 Councilmember Milder seconded the motion. Councilmember White indicated that he
415 believes this item should be forwarded to the Planning & Zoning Commission to be heard.
416 Mayor Sweet indicated that he also feels it should be forwarded to the Planning & Zoning
417 Commission and allow public hearings to be held for public input concerning this item.
418 After brief comments, the motion failed by a tie vote of 3 in favor, 3 against (White,
419 Townsend and Sweet), and 1 absent (Pruitt).

420 Councilmember White made a subsequent motion to send this item to the Planning &
421 Zoning Commission for consideration, including conducting a public hearing so that
422 residents in the area will be able to provide feedback (clarification was given regarding the
423 motion that staff should treat it like a zoning case by sending notices to those within 500'
424 and implement all other notifications that would typically be made with zoning cases (i.e.
425 large, yellow sign on the subject property). Councilmember Townsend seconded the
426 motion.

427 Councilmember Milder indicated that he believes this area already has enough multifamily
428 housing, and he does not believe it will ultimately be approved by the city council. He
429 believes a fourplex does not fit well in this location, and he does not believe it would be
430 good for the neighborhood overall. Councilmember White pointed out that the applicant
431 has provided at least fifty signatures and names of individuals who have said they are in
432 favor of this fourplex, so an opportunity to allow public input concerning the item is
433 prudent and in the best interest of 'open government.' Going through the process will
434 allow the public in to come forth and speak either in favor or against it. Mayor Sweet
435 concurred that it is best to allow this item to go through a public hearing / public input
436 process. Councilmember Townsend indicated that he has no problem soliciting public
437 input through the Planning & Zoning Commission process.

438 After additional, brief comments, the motion passed by a vote of 6 in favor with 1 absent
439 (Pruitt).

440 4. Discuss and consider the results of a study of the City's current water and
441 wastewater rates and approval of a resolution setting increased water and
442 wastewater rates, and take any action necessary.

443 City Manager Rick Crowley provided brief background information related to this agenda
444 item, indicating that the council has previously discussed the city's water and wastewater
445 rates. Mary Smith, Assistant City Manager, then introduced Bob McLain of McLain Decision
446 Support Systems, the consultant who performed this rate study on behalf of the city. Mr.
447 McLain then briefed the council on the findings of his rate study. Mrs. Smith pointed out
448 that our city's average water consumption dropped from about 12,000 gallons per month
449 down to about 8,000 gallons per month, which is a testament to how well our water
450 customers have responded to conservation efforts. However, the city's drop in water sales
451 has resulted in revenue shortages.

452 Councilmember Townsend made a motion to adopt the resolution and associated water and
453 wastewater rates. Councilmember White seconded the motion, which passed by a vote of 6
454 in favor with 1 absent (Pruitt).

455 5. Discuss and consider appointments to the city's ART Commission,
456 Architectural Review Board, and Main Street Advisory Board, and take any
457 action necessary.

458 Mayor Sweet requested that this item be delayed until the next, regularly scheduled city
459 council meeting (December 1, 2014). Councilmember White encouraged members of the
460 public who are interested in Art to submit an application expressing interest in serving on
461 the Art Commission.

462 The Council did not convene in Executive Session following the close of the public meeting
463 agenda.

464
465 **XIII. EXECUTIVE SESSION**

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

- 470
- 471 1. Discussion regarding proposed lease/sale of city land for possible private project pursuant to
472 Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations)
 - 473 2. Discussion regarding appointment to fill city council member vacancy in accordance with City
474 Charter provisions pursuant to Section 551.074 (Personnel Matters)
 - 475 3. Discussion regarding appointments to city regulatory boards, commissions, and committees
476 including the Building and Standards Commission, Board of Adjustments, and the Rockwall
477 Economic Development Corporation pursuant to Section 551.074 (Personnel Matters)
 - 478 4. Discussion regarding appointment of city council member liaisons to city boards, commissions,
479 and committees pursuant to Section 551.074 (Personnel Matters)
 - 480 5. Discussion regarding City Manager performance evaluation pursuant to Section 551.074
481 (Personnel Matters).

482 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
483

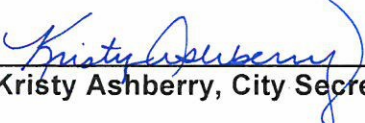
484 The Council did not convene in Executive Session following the close of the public meeting
485 agenda.

486
487 **XV. ADJOURNMENT**

488 The meeting was adjourned at 7:47 p.m.

489 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
490 this 1st day of December, 2014.

491
492
493 
494 ATTEST: David Sweet, Mayor

495 
496 Kristy Ashberry, City Secretary
497



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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 01, 2014
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL PUBLIC MEETING TO ORDER

9
10
11
12
13
14

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Jim Pruitt and Council Members David White, Mike Townsend, 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 Milder was absent from the meeting.

15
16
17

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

18
19

II. EXECUTIVE SESSION.

20
21
22
23

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:

- 24
25
26
27
28
29
30
31
32
33
34
1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development).
 2. Discussion regarding appointment to fill city council member vacancy in accordance with City Charter provisions pursuant to Section 551.074 (Personnel Matters).
 3. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, and the Rockwall Economic Development Corporation pursuant to Section 551.074 (Personnel Matters).
 4. Discussion regarding incentives to tenured employees and possible legal issues pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney).

35
36

III. ADJOURN EXECUTIVE SESSION

37
38

Executive Session was adjourned at 5:45 p.m.

39
40

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

41
42
43

Mayor Sweet reconvened the public meeting at 6:00 p.m. with six of the seven city council members present (Milder was absent from the meeting).

