MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 03, 2017
5:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

Mayor Pro Tem Townsend read the below listed items into the record before recessing the public meeting to go into Executive Session (at 5:01 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 land acquisition related to a south community park, pursuant to Section §551.072 (Real Property)
2. Discussion/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Board and the Planning & Zoning Commission - pursuant to Section 551.074 (personnel matters)
3. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

III. ADJOURN EXECUTIVE SESSION

The Council adjourned from Executive Session at 5:58 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 PM)

Mayor Pro Tem Townsend reconvened the public meeting at 6:00 p.m. All Council Members except for Mayor Jim Pruitt were present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Hohenshelt moved to reappoint Matthew Nielsen and Dale Cherry to an additional term on the Rockwall Economic Development Corporation (REDC) Board (new term to expire in December of 2018). Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

Councilmember Lewis moved to authorize the city manager to negotiate an agreement with the Hance family for the lease of property in the downtown area. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

VI. Invocation and Pledge of Allegiance – Councilmember Milder

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

VII. Open Forum

Mayor Pro Tem Townsend explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time. There being on one wishing to come forth, he then closed the Open Forum.

VIII. Consent Agenda

1. Consider approval of the minutes from the December 19, 2016 regular city council meeting, and take any action necessary.
2. Consider awarding a bid to Pursuit Safety and Coban and authorizing the City Manager to execute Purchase Orders for Police Pursuit Vehicle Equipment and Audio Video Computer Systems, respectfully, totaling $118,953.45 to be funded out of the General Fund, Police Patrol Budget, and take any action necessary.
3. **Z2016-038** - Consider a request by Michael Scott for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 1.4947-acre parcel of land identified as Lot 16, Block B, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 1.5 (SFE-1.5) District, addressed as 1950 Copper Ridge Circle, and take any action necessary **(2nd Reading).**
4. **Z2016-039** - Consider a request by Worth Williams of Moore Worth Investments, LLC on behalf of the owner Mark S. Kelldorf of Arkoma Development, LLC for the approval of an **ordinance** amending Planned Development District 65 (PD-65) being a 49.35-acre tract of land situated within the S. King Survey, Abstract No. 131 and the J. B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65), situated within the North SH-205 Overlay (N. SH-205 OV) District, located on the west side of N. Goliad Street [N. SH-205] and N. Lakeshore Drive, and take any action necessary **(2nd Reading).**
5. Consider approval of an **ordinance** reducing the current speed limit along IH 30 main lanes to 60 miles per hour from the intersection of John King Boulevard to the Rockwall east city limits and establishing a speed limit of 45 miles per hour along the IH 30 eastbound and westbound frontage roads from the intersection of John King Boulevard to the Rockwall east city limits, and take action as necessary. **[1st reading]**

Councilmember Lewis made a motion to approve the Consent Agenda (#s 1, 2, 3, 4, and 5). Councilmember Hohenshelt seconded the motion. Councilmember Milder clarified that, regarding Consent Agenda item #5, this is a temporary request made by TXDOT to occur during construction only and that it will not be a permanent reduction. The ordinances were then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 16-38
SPECIFIC USE PERMIT NO. S-153

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL STORE WITH MORE THAN TWO (2) GASOLINE DISPENSERS AS SPECIFIED IN ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE,

FOR A 0.918 - ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT DISTRICT 9 (PD-9) FOR GENERAL RETAIL (GR) DISTRICT LAND USES, AND IDENTIFIED AS LOT 1, BLOCK A, MR. M ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL

ORDINANCE NO. 16-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND PLANNED DEVELOPMENT DISTRICT 79 (PD-79) [*ORDINANCE NO. 16-07*] FOR THE PURPOSE OF AMENDING THE CONCEPT PLAN AND INCORPORATING 11.121-ACRES OF LAND INTO THE EXISTING 44.292-ACRE DEVELOPMENT FOR A 55.413-ACRE TRACT OF LAND, ZONED AGRICULTURAL (AG) DISTRICT AND PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES, BEING IDENTIFIED AS TRACTS 1, 1-5 & 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 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.

It was announced that Mr. Renfro was not present this evening, so Council did not address this item.

2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson LLP to present information regarding a bid received for delinquent property taxes at Lamar, Clark and Bourn streets at an amount less than the outstanding taxes, and take any action necessary.

Mr. Lambeth came forth and briefed the Council on this agenda item, indicating that we have two bids on two lots that have been taken to a tax sale. He explained that his company is employed to collect backed taxes on behalf of the various taxing entities within Rockwall County. He explained that normally for any properties that have been struck off the tax roles, we will take and receive bids for 100% for the properties, as we typically do not accept bids for less than 100%. Both of these properties sit at the end of Sherman Street, which is a cul-de-sac. He explained that Habitat for Humanity has bid on and is wishing to purchase these two properties that have been 'struck' from the tax rolls. Although bids are usually not accepted for less than 100%, in this case, because it's Habitat for Humanity, and there appears to be no interest from any other potential buyer, they are willing to accept the bids in the amounts specified at this time. He further explained that the school district has already approved the sale of these properties; however, it will also have to be approved by the county, in addition to the city council.

Councilmember Lewis made a motion to accept the bids from Habitat for Humanity for these two pieces of property. Councilman White seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

3. Appointment with Lewis Martin of Martin Consulting, LLC to hear a proposal for a new monopole cellular tower on City-owned property located at 3475 Springer Road, and take any action necessary.

Mr. Martin came forth and indicated that his company represents and works with all of the major cell carriers (i.e. Verizon, T Mobile, AT&T, etc.). He explained that he has submitted a letter of intent to the City of Rockwall for consideration regarding a request for lease of tower space at one of the city's water tower sites (on Springer Road). The company is asking for a 30 year term on said agreement. He went on to speak about plans for accessing the facility and the location of where his equipment would generally be placed. He also briefed the council on the coverage map, indicating that T-Mobile would be the first user on the tower site, should it be approved.

Following Mr. Martin's presentation, Mr. Crowley, City Manager, asked for clarification on the structure itself. Mr. Martin indicated that it will be a monopole because of the height restrictions, and it will be 185-195' in height. It will be engineered to hold multiple carriers. Complete engineering documents will be submitted to the City at the appropriate time.

Councilmember Lewis asked Mr. Boyd for information on what other cell tower rental sites are bringing in for monthly revenue for the city. Mr. Boyd gave indication that, in general, other lease agreements that are in place in the city currently result in more monthly revenue than what this proposal reflects. Following general discussion about the rate to be charged/received, City Attorney Frank Garza indicated that, even after the City Manager signs the Letter of Intent (LOI), some additional details will need to be worked out and brought back to the council for consideration in the form of an actual agreement.

Councilmember White asked several more questions pertaining to the "per month" rate that this company would pay the city for leasing tower space. Mr. Boyd indicated that the city has historically negotiated the very (highest) "best rate" that it can possibly secure with each company. He shared that it essentially costs the city no money for companies to utilize this type of space in a lease agreement.

Mr. Crowley explained that staff has already done some level of negotiation with Mr. Martin and his company; however, since staff has never really been able to come to an agreement during those negotiations, Mr. Martin requested to come before the Council to share his request.

Mayor Pro Tem Townsend indicated that he is not altogether satisfied with the $1,000 monthly lease fee that is being proposed right now by Mr. Martin. He would rather see that number be closer to $2200 (like what some of the other companies are paying to lease tower space elsewhere in the city). Mr. Martin explained several reasons why his proposal is only $1,000 and how and why it differs from what some of the individual cellular companies are paying to lease space elsewhere. Mr. Martin essentially explained that he is not able to negotiate much above $1,000, and, if it goes much above that, his company would need to instead go and negotiate with a private parcel/land owner.

After lengthy discussion, Councilmember Milder moved to authorize staff to enter into negotiations with Martin Consulting, LLC for constructing a new monopole cellular tower at the Springer Road water tower site, encouraging staff to evaluate other lease agreements with

other cities on other tower sites (to conduct a market analysis) in an effort to better determine what "per month" pricing would be most viable. Councilmember Fowler seconded the motion.

Mr. Garza explained that the Council will also need to be thinking about what term length they would like to see in the agreement. He explained that the city will want to make sure that, after the initial term length, any sort of renewal would be at the mutual discretion and agreement of both parties (both the city and the company that's leasing the tower space).

Councilman Milder clarified that his motion (generally) is for staff to negotiate a mutually agreeable LOI (letter of intent) to build a new monopole tower at the Spring Road water tower site. The motion passed by a vote of 6 ayes with 1 absent (Pruitt).

X. PUBLIC HEARING ITEMS

1. **Z2016-033** - Hold a public hearing and consider a request by Himmat Chuhan on behalf of the owner Pastem Corporation for the approval of an **ordinance** for a Specific Use Permit (SUP) for the purpose of allowing a residence hotel in a Commercial (C) District that exceeds 36-feet in height in the Scenic Overlay (SOV) District for a 1.74-acre parcel of land identified as Lot 1, Block A, Comfort Inn & Suites Rockwall Towne Centre Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 700 E. IH-30, and take any action necessary. **[1st Reading]**

Ryan Miller explained that staff received some substantive changes from the applicant today. So, at this time, the case will need to be remanded back to the Planning and Zoning Commission for further consideration.

After brief comments and guidance from the city attorney, Mayor Pro Tem Townsend opened the public hearing and asked if anyone would like to come forth and speak at this time concerning this agenda item. There being no one wishing to do so, he then moved to continue the public hearing, remanding it back to the Planning & Zoning Commission for its January 10 meeting and the January 17 City Council meeting. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

2. **Z2016-040** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of the owner East Shore Joint Venture for the approval of an **ordinance** allowing 47 single-family homes in Planned Development District 68 (PD-68) being a 25.45-acre tract of land identified as Lots 1-7, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 68 (PD-68), situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of S. Goliad Street [S. SH-205] north of the intersection of S. Goliad Street and Justin Road, and take any action necessary. **[1st Reading]**

Planning Director, Ryan Miller, provided background information concerning this agenda item. He explained that the applicant has submitted an application requesting to amend Planned Development District 68 (PD-68) for the purpose of establishing an age restricted, residential subdivision consisting of 46 single-family, residential lots on a 14.475-acre portion of the existing PD. He explained that the applicant has stated that his target market (*i.e. people 55 years and older*) are looking for smaller lots, and the Homeowner's Association (HOA) will be responsible for maintaining all outside areas. This will also including the residents' private lots. The development will incorporate 20% open space (*i.e. 2.895-acres*), the majority of which currently provides regional detention for the remainder of PD-65. They are proposing 100% "flat front entry" garages, which will be tandem garages in a single car garage configuration.

He generally explained that the applicant is not able to meet the city's setback standards on the garages. The density exceeds the city's density requirements, so this will warrant a "high density" designation by the city, which is a change that is discretionary on the part of the Council. It will consist of 46, 82'x65' lots. Notices were sent out to adjacent property owners located within 500' of the subject property. Also, the adjacent Waterstone subdivision's HOA was notified. Staff has received one reply back in opposition of the request.

Mr. Crowley asked if the applicant plans to 'deed restrict' the development in order to ensure the age restriction of 55 years and older. Mr. Crowley generally clarified that the applicant will be required to note the age restriction within the deed restrictions; however, the city will not be a party to those restrictions, and the city will not be enforcing them.

Mayor Pro Tem Townsend opened the public hearing and asked if anyone would like to come forth and speak at this time. The applicant came forth to speak.

Dub Douphrate
2235 Ridge Road
Rockwall, TX

Mr. Douphrate came forth and introduced Joe with Fireside Custom Homes. Mr. Douphrate indicated that he is happy to answer any questions the Council may have at this time.

There being no one else in the audience wishing to come forth and speak at this time, Mayor Pro Tem Townsend then closed the public hearing.

Joe explained that there will be no permanent residents under the age of 18. All occupants will need to be 55 years or older, and they must be the permanent resident of the house. Councilmember Lewis pointed out that these lots will be shielded on one side by a railroad and on the other side by the Evergreen development.

Councilmember Hohenshelt asked for some additional clarification regarding any "permanent resident" who may or may not be allowed to reside in these homes (generally, how will the deed restrictions re: age be enforced." Joe provided brief comments, and he indicated that "lease agreements" will be prohibited. He shared that the price point of the homes is estimated at $300k-350k.

Councilmember White made a motion to approve Z2016-040. Councilman Milder seconded the motion. After brief comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 68 (PD-68) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING TO ALLOW FOR THE INCORPORATION OF A SINGLE-FAMILY SUBDIVISION FOR A ~14.475-ACRE PORTION OF THE 25.45-ACRE PLANNED DEVELOPMENT DISTRICT BEING IDENTIFIED AS LOTS 1-7, BLOCK A, EASTSHORE 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).

XI. ACTION ITEMS

1. Discuss and consider an approval of an **ordinance** amending Chapter 30. Parks & Recreation; Article V. Park Use & Rental Fee Guidelines; Section 30-131. Fees for Facilities, to add fees associated with the rental of Rockwall City Hall, and take any action necessary. **[2nd reading]**

Indication was given by Mr. Crowley that this ordinance did not unanimously pass at the Dec. 19th meeting. Therefore, it was placed on Action Items for second reading. Councilmember White made a motion to approve the ordinance as presented. Councilmember Lewis seconded the motion. Councilman Milder asked for clarification on the city's alcohol policies in existence at other city facilities when rentals occur. Mr. Griggs, Assistant City Manager, offered brief clarification, generally explaining that, by ordinance, City Hall is included in an area that, by ordinance, allows alcohol use. Regarding rental policies in existence for The Center, he explained, a person can rent The Center and have alcohol as long as a uniformed officer is paid and is on site during the rental/event. After brief comments, the ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-01

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING CHAPTER 30. PARKS AND RECREATION OF THE CITY'S CODE OF ORDINANCES IN ARTICLE V. PARK USE AND RENTAL FEES; SECTION 30-131. "FEES FOR FACILITIES," TO ADD CITY HALL FOR RENTALS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

2. **MIS2016-011** - Discuss and consider a request by Billy and Autumn Quinton 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 0.17-acre parcel of land identified as Lot 2, Block A, Autumn Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Historic Overlay District and the Old Town Rockwall (OTR) Historic District, addressed as 102 N. Tyler Street, and take any action necessary.

Mr. Miller provided background information concerning this agenda item, explaining that the applicants are proposing to construct a 2,946 SF single-family home on the subject property located at 102 N. Tyler Street. According to the applicants, the proposed home will utilize an architectural style and exterior materials that are similar to homes adjacent to the subject property and throughout the district. Specifically, the house will be constructed utilizing a blend of brick and HardiBoard siding. Both the city's Historic Preservation Advisory Board and the Planning & Zoning Commission have reviewed this request and have recommended its approval.

Councilmember White moved to approve MIS2016-011. Councilmember Lewis seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

3. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 10; Article IV. Residential Code and Article VII. Fuel Gas Code related to corrugated stainless steel tubing (CSST) regulations, and take any action necessary. **[1st reading]**

Mr. Crowley indicated that the council has discussed this topic during several, previous city council meetings. Building Official, Jeffrey Widmer, and the city's Fire Marshal, Ariana Hargrove, then came forth and provided comments to the Council concerning this agenda item. Mr. Widmer generally explained that a previous work session was held in August to discuss concerns with CSST. This change in the ordinance will raise the standard associated with installation of CSST if the product is installed in the city in the future. In addition, if a property owner has a system with CCST, and their gas gets turned off for any reason (aside from "non-payment) – for example, they would like to expand their structure), then this change will require that those existing systems be 'bonded' before the city would grant a 'release' for the gas to be turned back on. In addition, staff would like to move forward with a public awareness campaign to educate the public on use of this material and what it can do to become aware of the risks and mitigate any dangers.

Councilmember White asked if the city would get involved in requiring a system to be "bonded" if there is a situation where a home sells and a new person buys it. Mr. Widmer indicated that, no, the city would generally not be involved in that particular circumstance. He clarified that the city would more generally get involved, for example, if and when a fire occurs, if a gas leak happened, or if the building owner wishes to expand the structure. He clarified that, in circumstances like that, this amendment would require the owner to hire an electrician to 'bond' the system. Councilman White asked about how much this sort of work might cost a homeowner. Mr. Widmer stated that, based on staff making some phone calls to a few electrical contractors to generally inquire about cost, there seems to be a range of $250 - $700 for a contractor to go into a home and 'bond' someone's existing system. Mr. Widmer, explained, however, that there are a lot of variables, so actual costs may widely vary.

Mr. Widmer indicated that there is currently one manufacturer of the "updated" version of this material that can meet this new standard, if it is adopted. However, the thought is that other manufacturers may be able to meet this standard in the future. Mayor Pro Tem Townsend asked how this sort of material may or may not affect our resident's insurance premiums in the future. General discussion took place pertaining to if homes with this material do or do not "meet code requirements." Mr. Widmer explained that homes that do have this material are in fact in compliance, provided they were built in conformance with the adopted code when they were originally constructed, and those systems can stay in place if homeowners so choose. Mr. Crowley indicated that, in the event of a loss, the insurance company may desire to cover the cost of replacing the system with the updated, safer product rather than just replacing it with the CSST product. Mrs. Hargrove commented that the city is beginning to observe, more and more, that insurance companies are beginning to cover the cost difference. She generally indicated that currently, staff is not observing that insurance companies are charging higher premiums for homes that do have the yellow CSST product in them; however, that is not to say that they won't begin charging more in the future.

Councilmember Lewis thanked staff as well as the Teel Family for its efforts towards encouraging cities to move forward with and make these changes. He then moved to approve the ordinance as presented. Councilmember Fowler seconded the motion, and he asked for some additional information about how staff plans to conduct its public education campaign. Mrs. Hargrove shared that they will work with the Teel Foundation and local homeowner's associations as well as utilize social media and place information on the city's website. Councilmember Milder asked how many structure fires within our city can be tied back to this product. Mrs. Hargrove indicated that, although she does not have those numbers with her tonight, she does have them and could bring them back to the Council at second reading of the ordinance. She did say that there have been numerous structure fires that are in structures that contain this product.

After additional, brief comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO AMEND CHAPTER 10 BUILDING AND BUILDING REGULATIONS; ARTICLE IV. RESIDENTIAL CODE AND ARTICLE VII. FUEL GAS CODE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND EACH SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of those present (Pruitt absent).

4. Discuss and consider departmental strategic plans, and take any action necessary.

Mr. Crowley indicated that staff has provided the various strategic plans, and past presentations have been made in work sessions at previous council meetings. No substantive changes have been made since the time of those presentations. Strategic plans for the Fire Department will be forthcoming at a future date. Councilmember Hohenshelt thanked staff for all of its efforts towards creation of these strategic plans. He also suggested that there be at least a quarterly review and evaluation of these plans, as well as quarterly updates provided to the city council in an effort to ensure we are doing the right things and working towards things that are still valid and appropriate. Councilman Lewis thanked Councilmember Hohenshelt for all of his efforts towards creating these strategic plans. Councilmember Milder shared that he was interested, ever since he came on the Council, in the departments creating strategic plans. So, he is thankful for Hohenshelt's efforts towards creation of these plans as well. He then provided brief comments on some of the strategic goals in various plans, especially pertaining to public perception and customer / public satisfaction. He pointed out that he would like to see some of these types of goals incorporated in the Police Department's strategic plan. Assistant Chief Aldridge pointed out that the city has already begun many "community outreach" type programs. In addition, part of the TX recognition program includes required efforts for community perception / community outreach type initiatives. So, the department will definitely be participating in these types of efforts. Councilmember White shared that these plans will be "fluid" and will change as things evolve.

Councilmember White made a motion to approve the strategic plans presented. Councilmember Milder seconded the motion, which passed unanimously of those present (Pruitt absent).

XII. 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 2016
   - Countywide P25 Interoperability Radio System Update
   - Fire Department Monthly Report - November 2016
   - Fire Marshal Division Monthly Report - November 2016
   - GIS Monthly Report - November 2016
   - Harbor PD Monthly Report - November 2016
   - Internal Operations Department Monthly Report - November 2016

Recreation Monthly Report - November 2016
Rockwall Animal Adoption Center Monthly Report - November 2016
STAR Transit Monthly Report - November 2016

2. City Manager's Report

City Manager Rick Crowley shared that work continues on planning for construction on IH-30, and these efforts are far more aggressive than a year or so ago. So, at the next city council meeting, staff may be able to update the Council on the conversations that have been had with TXDOT concerning those future improvements. He shared that on the 28th of January, there will be a ribbon cutting ceremony at the new Stone Creek Park. In addition, staff recently got word that Representative Holland has plans to put forth an item to designate Rockwall as the "Live Music Capitol of North Texas," which would make our own "self-designation" a little more formal. Also, staff is working through its annual audit with the city's audit firm. He offered that staff is happy to answer any questions concerning departmental reports. There being no questions, Mayor Pro Tem Townsend adjourned the meeting.

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 land acquisition related to a south community park, pursuant to Section §551.072 (Real Property)
2. Discussion/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Board and the Planning & Zoning Commission - pursuant to Section 551.074 (personnel matters)
3. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

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

XV. ADJOURNMENT

The meeting was adjourned at 7:28 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th day of January, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 17, 2017
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend, and Council Members David White, John Hohenshelt, Scott Milder, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Lea Ream. Councilmember Dennis Lewis arrived to the meeting at 5:02 p.m.

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

II. EXECUTIVE SESSION.

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

1. Discussion/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - the Planning & Zoning Commission - pursuant to Section 551.074 (personnel matters)
2. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

III. ADJOURN EXECUTIVE SESSION

The Mayor and Council adjourned from Executive Session at 5:58 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend made a motion to authorize the City Manager to enter into a lease contract agreement for downtown facilities and authorize $35,000 to be spent out of general fund reserves for a public park improvement. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

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

VII. PROCLAMATIONS / AWARDS

1. Lake Pointe Church Christmas in Mexico Recognition Day

Mayor Pruitt called forth Tracy Tuttle of Lake Pointe Church. He then read and presented this proclamation in recognition and appreciation of this mission.

VIII. OPEN FORUM

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 3, 2017 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** reducing the current speed limit along IH 30 main lanes to 60 miles per hour from the intersection of John King Boulevard to the Rockwall east city limits and establishing a speed limit of 45 miles per hour along the IH 30 eastbound and westbound frontage roads from the intersection of John King Boulevard to the Rockwall east city limits, and take action as necessary. **[2nd reading]**
3. **Z2016-040** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of the owner East Shore Joint Venture for the approval of an **ordinance** allowing 47 single-family homes in Planned Development District 68 (PD-68) being a 25.45-acre tract of land identified as Lots 1-7, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 68 (PD-68), situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of S. Goliad Street [S. SH-205] north of the intersection of S. Goliad Street and Justin Road, and take any action necessary. **[2nd Reading]**
4. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 10; Article IV. Residential Code and Article VII. Fuel Gas Code related to corrugated stainless steel tubing (CSST) regulations, and take any action necessary. **[2nd reading]**
5. Consider authorizing the City Manager to negotiate a price and execute a Purchase Order for a used bucket truck in the amount not to exceed $60,000 to be funded out of the General Fund - FY17 Streets and Drainage Operations Budget, and take any action necessary.
6. Consider authorizing the city manager to execute a contract for the purchase of the Azteca Cityworks Asset Management system through New Edge in the amount of $112,580.00, to be funded from the approved FY17 Water/Wastewater Budget, and take any further action.
7. **P2016-053** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Balance I LLC for the approval of a final plat for Breezy Hill, Phase VI containing 77 single-family residential lots on 31.254-acre portion of a larger 61.528-acre tract of land identified as Tract 7 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, generally located northeast of the intersection of N. John King Boulevard and Life Springs Drive, and take any action necessary.