44
45

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

46
47

Mayor Pro Tem Pruitt made a motion to appoint John Hohenshelt to fill the Place 2 City Council member vacancy to take effect immediately following the December 15, 2014 city

48 council meeting (agenda). Councilmember Townsend seconded the motion, which
49 passed by a vote of 6 ayes with 1 absent (Milder).
50

51 Mayor Pro Tem Pruitt made a motion to reappoint Gary Bunch to serve an additional term
52 on the Rockwall Economic Development Corporation (REDC) board (term will begin
53 January 1st and run through December of 2017). Councilmember Townsend seconded
54 the motion, which passed by a vote of 6 ayes with 1 absent (Milder).
55

56 Mayor Pro Tem Pruitt made a motion to appoint Matthew Nielsen and Dale Cherry to
57 serve on the Rockwall Economic Development Corporation (REDC) board with the
58 understanding that terms for both members will begin January 1, 2015 (and run through
59 December of 2017). Councilmember Lewis seconded the motion, which passed by a vote
60 of 6 ayes with 1 absent (Milder).
61

62 Mayor Pro Tem Pruitt made a motion to appoint Annie Fishman to serve on the city's
63 Planning and Zoning Commission (to fill vacancy left by Matthew Nielsen; this partial
64 term appointment will begin January 1, 2015 and run through August of 2017).
65 Councilmember Townsend seconded the motion, which passed unanimously of council
66 present (Milder absent).
67

68 Mayor Pro Tem Pruitt made a motion to appoint G. David Smith to the city's Board of
69 Adjustments effective immediately (Mr. Smith will replace former member, Jennifer Willis,
70 for a partial term running through August of 2016). Councilmember Townsend seconded
71 the motion, which passed unanimously (Milder absent).
72

73 Mayor Pro Tem Pruitt made a motion to appoint the following individuals to the city's
74 Building and Standards Commission: Tobby Kernan, Jim Turner and Bryan Oney (all
75 partial term appointments replacing outgoing board members and running through
76 August of 2016). Councilmember Lewis seconded the motion, which passed
77 unanimously (Milder absent).
78

79 Mayor Pro Tem Pruitt made a motion to direct the city manager to offer voluntary
80 retirement incentives to qualified tenured employees per direction given in Executive
81 Session. Councilmember Townsend seconded the motion, which passed by a vote of 6
82 ayes with 1 absent (Milder).
83

84 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**
85

86 Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.
87

88 **VII. OPEN FORUM**
89

90 David Eason
91 202 Interurban
92 Rockwall, TX
93

94 Mr. Eason came forth and suggested that the council consider city research and
95 development to explore new ideas, creative thinking and planning related to things such
96 as energy efficient homes that are self-heating.
97
98

99
00
01 **VIII. CONSENT AGENDA**
02

- 103 1. Consider approval of the minutes from the November 17, 2014 regular
104 city council meeting, and take any action necessary.
- 105 2. **Z2014-027** - Consider approval of an **ordinance** for a City initiated zoning
106 request for a text amendment to Article II, Authority and Administrative
107 Procedures, Article IV, Permissible Uses, and Article V, District
108 Development Standards, of the Unified Development Code [Ordinance
109 No. 04-38] for the purpose of modifying various sections of the code, and
110 take any action necessary. **(2nd Reading)**
- 111 3. **P2014-039** - Consider a request by Juan J. Vasquez, PE of Vasquez
112 Engineering, LLC on behalf of James R. Thompson of Cavender
113 Investment Properties E, LTD for the approval of a final plat for Lot 1,
114 Block 1, Cavender's Addition being a 3.27-acre tract of land identified as
115 Tract 9-4 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall,
116 Rockwall County, Texas, zoned Light Industrial (LI) District, situated
117 within the IH-30 Overlay (IH-30 OV) District, located on the south side of
118 the E. IH-30 Frontage Road west of Corporate Crossing [FM-549], and
119 take any action necessary.
- 120 4. **P2014-040** - Consider a request by Cliff Lewis of Scott Lewis Custom
121 Homes on behalf of Todd Winters, PE of Engineering Concepts and
122 Design for the approval of a replat for Lot 8, Block 1, Horizon Ridge
123 Addition being a 1.238-acre parcel of land currently identified as Lot 6,
124 Block 1, Horizon Ridge Addition, City of Rockwall, Rockwall County,
125 Texas, zoned Commercial (C) District, located north of the intersection of
126 Ralph Hall Parkway and Horizon Road [FM-3097], and take any action
127 necessary.
- 128 5. Consider authorizing City Manager to enter into a contract with
129 Cambridge Fence for the installation of new fence at Tuttle Athletic
130 Complex in the amount of \$39,000 to be funded out of the Recreational
131 Development Fund, and take any action necessary.