8. **P2016-054** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH 60's POD, LTD for the approval of a preliminary plat for Breezy Hill, Phase X containing 79 single-family residential lots on 19.784-acre portion of a larger 29.181-acre tract of land identified as Tract 7-05 of the J. Strickland Survey, Abstract No. 187; the J. Simmons Survey, Abstract No. 190; and the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, situated with the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally located northeast of the intersection of N. John King Boulevard and FM-552, and take any action necessary.

Councilmember Fowler pulled item #4 for further discussion. Councilmember Lewis then moved to approve the remaining Consent Agenda Items (#1, 2, 3, 5, 6, 7, and 8). Councilmember Milder seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON INTERSTATE HIGHWAY 30 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF $200.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 68 (PD-68) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING TO ALLOW FOR THE INCORPORATION OF A SINGLE-FAMILY SUBDIVISION FOR A ~14.475-ACRE PORTION OF THE 25.45-ACRE PLANNED DEVELOPMENT DISTRICT BEING IDENTIFIED AS LOTS 1-7, BLOCK A, EASTSHORE 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.

Regarding Consent Agenda item #4, Councilmember Fowler asked Fire Marshal Ariana Hargrove for more information on about how many fires can be attributed to structures that have CSST. Mrs. Hargrove stated that, in the last ten years, 55 of 79 single-family/residential home fires had a known cause. A total of 11 of the fires were related to lighting, and, of those, seven homes involved CSST. She went on to explain that the total dollar loss associated with the fires that involved CSST was just under $1 million dollars with each affected homeowner experiencing an average loss of $150,000. Mrs. Hargrove indicated that, scientifically speaking, they have not been able to prove that bonding and grounding a system makes a home that has CSST safer. However, bonding and grounding the system is what the manufacturer is recommending. She indicated that some information that has more recently surfaced is indicating that bonding and grounding these systems is not all that effective. She pointed out that Brennan Teel's death in Lubbock was

associated with a fuel gas system that actually was properly bonded and grounded. So, the thought is that bonding and grounding will potentially help mitigate the risks; however, it should not be viewed as a definitive "fix." Mrs. Hargrove clarified that passage of this ordinance will not call for removal of this product where it currently already exists within homes, with some exceptions. She indicated that there will be certain instances that will trigger when a homeowner will be required by the city to have their CSST system bonded and grounded. Nothing will stipulate that a person will have to replace their CSST with an alternate product.

Mr. Widmer, the City's Building Official, then came forth and shared that this product was a listed, legal product when certain homes that contain the product were originally constructed. He and Mrs. Hargrove pointed out that this product is still a product that is allowed to be utilized in new construction. Mr. Crowley commented that city staff will be working on a public communication / education campaign to help educate residents about CSST and the city's passage of these new ordinance regulations.

Fire Chief Mark Poindexter indicated that, if the city council did wish to 'do more' concerning this product, the city could potentially consider requiring that systems be bonded and grounded, and subsequently inspected by the City, any time there is a change of ownership or even when there is a rental / lease agreement put into effect. He believes that Royse City, for example, does require this, and he believes that their Building Inspections Department charges about $50 to perform these inspections. Brief, comments took place pertaining to this idea, with indication generally being given that the city doing so would require a lot of manpower, as far as staffing is concerned.

Councilmember Fowler made a motion to approve Consent Agenda item #4. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO AMEND CHAPTER 10 BUILDING AND BUILDING REGULATIONS; ARTICLE IV. RESIDENTIAL CODE AND ARTICLE VII. FUEL GAS CODE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND EACH SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Planning & Zoning Commission, came forth to address the Council. Mayor Pruitt congratulated Mr. Renfro on his recent appointment to the city's Rockwall Economic Development Corporation (REDC) Board. Mr. Renfro then went on to brief the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. The Council took no action following this presentation.

2. Appointment with David Sweet, Chair of the ART Review Team / Art Commission, to request approval for the art work associated with a mural to be located on the south wall of 110 S. Goliad in downtown Rockwall, and take any action necessary.

Mayor Pruitt indicated that he will be recusing himself from discussion of this agenda item.

Mayor Pro Tem Townsend called Kathleen Morrow, Vice Chair of the city's ART Review Team (ART Commission) forth to address the Council on this item. She indicated that she is filling in for the Commission's Chairman, David Sweet, this evening. She provided the Council with a depiction of the mural that the ART Commission is recommending be placed on the building. She explained that funding for this artwork will be provided through bond proceeds that have been set aside for public art. She shared that the Commission will work with the city's Public Information Office to plan various events related to this artwork and its future unveiling. She went on to describe various aspects of the proposed mural, including a description of its color, its size, and the fact that it will be 'interactive' in an effort to involve the public (i.e. in taking fun photos in front of the mural).

Councilmember Milder asked some questions about the water tower. Mrs. Morrow shared that the water tower is very recognizable, and people often recognize the lake and the water tower when driving in across the lake. Milder indicated, in general, that he does not feel like the water tower fits because it doesn't look very "historic."

Brief, additional comments were made. Councilmember White pointed out that both the ART Commission and the building owner (Pruitt) have carefully reviewed and approved this proposed artwork. So, Councilman White then moved to approve the proposed art work "as is." Councilmember Hohenshelt seconded the motion. Councilmember Fowler asked for some additional information on the cost. Mrs. Morrow shared that there will be $59,000 of remaining bond money left over to spend after this $15,000 is spent on this particular mural. The Council thanked the Commission for its work on this project.

After additional, brief comments pertaining to efforts associated with making the downtown area very vibrant, the motion passed by a vote of 6 in favor with one recusal (Pruitt).

Pruitt commented that talk about doing something with the side of this building has been ongoing for about seven years. He generally expressed pride and gratitude that this mural will be placed on the side of this building, especially since it has been in great need of paint for some time now.

Action Item # 1 was next addressed by Council.

3. Appointment with the owner(s) of "Our House" (803 N. Goliad Street) to request an amendment to the city's Sign Ordinance provisions, specifically related to "On Premise Traffic Signs," and take any action necessary.

Councilmember Milder expressed that he will be recusing himself from this discussion (and he has filed an appropriate affidavit with the City Secretary).

Leslie Milder – 803 N. Goliad Street – came forth and explained the nature of her request. She generally explained that she has inadvertently broken a rule that she was not aware was in existence. She indicated that they placed a directional "traffic sign" pointing their patrons to where their parking lot is located, and, in doing so, the unknowingly violated a

city rule by putting the "Our House" logo on the directional parking sign. Thereafter, they received a letter from the city indicating that they are in violation of the city's current sign ordinance because having "Our House" on the signage is considered to be "advertising" (a violation of the city's current sign regulations). She expressed that other business owners along this stretch of N Goliad have also received a notice of violation from the city as well. She explained that other businesses around town have also violated this policy and have rectified the infraction by simply placing duct tape over their logos. She shared that using duct tape as a solution does not really look good.

Mayor Pruitt pointed out that, with regards to this issue, there is no provision in place that would allow the Council to grant a variance. Instead, the city council would have to amend the sign ordinance in order to bring about any change of this nature. He suggested that staff should bring back to Council for consideration suggestions regarding the size of the logos that could be utilized on these types of signs should the sign ordinance be modified to allow this. General discussion then took place related to the city's current sign ordinance provisions. Council gave indication that they would like to entertain some amendments to the city's sign ordinance, including some changes pertaining to "on premise traffic signs." They provided (informal) direction to city staff to proceed with bringing proposed ordinance amendments back to Council for consideration at a future meeting date.

4. Appointment with representatives from Suntex Marinas to request approval to make certain infrastructure improvements within Chandlers Marina, and take any action necessary.

A representative from Suntex (no name was provided/stated) came forth and indicated that they have a dredging project as well as a dock-related project taking place at the marina right now. These efforts, in part, are to improve the break wall. Lots of progress has been made. He went on to make comments about the proposed replacement of H dock, which is an old sailboat docking area. Twenty-eight slips would be replaced with a brand new, covered dock, and, over time as demand dictates, additional slips would be added to bring it back up to the size it currently is today. He shared some visuals with the Council of the improvements they are proposing to make. Mr. Crowley clarified, and the representative confirmed, that this would be creating a covered dock area in place of what is now an uncovered, sailboat docking area. Mr. Griggs indicated that staff had asked Suntex to speak to Chandler's Landing HOA about these projects, and he wonders if that took place, and what Chandler's feedback was. The Suntex rep indicated that, yes, they did speak to Chandlers, and they expressed that they are enthusiastic / excited about the improvements. Chandlers has purchased the restaurant and the tennis courts, and they would like to have some activities in the area, such as sailboats and paddle boards. Discussion ensued regarding the dredging and excavating, including how the "spoils" will be handled and where they will be stored before being hauled off.

Councilmember Lewis asked about fire protection, especially in light of the fact this area will go from an "open air" docking area to a covered docking area. Fire Chief Mark Poindexter indicated that, previously, when Suntex covered a dock, they purchased a fire boat, which essentially allowed them to have a covered dock without doing sprinklers and stand pipes. He indicated that, if this gets covered, then they will need to find a way to extend the fire lane width down to that dock as well as figure out how to have fire hydrant coverage to service the dock area as well. He shared that the easement does narrow down some as one proceeds down to the docking area, so widening the fire lane may result in encroachment onto adjacent property. He clarified that the fire boat was only put into place

to supplement the stand pipe and the hydrants; however, it was not put into place to waive any fire lane or hydrant related requirements.

Mayor Pruitt thanked Suntex, indicating that he recently made a site visit to the location, and he appreciates the company actually doing what they indicated they would do.

Councilmember White made a motion to approve the improvements to H dock as well as the deletion of the spoils bulk head area with the understanding that they will meet building and fire codes. Councilmember Lewis seconded the motion, which passed unanimously of those present (7 ayes to 0 nays)

XI. PUBLIC HEARING ITEMS

1. **Z2016-033** - Hold a public hearing to discuss and consider a request by Himmat Chuhan on behalf of the owner Pastem Corporation for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a residence hotel in a Commercial (C) District that exceeds 36-feet in height in the Scenic Overlay (SOV) District for a 1.74-acre parcel of land identified as Lot 1, Block A, Comfort Inn & Suites Rockwall Towne Centre Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 700 E. IH-30, and take any action necessary **(1st Reading).**

Mayor Pruitt indicated that this item has been taken off of the Planning & Zoning Agenda until February 14. It will then come to the City Council at its meeting on February 20. No action was taken at this time.

2. **Z2016-044** - Hold a public hearing to discuss and consider a request by Robert Miklos of Miklos Law, PLLC on behalf of Hacienda Car Wash, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a carwash within the Scenic Overlay (SOV) District on a 2.008-acre tract of land being identified as Lots 1 & 2-01, Block A, the Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located south of the intersection of W. Yellow Jacket Lane and Ridge Road [FM-740], and take any action necessary **(1st Reading).**

Mr. Miller gave background information on this item, indicating that it is located on the east side of Ridge Road, just south of Yellowjacket Lane. It is about 2 acres, is zoned Commercial, and is located in a Scenic Overlay District. This SUP request is for a full service car wash. Since this is in the scenic overlay district, it will require issuance of an SUP. He went on to explain that the city's current regulations call for car wash entrances and exits to not face a public street and that the carwash be set back a minimum of 50' from street frontage. The applicant is proposing to meet these requirements. Notices were sent out to forty-three adjacent property owners. One notice was received back in opposition. The Turtle Cove HOA was also notified. The Planning & Zoning Commission has recommended approval of this SUP by a vote of 6 to 1.

Duane Brignac
Miklos Law
1800 Valley View Lane
Farmers Branch, TX

Mr. Brignac (the applicant) came forth and provided brief comments, generally expressing that he and the other individuals who are present tonight are happy to answer any questions that the Council may have concerning this request.

Mayor Pruitt opened the public hearing and asked if anyone would like to speak at this time.

Dr. Rob Mehl
2237 Ridge Road
Rockwall, TX 75087

Mr. Mehl indicated that he is an adjacent property owner, and he is also part owner of the common areas of Lakewood Office Park. He showed a diagram to the Council to clarify the adjacent land use associated with his office park and the nearby surgery center. He expressed that he is opposed to this request. He generally cited concerns such as a carwash not fitting with the nearby professional office areas that consist, in part of, doctors and a surgery center. He believes that the requirements in place for the scenic overlay district contribute to the professionalism associated with his practice (psychiatry / psychology). This carwash would back up directly to his office park area. He also has concerns about additional, increased traffic that would likely accompany approval of this car was. He is opposed to approval of this SUP and appealed to the Council to not approve it.

Councilmember Lewis clarified that, should this SUP be approved by Council, screening between the carwash and the adjacent properties could be included as a requirement.

Jamie Vega
2400 S. Goliad
CEO of Hacienda Carwash

Mr. Vega came forth to answer some questions of Councilman Lewis concerning how the carwash will be laid out, including the lanes, and whether customers will drive their own cars through, or the staff will do so for the customers. Various comments were made among council members. There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed the public hearing.

Mayor Pruitt went on to indicated that past city councils have already "destroyed" this scenic overlay district by approving a future large gas station (a RaceTrac) to be placed on the nearby corner in the future. He does not see how this car was would be any worse or better than a fuel / gas station. Brief comments were made pertaining to the city's tree preservation requirements and the fact that the applicant will need to adhere to those regulations.

Councilmember White provided brief comments, pointing out that this "Scenic Overlay District" already has several other businesses, such as Popeye's, Long John Silvers, McDonald's, and Wendy's – all hardly businesses that one would consider to be "scenic." He pointed out that he feels the term "scenic" was a poorly adopted term, and all of the other overlay districts in the city are not called "scenic." He is not sure why this one is called what it is called; however, he feels it is not an appropriately used term.

White then moved to approve Z2016-044. Councilmember Lewis seconded the motion. Councilmember Lewis asked White if he would consider amending his motion to add the

requirement for screening to be required between the car wash and the property located to the South in the form of a "living screen." White amended his motion to require the living screen. Lewis seconded the amended motion. Additional comments were made concerning time limits on city-issued SUPs. After brief comments, White again amended his motion to stipulate that there will be no time limit placed on issuance of this SUP (it will not expire). Councilmember Lewis seconded this (second) amended motion.

Council asked about the SUP that was previously granted for construction of a RaceTrac fuel center / convenience store. Travis Lofland, a realtor representing Hacienda Car Wash, indicated that he has been in touch with Racetrac, and they do plan to build the gas station in the next year or so.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A CAR WASH WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A 2.008-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1 & 2-01, BLOCK A, THE WOODS AT ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE, PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY 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 to approve passed by a vote of 4 in favor with 3 against (Hohenshelt, Pruitt and Fowler.)

3. **Z2016-045** - Hold a public hearing to discuss and consider a request by Tom Kirkland of TEKMAK Development Company on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Hotel, Residence in a Commercial (C) District on an approximately 3.0-acre tract of land be a portion of a larger 8.613-acre tract of land Tract 4 of the J. D. McFarland Survey, Abstract No. 145, and Lot 1, Block B, Goldencrest Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated north of the intersection of Greencrest Boulevard and the IH-30 Frontage Road, and take any action necessary **(1st Reading).**

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. He indicated that this area is located near the high school, and the existing Walmart is located across the street. The applicant is proposing a 4-story hotel with 112 guestrooms. Additionally, the applicant is proposing kitchen facilities in 100% of the guestrooms. Nine adjacent property owners were notified of this request, and staff has received one reply back in support of this item. Also, the Planning & Zoning Commission has recommended approval of this item by a vote of 5 in favor with 2 opposed.

Councilmember Milder made a motion to approve the variances requested in association with SP2016-032. Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **SP2017-001** - Discuss and consider a request by Jeffery Dolian, PE of Kimley-Horn and Associates, Inc. on behalf of Eames Gilmore, Sr. of the Target Corporation for the approval of a variance to the material requirements stipulated by the Unified Development Code in conjunction with an approved site plan for an existing retail building situated on a 10.37-acre parcel of land identified as Lot 2, Block A, Steger Towne Crossing, Phase 1, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 850 Steger Towne Drive, and take any action necessary.

Mr. Miller provided brief background information concerning this agenda item. This is concerning the existing Target building, which went in back in 1996. This request is associated with them redoing the façade of the building and making associated renovations.

Mayor Pro Tem Townsend made a motion to approve SP2017-001. Councilmember White seconded the motion. Mayor Pruitt expressed that he is against anything to do with Target, as he does not believe that Target has been a good neighbor in this community. He cited the store selling sexual devices in their stores as well as allowing men to utilize women's restrooms. He shared that there have been at least two arrests associated with criminal activities of this nature at this store. So, for those reasons, he will not be supporting this motion to approve. After his comments, the motion passed by a vote of 5 in favor, 1 against (Pruitt) and 1 absent (Milder, who had temporarily stepped out of the room during this discussion and vote).

5. **SP2017-002** - Discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of Kris Sharp for the approval of variances to the requirements of the Unified Development Code for the construction of warehouse building on an existing facility situated on a 1.095-acre parcel of land identified as Lot 4, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46), situated within the SH-276 Overlay (SH-276 OV) District, located on the south side of Springer Road, east of the intersection of Springer Road and Corporate Crossing [FM-3549], and take any action necessary.

Mr. Miller provided background information concerning this agenda item. The applicant came forth back in 2014 and proposed an industrial facility, and the city granted some variances at that time. He is now asking for some additional variances, specifically related to the stone requirements as well as the vertical and horizontal articulations. These variances are related to the applicant now wanting to construct an additional building.

Regarding the variance requests that will require a ¾ majority vote of Council - Councilmember White made a motion to approve SP2017-002 pitched roof and masonry requirements. Mayor Pro Tem Townsend seconded the motion, which passed unanimously (7-0).

Councilmember White then moved to approve the variance request associated with the horizontal and vertical articulations. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider directing the City Manager to begin the process associated with amendments to the Unified Development Code related to time limits for Specific Use Permits (SUP), and take any action necessary.

Councilmember Milder indicated that he requested this agenda item be brought forth for discussion. Mr. Crowley, City Manager, then provided some brief comments pertaining to the issue.

It was specified that currently, the city does not have "automatic time limits" associated with issuing SUPs. However, the Council does currently have the ability to specify time limits in certain circumstances. The Council will need to utilize discretion on placing time limits because in certain cases, doing so could prove problematic (i.e. for a large project being able to receive certain funding approvals with its lenders). Mr. Crowley suggested that the Council consider placing a "default time limit" for expiration of SUPs with the ability for Council to grant waivers to the default time limit at its discretion.

Councilmember Milder expressed concerns about not 'tying the hands' of future city councils. He also has an interest in the staff taking an inventory of SUPs that have previously been issued, yet the projects associated with them have not yet come to fruition.

Lengthy discussion ensued pertaining to the pros and cons of setting time limits on SUPs. Discussion also took place pertaining to even having an SUP process in place at all. As a result of the discussion, the Council directed staff to schedule a work session in the near future for these issues to be further discussed. No action was taken at this time.

7. Discuss and consider (re)appointments to the city's Main Street Advisory Board, and take any action necessary.

Councilmember Milder moved to reappoint Sarah Freed and Jeremy Standifer to the Main Street Advisory Board, each for an additional two year term (to expire in January of 2019. Councilmember White seconded the motion, which passed by a vote of 7 to 0. Milder then moved to appoint Becky Airheart to serve on the Main Street Advisory Board (for a two year term, to expire in January of 2019). Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIII. EXECUTIVE SESSION

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

1. Discussion/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - the Planning & Zoning Commission - pursuant to Section 551.074 (personnel matters)

2. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

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

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

Mayor Pruitt did ask Fire Chief Mark Poindexter about the status of an old fire truck that has been in the process of being refurbished for quite a long time now. Poindexter stated that they are still working, trying to put it together. They've been looking for some parts, and they've manufactured some other parts. They've also had difficulty with painting it. He explained that the TX Fire Museum is made up of volunteers that work on vehicles. He shared that, as such, they are not making any money off of it. Pruitt suggested that the city may want to look into moving this effort over to a "for profit" company in order to speed things along and get the fire truck complete. Poindexter pointed out that trying to find parts for a 1959 fire truck can be very difficult; however, he did share that he has been staying "on them" for a long while in an effort to encourage a more speedy process towards completion.

Mayor Pro Tem Townsend asked Police Chief Kirk Riggs about some of the recent burglary of motor vehicles that have been occurring. Chief Riggs stated that there were eleven this past weekend, and the Police Department is working on it.

XV. ADJOURNMENT

The meeting was adjourned at 8:49 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th day of January, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 06, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold a work session to discuss changes to portions of the city's Unified Development Code (UDC) pertaining to the regulation of Specific Use Permits (SUP).

Ryan Miller provided background information concerning this agenda item, generally indicating that the Council has expressed interest in staff looking into SUPs that are inactive and/or for which no project/construction has ever ensued since the time of their issuance. He shared that the city has previously issued 158 SUPs and 228 CUPs ("conditional use permits") and that some of these are 'active' and some are 'inactive.' He explained that if the council would like to move forward with "cleaning up" the existing entitlements, then anyone with an existing SUP would be sent notice that they have one year to either do something (i.e. pull a building permit or CO), or come to the Council and request an extension. He clarified that they would have one year to do one of these two things; otherwise, their SUP or CUP would expire.

Councilmember Hohenshelt asked staff if they plan to send out a letter to all of the existing SUP holders. Mr. Miller indicated that this is something that the Council will need to decide; however, he pointed out that the city attorney will need to weigh in on this in order to ensure the city is following the law, especially pertaining to the required public hearings and associated notices.

Mr. Crowley clarified that nothing about these actions would affect anyone who has previously received an SUP for a project that was built, came to fruition, and has been operating (and is currently operating) under that issued SUP.

Mr. Garza explained that the city is not necessarily required to send individual notices to all 158 SUP holders. Instead, the city could opt to post public notice, via a newspaper notice, as long as the language is very clear that the one year expiration date will apply to any and all previously issued SUPs that are either inactive or have been vacated. He explained that with 158+ SUPs it may be difficult for staff to locate current contact information / addresses for all of the SUP holders, so, the newspaper publication would be a viable option as far as giving sufficient public notice. He explained that the fact that some people do not read the newspaper is irrelevant, as the courts have held that a newspaper publication is considered to be sufficient public notice. He went on to share

that most cities who issue SUPs do so with a one year expiration attached to its issuance.

General discussion ensued related to SUPs and CUPs, with Mr. Miller indicating that the CUPs date back to the 70s, and many of the properties have been subdivided several times since back then.