132 **Councilmember Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4**
133 **and 5). Councilmember White seconded the motion. The ordinance was read as follows:**
134

135 **CITY OF ROCKWALL**
136 **ORDINANCE NO. 14-52**

137
138 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
139 **AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE**
140 **CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 13.2**
141 **OF ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES; SECTIONS 1.1**
142 **& 2.1.8 OF ARTICLE IV, PERMISSIBLE USES; AND SECTIONS 4.1 & 5.1, DISTRICT**
143 **DEVELOPMENT STANDARDS; PROVIDING FOR A PENALTY OF FINE NOT TO**
144 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
145 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
146 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
147

148 The motion passed by a unanimous vote (6 ayes with 1 (Milder) absent).
49

50 IX. APPOINTMENTS
51

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

155
156 Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the
157 council on recommendations of the Commission relative to the one Public Hearing item
158 on tonight's city council meeting agenda (Z2014-033). He explained that the applicant
159 owns an automotive repair garage and originally requested the ability to utilize eleven
160 (11) parking spaces on the East side of the building as well as six (6) parking spaces
161 located at the rear of the building (North side) for outside parking and storage of up to
162 seventeen (17) vehicles overnight. The P&Z Commission has recommended approval of
163 the use of six (6) parking spaces for overnight parking / storage of vehicles on the North
164 side of the subject property. They have also recommended that the vehicles have a
165 maximum of seventy-two (72) hours associated with parking of each, individual vehicle.
166 This recommendation was approved by a vote of 4 in favor with 2 against (Renfro and
167 Jusko) and 1 absent (Nielsen). No action was taken by council at this time.
168

169 X. PUBLIC HEARING ITEMS
170

- 171 1. **Z2014-033** - Hold a public hearing to discuss and consider approval of an
172 ordinance for a request by Amy and Mark Stehr for the approval of an
173 amendment to Specific Use Permit (SUP) No. S-81 [Ordinance No. 11-
174 05] to allow vehicles to be stored outside overnight in conjunction with an
175 existing automotive repair garage on a 0.702-acre parcel of land identified
176 as Lot 2, Rockwall Market Center South Addition, City of Rockwall,
177 Rockwall County, Texas, zoned Commercial (C) District, the subject
178 property is addressed as 129 E. Ralph Hall Parkway, and take any action
179 necessary. (1st Reading)

180 Planning Director Robert LaCroix provided background information related to this
181 agenda item, explaining that this request involves council consideration to amend an
182 existing SUP that has been in place since 2011. He explained that this is an automotive
183 repair garage (Christian Brothers). It is located in a commercial district near Home Depot
184 and is surrounded by an Alzheimer's/nursing facility and a bank. He generally explained
185 that the applicant is requesting to utilize some of their outside parking spaces to store
186 vehicles overnight. He clarified that two of the eleven spaces on the East side of the
187 building are handicap parking spaces, so essentially the applicant would likely regularly
188 utilize only nine of those eleven spaces. He explained that this particular store was
189 originally proposed by the corporate office, and they were ok with the SUP restrictions
190 pertaining to no outside storage of vehicles overnight because they did not anticipate
191 this Rockwall store would perform as well as it has. He further explained that the
192 corporate office has indicated this particular store in Rockwall is doing very well and is
193 among the top producers of stores statewide. P&Z held a public hearing with fifty-five
194 notices being sent out to properties within five hundred feet, and one HOA (Lyndon Park
195 Homeowners Association) being notified. Three notices were received back in favor with
196 no notices being received back in opposition. The Planning and Zoning Commission has
197 recommended approving six parking spaces on the North end of the property to be

198 utilized for outside, overnight storage of vehicles with a maximum of seventy-two (72)
99 hours associated with overnight parking of each vehicle in those six spaces. Mayor Pro
00 Tem Pruitt asked if the city has had any history of violations associated with the existing
201 SUP at this location. Mr. LaCroix indicated that staff did begin observing some instances
202 of violations associated with the outside, overnight parking limitations in about August
203 or September of this year. Councilmember Lewis inquired about if the number of parking
204 spaces at this business is sufficient if some of them are being utilized for storing
205 vehicles. Mr. LaCroix indicated that the number of spaces does seem to be sufficient for
206 the business at this time.

207
208 Councilmember Daniels asked Mr. LaCroix to clarify how this particular request
209 compares to the recent request made by another minor automotive repair-related
210 business located on Ridge Road. Mr. LaCroix explained that that particular applicant had
211 about seven spaces located at the rear of the building; however, that other business had
212 a circulation issue related to ingress and egress of vehicles. Also, there is no fire lane at
213 the other location, and it already lacked adequate parking spaces for employees and
214 customers. Chief Mark Poindexter clarified that at the Christian Brothers, the fire lane is
215 adequate, and no vehicles would be allowed to be parked in it.

216
217 Mayor Pro Tem Pruitt clarified that the matter at hand in both this instance and the
218 recent, previous case, is related to outside overnight storage of vehicles.

219
220 Mayor Sweet opened the public hearing and called the applicant forth.

221
222 Amy and Mark Stehr
223 129 E. Ralph Hall Parkway
224 Rockwall, TX 75032

225
226 She introduced her service manager, Pat Brewer, and her husband, Mark.

227
228 Mrs. Stehr came forth and introduced herself, explaining a little bit about her company,
229 including the following: her and her husband own and operate this business on a daily
230 basis; they are a Christian-based company; they pride themselves in providing honest
231 and ethical car repairs; they employ seven employees including three master
232 technicians, they are a member of the Chamber of Commerce and they support and give
233 back to the community in various ways. Mrs. Stehr went on to share comments made in
234 various letters of support for her request for outside, overnight storage of vehicles. She
235 further explained that they are requesting an amendment to their existing SUP on the
236 "base side parking side" (east side of the building across from the garage bay doors –
237 has nine regular spaces and 2 handicap spaces) to allow for vehicles to be parked
238 overnight in these parking slots for no more than a forty-eight (48) hour period. This will
239 allow her company to continue offering after hours vehicle drop off and pick-ups to
240 customers. She suggested the council consider allowing them to screen outside
241 vehicles being stored by planting mature, pampas grass. Mrs. Stehr pointed out several
242 comments that surrounding business and residential neighbors have offered related to
243 her business, including its cleanliness and how well the property is kept. She explained
244 that, if approved, she will hire a professional landscaper to design and install the pampas
245 grass she proposes to utilize in order to screen vehicles that would be stored overnight
246 in these nine bay side parking slots.
247