Councilmember Hohenshelt shared that he is in favor of the City retroactively going back and cleaning up past SUPs and CUPs. Milder echoed Mr. Garza's comment regarding many other cities having time limits in place for SUPs that they issue. So, he is in favor of our city taking the time and putting forth the effort to clean up past SUPs that have been issued by the city. The main concern is related to projects for which an SUP was issued, yet a long time span has passed, and no project has ensued.

Planning Director Ryan Miller provided information concerning this item, briefing the Council on what some other cities do as well as the various considerations that the Council may wish to make in deciding how to proceed.

Councilmember Lewis generally expressed that he is not in favor of staff having to send out notices to any and all businesses or persons who have previously received an SUP or CUP from the city; however, he does see merit to staff sending notice to those who have obtained an SUP but they have never moved forward with building anything related to that SUP. He pointed out that sometimes very large projects (such as "Trend Tower") can span more than a one year period. Mr. Miller clarified that the one year expiration would only apply if there had been one year of inactivity.

General indication was given that Council does wish for staff to move forward with these efforts; however, formal action was not taken during the work session item. Action will occur during the "Action Items" section of the 6:00 p.m. meeting agenda later this evening.

At 4:20 p.m. Mayor Pruitt read the below listed discussion items into the record before recessing the meeting to go into Executive Session.

III. EXECUTIVE SESSION.

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section 551.071 (Consultation with Attorney)

4. Discussion/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - the Planning & Zoning Commission - pursuant to Section 551.074 (personnel matters)

5. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

6. Discussion regarding appointment of city council subcommittees and board liaisons - Fire Dept. Pension Board - pursuant to Section, §551.074 (Personnel Matters).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:40 p.m.

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

Mayor Pruitt reconvened the Public Meeting at 6:00 p.m. with all seven city council members present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend made a motion to reappoint Councilmember Kevin Fowler to continue serving as the liaison to the city's Fire Department Pension Board. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Townsend moved to appoint Eric Chodun to serve on the city's Planning & Zoning Commission to replace outgoing member Craig Renfro (who was recently appointed to the REDC). Councilmember Milder seconded the motion. (This is a partial term appointment to finish out Mr. Renfro's term, which will expire in August of 2017). The motion passed by a vote of 7 ayes to 0 nays.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

VIII. OPEN FORUM

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

Carol Crow
504 Williams Street
Rockwall, TX 75087

Mrs. Crow indicated that she would like to encourage the City Council to support funding for the home that the Rockwall County Historic Foundation is requesting be moved to Harry Myers Park. She pointed out that she has concerns about the City not yet having designated old buildings and homes in and around the downtown area as "historic" in order to preserve them and ensure that they will not ever be torn down in the future. Regarding the old house that is proposed to be moved, she has concerns about the curvature of the road if the current location of the home is ever to become a parking lot.

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 17, 2017 regular city council meeting, and take any action necessary.
2. **Z2016-045** - Consider a request by Tom Kirkland of TEKMAK Development Company on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Hotel, Residence in a Commercial (C) District on an approximately 3.0-acre tract of land be a portion of a larger 8.613-acre tract of land Tract 4 of the J. D. McFarland Survey, Abstract No. 145, and Lot 1, Block B, Goldencrest Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated north of the intersection of Greencrest Boulevard and the IH-30 Frontage Road, and take any action necessary **(2nd Reading).**
3. Consider authorizing the City Manager to execute a contract with Evoqua Water Technologies to install a chemical injection system at the Fontana and Timber Creek Lift Stations to eliminate effluent odors in the amount of $30,879 annually to be funded by FY17 Wastewater Operations Budget, and take any action necessary.
4. Consider approval of a resolution establishing and affirming terms for members of the City's Airport Advisory Board and calling for annual appointments to be made in August, and take any action necessary.
5. Consider approval of a resolution calling a General Election to be held on Saturday, May 6, 2017 for the purpose of electing a Mayor and City Council Members for Place 1, Place 3, and Place 5, and take any action necessary.
6. Consider approval of a joint agreement with the City of Rockwall, Rockwall ISD, and the Rockwall County Elections Administrator for services pertaining to administering the city's May 6, 2017 General Election, and take any action necessary.
7. Consider approval of an **ordinance** establishing the speed limit along FM 550 to 50 mph between Mile Post 9.8630 and 10.5130 (our City Limits along FM 550), and take any action necessary. **(1st reading)**
8. **P2017-001** - Consider a request by Vinod Sharma of Little Genius of Texas, LLC for the approval of a final plat of Lot 1, Block A, Montessori School Addition being a of 2.288-acre tract of land identified as Tract 2-3 of the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, located at the southeast corner of FM-552 and Stone Creek Drive, and take any action necessary.
9. **P2017-002** - Consider a request by Clay Cristy of ClayMoore Engineering on behalf of CN Rockwall Investors, LLC for the approval of a replat for Lot 3, Block A, Briscoe/Hillcrest Addition being a 1.1084-acre tract of land currently identified as Lots 1 & 2, Block A, Briscoe/Hillcrest Addition and Tract 41-2 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Summit Office Subdistrict and

the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of Horizon Road [FM3097] and the IH-30 frontage road, and take any action necessary.

10. **P2017-004** - Consider a request by Maria Bonilla of Winklemann & Associates on behalf of Jim Ziegler of PegasusAblon for the approval of a replat for Lots 8 & 9, Block A, The Harbor-Rockwall Addition being a 19.013-acre tract of land currently identified as Lots 5 & 7, Block A, The Harbor-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 7 (PD-7) and Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of Summer Lee Drive and Lakefront Trail, and take any action necessary.

11. **P2017-005** - Consider a request by Sarah Williamson of Kimley-Horn and Associates on behalf of Stone Creek SF LTD & Stone Creek Balance LTD for the approval of a final plat for Lots 1 & 2, Block A, Stone Creek Grocer being a replat of 0.733-acres identified as a portion of Lot 27, Block A, Stone Creek, Phase VII Addition and a final plat of 8.666-acres out of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being a total of 9.399-acres, zoned Planned Development District 70 (PD-70), situated within the North SH-205 Overlay (N-SH205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [N. SH-205], and take any action necessary.

12. Consider authorizing the City Manager to execute a change order to Meritage Homes of Texas, LLC regarding the extension / reconstruction of Quail Run Road in front of Fire Station Number Three in an amount not to exceed $58,364.81, with funding from the Street Assessment Fund, and take any action necessary.

Councilmember Lewis made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12). Councilmember Milder seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-07

SPECIFIC USE PERMIT NO. S-160

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESIDENCE HOTEL IN A COMMERCIAL (C) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, ON A 3.0-ACRE PORTION OF A LARGER 8.613-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 4 OF THE J. D. MCFARLAND SURVEY, ABSTRACT NO. 145, AND LOT 1, BLOCK B, GOLDENCREST 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 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. 17-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITSESTABLISHED FOR VEHICLES

UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON INTERSTATE HIGHWAY 30 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF $200.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pruitt then reordered the meeting agenda to address Appointment Item #2 on the meeting agenda (re: the Police Department Explorer's Program).

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.

Mayor Pruitt thanked Mr. Renfro, current Chairman of the P&Z Commission, for his years of service on the Commission, pointing out that this will be his last update to the Council. He shared that Mr. Renfro has been recently appointed to serve on the city's Rockwall Economic Development Corporation Board (REDC) instead.

Mr. Renfro then briefed the Council on recommendations of the Commission relative to items on tonight's meeting agenda. Councilmember Lewis generally thanked Mr. Renfro for his service on the P&Z Commission. The Council took no action concerning this agenda item.

2. Appointment with representatives of the Rockwall Police Department "Explorers Program" to hear update on the program, and take any action necessary.

Chief Kirk Riggs provided an introduction of this agenda item, explaining that Sgt. Steve Brassil is the director of the police department's Explorer's Program. He then introduced Sgt. Brassil who briefed the Council on the program as a whole. Brassil explained that the Rockwall Police Department Law Enforcement Explorer Program was started in May of 2016. The program is designed to introduce participants to all aspects of law enforcement. The RDP Police Explorer program provides young men and women the opportunity to learn about police techniques and procedures in a classroom and practical environment. Brassil showed the Council some video clips from the program's current Facebook page to further explain to the Council the various activities that Explorers participate in as part of the program. Each of the participants of the program who were in attendance at the council meeting then came forth and introduced themselves. Chief Riggs shared that some of the current program participants have a parent who is in law enforcement. He indicated that they have been helpful by volunteering at events, such as the 5k run the police department hosted as a fundraiser back in December.

Mayor Pruitt called for a brief break at 6:16 p.m. in order to take some photographs with the Explorers in the City Hall foyer. Mayor Pruitt called the meeting back to order at 6:19 p.m.

Mayor Pruitt then reordered the agenda to address Appointment item #4 next.

3. Appointment with Mike Dowdy to hear concerns pertaining to the permitting and construction of a split rail fence at 1200 Bayshore Drive, and take any action necessary.

Julie and Mike Dowdy
1200 Bayshore Drive
Rockwall, TX

Mrs. Dowdy came forth to explain that she and her husband are coming before the Council this evening to discuss some issues that have arisen with the fence permit that was issued by the City after she and her husband received a waiver from the Council back in June pertaining to installation of a front yard, split rail fence. She went on to provide a brief history to the Council on the process that she went through to research the fence they wanted to build, to come before the City Council to receive appropriate approval, and to then obtain a permit to have the fence built. She generally explained that the welded wire that was installed when the fence was built has since been called into question, even though, as she pointed out, the photos that were originally provided to the City during the approval process back in June did in fact have the wire depicted. She shared that city staff has generally indicated that they did not see the wire on the photos, and, since it was not written as part of the description on the fence permit application, the application was filled out incorrectly. She shared that taking down the wire will leave thousands of holes in the split rail (wooden) fence, holes that will hold water and will allow for insects / bugs to nest. She explained the various reasons why she and her husband decided to choose this type of (split rail) fence (i.e. in order to not have it feel like an "enclosed prison;" to build a garden and other natural vegetation in order to create a natural sound barrier from the adjacent roadway).

Councilmember White asked for clarifications concerning the city's current regulations concerning constructing front yard fences. Mr. Widmer clarified that the city's regulations list out approved materials. He shared that the wiring that was installed in this case is not specifically listed as a disapproved material. General comments were made concerning the wording of the city's current fence ordinance regulations. Mr. White shared that he did drive by the home, and he does not find the wire material to be particularly offensive.

Mayor Pro Tem Townsend shared that he drives by this house every day, and he was surprised by the wire going up on the split rail fence. However, he did acknowledge that the wiring is in good shape now, since it is new, and that it is not particularly obtrusive in his opinion.

Councilmember Fowler shared that he approved what he thought was a traditional split rail fence. He did not realize that the wire on the photos that were originally supplied were part of Council's approval of this front yard fence. He asked if there is any way for the wiring to be made less visible. Mr. and Mrs. Dowdy indicated that there is a way, that they are planning to plant vegetation that will grow and both screen the wiring and provided some protection from the noise associated with the adjacent roadway.

Councilmember Lewis shared that he very clearly recalls this issue when it first came before Council for approval of the front yard fence. He recalls that there was no mention of wiring during that discussion. He voted on approval of a traditional front yard fence with split rail.

Councilmember Hohenshelt commented that if the Council does approve this waiver request, then the Council will hear about it from others who would like to do the same thing, possibly for years to come. He pointed out that, since the material is not an approved material, then it poses a problem because it is not in line with the city's fence ordinance regulations.

Councilmember Milder shared that he is the Councilmember that brought this forward to staff and Council because he drives by it every day, and he was surprised when the wiring went up after the beautiful split rail fencing was installed. He pointed out that there was no mention of the wire back when the request for approval of the front yard fence was initially brought forth to Council.

The Dowdy's generally indicated that the landscaping is going to be planted on the outside of the fence, so it will eventually mask the wire.

Mayor Pruitt indicated that he personally is not a fan of split rail fencing, just like he is not a fan of chain link fencing. Pruitt engaged Mr. Widmer, Building Official, with some questions and answers concerning how it came to be that a permit was issued and what, specifically, the permit specified as the building materials.

Councilmember White shared that there is no explicit prohibition in writing that would have indicated to the Dowdy's that the welded wire material is not allowed. Following his comments, Councilmember White made a motion to approve the welded wire that is on the Dowdy's fence now (specifying that this will not set a precedence for any other fence that comes forth for approval by Council on a case by case basis). Councilmember Fowler seconded the motion. Councilmember White went on to generally express concerns about the wording that is and is not currently utilized in the city's existing fence ordinance regulations. The motion then passed by a vote of 5 in favor with 2 against (Pruitt and Lewis).

Mayor Pruitt asked staff to include on the next city council meeting agenda to discuss specifically approved and non-approved materials. Also, the Council will discuss with staff the application itself in an effort to make the language more clear.

4. Appointment with Rockwall County Historical Foundation (RCHF) to request funding assistance for the relocation of the house at 301 N. Goliad to Harry Myers Park, and take any action necessary.

Mr. Vierling came forth to address the Council on behalf of the RCHF concerning this agenda item.

Dennis Vierling
1121 Bayshore Drive

Mr. Vierling indicated that the RCHF has been long term friend of and partner with the City of Rockwall. He generally explained that the Council previously granted permission to the Historic Foundation to relocate the historic home over to Harry Meyers Park. Since that time, the RCHF has discovered that doing so will financially cost notably more than was originally estimated. He explained that he is seeking some financial assistance from the City in order to ensure that this home is able to be relocated on or before April

1; otherwise, the structure will be bulldozed. He explained some of the challenges involved in moving the home, such as trimming nearby trees along the relocation route.

Mayor Pruitt clarified that Mr. Vierling is asking the Council to consider paying the costs associated with moving the house for any amount above $50,000. Mr. Vierling shared that, yes, this is essentially what the RCHF is asking of the City at this time. However, he acknowledged that the Foundation is not totally sure how much it will cost, in total, to move it. Mr. Vierling indicated that he feels pretty sure that the house could be relocated if the city puts in $50,000 and the Foundation puts in $50,000. He shared that a professional company has been hired in order to facilitate the move, and that company is taking care of a lot of the coordination efforts. He provided a brief history concerning the credentials and past experience of the moving company.

Councilmember Lewis shared several questions and concerns that he has (i.e. ensuring that a foundation is poured for the home to sit on; that trees are trimmed; that a permit is pulled from the State in order to move the home; that electric power lines are taken into consideration, etc.).

Councilmember Milder expressed that he would like to come to the defense of the very generous volunteers at the Historic Foundation. He shared that one of the reasons they do not have accurate estimates / numbers is because city staff somewhat ambushed them on this project at "the 11th hour." He shared that they had what they thought was a move plan, but, thereafter, city staff gave them a lot of criteria that the Historic Foundation knew nothing about. He went on to express disappointment in city staff for not proactively reaching out to the volunteers at the Historic Foundation to help coordinate and facilitate the efforts associated with moving the house. He believes this is a classic example of a very consistent problem that we have with staff when people are trying to get their projects moved forward expeditiously. He shared that he has had personal experience with this. He also shared the belief that staff expressed, not only certain regulations, but also personal "preferences" associated with the move (i.e. that the house will need to be moved at night, rather than during the day, so as to not impede traffic). He found out that there is no legal requirement for the house to be moved at night, but that it is a staff preference to do so. He generally expressed that staff has placed an undue burden on the RCHF, and that the city's regulations and preferences have irritated him and have caused the costs associated with moving the house to drastically increases.

Mr. Vierling acknowledged that moving the home at night will end up drastically increasing the fees incurred, mainly due to substantial overtime costs (i.e. of TXDOT and Oncor workers).

Councilmember Milder shared that he would really like city staff to sit down with members of the Historic Foundation to work out the details associated with moving the home while keeping personal 'preferences' out of the discussion.

Mr. Vierling shared that, in all fairness to city staff, some of these regulations are not city-related (i.e. Oncor).

City Manager Rick Crowley expressed that he would be disappointed if Mr. Vierling had stated that staff did not work with him because staff did meet with representatives of the Historic Foundation prior to their coming before the Council the last (initial) time to

discuss moving the home. At that time, he had told them that his personal guess as to how much it might cost to move the home was about $200,000. Also, they discussed a number of different requirements and the moving of the home at night. So, the RCHF had then gone back to the state to work on some things. He explained that it was suggested that they consider moving the home at night, especially because of the amount of traffic that is likely about 10,000 cars a day. Also, it is estimated that SH-205 could be closed for four to eight hours, which would probably result in traffic being backed up in both directions. Mr. Crowley shared that he met with their representatives this morning, and then some correspondence went out that indicated they are still up for discussion regarding whether the move will take placed during the day or at night. Mr. Crowley pointed out that, particular during the daytime, if it takes anywhere close to three, four or eight hours, then traffic could potentially be backed up to Hwy. 78 and past IH-30 in the other direction. Also, it is likely that several power outages for businesses along the route will likely occur (i.e. grocery store(s)), and they could be without power for several hours; however, Oncor will need to assess this further and get back to us. It is his opinion that staff has in fact tried to work with the representatives, and he does not agree with the characterization of "ambush."

Councilmember Hohenshelt asked if Mr. Vierling received a quote from the moving company regarding this proposed move. Mr. Vierling indicated that, yes, the moving company has given a bid of $100,000; however, there are several variables that are unknown at this time (i.e. Oncor charges associated with trucks and personnel working overtime (at night) in order to deal with power lines and traffic lights that may need to be altered and/or temporarily moved in order to allow the house to traverse the route from point A to point B). So, he explained, it is very difficult to nail down an accurate quote. Mr. Crowley concurred that Oncor has been unable to provide an estimate (not even a range), and indication has been given that they can give an estimated hourly rate and an estimated number of crew needed for the move; however, the ultimate charges will depend on a number of variables.

Mayor Pruitt asked Mr. Vierling for clarification regarding what city regulations, if any, are causing costs associated with moving the house to drastically increase. Pruitt indicated that he believes that staff has been appropriately working with the Historic Foundation on planning for and assisting with the move. However, he pointed out that the city cannot control a lot of things. He asked for clarification on what Mr. Vierling would like the city to specifically assist with in order to help alleviate some of the anticipated costs. Pruitt remarked that he believes that city staff has been working with Mr. Vierling on this issue. He pointed out that staff does not have the ability to waive any requirements – only the City Council can waive requirements and/or fees. Mr. Vierling went on to explain the various cost estimates that they had originally utilized and those that have been somewhat modified since that time, generally reiterating that coming up with true, actual cost estimates is very difficult due to unknown variables.

Carolyn Francisco
272 Victory Lane
Rockwall, TX

Mrs. Francisco came forth and clarified several of the comments previously made concerning relocation of the house and estimated, associated costs. General discussion then ensued related to the costs, with Mrs. Francisco and Mr. Vierling indicating that the

Foundation would like the city to put up $100,000 to cover the costs associated with relocating the home.

Mayor Pruitt generally explained that the City has not specifically budgeted for this expense, so, the City will need to figure out how it will pay for the requested, extra costs being requested this evening. He shared that the city cannot just write a blank check. He is mindful of the time constraints; however, there are some discussions that need to take place regarding where the requested city funds will come from.

Mrs. Francisco indicated that the property on which the home currently sits had been owned by Beth Noe. However, she recently sold it to Mr. Dirkse. Indication was given that she believes the house next door is part of the sale as well.

Mr. Crowley indicated that the city's regulations do require that the plans for the foundation be designed by a civil / structural engineer; however, the Council does have the ability to waive this requirement if it so desires. There are also some requirements associated with compacting the soil; however, any of those sorts of regulations can be waived. However, the city's regulations are in place in order to ensure that the home relocation goes smoothly and that the home "install" at the new location is sturdy.

Councilmember Fowler pointed out that the time constraints being placed on this move do put each party in a certain level of duress regarding making needed decisions. He asked if there may be any way possible for the city to speak to Mr. Dirkse (the new owner of the property where the home is currently located) about the pressed timeframe. Mrs. Francisco indicated that Mr. Dirkse has already granted a time extension; however, he has indicated that the home really must be relocated before April 1st because he needs to begin his new construction project on April 1.

Mayor Pruitt shared that Mr. Dirkse will have some time constraints associated with his new project (i.e. the time needed to make it through the various steps associated with the city's planning process, including ultimate issuance of a new building permit). Mr. Miller, the city's Planning Director, shared that this is true – the new owner will need to go through the Planning process, including site plan, civils and platting. He expressed that this will take him anywhere from 90-120 days.

General comments were shared, with council members generally indicating that the Council and staff will need some additional time to digest this request, including taking a closer look at costs and the options associated with moving the home (i.e perhaps taking the home apart in pieces in order to move it and cost comparing that against keeping the home, as a whole, intact, in order to move it).

Mayor Pruitt asked if the Foundation has spoken to the various property owners along the "move route" to seek their permission to cut the tree branches along the route. Mr. Vierling shared that they have not yet done so; however, the overhanging portion of the trees is okay to be trimmed back and removed, per the moving company that is proposed to be moved. Mrs. Francisco shared that they have not yet spoken to the property owners since they are not yet sure that funding will be available to move the home. So, if funding is not possible, then there is no reason to speak to the owners.

Councilmember Milder made a motion to waive the city's current Engineering-related requirements and accept the engineering plans that the professional moving company had put together for the foundation. Mayor Pruitt seconded the motion, indicating that he is doing so in order to facilitate further discussion and clarification in this regard.

Mr. Crowley shared that the city's engineering requirements are that an engineering would design it. He acknowledged that city staff have not seen or reviewed the professional moving company's plans yet.

Mrs. Francisco shared that the moving company is proposing, in part, to put an 8" concrete beam along the perimeter for it to sit on.

General discussion took place pertaining to the ramifications associated with the city potentially waiving its engineering requirements, including potential liabilities that may result, if any.

Councilmember Hohenshelt pointed out that the city's engineering requirements are likely in place for good reason, namely, very likely, for safety related purposes. He generally pointed out that the real question that needs to be answered is how, if any, notable costs could be saved.

Mrs. Francisco shared some more specific details, per paperwork she had in hand, concerning what the moving company is proposing to do regarding compacting the soil on which the home will sit as well as pouring a foundation for the home to sit on. Mrs. Francisco provided brief comments pertaining to the foundation on which the home currently sits and has been sitting for decades.

Mayor Pruitt shared that he would feel most comfortable with someone like Ross Ramsay, a professional architect who volunteers with the Historic Foundation, looking into the plans that the professional moving company is proposing regarding the foundation.

Mayor Pro Tem Townsend indicated that he feels decisions are being hastily made, and said decisions could come back to bite both the City and the Foundation. Also, he has concerns that there is no clear idea of how much this move will truly cost. He thanked the Foundation for its work, indicating that he appreciates the work of its volunteers; however, he has some noteworthy concerns.

Councilmember Lewis shared that he personally has serious concerns, especially with him being in the concrete business, pertaining to the foundation and potentially not having it done right to begin with. He said he would perhaps feel a little better if a professional engineer takes a look at what is being proposed and agrees that it will work and not pose problems.

Mayor Pruitt clarified that the motion on the floor is for the city to approve waiving the requirements of the engineering foundation and to allow the 8" foundation with the piers as long as an engineer signs off on it.