248 Mayor Pro Tem Pruitt pointed out that very recently the council disapproved a request for
49 a variance to an SUP related to granting overnight parking at the rear of a building that
50 would have been screened entirely from street view. Pruitt clarified the city's Planning &
51 Zoning recommendations related to this request being considered tonight. Pruitt asked
252 the applicant if she would still like to have the six spaces approved on the end (north
253 side) of the building if the nine bay side (east side) parking spaces are not approved for
254 overnight storage of vehicles. Mrs. Stehr indicated that, yes, they would still like
255 approval for overnight parking in those spaces regardless.
256

257 Mr. LaCroix indicated that ongoing, outside storage of vehicles overnight is generally not
258 allowed in commercial districts, including these types of businesses. He explained that
259 these types of commercial businesses are intended to be "minor repair automotive"
260 businesses, offering "in and out" type services such as oil changes or tire rotations. Mr.
261 LaCroix explained that, according to the corporate office, which was the original
262 applicant when the SUP was first established in 2011, Christian Brothers does not
263 typically do major repairs or have outside overnight storage of vehicles. He also
264 explained that, years ago in the 1980s, some SUP ordinances did permit outside,
265 overnight vehicle storage, but it had to be screened, and the city has since moved further
266 away from allowing those types of uses.
267

268 Councilmember White asked staff for clarification concerning outside parking at some
269 other, local businesses of a similar nature such as Jackson Automotive, Horizon, Marlyn
270 Robert's shop, Jim & Deans, and Archer's. Mr. LaCroix indicated that the city did grant
271 approval to Archers, for example, to allow for outside storage of vehicles overnight for
272 up to 48 hours. Brief comments were offered by White concerning the spirit of the
73 ordinance as it was originally enacted.
74

275 Mayor Sweet asked if anyone else in the audience would like to come forth and speak
276 during this Public Hearing.
277

278 Mr. Freddie Jackson
279 1812 Bristol Lane
280 Rockwall, TX
281

282 Mr. Jackson came forth and asked the council how allowing storage of these vehicles
283 outside overnight at this particular location might affect other, similar, small businesses
284 elsewhere in the city.
285

286 There being no one else in the audience wishing to come forth and speak, Mayor Sweet
287 then closed the public hearing.
288

289 Councilmember White made a motion to approve Z2014-033 and the associated Planning
290 & Zoning Commission recommendation (allowing the use of the six parking spaces on
291 the north of the building for outside, overnight storage) but with the stipulation that no
292 vehicle will be allowed to be stored outside for longer than 48 hours. Councilmember
293 Lewis seconded the motion. Mayor Pro Tem Pruitt indicated that he did not know that
294 Archer's has a similar 48-hour variance in their SUP for outside, overnight storage of
295 cars. Furthermore, he does not believe the proposed screening (tall pampa grass) will
96 sufficiently screen the vehicles being stored overnight. He is also concerned that other
97 small businesses of a similar nature may come forth in the future to make similar
298 requests for outside, overnight storage of vehicles in their business' parking lots.

299
00 Councilmember Townsend explained that he had a problem with Christian Brothers
01 original request (for the seventeen spaces); however, he generally agrees with the
302 Planning & Zoning Commission's recommendation to allow for the six spaces on the
303 north side of the building.

304
305 Mayor Sweet indicated he believes the applicant went about her request in a logical,
306 active, business-like way, including gleaning feedback from nearby residents, business
307 and members of the community. He believes these sorts of requests are to be handled
308 on a case-by-case basis.

309
310 After brief comments, the ordinance was read as follows:

311
312 CITY OF ROCKWALL
313 ORDINANCE NO. 14-
314 SPECIFIC USE PERMIT NO. S-

315
316 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
317 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
318 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
319 AMENDED, SO AS TO AMEND A SPECIFIC USE PERMIT (SUP) NO. S-81
320 [ORDINANCE NO. 11-05] TO ALLOW VEHICLES TO BE STORED OUTSIDE
321 OVERNIGHT IN CONJUNCTION WITH AN EXISTING AUTOMOTIVE
322 REPAIR GARAGE WITHIN A COMMERCIAL (C) DISTRICT ON A 0.702-
323 ACRE TRACT OF LAND IDENTIFIED AS LOT 2, ROCKWALL MARKET
324 CENTER SOUTH ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,
25 TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
26 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
327 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
328 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
329 PROVIDING FOR AN EFFECTIVE DATE.

330
331 The motion passed unanimously of council (Milder absent).

332
333 XI. ACTION ITEMS

- 334
335 1. Discuss and consider proposals regarding designating the city's
336 newspaper of record, and take any action necessary.

337 City Attorney Frank Garza briefed the council on State laws concerning selecting an
338 official newspaper of record for a city. He then explained the criteria that a city must
339 consider when selecting a newspaper of record. He further explained that all of the
340 newspapers that submitted proposals to the city secretary do meet these qualifications
341 under state law criteria. City Secretary Kristy Ashberry then provided a briefing to the
342 council concerning the methodology utilized

343 Mayor Sweet reiterated that all of these responding newspapers are legally sound and fit
344 the requirements. City Attorney Frank Garza confirmed that all four newspapers do meet
345 the requirements.

346 Mayor David Sweet then made a motion to designate the Royse City/ Rockwall County
47 Herald Banner as the newspaper of record for the City of Rockwall. Mayor Pro Tem Pruitt
48 seconded the motion.

349 Councilmember Lewis asked if this particular newspaper's deadline is acceptable. Mr.
50 Crowley indicated that, yes, it is okay.

51 Councilmember Townsend sought clarification regarding the pricing for the Royse City
352 /Rockwall County Herald Banner. Ms. Ashberry explained that this newspaper will
353 publish our notices in the Royse City Herald Banner at a cost of \$10 per column inch and
354 will also publish them in the Rockwall County Herald Banner "free of charge," but the
355 city will be responsible for paying the \$10 per column inch fee regardless.

356 Mayor Pro Tem Pruitt sought clarification regarding if the prices being quoted are
357 negotiable and if the council is being asked to approve the pricing as well. Mr. Garza
358 clarified that the council is only being asked at this time to select which newspaper they
359 would like to designate as the official newspaper of record. Mr. Garza explained that,
360 under state law, a newspaper of record is only allowed to charge the city the lowest legal
361 rate that they currently charge any one of their current customers. Additional
362 explanation ensued related to the methodology staff utilized to glean estimated pricing
363 from the various, responding newspapers, keeping in mind that all of the newspapers
364 have a different pricing methodology (per line, per column inch, per word, etc.).

365 Mayor Pro Tem Pruitt asked if the city is free, at any time, to change our designated
366 newspaper of record, if, for example, it is discovered that one of the other newspapers
367 has a cheaper rate. Mr. Garza indicated that the city may change its designation at any
368 time; however, it must designate a newspaper of record at least once per year.

369 After additional, brief comments, the motion passed by a vote of 6 in favor with 1 absent
370 (Milder).

71 2. Discuss and consider appointments to city advisory boards, including the
72 Architectural Review Board, Main Street Advisory Board, and Art Review
73 Team (ART) Commission, and take any action necessary.

374 Mayor Pro Tem Pruitt made a motion to appoint Adan Tovar to serve on the city's
375 Architectural Review Board (ARB) (replacing former member, Michael Johnston, for a
376 partial term to expire in August 2016). Councilmember White seconded the motion,
377 which passed unanimously of those present (Milder absent).

378 Mayor Pro Tem Pruitt made a motion to reappoint Sarah Freed to serve an additional
379 term on the Main Street Advisory Board (term will expire January 2017). Councilmember
380 White seconded the motion, which passed unanimously of those present (Milder absent).

381 Mayor Pro Tem Pruitt made a motion to appoint Kevin McCormick and Toni Waldrop to
382 brand new terms on the city's Main Street Advisory Board (terms will begin January 1,
383 2015 and run through January 2017). Councilmember White seconded the motion, which
384 passed unanimously of those present (Milder absent).

385 Mayor Sweet indicated that appointments related to the city's ART Review Team
386 Commission will be placed on the December 15, 2014 council meeting agenda for
387 consideration.

388
389 XII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
390 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
391

92 1. Departmental Reports
93 Building Inspections Monthly Report - October 2014
94 Fire Department Monthly Reports - October 2014

- Harbor PD Monthly Report - October 2014
- Internal Operations Department Monthly Report - October 2014.
- Police Department Monthly Report - October 2014
- Recreation Monthly Report - October 2014
- Rockwall Animal Adoption Center Monthly Report - October 2014

2. City Manager's Report

City Manager Rick Crowley reminded the city council about the Saturday, December 6 Christmas Tree Lighting ceremony and associated activities which will take place in and around the downtown area all day and into the evening. San Jacinto is almost all the way complete (95 percent) at this time as far as construction is concerned, and some holiday decorations are being put up at this time. Aaron Dobson, an existing Parks & Rec staff member, has been named as the replacement for Russell Lawrence to serve as the city's Parks Superintendent. Additional changes and promotions in that particular city department are forthcoming in the coming week. The land proposals authorized at the last council meeting have been sent out. Mr. Crowley indicated that City Hall will be closed on December 25 and 26 for the Christmas holiday in accordance with city policy.

The City council did not reconvene in Executive Session following the close 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 appointment to fill city council member vacancy in accordance with City Charter provisions pursuant to Section 551.074 (Personnel Matters).
3. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, and the Rockwall Economic Development Corporation pursuant to Section 551.074 (Personnel Matters).
4. Discussion regarding incentives to tenured employees and possible legal issues 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 reconvene in Executive Session following the close of the public meeting agenda. See start of the public meeting above (6:00 p.m.) for action taken out of the 4:00 p.m. Executive Session.

443 XV. ADJOURNMENT

44

45 Mayor Sweet adjourned the public meeting at 7:06 p.m.

46

447

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

449 this 15th day of December, 2014.

450

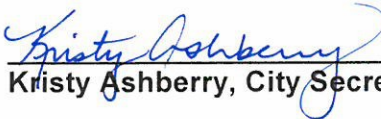
451

452 ATTEST:

453

454

455



Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 15, 2014
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

8
9 **Mayor Sweet called the meeting to order at 4:02 p.m. Present were Mayor David Sweet,**
10 **Mayor Pro Tem Jim Pruitt and City Council Members David White, Mike Townsend, Scott**
11 **Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,**
12 **Assistant City Manager Brad Griggs, and City Attorney Frank Garza.**
13

14 **II. WORK SESSION**

- 15
16 1. Hold work session to discuss and consider the city's participation in the Rockwall
17 County Open Space Alliance and possible nominations to the steering
18 committee, and take any action necessary.
19