Councilmember Milder indicated that the professional moving company has put forth a recommended plan for the foundation and piers that is "standard practice" for them. He shared that Mr. Snow (moving company) has moved other homes in the past and placed them on the same sort of set up / foundation.

The motion passed by a vote of 5 in favor with 2 against (Hohenshelt and Townsend).

Mayor Pruitt moved to ask city staff to get with members of the Historic Foundation and then go together to visit with Mr. Dirkse (owns the property on which the home currently sits) to discuss his timeframe associated with placing a new building on the existing property (getting it platted). Then, during that time, the Council could look into budget-related considerations (perhaps reserves) as well as city regulations that may be able to be modified in order to achieve some cost savings regarding moving the house. Councilmember Milder seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. **Z2016-046** - Discuss and consider a request by Sarah Williamson of Kimley-Horn and Associates on behalf of Stone Creek SF LTD & Stone Creek Balance LTD for the approval of an **ordinance** for a PD Development Plan for a grocery store on 7.46-acre identified as a portion of a larger 164.812-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70), situated within the North SH-205 Overlay (N-SH205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [N. SH-205], and take any action necessary **(2nd Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. He shared that this ordinance passed at the last council meeting; however, it was not by a unanimous vote (vote was 6 in favor with 1 against last time). So, therefore, it has been placed under "Action Items" for Council consideration tonight.

Councilmember White made a motion to approve Z2016-046. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 17-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 07-13, ORDINANCE NO. 09-44, & ORDINANCE NO. 11-35*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A GROCERY STORE ON A 7.46-ACRE PORTION OF A LARGER 164.812-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE S. KING SURVEY, ABSTRACT NO. 131, 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 ayes to 1 against (Fowler).

2. **Z2016-044** - Discuss and consider a request by Robert Miklos of Miklos Law, PLLC on behalf of Hacienda Car Wash, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a carwash within the Scenic Overlay (SOV) District on a 2.008-acre tract of land being identified as Lots 1 & 2-01, Block A, the Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located south of the intersection of W. Yellow Jacket Lane and Ridge Road [FM-740], and take any action necessary **(2nd Reading).**

Mr. Miller indicated that this item was approved, however, not unanimously (was a 4 to 3 vote), at the last council meeting. Staff has included a live screening for the property to the South, as was directed by Council.

Councilmember White moved to approve this item. Councilmember Lewis seconded the motion.

Councilmember Hohenshelt shared that there was no sunset provision in place upon 1st reading of the ordinance associated with this request. Therefore, he will again vote 'no' concerning approve of this item this evening. Discussion then ensued pertaining to the city council wishing to place time limits on SUPs that are approve and issued by the City. As part of the discussion, various representatives (including the owner himself), came forth and indicated that they are fine with the city placing a one year expiration date on the SUP that will be issued. Following the brief comments, the motion was amended to include that a one year expiration will be placed on this SUP if construction / moving forward on the project does not ensue within the first year. Councilmember Lewis seconded the amended motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-09
SPECIFIC USE PERMIT NO. S-161

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A CAR WASH WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A 2.008-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1 & 2-01, BLOCK A, THE WOODS AT ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE, PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 in favor with 1 against (Fowler).

3. **SP2016-034** - Discuss and consider a request by Sarah Williamson of Kimley-Horn and Associates on behalf of Stone Creek SF LTD & Stone Creek Balance LTD for the approval of variances to the material requirements stipulated by the Unified Development Code in conjunction with an approved PD site plan for a grocery store on 7.46-acres of land identified as a portion of a larger 164.812-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70), situated within the North SH-205 Overlay (N-SH205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [N. SH-205], and take any action necessary.

Mr. Miller provided brief background information concerning this agenda item. Councilmember Lewis then made a motion to approve SP2016-034. Councilmember

Hohenshelt seconded the motion, which passed by a vote of 6 in favor with 1 against (Townsend).

4. **SP2017-007** - Discuss and consider a request by Brett Mashchak of Academy Sports & Outdoors on behalf of Tim Denker of Steger Dunhill, LLC for the approval of a variance to the secondary material requirements stipulated by the Unified Development Code in conjunction with an approved amended site plan for an existing building situated on a 5.511-acre parcel of land identified as Lot 4, Block A, Steger Towne Crossing, Phase 1, Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District , situated within the IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 920 Steger Towne Drive, and take any action necessary.

Mr. Miller provided brief background information concerning this agenda item. He shared that the applicant was not able to attend tonight's meeting. Councilmember Hohenshelt moved to approve SP2017-007. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider directing staff to amend Section 4, Specific Use Permits (SUP), of Article IV, Permissible Uses, of the Unified Development Code to incorporate regulations for Specific Use Permits (SUPs), and take any action necessary.

Mr. Crowley generally indicated that staff will go ahead and move forward with the direction generally provided by the Council to staff during the work session held earlier this afternoon.

Councilmember Fowler asked for staff to bring back language associated with this change that will allow the Council the ability to have some leeway with the one year timeframe, either less than one year or more than one year, depending on the individual circumstances. Mr. Crowley generally indicated that staff will do so.

6. Discuss and consider directing staff to create a resolution supporting Senate Bill 2, and take any action necessary.

Mayor Pruitt indicated that he placed this discussion item on the agenda for Council input. He went on to explain a little about Senate Bill 2 and its potential impacts on cities in Texas. He shared that, at some point in the future,

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

1. Departmental Reports
   - Building Inspections Monthly Report - December 2016
   - Fire Department Monthly Reports - December 2016
   - Fire Department Yearly Report - 2016
   - Fire Marshal Division Monthly Report - December 2016
   - GIS Division's Monthly Report - December 2016
   - Harbor PD Monthly Report - December 2016
   - Internal Operations Department Monthly Report - December 2016
   - Police Department Monthly Report - December 2016
   - Recreation Monthly Report - December 2016

Rockwall Animal Adoption Center Monthly Report - December 2016
Rockwall Meals on Wheels Senior Services Quarterly Report

2. City Manager's Report

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 the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section 551.071 (Consultation with Attorney)
4. Discussion/interviews regarding (re)appointments to city regulatory boards, commissions, and committees - the Planning & Zoning Commission - pursuant to Section 551.074 (personnel matters)
5. Discussion regarding the lease of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
6. Discussion regarding appointment of city council subcommittees and board liaisons - Fire Dept. Pension Board - pursuant to Section, §551.074 (Personnel Matters).

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

XV. ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 20th day of February, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 20, 2017
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

The public meeting was called to order at 4:05 p.m. by the mayor. Present were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend, and Council Members David White, Kevin Fowler and Dennis Lewis. Councilmembers John Hohenshelt and Scott Milder were absent. (Hohenshelt joined the meeting at 4:20 p.m. during the first work session item; Milder, however, was absent for the full duration of the meeting).

II. WORK SESSION

1. Hold work session to discuss the Pavement Condition Assessment Project report for the city's streets, alleys and sidewalks.

City Engineer Tim Tumulty came forth and addressed the Council concerning this work session item. He explained that a contractor was previously hired by the city to rate the condition of all of the city's streets and alleyways. 78.15% of the city's streets are listed in good, satisfactory condition. The remaining 21.85% of them are in a lesser condition. Also, 62.85% of the city's alleys are in good / satisfactory condition. Almost 22% are in "fair" or "poor" condition. He went on to explain the recommendations of the consultant pertaining to streets and/or alleyways that are in 'rehab' versus 'replace' condition. He explained that there are some areas where staff needs to go out and further evaluate the streets and alleyways to better determine if they should be rehabilitated or outright replaced. He pointed out that, at the same time that possible replacement or rehab of streets is considered, the condition of the utilities (water and sewer lines) must also be taken into account.

Mr. Crowley, City Manager, agreed that city staff still has some additional work to do to further package this information as far as "rehab" versus "replacement" is concerned, and there is some additional evaluation needed concerning sidewalks. He shared that he was a little bit surprised that there were not more streets in need of repair. In terms of looking at the alleys being in worse condition as the streets, staff does need to further evaluate this and bring it back to the Council to essentially determine "next steps."

Mr. Tumulty pointed out that the city does have some asphalt streets (some with curb and gutter and some with just a bar ditch). He shared that Council will need to be thinking about what is most desirable, in the future, for those particular streets (perhaps change to cement / concrete or an asphalt overlay with cement on the bottom). Mr. Crowley pointed out that when the City redid Clark and Fannin, they were redone in asphalt. Originally, the city had wanted to redo those streets in concrete; however, the residents there emphatically voiced that they wanted asphalt because they did not desire to have concrete in the historic districts.

Mr. Tumulty commented that the city will really need to stay on top of street maintenance and repairs in the coming years, ensuring that adequate funding is set aside annually in the operations budget. He suggested that the city do an additional, overall condition assessment again in four years from now. He suggested that the city should not be spending any maintenance money on streets that truly need to be replaced.

Councilmember Hohenshelt cautioned that staff and Council need to be sure they are collecting the right data, and they need to be clear about the purposes for which they will utilize the data. He generally pointed out that this data should eventually lead to putting together a viable Capital Improvement Plan.

Mayor Pro Tem Townsend asked about evaluation of utilities (i.e. drainage, sewer lines, etc.) while consideration of road / alley improvements are being made. Mr. Tumulty generally indicated that, yes, these sorts of issues will be considered at the same time. He did, however, indicate that sometimes an existing sewer line may meet the current day's standards; however, some years down the road (before a road is in need of repair or replacement), it may need to be upgraded.

Following this discussion, the Council took no formal action.

2. Hold work session to discuss possible amendments to the City's fence ordinance regulations.

Brad Griggs, Assistant City Manager, briefed the Council on this work session agenda item. He generally shared that Building Official, Jeffrey Widmer, took the feedback received from Council two weeks ago and attempted to remove the ambiguity in the current fence ordinance language pertaining to materials. He pointed out that the draft ordinance clearly shows what language is proposed to be struck versus added. He briefed them on the circumstances that would warrant that a Neighborhood Improvement Services Officer open a case on a fence that is in need of maintenance attention or correction. Councilmember Lewis asked questions pertaining to painted, steel pipe and about the city allowing chain link fencing in residential areas. Mr. Miller did indicate that chain link fencing is in fact allowed as long as it is set back from the property line by at least ten (10) feet. Also, chain link is allowed "by right" on the property line in the Lake Rockwall Estates neighborhood. General discussion took place pertaining to continuing to allow chain link fencing or potentially disallowing it.

Councilmember Fowler raised some concerns pertaining to how certain points are worded within the draft ordinance.

Councilmember White asked for clarification pertaining to wrought iron fencing, particularly regarding the standard height of wrought iron fence posts. Councilmember White shared that he recently researched other city's fence regulations, and he observed that most all other cities specifically list fencing materials that are and are not allowed.

Mayor Pruitt asked for clarification regarding if a person can or cannot seek a variance on the fence regulations. Councilmember Hohenshelt suggested that the regulations should very specifically spell out any appeal or variance procedures. Council generally indicated that they are okay with having this sort of language included in the ordinance revisions.

Council generally indicated that they would like staff to work on massaging some of the language contained within the draft ordinance (i.e. specify an appeal process / variance process and clear up the front yard fence permitted uses. Also, some of the language should be tweaked for more clarity and ease of readability / understanding).

At 4:45 p.m., Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

III. EXECUTIVE SESSION.

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

From the public meeting agenda - Appointment Item #5 – Appointment with Lewis Martin of Martin Consulting, LLC to hear a proposal for a new monopole cellular tower on City-owned property located at 3475 Springer Road, and take any action necessary.

1. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section 551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:42 p.m.

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

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend announced that there is no need for any action as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE

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

VIII. PROCLAMATIONS / AWARDS

1. Engineer's Week Proclamation

Mayor Pruitt called forth Amy Williams, Assistant City Engineer and Tim Tumulty, Director of Public Works/City Engineer. He mentioned that a work session was held earlier this afternoon to discuss plans for street-related improvements. He then read and presented staff with the proclamation for Engineer's Week.

IX. OPEN FORUM

Mayor Pruitt 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 speak, he then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the February 6, 2017 regular city council meeting, and take any action necessary.

2. Consider a resolution consenting to the sale of real property, tax account #14448, which has been struck from the tax rolls, and take any action necessary.

3. Consider a resolution consenting to the sale of real property, tax account # 14449, which has been struck from the tax rolls and take any action necessary.

4. Consider the hotel occupancy tax subcommittee's funding recommendation for the American Legion Post 117 annual luncheon in the amount of $1,300, and take any action necessary.

5. Consider authorizing the City Manager to execute a Facilities Improvement Agreement with Richard M. Skorburg Interests, Inc., a Texas corporation, to establish process for future uses of Seney Road and Breezy Hill Phase I Lift Station, and take any action necessary.

6. Consider a Park Board recommendation concerning approval of a resolution associated with the annual update of the Mandatory Park Land Dedication Ordinance regulations regarding neighborhood park development pro-rata equipment fees, and take any action necessary.

7. Consider a Park Board recommendation concerning approval of a resolution associated with the annual update of the Mandatory Park Land Dedication Ordinance regulations regarding the per acre value of land for the purpose of calculating cash-in-lieu of land fees, and take any action necessary.

8. Consider approval of a Park Board recommendation for a resolution dedicating 20.35 acres of natural open space to be preserved in perpetuity located within The Park at Breezy Hill, and take any action necessary.

9. Consider awarding a bid to Texas Tree Foundation and authorizing the City Manager to execute a Contract for 163 trees to be planted in various Parks open space in the amount of $53,768 to be funded by Tree Mitigation funds, and take any action necessary.

10. Consider awarding a bid to Axis Construction and authorizing the City Manager to execute a contract for new fencing at Chandlers and Lakeside Lift Stations in the amount of $32,735 to be funded out of the Water and Sewer Fund Wastewater Operations Budget, and take any action necessary.

11. Consider approval of the SH 276 Utility Relocations Project and authorize the City Manager to execute a contract with Benchmark Building & Construction, Inc. in an amount of $499,539.96, to be funded by 2016 Water / Sewer bonds, and take any action necessary.

12. **P2017-003** - Consider a request by Mike Swiercinsky of 7.1 Ridge, LLC for the approval of a preliminary plat for Lots 1-7, Block A, Sky-Ridge Addition being an 8.61-acre tract of land being identified as Tracts 4 & 19 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located at the northwest corner of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

13. **P2017-006** - Consider a request by Tim Seymore of Seymore Custom Homes, LLC for the approval of a final plat for Lot 3, Block B, 205 Business Park Addition being a 1.5-acre tract of land identified as Tract 2-20 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 424 National Drive, and take any action necessary.

14. Consider acceptance of a resolution by the Airport Advisory Board recommending that the City Council consider adding the local matching funds necessary to make improvements to the Ralph M Hall / Rockwall Municipal Airport to the next City of Rockwall Capital Improvement Plan bond election, and take any action necessary.

15. Consider authorizing the City Manager to execute an Addendum #1 to the Interlocal Agreement between the City of Rockwall and Rockwall County for participation in the Rockwall County Interoperability Radio Network, and take any action necessary.

Councilmember Lewis made a motion to approve the entire Consent Agenda (#s 1-15). Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 6 in favor with 1 absent (Milder).

XI. APPOINTMENTS

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

Johnny Lyons came forth, indicating that he is the new Chairman of the P&Z Commission. He then went on to brief the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. The Council took no action following Mr. Lyons' comments.

2. Appointment with Mr. Dennis Vierling on behalf of the Rockwall County Historical Foundation to discuss relocation of the house at 301 N. Goliad (the "Bailey House") to Harry Myers Park, including funding considerations, and take any action necessary.

Mr. Vierling came forth and thanked several staff members and members of the Historical Foundation for their work and assistance concerning the moving of this house. He explained that since the last time he was before the Council, it has been determined that the roof can in fact be removed from the home, temporarily, during the actual move. He explained that this new development, coupled with several other factors, has resulted in the anticipated costs being substantially reduced.

Councilmember Fowler clarified that the City is being asked to fund about $28,000-$30,000 of the moving costs, and Mr. Vierling indicated that the Historical Foundation will be putting in $50,000. Councilman Fowler then moved to authorize up to $28,000 of city funding to go towards the moving of this house.

Mayor Pruitt commented that the Historical Foundation has been asked to go through the city's Hotel Occupancy Tax Funding ("HOT funds") process in order to apply for and receive the requested $28,000. Therefore, after brief comments, the motion died for lack of a second (and in light of Mayor Pruitt's comments). So Council took no formal action concerning this Appointment Item at this time.

3. Appointment with Raymond Jowers of Jowers, Inc. to discuss a request to extend Specific Use Permit No. S-56 (Ordinance No. 08-38) for a Recreational Vehicle Dealership at 2260 East IH-30, and take any action necessary.

Planning Director, Ryan Miller, provided background information concerning this agenda item. At the time of approval of this SUP, it was accompanied by a three year time limit. It is set to expire in September of this year. So, Mr. Jowers is coming now to request extension of this SUP.

Mr. Raymond Jowers
3290 Anna Cade Circle
Rockwall, TX

Mr. Jowers came forth and generally indicated that he is asking that the SUP be extended for a period of three, additional years.

Mayor Pro Tem Townsend made a motion to approve the extension of S-56 for an additional three years. Councilmember Lewis seconded the motion.

Mayor Pruitt pointed out that he believes that Mr. Jowers no longer has "recreational vehicles sales and services" (as defined by the city) on this property. He only has trailers. He shared that, essentially, he has concerns about approving extension of an SUP when the business itself is not really abiding by the parameters of the SUP as it was originally issued. He shared that it appears that he is essentially storing trailers at this location. Mr. Jowers explained that, originally, Matthew Hall had come forth and made application for an RV dealership. However, within a year or so of that happening, the business was taken over by Big Tex Trailers. So, that company has been there ever since. Mayor Pruitt clarified that he personally has concerns about approving an SUP for something that does not have anything to do with that which is currently happening on the site. Pruitt is in favor of granting an SUP, but he will be most comfortable if the SUP reflects "outside storage" rather than "recreational vehicle sales and services." He also asked that the type of vehicles that will be stored be specifically described (so that 18 wheelers do not end up being stored there).

Mr. Garza, the city's attorney, clarified that any amendment to an existing SUP has to go through the full zoning and public notification / hearings process. It was also clarified that, at any point in time, if Mr. Jowers does not abide by the intentions that he has expressed tonight, then the Council can take action to rectify any non-compliance at any point in the future.

It was suggested that the Council may wish to consider approving this extension this evening; however, Mr. Jowers is advised to go ahead and initiate the process of obtaining a new, revised SUP that more accurately reflects the current 'uses' happening on the property.

After lengthy discussion about this SUP and its parameters, as it was originally issued, the motion to approve extending the SUP for an additional three year period passed by a vote of 6 ayes with 1 absent (Milder).

4. Appointment with Police Chief Kirk Riggs to hear annual report concerning 'racial profiling,' and take any action necessary.

Police Chief Kirk Riggs came forth and provided brief comments to the Council about this annual report, explaining that the Police Department is required to present this report to the governing body each year prior to March 1. The department had over 7,600 motor vehicle

stops, and no instances of racial profiling complaints were found. The Council took no action following the chief's brief comments.

5. Appointment with Lewis Martin of Martin Consulting, LLC to hear a proposal for a new monopole cellular tower on City-owned property located at 3475 Springer Road, and take any action necessary.

Mr. Martin came forth and provided comments to the Council, generally indicating that a revised agreement was provided to staff on January 25; however, he thereafter received indication that the revised agreement was being denied by the city. He briefed the Council on some of the changes that were reflected in the revised agreement. He indicated that in his twenty-two plus years of being in this business, he has never seen a monthly rent of $3,000 in a circumstance like this. Following his comments, the Council took no action concerning this request.

XII. PUBLIC HEARING ITEMS

1. **Z2017-001** - Hold a public hearing to discuss and consider a request by Terry Gwin of SWBC Real Estate, LLC on behalf of the owner Gene Lambreth of Pneuma Ventures, LTD for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for a multi-family apartment complex on a 42.548-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary **(1st Reading).**

Ryan Miller, Planning Director, provided background information concerning this agenda item. Commissioner Fishman and Lyons originally denied approval of this request at the Planning & Zoning Commission meeting. Since that time, the applicant has reduced the proposed density. In addition, they are proposing to place some additional trees on the property, on the side that faces those living in the Rockwall Downs subdivision. The applicant has now requested that this case be remanded back to the Planning & Zoning Commission; however, this request is discretionary on the part of Council at this point. The complex is slated to consist of 2 phases, 9 buildings, and 650 multi-family. This request would require an amendment of the Future Land Use Map from "Technology/Light Industrial" to "High Density Residential." Notices were sent out to 60 adjacent property owners located within 500' of the subject property. Also, the Lofland Farms and Meadow Creek Estate HOAs were notified. Staff has received three notices in opposition of the request. Mr. Miller pointed out that approval of this request will require a ¾ majority vote of the Council in order to be approved.

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Mr. LaCroix came forth and spoke on behalf of Mr. Gwin and Mr. Lambreth. He expressed several points about this request during his presentation to Council.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

Patrick Thomas
1506 Preakness Drive

Rockwall, TX

Mr. Thomas came forth and generally expressed opposition to Council approving this request. He lives in the Rockwall Downs subdivision, and he believes that approval of this development will result in it devaluing the homes in this subdivision and adversely affecting future home sales in the area.

Linda McMullin
1810 Preakness Drive
Rockwall, TX

Mr. McMullin shared that she has great concern about potential approval of this request. When she bought her home, she was told that area would remain open and would never be developed on. She is generally opposed to Council approving this development.

Tom Padgett
1802 Preakness Drive
Rockwall, TX

Mr. Padgett shared that he lives in the Rockwall Downs subdivision. He indicated that he has believed that this area would remain a green space with trees, not a high density apartment complex. He does not want to look out his back door to a 3-4 story apartment complex. He urged the Council to take the residents' concerns into consideration. He is opposed to this being approved.

Gene Lambreth
714 Sanctuary Way
Heath, TX

Mr. Lambreth shared that he is the owner of the property, and he has paid a lot of taxes on the property. He believes that everything he's studied about the market points to this being the "highest and best use" of the property. He understands concerns about existing homeowners expressing that they feel it will lower the value of their homes. He pointed out that these will be high end apartments.

Bob Wacker
806 Mirimar Drive
Rockwall, TX

Mr. Wacker shared that buyers do not receive enough information when they purchase a home through a realtor. He urged the city to consider sharing more information with the buyers through the local realtors.

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

Councilmember Lewis made a motion to remand this back to the Planning & Zoning Commission for further consideration. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 absent (Milder).

Mr. Miller pointed out that this will go back to the P&Z at the meeting on February 28th.

2. **Z2017-002** - Hold a public hearing to discuss and consider a request by Lisa Wilck Palomba on behalf of Paul J. Wilck, Jr. for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to Single-Family Estate 2.0 (SFE-2.0) District on a 5.192-acre tract of land being identified as Tract 8-02 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 463 H. Wallace Lane, and take any action necessary (**1st Reading).**

Mr. Miller provided background information concerning this agenda item. He shared that the applicant requested and was approved for a variance to the minimum lot frontage requirements. The variance allows a reduction in the lot frontage requirement from 150' to 100'. Staff mailed 13 notices to owners/occupants within 500' of the subject property. Staff also notified the Oaks of Buffalo Way HOA. Staff received back one notice in favor and one in opposition.

Lisa Palomba
502 Scenic Place
Heath, TX

Mrs. Palomba came forth and indicated she is happy to answer any questions of Council.

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

After brief comments, Councilmember White moved to approve Z2017-002. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 5.192-ACRE TRACT OF LAND IDENTIFIED AS TRACT 8-02 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2017-003** - Hold a public hearing to discuss and consider a request by Maria Bonilla of Winklemann & Associates on behalf of Jim Ziegler of PegasusAblon for the approval of an **ordinance** for an amendment to Planned Development District 7 (PD-7) for the purpose of incorporating a 0.30-acre portion of land currently zoned Planned Development District 32 (PD-32) and amend the PD Development Standards stipulated by Ordinance No.'s 73-47, 82-36 & 87-11, being a 28.44-acre tract of land identified as a portion of Lot 7 and all of Lots 3, 4 & 5, Block A, the Harbor-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 7 (PD-7) & Planned Development District 32 (PD-32), located at the southwest corner of the

intersection of Lakefront Trail and Summer Lee Drive, and take any action necessary **(1st Reading).**

Mr. Miller provided background information, explaining that the property is generally located in between The Harbor and Summer Lee Drive. He explained that the subject property incorporates all of what is currently defined as PD-7. The zoning was originally approved in 1973, and it was amended in both 1982 and 1987. Then, in 2003, The Harbor retail area was approved, and The Hilton area was approved in 2006.

The applicant has recently purchased The Harbor, and he is requesting this amendment essentially to clarify the land uses. Specifically, they are putting together a limited "General Retail" set of land uses (have taken out most of the uses they feel are incompatible with the adjacent single family development. They have also changed some of the requirements for SUPs, and they are adding breweries and wineries into the permitted land uses. Also, they are incorporated a .03 acre portion of PD-32 into PD-7 to accommodate the future expansion of the Cinemark movie theater. As part of this effort, staff has also taken the time to tie down the Hilton zoning and clean up the 1987 ordinance. The ordinance also creates a PD development plan requirement that will allow Council the ability to review future developments to ensure that the aesthetics are in line with other areas in the district. Notices were mailed out to 383 adjacent property notices within 500' of the subject property. Also, notices were mailed to adjacent HOAs (Signal Ridge, Chandlers Landing, Waters Edge and Lago Vista). Staff received 2 notices back from property owners and one email that appeared to be in support. Three notices were received back in opposition; however, two of the notices appear to be from individuals who are opposed to a marina, which is not being requested as part of this case. The Planning & Zoning Commission has reviewed this case and has unanimously recommended its approval.

Mayor Pruitt opened the public hearing and asked if anyone would like to speak during this item. There being no one indicating such, he then closed the public hearing. Mayor Pruitt expressed concern that a person could put in a winery, distillery or a brewery "by right" without seeking an SUP first. However, if a place of worship or a church wanted to go in at The Harbor, an SUP would have to be requested from Council. He does not understand why we would put in these uses "by right" and not require that the business owner first seek an SUP.

Mr. Jim Ziegler
6205 Wichita Trail
Flower Mound, TX

Mr. Ziegler came forth and addressed the Council on this request. He explained that PegasusAblon purchased The Harbor late last year, and part of the first tasks was to stabilize the property. This included the Cinemark, as its lease was running out, and there was talk of them possibly moving. So, an additional piece of property was purchased to accommodate a future expansion of the theater. This will include both an expansion and a remodeling of the theater (i.e. taking out existing seats and replacing them with higher end, reclining seats). He has requested the ability to put in a brewery or a brew pub "by right." He explained that micro-breweries are becoming very popular, and he has been contacted by several of them. He does not believe they are interested in strictly "manufacturing." Instead, they would be more of a brew pub, and they would include food and the production of beer on a smaller scale.

Mr. Miller explained that the city does allow brew pubs in certain districts through Specific Use Permits (SUPs), but we do not have the "BP license" through TABC. Therefore, and an

applicant would essentially have to do a "brew pub" through obtaining a BG permit with a food and beverage certificate. This would mean that they will have to meet the "50%/50% rule" and then only serve their beer (not allowing any packaged sales). Discussion ensued essentially pertaining to the need for any applicant to hold a food and beverage certificate if they would like to serve beer at an establishment (thereby needing to comply with 50% beverage and 50% food sales).

Councilmember Lewis asked if Mr. Ziegler has mentioned this possibility to the other tenants at The Harbor. He shared that he has not had discussions with all the tenants. He is attempting to 'feel out' what is desired and needed at The Harbor in order to create a tenant mix that works for everybody and that results in both daytime and evening traffic. His goal, in part, is to have the 'tenants' play off each other. He believes that a micro-brewery may prove to be a good fit.

Mayor Pro Tem Townsend commented that he is excited about some of the things that are planned for The Harbor area; however, does not support a brewery or distillery in The Harbor District. He believes that putting that sort of use in The Harbor would be essentially creating a bar, and that is something he cannot and will not support. He would be ok with it if they have 50% food and 50% drinks; however, anything less than that, he would not be in support of.

Councilmember White asked if a winery is allowed "by right" in The Harbor currently. Mr. Miller indicated that, yes, it is allowed. A brew pub is subject to "50%/50%" just like, for example, Dodie's. The only difference would be that a brew pub would be making its own beer instead of trucking it in. He clarified with Mr. Ziegler that, if it comes down to it, he would be okay with the Council allowing only a brew pub or winery as an allowed us "by right."

Mayor Pruitt shared that he does not see the difference in this and any other place needing to come to Council to request and receive approval of an SUP.

After lengthy discussion, Councilmember White moved to approve Z2017-003 to include changing the underlying zoning to General Retail but not specifically allowing "Brewery" or "Distillery" as uses allowed "by right." He clarified that, with this motion, a "Brew Pub" would be allowed by right. Mayor Pro Tem Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 16-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.783-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 8, BLOCK A, ROCKWALL TOWNE CENTER, PHASE 4, 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 4 in favor, 2 against (Fowler and Pruitt), and 1 absent (Milder).

4. **Z2016-033** - Continue a public hearing to discuss and consider a request by Himmat Chuhan on behalf of the owner Pastem Corporation (Best Western

Plus) for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a residence hotel (Best Western Plus) in a Commercial (C) District that exceeds 36-feet in height in the Scenic Overlay (SOV) District for a 1.74-acre parcel of land identified as Lot 1, Block A, Comfort Inn & Suites Rockwall Towne Centre Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 700 E. IH-30, and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided brief background information related to this agenda item. He indicated that this item was previously remanded back to the Planning & Zoning Commission for further evaluation after the applicant had made proposed changes to the elevations. The applicant is requesting four residence suites as well as twenty-nine studio rooms for a total of 33 total hotel residency rooms and 47 typical hotel rooms for a total of 80 rooms. Notices were sent out to adjacent property owners within 500', and only one notice has been received back in opposition of the request. The P&Z Commission has recommended denial of this request, and their action does trigger the need for a ¾ majority vote of Council in order to be approved.

Robert LaCroix came forth on behalf of the applicant to address the Council. He shared some additional details about the type of hotel 'product' that this is proposed to be, should it be approved. Some rooms do have a "hot plate" type cooktop and a sink, and those amenities are being included specifically for this product. He indicated that this building design is a tremendously better building design and appearance than that which had been previously proposed. This is a new product that Best Western has created. It is similar to a Hilton Home 2 Suites and to the recently approved Marriott product.

Mr. Brandon Moore
9511 Parkford Drive
Dallas, TX

Mr. Moore explained that he is the Director of N. American Development for Best Western Hotels and Resorts, and Mr. Chuhan has asked him to speak this evening to explain more about this product and how it compares to other products.

Mr. Moore shared that he believes there is a misnomer that anything "extended stay" is bad. He indicated that this product is defined as "upper midscale" in the market when compared to other extended stay hotels. He clarified that this is not actually a "residence hotel." Mr. Moore showed photos of a newly opened hotel – the Best Western Plus – that recently opened in Norman, OK. He explained that travelers, and in particular corporate / executive business travelers, are looking for this sort of hotel to stay in. He shared that, for example, a business traveler coming in on a Monday and flying out on a Friday would be attracted to this type of hotel to stay in. All the major hotel companies have recognized the demand for this type of hotel product, and that is why they are coming forth more and more with these developments. Mr. Moore went on to share that the average hotel stay will be $120 / night (conservatively).

Mr. LaCroix reiterated that this is an executive type product for business people who are traveling into Rockwall to do work in town for business purposes. He pointed out that there are currently nine restaurants that are within walking distance of this location. So, this could be of benefit to those businesses.

Mayor Pruitt opened the public hearing and asked if anyone would like to speak at this time.

Pat Turner
704 Lake Meadows Court
Rockwall, TX

Mr. Turner shared that he is a CPA in town, and Mr. Chuhan is one of his clients. He has personally seen all of the improvements that Mr. Chuhan has made to another, existing hotels. He believes that he has a quality management team and a quality investment team. The improvements to the existing Best Western have been notable. The management lives here locally, and his investors love the Rockwall area.

Patrick Trowbridge
601 Parks Avenue
Rockwall, TX

Mr. Trowbridge came forth and shared that he has concerns about an extended stay product. He shared that these types of hotels encourage patrons to stay in and utilize the "hot plate" rather than go out and spend money at local restaurants. He, however, does feel it is a great hotel, in general.

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

Mr. LaCroix indicated that 33 rooms do have cooktops in them.

Councilmember Lewis and Mr. Miller shared that a hotel is allowed by right as long as it adheres to the elevations of the Comfort Inn that was previously approved.

Councilmember Lewis moved to approve Z2016-033. Councilmember White seconded the motion.

Mr. Crowley asked for clarification on what a "hot plate" is. Mr. LaCroix shared that it is an appliance that is in fact built into the countertop.

Mayor Pruitt shared that the Council would greatly benefit from more specific definitions (i.e. hot plate, cooktop, etc.) so that the applicant knows what they're applying for and the Council clearly knows what it is being asked to approve.

Mr. Moore clarified that a "hot plate," in this circumstance is a built in cooktop range.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 16-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.783-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 8, BLOCK A, ROCKWALL TOWNE CENTER, PHASE 4, 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

Mr. Miller shared that, in order to be approved, the Council must approve it by at least five votes in favor. The motion then passed unanimously of those present (6 in favor with Milder being absent).

XIII. ACTION ITEMS

1. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 10. Buildings and Building Regulations; Article XI. Fences; Division 2. Construction Standards and Division 3. Administration, and take any action necessary. **[1st reading]**

Mayor Pruitt shared that this topic was discussed at the work session earlier this afternoon. He indicated that staff will be making some further changes to the draft ordinance so that Council may consider it at the next, regular meeting. No action was taken on this item at this time.

2. Discuss and consider a Park Board recommendation regarding approval of a resolution of the City Council to the 85th Session of the Texas Legislature regarding the distribution of sporting good sales tax to the Texas Recreation and Parks Account, and take any action necessary.

Mr. Griggs provided background information concerning this agenda item. In the 82nd Session of the Legislature, funding to the local park grant program was cut by 96%. The only funds appropriated to the program were administrative costs to administer the current projects and the federal pass thru program funds. In the 83rd Session of Legislature, the funding for the local parks grant program was restored to $15.5 million, roughly half of the historical full funding of $31 million. In 84th session, HB 158 ensured that 100 percent of sporting goods sales tax revenue collected will be used exclusively for parks and historical sites. Subsequently the funding for state and local parks was increased compared to the previous few years. However the "dedicated" funds are still subject to appropriations.

At this time early discussions among the legislators indicates that a $29 million budget may be submitted; short of what has been historically considered full funding of $31 million and well short of the historical high mark for the local grant program's portion of $15.5 million. This potential reduction in funding means that the process becomes more competitive and fewer cities or counties receive funding for park development projects.

The city's Park Board has unanimously recommended that the City Council consider adoption of the resolution that has been provided for consideration this evening. After brief comments, Mayor Pruitt moved to approve the resolution. Mayor Pro Tem Townsend seconded the motion, which, after brief comments, passed by a vote of 6 in favor with 1 absent (Milder).

3. Discuss and consider holding a City Council Forum at The Center, and take any action necessary.

Mayor Pruitt shared that he would like to propose holding a public forum in light of the fact that a few of the incumbent council members have drawn opponents in the upcoming city election that will be held in May. Indication was given that early voting takes place April 24 – May 2. Mayor Pruitt suggested that the forum be scheduled at The Center for Wednesday, March 22 at 7:00 p.m. He shared that, except for set up of the room, staff will not play any part in this forum. He would like the candidates to be able to express their views, publicly, on

certain issues. He suggested that the four, existing city council members who are not up for election may wish to have input into the format of the forum. The city attorney, Frank Garza, indicated that this type of forum would not need to be an "agenda posted" meeting, even though potentially all seven, existing council members may be present. He did caution that none of the incumbent council members should give input into the questions that will be asked, as that would be viewed as them having an unfair advantage over their opponents.

Mayor Pruitt asked that all proposed questions be submitted to him in advance of the forum so that city staff may be kept out of it completely.

No formal action was taken by Council concerning this agenda item.

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 the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section 551.071 (Consultation with Attorney)

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

XVI. ADJOURNMENT

The meeting was adjourned at 8:09 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6h day of March, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 06, 2017
5:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss possible amendments to either the Unified Development Code or the city's sign ordinance regulations pertaining to traffic signs (driveway directional signage).

Building Official, Jeffrey Widmer, briefed the Council on this work session item. He shared that at a previous Council meeting, staff was asked to draft some amendments to the city's sign ordinance regulations regarding driveway directional signage, and bring those amendments back to the council for consideration. Staff has done so and has also put together information about alternative code amendments that the council may wish to consider. He explained that Council could either amend this portion of the city's sign ordinance regulations for the entire city, or it could amend these regulations only in the downtown historic district area (generally downtown to Live Oak area).

The Council took no action following discussion of this work session item.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session (at 5:12 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding the lease of real property / land at Fire Station #2, pursuant to Section §551.072 (Real Property)

3. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

4. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section 551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

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

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

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend made a motion to direct the city attorney negotiate a settlement agreement for lift station improvements and authorize the city manager to execute said agreement for an amount not to exceed $100,000. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

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

VIII. PROCLAMATIONS / AWARDS

1. Shriners - National Pancake Day Proclamation

Mayor Pruitt called forth several representatives from Shriners, as well as the local manager of the Rockwall IHOP location. He announced that tomorrow from 7AM until 7PM, IHOP will host a fundraiser to benefit Shriners Hospitals for Children. He then read and presented them with the proclamation.

IX. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted, and he asked if anyone would like to come forth and speak at this time.

Leslie Milder
830 Shores Boulevard
Rockwall, TX

Mrs. Milder came forth to say, "thank you" to the city for its work and commitment to the city's Youth Advisory Council. She presented a small token of appreciation to Kristy Cole, City Secretary, and Council Members Fowler and White.

E. James Pulatie
1554 Champions Court

Mr. Pulatie came forth and indicated that he sits on the board of The Shores Homeowners Association (HOA). Mr. Pulatie shared that, regarding parking in The Shores, a survey was performed not long ago, and it showed that about 80% of the homeowners living in The Shores are in favor of the HOA enforcing its parking regulations. He shared that they have been enforcing parking in this neighborhood for years now, and he believes that an HOA should be able to "self-govern" without "big government" interfering. He generally asked the Council for its support regarding The Shores HOA enforcing its own parking regulations and DC&Rs. Mr. Pulatie observed and commented on the city council holding Executive Sessions to discuss this issue several times in the past. Mayor Pruitt shared that advice from the City Attorney has led the city speaking about these matters in Executive Session.

Mayor Pruitt then reordered the agenda to address Action Item #4.

X. CONSENT AGENDA

1. Consider approval of the minutes from the February 20, 2017 regular city council meeting, and take any action necessary.
2. **Z2016-033** - Consider a request by Himmat Chuhan on behalf of the owner Pastem Corporation (Best Western Plus) for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a residence hotel (Best Western Plus) in a Commercial (C) District that exceeds 36-feet in height in the Scenic Overlay (SOV) District for a 1.74-acre parcel of land identified as Lot 1, Block A, Comfort Inn & Suites Rockwall Towne Centre Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 700 E. IH-30, and take any action necessary **(2nd Reading).**
3. Consider approval of an **ordinance** establishing the speed limit along FM 550 to 50 mph between Mile Post 9.8630 and 10.5130 (our City Limits along FM 550), and take any action necessary. **(2nd reading)**
4. **Z2017-002** - Consider a request by Lisa Wilck Palomba on behalf of Paul J. Wilck, Jr. for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to Single-Family Estate 2.0 (SFE-2.0) District on a 5.192-acre tract of land being identified as Tract 8-02 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 463 H. Wallace Lane, and take any action necessary **(2nd Reading).**
5. Consider awarding a bid to Oldcastle and authorizing the City Manager to execute a Purchase Order for Pavement Rehabilitation Services by the square yard to be funded out of the General Fund, Streets and Drainage Operations Budget, and take any action necessary.
6. Consider approval of a resolution and associated Cooperative Purchasing Agreement with Ellis County and authorizing the City Manager to execute the agreement for use of Ellis County contract bids for supplies, equipment and services, and take any action necessary.
7. Consider a recommendation of the Hotel Occupancy Tax Funding Subcommittee regarding a funding request from the Rockwall County Historical Foundation in the amount of $28,000, and take any action necessary.

8. **P2017-009** - Consider a request by David Smith on behalf of Barbara Criswell for the approval of a replat for Lot 1, Block A, Rockwall Grace Clinic Addition being a replat of a 0.34-acre parcel of land identified as Lot 2 of the W. T. Barnes Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor (NGC OV) District, addressed as 602 N. Goliad Street [SH-205], and take any action necessary.

9. **P2017-010** - Consider a request by Rick Bates of RLK Engineering, Inc. on behalf of James Watson of the Rockwall Independent School District (RISD) for the approval of a replat for Lot 1, Block A, Dobbs Elementary Addition being a replat of a 17.464-acre parcel of land identified as Rockwall School Addition No. 1, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, addressed as 901 Nash Street, and take any action necessary.

10. **P2017-011** - Consider a request by Cameron Slown of FC Cuny Corporation on behalf of Elias Pope of Eighty Twenty Real Estate Holdings, LLC for the approval of a replat for Lot 5, Block A, Harbor District Addition, being a replat of a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2651 Sunset Ridge Drive, and take any action necessary.

Councilmember White made a motion to approve the entire Consent Agenda (# 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10). Councilmember Lewis seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-12
SPECIFIC USE PERMIT NO. S-163

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.74-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, COMFORT INN & SUITES ROCKWALL TOWNE CENTER 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 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. 17-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON FARM-TO-MARKET ROAD 550 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF $200.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 5.192-ACRE TRACT OF LAND IDENTIFIED AS TRACT 8-02 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

The mayor addressed Action Item #5 next.

XI. APPOINTMENTS

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

Planning & Zoning Chairman, Johnny Lyons, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Mayor Pro Tem Townsend inquired as to why there was a "split vote" on the item pertaining to the proposed apartments. Mr. Lyons shared a little more about why some of the other Commissioners expressed that they voted against the apartments. The Council took no action following Mr. Lyons' discussion.

2. Appointment with Rick Dirkse of Dirkse and Associates, LTD to discuss a request to amend Section 4.8, Downtown (DT) District, of Article V, District Development Standards, of the Unified Development Code (UDC) for the purpose of accommodating a proposed development at the northwest corner of the intersection of E. Interurban Street and N. Goliad Street, and take any action necessary.

Mr. Miller, the city's Planning Director, shared that he has provided the Council with some information concerning this agenda item.

Mr. Dirkse
3077 N. Goliad
Rockwall, TX

Mr. Dirkse came forth and provided details pertaining to his request to place a 1-story, five thousand (5,000) square foot office building at this location. He shared a concept plan with the Council, explaining the various things he would like to do on the property after "The Bailey House," which is currently on site, is relocated to Harry Myers Park. Mr. Dirkse generally explained that he is asking for the Council's assistance with several variances, including the building height. (He would like to build a one-story building;

however, the downtown regulations call for a 2-4 story building). Also, regarding the proposed setback from SH 205/Goliad, he is seeking a waiver regarding where the building will sit on the piece of property.

Following Mr. Dirkse's presentation, Councilmember Milder indicated that he would like to applaud Mr. Dirkse's efforts for "taking on" the city's current regulations. He went on to express the belief that the rendering of the one story structure that Mr. Dirkse is proposing to build clashes, in design, with the surrounding look and feel of adjacent properties and of the general area.

Lengthy discussion ensued pertaining to the intent of the ordinance that regulates structures in this area, especially regarding the architectural design of the structure Mr. Dirkse has put forth in his proposal.

Mr. Miller, Planning Director, shared that the Council is not able to grant a variance for the building height, clarifying that staff would need to amend the Code in order to for the Council to assist Mr. Dirkse (and future applicants) with allowing a one-story structure. Also, staff and Mr. Dirkse could meet with the city's Architectural Review Board while the code text amendment process ensues, in order to address any architectural concerns.

Mayor Pruitt made a motion to direct staff to move forward with initiating a change in the Code to allow one-story structures in the downtown district. Councilmember Lewis seconded the motion.

Councilmember White asked if Mr. Dirkse's additional concerns – such as setbacks – will be forthcoming at this council meeting or at a future one.

Mr. Miller indicated that there is no major or minor waiver for the roof color (clarifying that a minor waiver allows staff to grant the waiver, and a major one requires Council's approval). Mr. Miller explained that, regarding the building lines, building height and the roof color, there is currently no waiver process or ability in place. Technically, he is out of compliance with the waiver that Council could offer him for the building lines because he exceeds what Council is able to grant to him.

Mr. Dirkse shared that he will appreciate some more specific input from Council regarding what they would like to see – architectural wise – on the building. He does not want to come up with an alternative concept plan, spend more money and then find out that the Council still does not like it.

Mr. Garza, the city's attorney, commented that, because the current ordinance does not allow for waivers/variances, the Council could amend the ordinance such that the Council could hear requests for variances on all of these things – building height, building lines, roof colors, etc.

Mayor Pruitt amended his motion to direct staff to initiate the process of amending the code to allow the Council to hear and grant (major) variances on any of the city's regulations pertaining to the downtown district area. Councilmember Lewis seconded the amended motion. The motion passed unanimously of Council present (7 to 0).

3. Appointment with Pamela Spector to discuss a request to amend the Permissible Use Charts contained in Article IV, Permissible Uses, of the Unified Development Code (UDC) to allow the Tattoo/Body Piercing land use to be permitted by Specific Use Permit (SUP) in the Downtown (DT) District for the purpose of establishing Body Piercing as an accessory use to an existing salon at 102 S. Goliad Street, and take any action necessary.

Pamela Spector
9305 Willard Street

Ms. Spector came forth and addressed the Council concerning this agenda item. She provided several comments, generally indicating several reasons why she feels the Council should allow body or cosmetic piercings as an allowable, accessory use to businesses in the downtown area. She generally wishes to provide a place where patrons can come to safely receive piercings in a sterile environment.