20 **City Manager Rick Crowley began discussion of this item, indicating that he has been**
21 **attending meetings of the Open Space Alliance for a number of months now. He**
22 **explained that the alliance is seeking three (3) nominations from the City of Rockwall of**
23 **individuals who might serve on its steering committee. Mr. Crowley explained that it is**
24 **his understanding that the steering committee will work to develop a countywide plan for**
25 **parks. Councilmember Townsend asked if there are criteria for those who may be**
26 **nominated to serve on the steering committee. Mr. Crowley indicated that he knows of**
27 **no specific criteria. Councilmember White questioned what the goal is related to City of**
28 **Rockwall parks in particular, and he generally expressed non-support for the efforts of**
29 **this alliance.**
30

31 **Mayor Sweet mentioned that the city manager has been an active participant at these**
32 **monthly meetings. He asked if any staff members should be considered for possible**
33 **nomination to this steering committee. Mr. Crowley indicated that the alliance would like**
34 **the council to consider appointing citizens to the steering committee at this time;**
35 **however, staff will be involved from a liaison standpoint.**
36

37 **Councilmember Townsend asked if the alliance is asking for funding from the city related**
38 **to development of the plan it will be creating in collaboration with a consultant. Mr.**
39 **Crowley indicated that, no, they have not asked for any sort of funding, and he believes**
40 **any funds would come from the County itself.**
41

42 **Mayor Sweet asked if the council has any nomination recommendations at this time. Ms.**
43 **Ashberry, City Secretary and staff liaison to the city's Youth Advisory Council (YAC),**
44 **stated that Nell Welborn, who is part of the Open Space Alliance, has requested that the**
45 **city consider nominating one of its YAC members to possibly serve on the steering**
46 **committee too. General discussion took place related to a possible Park Board member**
47 **being submitted for nomination to this committee. Or, perhaps the council could**
48 **consider someone who previously submitted an application for the Park Board or for the**
49 **recent city council member vacancy.**

50 Mr. Crowley explained that the goal is to have the City of Rockwall submit three (3)
51 recommendations with the idea that the first person nominated would serve on the
52 steering committee, and the remaining two people nominated will play supporting roles
53 during the study period and development of the plan. The County Commissioner's court
54 will likely sign off on the final appointment of individuals to the steering committee.
55

56 It was decided that the city council will place this item on the next public council meeting
57 agenda for further consideration and possible action, as the city council had no
58 nominations to make at this time.
59

60 At 4:17 p.m., Mayor Sweet read the below listed discussion item into the public record
61 before recessing the public meeting into Executive Session.
62

63 **III. EXECUTIVE SESSION.**

64
65 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
66 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
67 CODE:
68

- 69 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
70 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
71 551.071 (Consultation with Attorney)

72
73 **IV. ADJOURN EXECUTIVE SESSION**

74
75 Executive Session was adjourned at 4:27 p.m.
76

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

78
79 Mayor Sweet reconvened the public meeting at 6:00 p.m.
80

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

82
83 Mayor Pro Tem Jim Pruitt indicated that there is no action to be taken as a result of
84 Executive Session.
85

86 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DENNIS LEWIS**

87
88 Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.
89

90 Mayor Sweet then reordered the meeting agenda to address the Consent Agenda first.
91

92 **VIII. PROCLAMATIONS / AWARDS**

- 93
94 1. Rockwall County Helping Hands Appreciation Day
95

96 Mayor Sweet called forth representatives of Rockwall County Helping Hands. Following
97 brief introductions, Mayor Sweet read and presented the organization with an honorary
98 proclamation to recognize the organization's positive contributions to the community.
99

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2. Tammy Sharp Recognition Day

Mayor Sweet called his sister, Tammy Sharp, forward to be recognized. Following brief comments about his sister and her efforts related to downtown, Mayor Sweet read and presented Tammy with a proclamation to recognize her for efforts related to the first annual "Hometown Christmas Celebration," which was held on Saturday, October 6, 2014 in and around the downtown area.

IX. CONSENT AGENDA

- 1. Consider approval of the minutes from the December 1, 2014 regular city council meeting, and take any action necessary.
- 2. **Z2014-033** - Consider approval of an **ordinance** for a request by Amy and Mark Stehr for the approval of an amendment to Specific Use Permit (SUP) No. S-81 [Ordinance No. 11-05] to allow vehicles to be stored outside overnight in conjunction with an existing automotive repair garage on a 0.702-acre parcel of land identified as Lot 2, Rockwall Market Center South Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, the subject property is addressed as 129 E. Ralph Hall Parkway, and take any action necessary. **(2nd Reading)**
- 3. Consider authorizing the city manager to execute a contract with Transamerica Life Insurance Company to secure reinsurance/stop loss coverage for the City's health insurance plans, applying to claims exceeding \$100,000, and take any action necessary.
- 4. Consider authorizing the city manager to execute an interlocal agreement with Rockwall County related to municipal judge services for "No Refusal Weekends" during the upcoming year, and take any action necessary.
- 5. Consider approval of the First Amendment to the Blackland Water Supply Corporation Wholesale Water Contract and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 14-53
SPECIFIC USE PERMIT NO. S-128

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND A SPECIFIC USE PERMIT (SUP) NO. S-81 [ORDINANCE NO. 11-05] TO ALLOW VEHICLES TO BE STORED OUTSIDE OVERNIGHT IN CONJUNCTION WITH AN EXISTING AUTOMOTIVE REPAIR GARAGE WITHIN A COMMERCIAL (C) DISTRICT ON A 0.702-ACRE TRACT OF LAND IDENTIFIED AS LOT 2, ROCKWALL MARKET CENTER SOUTH ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND

150 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
151 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
152 PROVIDING FOR AN EFFECTIVE DATE.
153

154 The motion passed unanimously of council (7 ayes to 0 nays).
155

156 X. APPOINTMENTS
157

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

161 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed
162 the council on planning-related items on tonight's agenda. The council took no action
163 related to this agenda item.
164

165 XI. PUBLIC HEARING ITEMS
166

- 167 1. **Z2014-035** – Hold a public hearing to discuss and consider a request by
168 Chris & Jill Blasé for the approval of an **ordinance** for a zoning change
169 from Planned Development District 3 (PD-3) to a Single Family 10 (SF-
170 10) District for a one (1) acre portion of land located within Tract 11-3
171 being a 13.3-acre tract of land situated within the A. Hanna Survey,
172 Abstract No. 98, City of Rockwall, Rockwall County, Texas, being zoned
173 Planned Development District 3 (PD-3) for Commercial (C) District land
174 uses, situated east of the intersection of East Fork Road and North
175 Lakeshore Drive, and take any action necessary. (1st reading)

176 Planning Director Robert LaCroix provided brief background information related to this
177 agenda item. He explained that the applicant would like to construct a small “mother-in-
178 law” home on this tract of land. This use is allowed as an accessory use on large lots,
179 and the applicant meets all of the requirements. The property will need to be re-platted
180 before a construction permit will be issued. The accessory home will carry the same
181 address, and it will not be allowed to be separated from the home – it will always be part
182 of the home from here on out and will not be able to be subdivided off.
183

184 He explained that notices were sent to property and homeowners located within 500 feet,
185 and nearby homeowners' associations (HOAs) were notified as well. Three notices were
186 received back in favor, and no notices have been received back in opposition.
187

188 Mayor Sweet opened the public hearing and invited the applicant forth. The applicant not
189 wishing to come forth, and there being no one else in the audience wishing to speak,
190 Mayor Sweet then closed the public hearing.
191

192 Councilmember White made a motion to approve Z2014-035. Mayor Pro Tem Pruitt
193 seconded the motion. The ordinance was read as follows:
194

195 CITY OF ROCKWALL
196 ORDINANCE NO. 14-XX
197

198 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
199 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE

200 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
201 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
202 ZONING FROM PLANNED DEVELOPMENT DISTRICT NO. 3 (PD-3) TO A
203 SINGLE FAMILY RESIDENTIAL (SF-10) DISTRICT FOR A 10,000 SQUARE
204 FOOT PORTION OF LAND LOCATED WITHIN TRACT 11-3 BEING A 13.3-
205 ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY,
206 ABSTRACT NO. 98, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
207 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS
208 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
209 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
210 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
211 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
212 PROVIDING FOR AN EFFECTIVE DATE.
213

214 **The motion passed unanimously of council (7 ayes to 0 nays).**
215

- 216 2. **MIS2014-017** - Hold a public hearing to discuss and consider a request
217 by Michael Clark for the approval of a special request to construct a four-
218 plex residential dwelling unit on a 0.23-acre parcel of land currently
219 identified as the eastern ½ of Lot 3, Block K, Sanger Brothers Addition,
220 City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7)
221 District, situated within the Southside Residential Neighborhood Overlay
222 (SRO) District, addressed as 808 Sam Houston Street, and take any
223 action necessary.

224 **Planning Director, Robert LaCroix, provided background information related to this**
225 **agenda item. He indicated that the Southside is located in a “neighborhood preservation**
226 **district,” and the city council may consider requests of this nature on an individual basis.**
227 **Previously, the city council opted to send this item to the Planning & Zoning Commission**
228 **for a public hearing to be held and for the Commission to make a recommendation**
229 **concerning this case. This did go before the P&Z Commission, notices were sent out to**
230 **properties within five hundred (500’) of the subject property, and the Commission did**
231 **recommend denial of this request.**
232

233 **Mayor Sweet opened the public hearing and called the applicant forth. The applicant not**
234 **being present in the audience, Mayor Sweet asked City Attorney, Frank Garza, if it is okay**
235 **to proceed with the public hearing even though the applicant is not present. Mr. Garza**
236 **confirmed that it is permissible to proceed with the public hearing even though the**
237 **applicant is not present.**
238

239 **Mayor Sweet then opened the public hearing and asked if anyone in the audience would**
240 **like to come forth and speak at this time.**
241

242 **Pastor Joe Robbins**
243 **St. Paul AME Church**
244 **805 Peters Colony**
245 **Rockwall, TX 75087**
246

247 **Mr. Robbins came forth and generally expressed concerns about the council approving**
248 **this request. He explained that he and others have done a lot of development in the**
249 **Southside in an effort to enhance the area, and Habitat for Humanity recently built some**

250 brick homes. He encouraged city staff (Code Enforcement) to do their jobs in the
251 Southside area in order to ensure people keep their properties maintained and clean.
252

253 There being no one else wishing to come forth and speak during this time, Mayor Sweet
254 closed the public hearing.
255

256 Mayor Pro Tem Pruitt made a motion to deny MIS2014-017. Councilmember Lewis
257 seconded the motion, which passed by a vote of 6 in favor with 1 against (White).
258

259 Mayor Sweet announced that the council would next address the “Proclamations &
260 Awards” section of the meeting agenda. Mayor Pro Tem Pruitt then interjected,
261 indicating he would like to recognize Mayor Sweet for his service on the city council.
262 (The agenda was reordered to address XIII. 1. next).
263

264 XII. ACTION ITEMS

- 265
- 266 1. Discuss and consider a Park Board recommendation related to the
267 purchase, installation and associated costs of a barrier free playground to
268 be located at Yellowjacket Park, and take any action necessary.

269 Assistant City Manager Brad Griggs provided brief background information related to
270 this agenda item. He indicated that a public hearing was recently held by the city’s Park
271 Board, and a lot of good, relevant input was gleaned from members of the public at that
272 meeting.
273

274 Councilmember Townsend made a motion to approve the Park Board’s
275 recommendations associated with creating the barrier free playground. Councilmember
276 Milder seconded the motion.
277

278 Brief discussion took place, including Councilmember White commenting that he would
279 like staff to advertise this park excessively in order to attract people from, not only within
280 the city, but from other parts of the Metroplex as well.
281

282 Mayor Pro Tem Pruitt asked Mr. Griggs to brief the public on where the money for this
283 park is coming from. Mr. Griggs explained the funding mechanisms. He indicated that,
284 at this time, no other park-related projects besides this one are slated to take place.
285

286 Councilmember Lewis thanked the Colbert Family for bringing this need to the attention of
287 the city council. He also thanked members of the public for their input.
288

289 Mayor Pro Tem Sweet thanked Mr. Griggs and his staff for researching this need and
290 associated options for the park itself and for funding options to move this item forward
291 and bring it to fruition.
292

293 After brief comments, the motion passed unanimously of council (7 ayes to 0 nays).
294

- 295 2. Discuss and consider appointments to city advisory boards including the
296 Main Street Advisory Board, Architectural Review Board, and the Art
297 Review Team (ART) Commission, and take any action necessary.

298 Mayor Sweet made a motion to appoint Jeniffer Norman to serve on the Main Street
299 Advisory Board. Mayor Pro Tem Pruitt seconded the motion, which passed unanimously
300 of council present (7 ayes to 0 nays).

301 Councilmember Milder indicated that he does not have a nomination for the Architectural
302 Review Board at this time, but he did encourage any local architects to submit an
303 application for the one, open position on this board.

304 3. Discuss and consider acceptance of Mayor David Sweet's resignation
305 from the Rockwall City Council and take any action necessary.

306
307 Mayor David Sweet indicated that he would like to offer his resignation from the City
308 Council, and he asked that the Council consider accepting this resignation in light of his
309 upcoming role as County Judge. Councilmember White made a motion to accept Mayor
310 Sweet's resignation. Mayor Pro Tem Pruitt seconded the motion. Councilmember White
311 offered brief comments to Mayor Sweet, generally thanking him for his service on the city
312 council. Councilmember Townsend offered brief comments, thanking Mayor Sweet for
313 his friendship, opinions, and service and wishing him well. Councilmember Milder
314 thanked Mayor Sweet for coaching him since he was elected to council. He expressed
315 that Mayor Sweet has done an outstanding job as Mayor, and he thanked him for his
316 service. Councilmember Daniels thanked Mayor Sweet for his friendship. He thanked
317 Mayor Sweet for being a gracious listener and for the cautious decision-making he has
318 exhibited while serving the city on the council. Councilmember Lewis thanked Mayor
319 Sweet for his service on the council, indicating that Mayor Sweet had an entire new city
320 council with which to contend not long after becoming mayor. He expressed that he
321 appreciates Mayor Sweet as a friend and as the city's mayor.

322
323 Following these comments, Mayor Pro Tem Pruitt called for the vote, which passed by a
324 vote of 6 ayes with 1 abstention (Sweet).

325
326 XIII. RECOGNITION OF OUTGOING MAYOR AND SWEARING IN OF NEWLY APPOINTED MAYOR AND
327 CITY COUNCIL MEMBER, PLACE 2

328
329 1. Recognition of outgoing mayor, David Sweet

330 Mayor Pro Tem Jim Pruitt offered kind words of acknowledgement to Sweet, and then a
331 proclamation was read to recognize some of his contributions. The proclamation and a
332 gift were presented to Sweet.

333 2. Swearing in of new mayor, Jim Pruitt, and newly appointed Place 2 city
334 council member, John Hohenshelt

335 Mayor Pro Tem Pruitt assumed the lead on facilitating the remainder of the meeting at
336 this time.

337
338 Mayor Pro Tem Pruitt called the 5th Court of Appeals Judge Stoddart forward to
339 administer the Oath of Office to incoming, newly appointed city council member, John
340 Hohenshelt. Justice Stoddard then administered the Oath to Mr. Hohenshelt, declaring
341 him the new City Council Member for Place 2 on the Rockwall City Council.

342
343 Judge Stoddart then administered the Oath of Office to Pruitt, swearing him in as the
344 city's new mayor.

345
346 The city council did not reconvene in Executive Session following the end of the public
347 meeting agenda.
348

349 **XIV. EXECUTIVE SESSION**

350
351 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
352 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
353 CODE:
354

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

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

359
360 The city council did not reconvene in Executive Session following the end of the public
361 meeting agenda.
362

363 **XVI. ADJOURNMENT**

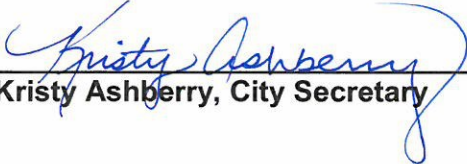
364
365 The meeting was adjourned at 7:08 p.m.
366
367

368
369 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
370 **this 5th day of January, 2015.**
371



372 **Jim Pruitt, Mayor**

373 **ATTEST:**

374
375 
376 _____
377 **Kristy Ashberry, City Secretary**