Councilmember White stated he does not necessarily have a problem with this; however, if the UDC had a separation between tattoos and body piercings, there may be less of an objection. Mayor Pruitt indicated that he has a problem with allowing these types of uses in our downtown area, pointing out that these uses are already allowed elsewhere in our city.

Councilmember White made a motion to direct staff to bring back a UDC ordinance amendment, indicating that said amendment should also include an amendment to separate out body piercings and tattooing within the city's land use regulations and to provide a provision that would allow someone to potentially have this as an 'accessory use' in the downtown area with approval of a specific use permit (SUP) granted by Council. Councilmember Milder seconded the motion. After additional comments, the motion failed by a vote of 3 in favor with 4 against (Hohenshelt, Pruitt, Fowler and Lewis).

XII. PUBLIC HEARING ITEMS

1. **Z2017-004** - Hold a public hearing to discuss and consider a city initiated request for the approval of an **ordinance** amending Section 4, Specific Use Permits, of Article IV, Permissible Uses, of the Unified Development Code for the purpose of establishing 1) general regulations for Specific Use Permits (SUP) issued upon the adoption of the proposed ordinance, 2) regulations relating to the abandonment, expiration and revocation of Specific Use Permits (SUP) and 3) an expiration period of one (1) year for all Specific Use Permits (SUP) and Conditional Use Permits (CUP) issued by the City that are inactive, abandoned or pending, and take any action necessary. **(1st Reading).**

Mr. Miller provided background information concerning this agenda item. He generally explained that the purpose of this amendment is to make the following changes to the UDC:

1) **Grant the City Council and Planning and Zoning Commission the ability to create operational conditions, which can regulate SUPs on a *case-by-case* basis.**
2) **Establish compliance requirements that regulate the property owner's responsibility with regard to an approved SUP.**

3) **Establish abandonment, expiration and revocation procedures for SUPs. In addition, this text amendment would establish the following time limitations:**
   a) **If an approved SUP was vacated or inactive for six (6) months the SUP would automatically expire.**
   b) **If an approved SUP is not issued a building permit within one (1) year of the approval date, the SUP would automatically expire.** *Note: If a building permit is not necessary this would revert to a Certificate of Occupancy (CO).*
   c) **If an approved SUP is issued a building permit but a Certificate of Occupancy (CO) has not been issued within one (1) year of the issuance date of the building permit, the SUP would automatically expire.**
4) **Establish a procedure for the City Council to grant a one (1) time extension for a period not to exceed one (1) year.**
5) **Expire all existing SUPs and Conditional Use Permits (CUP) that are inactive or do not receive a building permit within one (1) year of the adoption date of the text amendment.**

Currently, there are 158 SUPs and 228 CUPs in the City. This text amendment would not only clear up inactive entitlements, but would also prevent future inactive entitlements from accruing throughout the city. In addition, it provides a clear understanding of the procedures and requirements for SUPs.

Mayor Pruitt opened the public hearing and invited anyone who wished to come forward to speak. There being no one expressing a desire to do so, he then closed the public hearing. Councilmember Lewis made a motion to approve 2017-004. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 4, *SPECIFIC USE PERMITS*, OF ARTICLE IV, *PERMISSIBLE USES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 in favor with 1 against (White).

2. **MIS2017-004** - Hold a public hearing to discuss and consider the approval of an **ordinance** adopting the City's Water and Wastewater Master Plans, and take any action necessary. **(1st Reading).**

Amy Williams, Assistant City Engineer, provided brief, introductory comments regarding this item. She explained that state law requires all Cities charging Impact Fees to update the process every five years. The process focuses on determining all system deficiencies at the time of the study and improvements needed to serve that City for the next ten years. When evaluating the needs for the next ten years, it is advisable to look at the needs to meet demands for buildout through establishment of a master plan. These master plans for the physical development of the City contain recommendations for the growth development of the City and its extraterritorial jurisdiction. Updating these master

plans with the Impact Fees allow for adjustments to land use changes and/or needs to serve where development is actually occurring. The Water and Wastewater Impact Fee was approved on June 2, 2014. The master plans for both utilities were developed at that time. However, the Master Water and Wastewater plan was not included in the Impact Fee approval process.

The City Code of Ordinances found in Section 9.04 (Procedure for Amending Master Plan) requires one public hearing by the Planning and Zoning Commission along with their recommendation be forward to City Council for approval. The Planning and Zoning Commission held a Public Hearing for this item and approved the ordinance to adopt the Master Water and Wastewater Plans. The City Council should consider either adoption or rejection of such proposed revision after hosting a public hearing within sixty days of submission to City Council. Once these maps have been adopted, this information will be placed within the Comprehensive Plan.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing. Councilmember Lewis made a motion to approve MIS2017-004. Councilmember Milder seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING THE MASTER WATER AND WASTEWATER PLAN AS APPENDIX 'E' OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

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

XIII. ACTION ITEMS

1. **Z2017-001** - Discuss and consider a request by Terry Gwin of SWBC Real Estate, LLC on behalf of the owner Gene Lambreth of Pneuma Ventures, LTD for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for a multi-family apartment complex on a 42.548-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary **(1st Reading)**.

Ryan Miller, Planning Director, provided background information concerning this agenda item. He shared that on February 16, 2017, the applicant, Terry Gwin of SWBC Real Estate, LLC, submitted a letter to the City Council responding to the Planning and Zoning Commission's recommendation to deny *Case No. Z2017-001*. Mr. Gwin's letter proposed [1] reducing the number of units from 650 dwelling units to 595 dwelling units (*reducing the density from 15.28-units/acre to 14.00- units/acre*), [2] planting large canopy trees adjacent to *Rockwall Downes, Phase 1*, and [3] establishing a four (4) year time period to complete the project. Based on these changes, the City Council remanded the case back to the Planning and Zoning Commission on February 20, 2017. On February 28, 2017, the Planning and Zoning Commission approved a

motion to recommend approval of the applicant's request by a vote of 3-2, with Commissioners Trowbridge and Chodun dissenting and Commissioners Whitley and Fishman absent. Staff has made the necessary changes to the draft ordinance that is being considered by Council this evening.

Mayor Pruitt explained that a public hearing has previously been held regarding this proposed apartment complex. He then called forth the applicant and his representatives.

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Mr. LaCroix came forth on behalf of the applicant and addressed the Council, briefing them on the various changes that have been incorporated into the proposal since the last Council meeting took place. The applicant, Terry Gwin, then came forth and addressed the Council on this item. He shared details on several things, such as the design of the building, the materials, the trees (including those that will screen the adjacent properties), the amenities that it will have, and the property management screening that will take place before renting to tenants. He went on to share photographs of other apartment complexes that his company has built in cities elsewhere in the state.

Mayor Pruitt asked if anyone in the audience has any comments or input to provide; however, no one indicated such.

Councilmember Milder shared that Rockwall is a highly distinctive community because of its high percentage of single-family, residential housing. Only about 12-13% of our housing is currently made up of apartments. He shared that the cities have been "pitched" a good sale on allowing apartment complexes that are great for a period of time; however, over time, they become problematic for the city years down the road.

Councilmember Lewis shared that the Pebblebrook Apartments by Braum's have been in the city a long time, even before he and his family moved here in the 90's. He has heard no real complaints about it over time. He acknowledged that there is a definite need for this type of housing product in the city. Following his comments, Councilmember Lewis moved to approve Z2017-001. Councilmember White seconded the motion.

Mayor Pruitt commented on how apartment complexes typically get sold multiple times over the years. They change hands, and eventually they become run down and become an eyesore within city. After the mayor's comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR A MULTI-FAMILY APARTMENT COMPLEX ON THE SUBJECT PROPERTY, BEING A 42.548-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-4 OF THE J. M. ALLEN SURVEY, ABSTRACT NO. 2, 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 4 in favor with 3 against (Pruitt, Milder and Fowler).

2. **Z2017-003** - Discuss and consider a request by Maria Bonilla of Winklemann & Associates on behalf of Jim Ziegler of PegasusAblon for the approval of an **ordinance** for an amendment to Planned Development District 7 (PD-7) for the purpose of incorporating a 0.30-acre portion of land currently zoned Planned Development District 32 (PD-32) and amend the PD Development Standards stipulated by Ordinance No.'s 73-47, 82-36 & 87-11, being a 28.44-acre tract of land identified as a portion of Lot 7 and all of Lots 3, 4 & 5, Block A, the Harbor-Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 7 (PD-7) & Planned Development District 32 (PD-32), located at the southwest corner of the intersection of Lakefront Trail and Summer Lee Drive, and take any action necessary **(2nd Reading).**

Mr. Miller provided brief comments concerning this agenda item, explaining that this was placed as an Action Item on today's meeting agenda since it was not unanimously approved by Council at its last meeting. Councilmember White then moved to approve Z2017-003. Mayor Pro Tem Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 7 (PD-7) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 0.30-ACRE PORTION OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) INTO PLANNED DEVELOPMENT DISTRICT 7 (PD-7), AND GRANT A CHANGE IN ZONING FOR THE PURPOSE OF AMENDING *ORDINANCE NO. 73-47, 82-36 & 87-11*, BEING A 28.44-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF LOT 7 AND ALL OF LOTS 3, 4 & 5, BLOCK A, THE HARBOR-ROCKWALL 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 mayor indicated that he still feels the same as he did before concerning his opposition to the brewery and distillery portion of this amendment. The motion passed by a vote of 5 in favor with 2 against (Pruitt and Fowler).

Mayor Pruitt recessed the public meeting and called for a brief break at 8:00 p.m.

3. Discuss and consider directing staff to amend Planned Development District 32 (PD-32) for the purpose of amending the lighting standards contained in Ordinance No. 10-21, and take any action necessary.

Mayor Pruitt called the meeting back to order at 8:12 p.m. All 7 council members were present.

Mr. Miller then provided background information concerning this agenda item. He explained that in the Streetscape Elements section of the city's ordinance, it stipulates

specific model numbers for various streetscape elements required in The Harbor District. The purpose of requiring the specific product's model number was to ensure that all streetscape elements install throughout the district would be the same, creating continuity within the district; however, this has become an issue since the manufacturer of the required pedestrian scale streetlight (i.e. the Bega 9701 MH 100W Metal Halide Fixture) discontinued the light fixture. He generally explained that the Council may wish to consider directing staff to amend the PD to remove that strict stipulation, especially in light of the fact that these exact fixture are no longer able to be purchased.

Councilmember Lewis made a motion to direct staff to amend Planned Development District 32 (PD-32) for the purpose of amending the lighting standards contained in Ordinance No. 10-21. Councilmember Milder seconded the motion.

Mayor Pruitt shared that in another area of the city – downtown – there are some lights that differ in their appearance, and he would like them all to look uninform and be in compliance with the downtown lighting standards. After his comments, the motion passed by a vote of 7 ayes to 0 nays.

Action Item #6 was addressed next by Council.

4. Discuss and consider a citizen initiated request associated with construction of a walking path from Stone Creek Park to Williams Middle School, and take any action necessary.

Councilmember Fowler began discussion of this item, indicating that some residents recently brought forth this concern because there is a section of the path within Stone Creek's park that is not paved leading up to Williams Middle School.

Kate Wilke
129 Deverson Drive
Rockwall, TX

Mrs. Wilke came forth and explained that this walking path would be beneficial to school aged children who are walking to and from school daily. Some students are currently not able to do so, especially when it rains, because it is muddy due to it not being fully paved.

Assistant City Manager Brad Griggs shared details with the Council concerning the estimated budget.

Councilmember Fowler made a motion to have the walking path concreted at a cost not to exceed $16,000. Councilmember Milder seconded the motion. Councilmember White shared that he would feel more comfortable if the Council first had some additional information – for example, a rendering and some indication from the school district concerning its level of commitment to assist with the project – before moving forward with authorizing this expenditure.

Following brief comments, the motion passed by a vote of 6 in favor with 1 against (White).

5. Discuss and consider a variance to allow two free standing signs on property owned by First Baptist Church and located at 802 South Goliad, and take any action necessary.

Councilmember Fowler began this discussion item, generally indicating that when this sign became in danger of being taken down, citizens voiced their concerns because the community generally likes it being there. He explained that the Council has been evaluating a way that a variance to the city's sign ordinance may be granted in order to allow the sign to remain. He indicated that the sign has been there for a very long time. There has been some cosmetic maintenance to it over time; however, it was hit when the church's parking lot was being expanded. Also, it has caught on fire in the past. However, it has been a very popular sign throughout the years.

Dewayne Cain
305 Stonebridge
Rockwall, TX

Mr. Cain came forth and shared that the sign has been there for over thirty years. He used to own the property on which the sign sits, but, after selling the property to the church, it was brought to their attention that the sign would need to be taken down. The deadline to do so was the 28th of February. He explained that the church was kind enough to give him an electronic sign. And, if he is allowed to keep the sign that the public likes and can read, then he will return the other, electronic sign back to the Baptist Church for its use. Mr. Cain shared that when others in the community thought it may be taken down, there was an outcry from others who wanted to buy it and preserve it. He mentioned that Logan's Roadhouse and Hacienda Car Wash both reached out to him wanting to preserve and display it. He would like to be able to keep the sign that is there now, only strengthen it. He does not have a desire to put stone around it or upgrade it in any way. He again indicated that he is happy to give the electronic sign back to the Baptist church, but, for the purposes of this particular sign, he believes it would be best to keep it "as is" and use it to continue displaying positive thoughts to the community. Councilmember Fowler pointed out that the sign has historically displayed advertisement for The Flower Box and for Resthaven. Mr. Cain indicated that one sign wills say Resthaven and the other one will be for the First Baptist Church.

Councilmember Townsend expressed concern that the electronic sign and the other sign that has been there forever are so close together that if drivers are trying to read both of them while passing by, it might be a safety hazard. Mr. Cain suggested that the sign be moved a little further north.

After the discussion, Councilmember Fowler made a motion to allow a variance for the sign to remain, that Mr. Cain be allowed to do whatever repairs are needed to be done to the sign without having to come back to the Council, subject to Mr. Widmer's review. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider approval of the downtown restroom building elevations, and take any action necessary.

Assistant City Manager Brad Griggs provided brief, introductory comments concerning this agenda item. He explained that the Council authorized staff to enter into a lease agreement with property owner, Dwayne Cain, for the purpose of providing downtown restroom facilities. Prior to execution of the agreement, staff told Council that elevations and renderings would be brought back to the Council for review and input prior to moving forward. Councilmember Milder shared that he thinks that it looks fine. However, he expressed concerns that this facility would be made so sound proof that it

might pose a safety / security concern (for example, it might pose problems if someone is in trouble and is screaming for help from within) since there are no windows or any type of venting. Mr. Griggs shared that this facility is similar to what is in the city's parks – solid concrete with a locking door. He indicated that it will have a glass front entry door, but he is open to suggestions. Mr. Crowley shared that the facility will not be open all night long – it will be controlled with a mag-lock mechanism that will lock it after a certain hour. Mayor Pruitt asked if only an individual can be in the facility at one time. Mr. Griggs clarified that it will be a dual user facility, so two people can be in there at one time. Mayor Pruitt shared that he is against these restrooms because of that fact. Councilmember Lewis pointed out that lighting is a big deal. He asked if staff knows how many people will be able to cycle through the restroom facility in an hour (during a special event). Staff generally seemed to not have a specific answer; however, Mr. Griggs shared that for special events, 250 users per day is the recommended user load for a portable toilet.

Councilmember White made a motion to approve the downtown restroom building elevations. Mayor Pro Tem Townsend seconded the motion. Councilmember Milder asked if the facility could be slightly modified such that the men could walk directly into the men's side of the facility, and the women could walk directly into the women's side of it. Mr. Griggs indicated that we can do anything the Council wants to do; however, there will be an unknown cost associated with making that type of modification. Indication was given that an additional portable restroom trailer will be available before Founder's Day. Following the brief comments, the motion passed by a vote of 5 in favor with 2 against (Pruitt and Milder).

7. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32. Signs; Article II. Administration; Division 2. Permits, Article III. Regulations and Requirements; Division 6. Specific Sign Regulations and Article V. Standards Table And Illustrations; Section 32-366 Functional standards table, and take any action necessary. **[1st reading]**

Mayor Pruitt indicated that this was discussed in an earlier work session.

Mayor Pro Tem Townsend made a motion to approve the ordinance. Councilmember Lewis seconded the motion. After brief clarification, indicating that this ordinance amendment will be applicable citywide (rather than only restricted to the downtown area), the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 32. SIGNS; ARTICLE II. ADMINISTRATION; DIVISION 2. PERMITS, ARTICLE III. REGULATIONS AND REQUIREMENTS; DIVISION 6. SPECIFIC SIGN REGULATIONS AND ARTICLE V. STANDARDS TABLE AND ILLUSTRATIONS; SECTION 32-366 FUNCTIONAL STANDARDS TABLE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND EACH SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 against (Hohenshelt).

8. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 10. Buildings and Building Regulations; Article XI. Fences; Division 2. Construction Standards and Division 3. administration, and take any action necessary. **[1st reading]**

Building Official Jeffrey Widmer provided background information concerning this agenda item. Councilmember Hohenshelt moved to approve this ordinance. Mayor Pro Tem Townsend seconded the motion. Councilmember Lewis shared that he does not like the idea of chain link fences being allowed. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 10 BUILDING AND BUILDING REGULATIONS; ARTICLE XI. FENCES; DIVISION 2. CONSTRUCTION STANDARDS AND DIVISION 3. ADMINISTRATION; AND REPEALING AND REPLACING DIVISION 3. ADMINISTRATION, SECTION 10-447 IN ITS ENTIRETY; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND EACH SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

1. Departmental Reports
   - Building Inspections Monthly Report - January 2017
   - Fire Department Monthly Report - January 2017
   - Fire Marshal Division Monthly Report - January 2017
   - GIS Department Monthly Report - January 2017
   - Harbor PD Monthly Report - January 2017
   - Internal Operations Department Monthly Report - January 2017
   - Police Department Monthly Report - January 2017
   - Recreation Department Monthly Report - January 2017
   - Rockwall Animal Adoption Center Monthly Report - January 2017
   - STAR Transit Monthly Report - January 2017
2. City Manager's Report

Mayor Pruitt reminded the public about the Shriner's Hospital fundraiser, which will be held tomorrow from 7AM to 7PM at the local IHOP restaurant. He shared that he and some of the other council members will be there at 2PM. He wished everyone a happy, safe Spring Break.

XV. EXECUTIVE SESSION

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

1. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding the lease of real property / land at Fire Station #2, pursuant to Section §551.072 (Real Property)
3. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section 551.071 (Consultation with Attorney)

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

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

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:32 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 20th day of March, 2017.

Mike Townsend, Mayor Pro Tem

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 20, 2017
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

Mayor Pro Tem Townsend read the below listed items into the public record before recessing the meeting at 5:01 p.m. to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071.
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. From the Public Meeting Agenda – Appointment Item #1. Appointment with Lewis Martin of Martin Consulting, LLC to hear a proposal for a new monopole cellular tower on City owned property located at 3475 Springer Road, and the associated letter of intent, and take any action necessary.

III. ADJOURN EXECUTIVE SESSION

The Council adjourned from Executive Session at 5:40 p.m.

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

Mayor Pro Tem Townsend reconvened the public meeting at 6:00 p.m. with 6 of the 7 council members present (Mayor Pruitt was absent).

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend announced that no action was needed as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

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

VII. PROCLAMATIONS / AWARDS

1. Parks & Recreation Awards Recognitions

VIII. OPEN FORUM

Mayor Pro Tem Townsend explained how Open Forum is conducted. He then recognized a Boy Scout in the audience, explaining that he is working towards attaining Eagle Scout rank. Townsend asked if anyone would like to come forth and speak at this time.

Leon Tuttle
1408 Dhaka Drive
Rockwall, TX 75087

Mr. Tuttle came forth and expressed concern about the multi-family apartment complex that is being proposed for approval under Action Item #1 on tonight's meeting agenda. He spoke some about the ratios of multi-family vs. single family residential units within the city over time, and he also shared some current day statistics in that regard. He spoke about a proposal years ago in Rockwall that was related to 2,500 condos being built in the city at that time. Back then, he explained, that approval of those condos would have put the ratio of multi-family vs. single family at about 50% each. He urged the Council to not approve this multi-family apartment complex and instead schedule an in-depth work session to further evaluate what kind of city they want Rockwall to become. He shared a story about a recent drive he took in Dallas. He commented that there were so many apartment communities that had been built there that the city didn't look like Dallas any longer, but, rather, it looked like Chicago.

Jan Johnson
303 North Clark Street
Rockwall, TX

Mrs. Johnson came forth and stated that she is going to read her comments; however, she has also emailed each of the council members. She explained that she was born here in a farmhouse about 3 miles north of town. This was before the time when SH-205 even had asphalt on it. She is now seventy-five years old, and she explained that she is angry about what the city council has allowed to happen to her town. She shared that she has been okay with some of the growth that has occurred, like new stores that meant she no longer had to go to Town East in Mesquite to shop. However, she explained that the growth has generally caused problems – like, for example, her husband (somewhat recently) being in two car wrecks that were not his fault. She stated that one of the two wrecks totaled their vehicle. She is concerned about the impact that approval of the apartments will have on our schools. It will bring more kids and more cars, and the city is already not able to keep up with all the growth. She shared that she has considered moving out of Rockwall because of her disappointment in what the Rockwall City Council has allowed the city to become over the years, even though five generations of her family have lived here. She is dissatisfied with the growth that is happening without the infrastructure to handle it.

Bob Wacker
806 Mirimar Drive
Rockwall, TX

Mr. Wacker came forth and read two paragraphs from the "existing conditions report" he said was generated by the City of Rockwall. He shared that existing apartments have high occupancy and high rental rates. He touched on the housing mix within the city, commenting that he feels the city is doing an excellent job. He feels the city does need growth and that apartments give younger individuals an opportunity to live in the city when they cannot afford $300-$500,000 homes.

Bruce Foith
1087 Shady Lane Drive
Rockwall, TX

Mr. Foith indicated that he had great concerns when he hears that 590 multi-family units are slated to be put on Discovery Boulevard. He is concerned about the increased traffic that will result on John King Boulevard, especially since most of the units may have two vehicles per unit. He believes this will result in too many cars in that area. He suggested that there are other areas along John King where these could go that would have multiple streets to traverse. Also, he is not in favor of allowing these to be built at the expense of losing "light industrial" zoning. He shared that if he were living in Rockwall Downs, he would rather risk what may come if it were zoned "light industrial" rather than having 590 apartments just on the other side of the tree line. He is also concerned about each apartment potentially having 1, 2, or 3 kids who will be going to local schools. He believes that school aged children will be close enough to walk to the elementary school nearby, and doing so will pose a great danger for them. He generally shared that he may be okay with an apartment complex being built elsewhere in Rockwall; however, he does not believe this is a good location – not on this property. Mr. Foith urged the Council Members who approved this at the last meeting to change their minds and vote it "down" this time.

Gene Lamberth
714 Sanctuary Way
Heath, TX
Mr. Lamberth came forth and shared that he is the owner of the property on which the apartment complex is proposed to be built. He has owned the property for about seventeen or eighteen years. He shared that the market has been consistently pointing to and interest keeps on being expressed by potential buyers that a multi-family apartment complex is of interest on this property. He shared that there is so much 'flood plain' on the property that it cannot be used for anything else. However, the current developer is requesting to place a "Class Triple A" development on the piece of property. He feels that those working in the Tech Park would benefit from the adjacency to these apartments. He indicated that the property is "tucked in" a bit and is almost hidden, and he believes it lends itself to apartments. He shared that the number of units per acre has been cut down considerably. He generally urged the Council to vote in favor of its approval.

Diedra Roe

1100 Ridge Road West
Rockwall, TX

Mrs. Roe came forth and explained that she is a store owner in downtown. She spoke regarding Action Item #6 concerning the proposed public restrooms and park for downtown. She voiced concerns about the proposed design of the building, generally expressing that she does not believe it fits in well with the other, recent downtown renovations. She is disappointed that LaTerra, if that company is the designer of these proposed restrooms, did not do more to ensure they would have a more cohesive look and feel with the recent downtown renovations. She is also disappointed that no one solicited input from the downtown merchants, especially since they hear firsthand on a daily basis what our customers and the patrons of downtown are seeking.

Mr. Bruce Foith came forth again and shared additional comments. He shared that he understands where he (Mr. Lamberth) is coming from regarding the "buildability" of the site, sharing some past experiences that he has been exposed to regarding projects that have required moving a lot of dirt before building takes place. He does not believe that the "buildability" factor is a good argument. Again, he is concerned about kids that will live there and will have to walk down John King to get to their elementary school.

There being no one else wishing to come forth and speak, Mayor Pro Tem Townsend then closed Open Forum.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 6, 2017 regular city council meeting, and take any action necessary.
2. **MIS2017-004** - Consider approval of an **ordinance** adopting the City's Water and Wastewater Master Plans, and take any action necessary. **(2nd Reading)**
3. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 10. Buildings and Building Regulations; Article XI. Fences; Division 2. Construction Standards and Division 3. Administration, and take any action necessary. **[2nd reading]**
4. Consider awarding a bid to Chastang CDJR and authorizing the City Manager to execute a Purchase Order for a new Police Administration vehicle in the amount of $27,500 to be funded out of the General Fund reserves, and take any action necessary
5. Consider authorizing the City Manager to execute a Professional Engineering Services Contract with Birkhoff, Hendricks & Carter, LLP for the amount of $29,229.00, funded out of the 2016 Water & Sewer Bonds, to perform engineering plans and specifications for the Memorial Drive Lift Station Wastewater Gravity Trunk Bypass Line, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#1, 2, 3, 4, and 5). Councilmember White seconded the motion.

The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING THE MASTER WATER AND WASTEWATER PLAN AS APPENDIX 'E' OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 10 BUILDING AND BUILDING REGULATIONS; ARTICLE XI. FENCES; DIVISION 2. CONSTRUCTION STANDARDS AND DIVISION 3. ADMINISTRATION; AND REPEALING AND REPLACING DIVISION 3. ADMINISTRATION, SECTION 10-447 IN ITS ENTIRETY; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND EACH SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

X. APPOINTMENTS

1. Appointment with Lewis Martin of Martin Consulting, LLC to hear a proposal for a new monopole cellular tower on City owned property located at 3475 Springer Road, and the associated letter of intent, and take any action necessary.

Mr. Martin came forth and shared that as of this morning, the highest and best offer that the company he represents is willing to pay $1,400 for monthly payment to the city concerning this monopole cellular tower. He shared that he has consulted with three different consulting firms, and in the Dallas-Fort Worth Metroplex area, anything over $1,000 per month is unheard of. He shared that they said that the figures that were presented in the February staff report that showed $1,700 to $3,000 were for existing structures. He pointed out that costs associated with putting up a new structure versus placing antennas on an existing structure (for example, a water tank) are a lot different. He requested that the Council formally approve the letter of intent as modified, and that the attorneys be involved in its finalization and execution.

Councilmember White asked staff what the monthly payment to the city is associated with the most recent agreement that is similar to this one. Mr. Boyd shared that the most recent agreement is from 2014, and the city receives $2,250 / month from that company on a site that the company built the structure itself.

Councilmember White made a motion to approve the letter of intent at a monthly price of $2,250 and authorized the city manager to execute the contract. He explained that he can either move forward with this motion, or, he can make a motion to disapprove the letter

of intent. Mr. Martin shared that he knows that the company he represents will not pay $2,250 per month.

Councilmember Hohenshelt seconded the motion.

Councilmember Fowler exchanged brief dialogue with Mr. Martin. He generally explained that the Council would not be doing its fiduciary responsibility to the city if it accepted a lower dollar amount than $2,250 since the city knows a higher dollar amount opportunity may be out there.

Councilmember Milder asked what the likelihood might be that the city may have a different company, in the future, come forth who may want to construct a tower and occupy that space. Mr. Boyd shared that it is always possible.

Mr. Martin shared that he believes this is a very unique opportunity and that one of this nature may not come along very often. Council members generally shared that about two weeks ago, the city was approached by a different cellular company.

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

Mayor Pro Tem Townsend commented that Mr. Martin was asked to negotiate with city staff – namely Joey Boyd – and that he did not do so. Mr. Martin explained that staff rejected the offer that was being presented. Townsend reiterated that the way thing work is that Mr. Martin should have consulted with Mr. Boyd, and then Mr. Boyd would bring the information back to the Council for consideration. He pointed out that negotiating with seven council members will result in what has occurred this evening.

Councilmember Fowler made a motion to deny pursing a letter of intent at the amount of $1,400. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

Mr. Martin commented on the professionalism of Mr. Boyd, Mr. Crowley and other city staff. He thanked the staff and council for its time and patience.

XI. ACTION ITEMS

1. **Z2017-001** - Discuss and consider a request by Terry Gwin of SWBC Real Estate, LLC on behalf of the owner Gene Lambreth of Pneuma Ventures, LTD for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for a multi-family apartment complex on a 42.548-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary **(2nd Reading).**

Mr. Miller shared that this item was placed on Action Items because it was not unanimously approved on 1st reading at the last meeting.

Councilmember White moved to approve Z2017-001. Councilmember Lewis seconded the motion. Lewis went on to comment that he has heard a lot of input from residents,

including older residents who have expressed that they would like to stay in Rockwall, but there is not a place for them to go (There are no condos. There are no apartments...there is just no place for us to go.). As far as the comments related to the floodplain, he pointed out that those issues are regulated by the state and feds, and you don't just go in and fill in or reroute a floodplain. He stated that this piece of property is not conducive to "light industrial" development, and the flood plain plays a part in this too. He shared that he has a son and daughter-in-law own a home by Love Field, and the love it. As far as crossing a major highway to get to school, Lewis explained that his own children had to cross SH-66 to get to Reinhardt Elementary. After his comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-18

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 A LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 83 (PD-83) FOR A MULTI-FAMILY APARTMENT COMPLEX ON THE SUBJECT PROPERTY, BEING A 42.548-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-4 OF THE J. M. ALLEN SURVEY, ABSTRACT NO. 2, 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 4 in favor with two against (Fowler and Milder).

2. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32. Signs; Article II. Administration; Division 2. Permits, Article III. Regulations and Requirements; Division 6. Specific Sign Regulations and Article V. Standards Table And Illustrations; Section 32-366 Functional standards table, and take any action necessary. **[2nd reading]**

Councilmember White moved to approve Action Item #2. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 32. SIGNS; ARTICLE II. ADMINISTRATION; DIVISION 2. PERMITS, ARTICLE III. REGULATIONS AND REQUIREMENTS; DIVISION 6. SPECIFIC SIGN REGULATIONS AND ARTICLE V. STANDARDS TABLE AND ILLUSTRATIONS; SECTION 32-366 FUNCTIONAL STANDARDS TABLE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE, AND EACH SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

3. **Z2017-004** - Discuss and consider a city initiated request for the approval of an **ordinance** amending Section 4, Specific Use Permits, of Article IV, Permissible Uses, of the Unified Development Code for the purpose of establishing 1) general regulations for Specific Use Permits (SUP) issued upon the adoption of the proposed ordinance, 2) regulations relating to the abandonment, expiration and revocation of Specific Use Permits (SUP) and 3) an expiration period of one (1) year for all Specific Use Permits (SUP) and Conditional Use Permits (CUP) issued by the City that are inactive, abandoned or pending, and take any action necessary. **(2nd Reading).**

Councilmember Lewis moved to approve Z2017-004. Councilmember Milder seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-17

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 4, *SPECIFIC USE PERMITS*, OF ARTICLE IV, *PERMISSIBLE USES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. Discuss and consider the Fire Department Strategic Plan, and take any action necessary.

Councilmember Hohenshelt shared that he is the council member who took it upon himself to spearhead the department strategic planning efforts. He went on to share that he is displeased and extremely frustrated by the city manager's, assistant city manager's (Brad Griggs) and fire department command staff's lack of ability to complete the strategic planning process. He explained that this has been worked on for 8-10 months, and he does not believe that they are much further along than they were when the first started. He does not understand why all the other departments of the city managed to complete this task last calendar year. He went on to explain the various meetings that have been held and the various data that has been assimilated and evaluated throughout the process. He implored the City Manager and staff to work with the command staff of the fire department to get this thing done and have it in an organized manner with standards and goals that we can work towards. Councilmember Milder commented that he is also on this subcommittee. He echoes Hohenshelt's sentiments with the frustrations surrounding getting this particular strategic plan finalized. Mr. Crowley shared that staff has clearly received the instruction that has been provided. He apologized that the plan has not yet been finalized and presented in a format that is acceptable to the Council up until this point in time. He generally shared that the plan will be diligently worked on and brought back in a form that is hopefully acceptable to the Council in the near future. No action was taken concerning this agenda item.

5. Discuss and consider authorizing the City Manager and the Fire Chief to enter into an agreement with Medic Rescue Inc. DBA as Rockwall County EMS to allow the Fire Department to become a First Responder Organization (FRO), and take any action necessary.

Mr. Crowley, City Manager, provided brief background information concerning this agenda item. Councilmember Milder commented that the work and desires of those involved in the Rockwall Professional Firefighter's Association (RPFA) have been instrumental towards implementing these services for our citizens. Milder then moved to authorize the City Manager and the Fire Chief to enter into an agreement with Medic Rescue Inc. DBA as Rockwall County EMS to allow the Fire Department to become a First Responder Organization (FRO). Councilmember Lewis seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

6. Discuss and consider approval of the downtown park and restrooms design and consider funding for the project and related items, and take any action necessary.

Andy Hesser, the city's Parks & Rec Manager, came forth and briefed the Council on the most recent rendering for the design of the downtown park and restrooms facility. Mr. Griggs, Assistant City Manager, then provided some follow up comments pertaining to pricing associated with auto-locks on the restroom facility doors that will allow them to be controlled remotely. Also, staff has provided information on pricing associated with some security surveillance cameras.

Councilmember White moved to approve the design only (of the downtown park) as presented. He pointed out that we have been talking about this topic for at least 6 or 8 months. He thanked staff for its efforts. Councilmember Fowler seconded the motion.

Councilman Fowler expressed a desire to work with the design of San Jacinto so as to mirror the look and feel as much as possible to the extent that may be allowed for in the budget. He shared that working with the downtown merchants may also be a good idea. Councilmember White commented that in the past, there was a committee of citizens and downtown representatives who previously had input into the design of the downtown revitalization project. He explained that those efforts resulted in some discrepancies pertaining to the bricks that were to be used, and it was generally not an ideal experience. Councilmember Milder also expressed that it would be nice if staff could work on the design a bit to try and reflect the look and feel of San Jacinto. Mr. Crowley reminded Council that the downtown building that will be used for the restrooms facility remains privately owned by Mr. Dewayne Cain, and its design was previously approved by Council at the last, regular meeting. After brief clarifying comments, the motion passed by a vote of 6 in favor with 1 absent (Pruitt).

Councilmember Lewis moved to approve the funding costs, including funds for the remote/auto-locks on the restroom facility and the surveillance (camera) equipment. Councilmember Milder seconded the motion. It was clarified that "Cain's Corner Park" is a name that was part of the lease agreement. The motion passed unanimously of those present (6 ayes with 1 absent (Pruitt)).

7. Discuss and consider a budget amendment to authorize an expenditure from the City's Tree Mitigation Fund in the amount of $36,000 to purchase

and install landscaping materials in existing beds and medians, and take any action necessary.

Mr. Hesser, Parks and Recreation Manager, came forth and explained that this item is related to the transfer of $36,000 from the city's tree mitigation fund to the general fund to allow for replacement of some landscaping materials that did not perform well and did not recover from the unusual winter that we had. He explained that an enormous amount of Rosemary was lost around town. Also, a very large landscaping bed off of IH-30 and FM-740 was burned (likely by a cigarette butt), and all of that plant material needs replaced. Also, one area of town experienced damage to the water supply, so that area has landscaping that needs replaced.

Mayor Pro Tem Townsend approved the transfer of funds to fund the $36,000. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

8. Discuss and consider appointments to fill a vacancy on the city's Architectural Review Board (ARB), and take any action necessary.

Councilmember Fowler shared that a member (Kristi Mase) recently resigned from services on the ARB. So, a citizen who lives in Chandler's Landing and is an architect, Mr. John Womble, has expressed an interest in serving. After his brief comments, Councilmember Fowler moved to appoint Mr. John Womble to fill the vacancy and serve through August of 2018. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt). Councilmember Fowler thanked Kristi Mase for her past service on the board.

Mr. Crowley shared that a draft of the city's annual report has been left at each council members' seat this evening, and staff welcomes any comments the Council may have. Mayor Pro Tem Townsend reminded the public that a city council candidate forum is scheduled for this Thursday, March 23 at 7:00 p.m. at The Center. He encouraged everyone to attend.

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 appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071.
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

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

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

XIV. ADJOURNMENT

Mayor Pro Tem Townsend adjourned the meeting at 7:12 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd day of April, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, April 03, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold a work session to hear a presentation from the TxDOT staff and their Design Team showing future improvements to IH-30 from Bass Pro Drive to FM 2642.

Grace Lo, from TXDOT Advanced Project Development Group, came forth and briefed the Council on an overview of this project. She indicated that the project will begin at Bass Pro Drive in Garland and will continue on to FM 2642 (through Rockwall, Fate and Royse City). It is broken up into several phases. There will also be frontage roads from Bass Pro to the Dalrock peninsula and then from Dalrock peninsula to just E of FM 740. There will be a shoulder added across the lake. In addition, she explained that some areas will expand from 3 lanes to 4 lanes, from 4 lanes to 6 lanes, and from 6 lanes to 8 lanes (ultimately). Also, there will be reconstruction of the frontage roads in both eastbound and westbound directions. On the eastbound direction, there will be a 12 foot shared use path for both pedestrians and bicyclists, separated by a concrete barrier. Also, there will be an 8' sidewalk in the westbound side that will be also be barrier separated.

Ms. Lo went on to provide details of the preliminary project schedule. This week 60% schematics will begin being reviewed for comments. Public meetings are scheduled for April 27 and May 4 in Rockwall and in Royse City. They hope to have the final schematics by January of 2018 and the FONSI ("findings of no significant impact") by March 2019. She explained that the FONSI is an environmental clearance requirement to get clearance for right-of-way acquisitions.

Wes McClure and Hosein Hosein of Brown & Gay, Inc., the design engineers for the project, came forth and provided further details to the Council concerning this matter. Indication was given that a ramp reversal will be included at Bass Pro to exit for Dalrock. The intent is to add capacity to the main lanes and provide incident management and congestion relief. They went on to generally speak in more detail with Council about the movement of traffic across the lake and along the improved roadway(s) as well as the nature of each of the improvements/changes that are proposed to be made. Lengthy discussions took place regarding expected changes to on ramps and off ramps as well as frontage roads through the City of Rockwall. Mayor Pruitt asked about the possibility of a 'lease back' arrangement for the land underneath a certain elevated portion of the roadway near the Lakeside Village subdivision. Ms. Lo indicated that an interagency lease agreement is definitely a possibility, explaining that TXDOT has done so in Dallas, for example, which has allowed things like a dog park or public parking underneath

elevated roadway areas. City Manager Rick Crowley pointed out the need for emergency access points along the route.

Indication was given that TxDOT will host a public project meeting on April 27 at Royse City High School and on May 4 at the Rockwall County Courthouse (on Yellow Jacket Lane). The content presented at both meetings will be the same.

The Council took no action following discussion of this work session item.

2. Hold a work session to discuss and consider utilizing LED lighting in PD-32.

Mr. Miller explained that on March 6, 2017, the City Council directed staff to prepare an amendment to Planned Development District 32 (PD-32) removing the requirements for specific products. This was done in response to the manufacturer of the *Pedestrian Scale Light Fixture* discontinuing the product line. Staff has initiated the process of amending PD-32, and anticipates the case will come before the City Council on April 17, 2017. He explained that in identifying an alternative to the current light standards, staff has had some difficulty identifying a product that matches the aesthetics of the existing light fixtures that doesn't utilize an LED light source. In addition, there has been some concern in the past with utilizing LED light sources that have a high Kelvin color temperature or high *Correlated Color Temperature* (CCT). Specifically, there have been issues with lighting sources utilizing a Kelvin greater than 3500K. In this case, staff's chosen alternative is an LED light fixture that utilizes a 3000K light source. The purpose of bringing this item to the City Council is to discuss any potential issues with the use of LED lighting standards in the public right-of-ways of the Harbor District.

The Council generally expressed no reservations about the utilization of the LED lights in the Harbor District. The Council took this under advisement and took no action regarding this work session item.

At 4:42 p.m., Mayor Pruitt read the discussion item below into the record before recessing the public meeting to go into Executive Session.

III. EXECUTIVE SESSION.

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

1. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:00 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was needed or taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

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

VIII. PROCLAMATIONS / AWARDS

1. Child Abuse Prevention Month

Mayor Pruitt called the County District Attorney, CASA volunteers and Rainbow Room volunteers down to the front. He then read the proclamation for Child Abuse Prevention Month. District Attorney Kenda Culpepper thanked all of these organizations for their collaborative efforts to assist children in need in Rockwall County. Following brief comments from representatives of each organization, Mayor Pruitt moved on to the second proclamation.

2. Public Safety Telecommunications Week

Mayor Pruitt called forth Assistant Police Chief Kirk Aldridge, Lieutenant David Valliant, Dispatch Supervisor Kim Barry and Travis Lutes, dispatcher. He then read and presented the proclamation for Public Safety Telecommunications Week.

3. Motorcycle Safety and Awareness Month

Mayor Pruitt called forth representatives from some of the local motorcycle clubs. He then read and presented them with the proclamation for Motorcycle Safety and Awareness Month.

Mayor Pruitt showed a brief video put out by the National Insurance Crime Bureau, urging homeowners to be aware and leery of post-storm scam artists who pose as helpful contractors.

IX. OPEN FORUM

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

Chandra Karlen
2977 Oak Drive
Rockwall, TX

Mrs. Karlen came forth and provided brief comments to the council pertaining to Texas Senate Bill 2 and House Bill 15. She generally urged the Council to consider supporting these pieces of legislation, as she generally expressed the belief that they support honesty and transparency in taxation.

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the March 20, 2017 regular city council meeting, and take any action necessary.
2. Consider the hotel occupancy tax subcommittee's funding recommendation for the Building Officials Association of Texas annual conference in the amount of $25,575 and take any action necessary.
3. Consider authorizing an expenditure of $26,330 to Classic Tile and Plastering for the new plaster work at Gloria Williams Pool to be funded from the General Fund, Recreation operating budget and take any action necessary.
4. Consider approval of the right-of-way acquisition agent and appraisal services and authorize the City Manager to execute a contract with Crossroads ROW Group, LLC. in the amount of $269,800.00 to be funded by the sale of bonds approved by the voters in the 2012 Bond Election and take any action necessary.
5. Consider a resolution suspending the April 21, 2017 effective date of Oncor Electric Delivery's requested rate change, approving cooperation with the Steering Committee of Cities served by Oncor to study the rates and negotiate with Oncor on the City's behalf, and take any action necessary.
6. Consider approval of the Traffic Signal Improvements for Ralph Hall Parkway at Steger Towne Road and authorize the City Manager to execute a contract with Roadway Solutions, Inc. in the Amount of $227,551.00 to be funded by the Streets Operations Budget and take any action necessary.
7. **P2017-008** - Consider a request by Lisa Wilck Palomba on behalf of Paul J. Wilck, Jr. for the approval of a final plat of Lots 1 & 2, Block A, Wilck Addition being a 5.192-acre tract of land identified as Tract 8-02 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 463 H. Wallace Lane, and take any action necessary.
8. **P2017-012** - Consider a request by Worth Williams of Moore Worth Investments, LLC for the approval of a final plat of Lots 1-4, Block A, Lakeshore Commons Addition being a 4.706-acre tract of land identified as Tract 8-4 of the J. H. B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the southwest corner of Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.
9. **P2017-013** - Consider a request by Robert Howman of Glenn Engineering on behalf of James Watson of the Rockwall Independent School District (RISD) for the approval of a final plat of Lot 1, Block A, Rockwall-CCA Addition being a 27.446-acre portion of a larger 173-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located directly east of the intersection of John King Boulevard and Trail View Drive, and take any action necessary.

Councilmember White moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8 and 9). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. PUBLIC HEARING ITEMS

1. **Z2017-005** - Hold a public hearing to discuss and consider a request by David Falls for the approval of an **ordinance** amending Ordinance No. 16-15 for the purpose of allowing the Animal Clinic for Small Animals land use to be a permitted use through a Specific Use Permit (SUP) for all properties within Planned Development District 50 (PD-50), being 21.266-acres of land in the S.S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, generally located along N. Goliad Street [SH-205] north of Interurban Street, and take any action necessary **(1st Reading).**

Mr. Miller, the city's Planning Director, provided brief background information pertaining to this agenda item. The intent of the request is to allow the property at the northwest corner of the intersection of Heath Street and N. Goliad Street [*SH- 205*] (*i.e. 901 N. Goliad Street*) to operate as an *Animal Clinic for Small Animals*. According to the draft ordinance prepared by staff an *Animal Clinic for Small Animals* is defined as "...as a place where animals or pets are given medical or surgical treatments and care." By allowing this land use through a SUP, the Planning and Zoning Commission and City Council retain discretionary approval of this use on a case-by-case basis. This will allow any request for an *Animal Clinic for Small Animals* to be reviewed and operational conditions established to safe guard the character of the district, mitigate for any potential negative impacts on adjacent properties, and to ensure that the property operates in conformance with all applicable local, state and federal requirements.

Since the proposed case involves modifying the land uses permitted within Planned Development District 50 (PD-50), staff has notified all property owners and residents within the Planned Development District. In addition, staff mailed out notifications to all property owners and residents within 500-feet of the Planned Development District, and to all Homeowner's Associations within 1,500-feet of the district (*i.e. Lakeview Summit and Caruth Lakes Homeowner's Associations*). This was done in accordance with the requirements of Section 6.1, *Notice of Public Hearing,* of Article II, *Authority and Administrative Procedures,* of the Unified Development Code. Of the 320 notices mailed, staff has received nine (9) notices in favor of the request and two (2) notices opposed to the request. In addition, staff received two (2) emails opposed to the request. In addition, the Planning & Zoning Commission did review this request and has put forth a recommendation for its approval.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

Jim Cooper
901 N. Alamo Road
Rockwall, TX

Mr. Cooper shared that his home is directly across the road from this property where a veterinary clinic is proposed to be placed. Mr. Cooper is generally in support of this request as long as there are in fact no outdoor kennels.

The applicant (Dr. Josh Cope) then came forth and indicated that he is happy to answer any questions the Council may have.

Councilmember Milder thanked the applicant for his efforts in putting forth a structure that fits in with the existing, surrounding area. Dr. Cope explained that he originally had

brought forth a building design that was likely way too modern. He shared that he understands the city's desire to instead have the structure look like an older home so that it fits in better with its surroundings.

After brief comments, Councilmember White made a motion to approve Z2017-005. Councilmember Milder seconded the motion.

Councilmember Fowler asked some clarifying questions pertaining to short term versus long term boarding. Mr. Miller shared that the term is taken from the city's Unified Development Code; however, a specific definition is not given. Mr. Miller clarified that, if the Council approves this use tonight, then no outdoor boarding will be permitted. Also, each case would come forth as an SUP request that the Council could review and approve or disapprove at its discretion.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW AN *ANIMAL CLINIC FOR SMALL ANIMALS* LAND USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) WITHIN THE SUBJECT PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Following this agenda item, Mayor Pruitt called Johnny Lyons, current Chairman of the Planning & Zoning Commission, forth to brief the Council on recommendations of the Council relative to these planning-related agenda items. Following his comments, Mayor Pruitt moved on to the next Public Hearing item.

2. **Z2017-006** - Hold a public hearing to discuss and consider a request by Brenda and Stuart Myers for the approval of an **ordinance** for a Specific Use Permit (SUP) amending Ordinance No. 11-37 (SUP No. S-034) to allow a restaurant with an accessory general retail store on a 0.6849-acre parcel of land identified as Lot 1, Abate Injury Rehab Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated in the North Goliad Corridor Overlay (NGC OV) District, addressed as 506 N. Goliad Street, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item, explain that this property is what used to be "Lifehouse." In 2015, the property sustained fire damage. Since that time, the applicants have been doing some renovations to the space, in part to convert the upstairs storage area to allow for the addition of approximately 1,000 SF of office space. Stuart and Brenda Myers are requesting approval of an

amendment to the existing SUP (Ord. 11-37) to allow for a Restaurant with an accessory General Retail and Banquet Facility uses. The purpose of the amendment is to increase the square footage of the restaurant [1st floor], maintain the area designated as general retail, and to establish a banquet facility use. The amendment will also remove the limitation regarding the hours of operation (i.e. 6:30 a.m. to 8:00 p.m.). According to the applicants this will allow more flexibility for the subject property.

The Myers intend to use the 2nd floor area as a banquet facility in the future. It should be noted that the City Council approved an amendment to Planned Development District 50 (PD-50) that expanded the permitted uses within the district to include Banquet Facilities/Event Venues with the approval of an SUP. Ordinance No. 16-15 defines these facilities as, "a commercial facility that can be rented out for the purpose of hosting private events (e.g. birthday parties, wedding receptions, meetings, etc.) ... (t)hese events shall not be open to the general public." A banquet facility use requires 1 parking space per 100-SF of floor area. With the 2nd floor being approximately 1,000- SF, a minimum of 10 parking spaces would be required to be constructed prior to issuance of a Certificate of Occupancy (CO). Provisions for additional parking of the banquet facility use have been included in the draft ordinance.

Finally, the Myers are requesting to construct the cross access easement within a reasonable period of time once both adjoining properties have develop as non-residential land uses. This has been added as a condition of approval. Granting a SUP remains a discretionary act of the City Council. Contained in the packet are copies of the applicant's letter requesting the SUP, a concept floor plan, and draft ordinance.

On March 8, 2017, staff mailed 98 notices to property owners and residents within 500-feet of the subject property. There are no Homeowner's Association (*HOA*) located within 1,500-feet participating in the notification program. Additionally, staff posted a sign on the *subject property*, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted staff had received five (5) responses "in favor of" the applicant's request.

Mayor Pruitt invited the applicant(s) forward to speak.

Brenda and Stuart Myers
1614 S. Lakeshore
Rockwall, TX

Mr. Stuart came forth and encouraged the Council to not be too concerned about removing "hours of operations" from the ordinance. He pointed out that doing so would be similar to how other restaurants in the area have been handled (i.e. Bin 303 and Zanata). Mrs. Stuart pointed out that 406 N. Goliad is also a property that does not have any limitations on hours, and it has an approved "restaurant" use.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

David Smith
601 Stonebridge Drive
Rockwall, TX

Mr. Smith came forth and indicated that he and his wife own the property at 702 N. Goliad, which is located three houses north of this location. Mr. Smith shared that he represents the property owner of 602 N. Goliad, Mrs. Barbara Criswell, who was unable to attend tonight's meeting. Mr. Smith shared that he is working with Mrs. Criswell and the Grace Clinic on the development of the adjacent property. In the replat, they have agreed to a shared driveway use between the two properties (602 and the subject property). So there will be access there from the front off of SH-205 to go to the rear. Mr. Smith explained that Mrs. Criswell has concerns about patrons at the Meyer's place of business invading the parking availability at The Grace Clinic. He shared that he is not opposed to the request; however, he would like some assurance that each business owner's designated parking will remain his or her own individual, designated parking areas. He agrees that the emergence of businesses along this north SH-205 corridor is a good idea, as he does not feel that this corridor is appropriate for single-family homes. He encouraged the Council to be forward thinking about future development along this corridor, especially related to traffic and potential sidewalks and parking. Mr. Smith encouraged the Council to consider investing in acquiring a certain piece of property that may help address some of the current and future parking needs. He overall supports the application, asking the applicants to offer some assurances that there will not be any overtaking of parking on the Grace Clinic parking area.

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

Councilmember White moved to approve Z2017-006. Councilmember Townsend seconded the motion.

Various comments were made by Council concerning either omitting "hours of operation" restrictions from the ordinance or incorporating them. Mrs. Stuart, the applicant, shared that they have had expressed interest from coffee businesses, restaurants, and meeting / banquet space type businesses; however, they are not sure at this time what business will end up occupying it. So, she prefers that they be afforded the same regulations that some of the other restaurants (i.e. Zanata or Bin 303) have in place (i.e. no restrictions on "hours of operation"). Councilmember Fowler shared that the restaurant portion is not as much a concern pertaining to the "hours of operation" as the banquet space is of concern. After lengthy comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-
SPECIFIC USE PERMIT NO. S- ---

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) BY AMENDING ORDINANCE NO. 11-37 (SUP NO. S-034), SPECIFICALLY TO ALLOW FOR A RESTAURANT IN CONJUNCTION WITH AN ACCESSORY GENERAL RETAIL STORE AND BANQUET FACILITY ON A 0.6849-ACRE PARCEL OF LAND; ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES; BEING ADDRESSED AS 506 N. GOLIAD STREET AND IDENTIFIED AS LOT 1, ABATE INJURY REHAB ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 3 in favor with 4 against (Pruitt, Hohenshelt, Milder and Fowler).

Councilmember Fowler moved to approve Z2017-006 with the inclusion of a provision that the banquet space have the same hours of operation associated with the previously approved "Our House" banquet/meeting space facility, which is also located in the same PD (PD-50). Mr. Miller stated that those hours of operation are limited to Sunday through Thursday, 8:00 AM–9:00 PM and Friday & Saturday, 8:00 AM–11:00 PM. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **Z2017-007** - Hold a public hearing to discuss and consider a request by Rich Darragh of the Skorburg Company on behalf of the owner Bradley Joe Gideon for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 7 (SF-7) District land uses, on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the southwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary **(1st Reading).**

On February 17, 2017, the applicant submitted an application requesting to rezone a 30.36-acre tract of land from an Agricultural (AG) District to a Planned Development District for a residential subdivision that will consist of 84 single-family lots, a ten (10) ft. trail that will meander along John King Blvd -- *within a 50-ft landscape buffer* -- open space areas, and a 2.19-acre neighborhood park. The Planned Development District will utilize the Single-Family 7 (SF-7) District standards. The property, which was annexed into the City on March 16, 1998 by *Ordinance No. 98-10*, is located at the southwest corner of the intersection of E. Quail Run Road and John King Boulevard and is currently vacant agricultural land. Along with the application, the applicant has submitted a concept plan and development standards for the proposed residential subdivision. The concept plan shows the layout of the subdivision, which will have access drives on John King Boulevard and E. Quail Run Road. The development will consist of 53, 60' x 120' lots -- *one [1] of which has a depth of less than 120- feet on the south property line* -- and 31, 70' x 120' lots, and have a gross residential density of 2.8 units/acre. The subdivision will incorporate 7.28-acres of open space (~24%) that will be adjacent to John King Boulevard (*50-ft landscape buffer*), E. Quail Run Road (*25-ft landscape buffer*), Old E. Quail Run Road.

On March 8, 2017, staff mailed ten (10) notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the *Stoney Hollow* and *Caruth Lakes* Homeowner's Associations (HOA's), which are the only HOA's located within 1,500 feet of the subject property. Additionally, staff posted a sign at the corner of John King Boulevard and E. Quail Run Road, and advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted staff has received two (2) notices 'in opposition' of the applicant's request. In addition, on March 28, 2017, the Planning and Zoning Commission's motion to recommend approval of the zoning change from AG to PD with staff conditions passed by a vote of 4 to 1 with Commissioner Logan against, and Commissioners Whitley and Moeller absent. Additionally, the motion included a change to the Draft PD Ordinance regarding the garage orientation to allow for a maximum of 35% of the lots to have a flat front entry and the remainder of the lots being in a "j-swing" configuration.

The applicant then came forth to speak:

Noah Flabiano
8214 Westchester Drive. Suite 710

Dallas, TX 75225.

Mr. Flabiano came forth and provided a presentation to the Council concerning this request.

Mayor Pruitt shared several comments pertaining to noise from traffic along John King Boulevard, especially if and when TXDOT does a future sound study to assess whether or not a solid sound barrier type wall should or should not be installed. He believes that the developer should build an interior roadway and then reposition the proposed lots in an effort to offer some additional sound buffering from John King.

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

Bob Waker
806 Mirimar Drive
Rockwall, TX

Mr. Waker came forth and briefly spoke about noise-related concerns. He suggested that someone may want to evaluate how much effect adding a street, in lieu of a 'sound wall,' would be to lessen he potential road noise from John King. He also commented about the j-swing versus flat front entry garages. He expressed that giving five more feet in a flat front driveway would be an improvement. He made brief comments about the proposed mixture of the j-swing and flat front garages. He shared that he much prefers 50% with a 25' setback versus 35% and a 20' setback. He prefers the 5' of extra space / driveway length. He overall would be concerned about people parking in the streets. He briefly commented about his discontent with the plans for Quail Run and the traffic that it carries.

Nick Grant
1569 East Old Quail Run Road
Rockwall, TX 75087

Mr. Grant came forth and stated that he does not support this PD for two specific reasons. He shared that this PD is part of the continued development in the Upper East Fork Lateral Watershed, and this means that its approval could result in increased risk for loss of life and property damage in the event of a flood control structure breech. He pointed out that the City of Rockwall may face liability. He suggested that approval of this PD development be delayed until a full impact study on the status of the SC-SCW Site 4A and 4B flood control structures and the requirement for assessing the developer impact fees for the rehabilitation of the structures as part of the PD are completed and incorporated.

He went on to explain that this PD may result in a significant traffic flow and pattern change on John King Boulevard/SH 205. He suggested that potential approval of this request be delayed until a detailed traffic study by both the City and TxDOT is completed and changes and costs are incorporated into this PD. He shared that the believes the city failed in the original construction of John King Boulevard as evident by a series of accidents at multiple intersections and the tragic crash that caused the paralysis of Rockwall resident and Garland firefighter, Devon Colbert. He shared that the City/State may be liable if dangers are not avoided or mitigated in the planning and approval process.

Mr. Tumulty, City Engineer, shared that regarding flooding, any development in the Squabble Creek Drainage Basin is required to incorporate detention. They are only allowed to release the same amount of water as if it is undeveloped today. So the downstream flow will not in any way be increased or added to. As far as any issues with lakes downstream, the Kaufman Rockwall Vanzandt Soil and Water Conservation District is responsible for those lakes. Mr. Tumulty indicated that we do not have those in our models. When the models were done, they assumed water flow passing through. If there are going to be any improvements done, the state and/or county will need to come forth with associated money. However, to date, the state has no money available to do anything. Regarding traffic concerns, Mr. Tumulty went on to explain some of the future road improvement projects that will generally take place and around this area. He explained that staff, especially fire representatives, have in fact evaluated this particular proposed development as far as emergency access is concerned. He commented that the city will initiate a warrant study (or studies) pertaining to traffic control devices (stop signs) along the roadway; however, he reminded everyone that the John King Boulevard roadway is not a state roadway yet, and it likely will not be for another couple of years. So, the state will not be involved with any intersection warrant studies on until they take it over.

Mayor Pruitt indicated that the state may like to mitigate some curves on John King in the future. Mr. Tumulty generally indicated that he does not believe this particular area is one that the state is considering for mitigation in this regard.

Jim Turner
1691 East Quail Run Road
Rockwall, TX

Mr. Turner commented that, although he appreciates and respects wastewater engineering studies, Mr. Skorburg made it clear in a meeting with the neighborhood that all of the wastewater for this development will be coming across the existing Quail Run and into the lakes that have been mentioned this evening. He believes the water will accumulate faster and at higher volumes, and he believes that there already is a problem with too much water today. He has some serious concerns about too much water and flooding, and he believes that associated liability would lie with the city. He is generally concerned about flooding, drainage and traffic. He believes that the waste water issues need to be studied a lot more, and he does not believe that a small detention pond(s) will be sufficient. He encouraged the Council to not really move forward with approving any future developments along John King Boulevard until the state takes it over and issues associated with the roadway and future changes are more certain.
There being no one else wishing to address the Council concerning this item, Mayor Pruitt then closed the public hearing.

Councilmember White moved to approve Z2017-007 with the 50% requested garage mix. Councilmember Milder seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 30.36-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY,

ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Hohenshelt asked, if the Council allows 50% front entry, will it require a 20' or a 25' set back? Mr. Miller shared that it will need to be specified as part of the motion.

Councilmember White amended his motion to also specify 25' setbacks on the front-entry garages. Councilmember Milder seconded the amended motion. The motion failed by a vote of 2 in favor with 5 against (Townsend, Pruitt, Milder, Fowler and Lewis).

Mayor Pruitt called for a brief break and recessed the meeting at 7:48 p.m. He called the meeting back to order at 7:58 p.m. and revisited discussions associated with Z2017-006.

Mayor Pruitt moved to approve the zoning change with the stipulation that the homes will not back up to John King Boulevard directly, but that a roadway will be installed between John King and the homes and that the front of the homes will face that roadway. Councilmember White seconded the motion.

Adam Buczek from Skorburg Company came forth and provided the Council with some options for moving some of the lots (four of them) to reconfigure and add some additional street width and landscape buffering (which, he acknowledged would take away some of the planned open space). He pointed out that it would be really difficult to market the houses if the front of them faced John King.

Mayor Pruitt withdrew his motion and directed staff to work with the developer / applicant on making changes to the proposed concept plan and then bring it back to the Council for further consideration at a later date. Councilmember White withdrew his second as well.

Mr. Buczek shared that he is also willing to commit to a 100' landscape buffer. He is also generally content with the Planning & Zoning Commission's recommendation 'as is.'

Mayor Pruitt tabled the item to allow time for staff to work with the developer to revise the concept plan and bring it back to Council at a later date. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **Z2017-008** - Hold a public hearing to discuss and consider a city initiated request on behalf of Raymond Jowers of Jowers, Inc. for the approval of an ordinance for a Specific Use Permit (SUP) rescinding Ordinance No. 08-38 (SUP No. S-056) and allowing outside storage adjacent to IH-30 on a 4.4317-acre tract of land identified as Tract 22-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30, and take any action necessary **(1st Reading).**

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item, explaining that this property is currently home to "Big Tex Trailers." The original ordinance stipulated that the Specific Use Permit (SUP) for "Recreational Vehicle (RV) Sales and Service" within a Light Industrial (LI) District shall be valid for a maximum of three (3) years from the time of the issuance of the Certificate of Occupancy. Furthermore, the ordinance stated that if an extension was needed, the owner shall petition the City Council at least 90 days prior to the expiration of the

SUP. At that time, the City Council shall review the SUP and determine if an extension is warranted based on the status of the FM-549/IH 30 overpass construction and/or other development activity in the area. The City Council has approved extensions to the SUP in 2011, 2014, and 2017; however, in 2017, the City Council requested that the applicant amend the SUP to reflect outside storage instead of RV sales and service. The purpose of this action was to account for changes in the use of the property.

The applicant has submitted this request in conformance to the City Council's request; however, granting a Specific Use Permit (SUP) is a discretionary act to the Planning and Zoning Commission and City Council. If approved, this SUP shall supersede all requirements stipulated in Ordinance No. 08-38 (i.e. the existing SUP ordinance).

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one wishing to do so, Mayor Pruitt then closed the public hearing. Councilmember Townsend moved to approve Z2017-007. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) RESCINDING ORDINANCE NO. 08-38 (SUP NO. S-056) AND ALLOWING OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A 4.4317-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY, ABSTRACT NO. 120, 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 7 ayes to 0 nays.

XII. ACTION ITEMS

1. Discuss and consider approval of a resolution waiving building permit-related fees for residents in North Rockwall whose homes were affected by the March 29, 2017 severe weather event, and take any action necessary.

City Manager Rick Crowley provided brief comments pertaining to this agenda item. Mayor Pruitt suggested that the Council approve the resolution for the waiver of building permit fees for the entire Dalton Ranch subdivision. Councilmember White suggested that the Council may wish to stipulate 120 days instead of 90 days.

Councilmember Townsend moved to approve a resolution to waive building permit fees for residents in Dalton Ranch for a period of 120 days. Councilmember Lewis seconded the motion. Councilmember Lewis asked how the city will get the word out to residents that the city has waived permit fees and, therefore, contractors should not be assessing our residents fees for permits. Mr. Griggs shared that the City will likely send out a direct mailer to the residents in that neighborhood. Also, the city will try to get the word out through the HOA. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider support or opposition of the following items: S.B. No. 2 & H.B. No. 15 bills of the 85th Legislative Session, and take any action necessary.

Councilmember Hohenshelt shared that he is generally against these bills. Councilmember Milder shared that he echoes Hohenshelt's comments, generally indicating that if these provisions are needed, then the needed controls should be put in place locally. He does not believe that "big government" in Austin is needed.

Mayor Pruitt pointed out that these bills would also require all of the appraisal districts to utilize a standardized, statewide method for appraising properties, and he generally believes that would be a good thing.

Councilmember Lewis shared that he believes these bills are trying to accomplish way too many things, and he has concerns about them for several reasons. He believes that there are a lot of provisions hidden within the bills, and he is overall not comfortable with them.

Mayor Pruitt moved to approve a resolution supporting Senate Bill 2 as it currently stands. Councilmember Fowler seconded the motion, which failed by a vote of 2 ayes to 5 nays (White, Townsend, Hohenshelt, Milder and Lewis).

Mayor Pruitt moved to approve a resolution supporting H.B. 15 as it is currently drafted. Councilmember Fowler seconded the motion, which failed by a vote of 2 ayes to 5 nays (White, Townsend, Hohenshelt, Milder and Lewis).

3. Discuss and consider an appointment to fill a vacancy on the city's Main Street Advisory Board (MSAB), and take any action necessary.

Councilmember Milder shared that a vacancy on the Main Street Board recently arose when Tim Sharp resigned from service. He explained that Daniel Nichols currently serves on the city's Historic Preservation Advisory Board (HPAB), which is a board that does not meet very often. As such, Mr. Nichols would like to and is willing to take on some additional responsibility and has agreed to serve, if appointed, on the Main Street Board. Milder then moved to appoint Daniel Nichols to the Main Street Advisory Board to fill this vacancy (with an initial, partial term to expire in January of 2018). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
   - Building Inspections Monthly Report - February 2017
   - Fire Department Monthly Report - February 2017
   - Fire Marshal's Division Monthly Report - February 2017
   - GIS Division Monthly Report - February 2017
   - Harbor PD Monthly Report - February 2017
   - Internal Operations Department Monthly Report - February 2017
   - Recreation Monthly Report - February 2017
   - Rockwall Animal Adoption Center Monthly Report - February 2017
   - Police Department Monthly Report - February 2017
   - Rockwall Meals on Wheels Senior Services Quarterly Report
   - STAR Transit Monthly Report - February 2017

2. City Manager's Report

Mayor Pruitt provided brief comments about the recent storm-related damage. He thanked first responders from Fire and Police as well as members of CERT (Community Emergency Response Team). He generally indicated that he observed a lot of positive concern about and cohesion among neighbors in the Dalton Ranch subdivision where the storms occurred.

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 the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071

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

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:33 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th day of April, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, April 17, 2017
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order. Present were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend and Council Members David White, John Hohenshelt, Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. WORK SESSION

1. HOLD A WORK SESSION TO HEAR AND DISCUSS AN UPDATE REGARDING THE STRATEGIC PLANS FOR FOLLOWING DEPARTMENTS:

   a. Parks and Recreation Department;
   b. Animal Services Department;

Andy Hesser, the manager over both Parks & Recreation and Animal Services, came forth and briefed the Council regarding updates to the strategic plans for these departments.

c. Fire Marshal Department;

Ariana Hargrove, the city's Fire Marshal, came forth and briefed the Council regarding updates to her department's strategic goals and initiatives.

d. Planning and Zoning Department;

Ryan Miller, Planning Director, updated the Council regarding strategic initiatives for the Planning & Zoning Department.

e. Building Inspections/Neighborhood Improvement Services; and

Jeffrey Widmer, the city's Building Official, came forth and briefed the Council on the strategic initiatives in place for these departments.

f. Administration

Mr. Crowley, City Manager, came forth and briefed the Council on updates to Administration's strategic initiatives.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the public meeting to go into Executive Session (5:01 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding the sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
2. Discussion regarding Specific Use Permit (SUP) associated with car dealerships located along IH-30 pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071
5. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Planning & Zoning Commission and the North TX Municipal Water District Board pursuant to Section 551.074 (personnel matters)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:58 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend moved to reappoint Bill Lofland to serve an additional two-year term on the North Texas Municipal Water District Board of Directors (June 1, 2015 – May 31, 2019). Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER

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

VIII. OPEN FORUM

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

Bill Cadman
(no address given)

Mr. Cadman came forth and encouraged the Council to consider making the Park at Breezy Hill handicap friendly and fully accessible to everyone, including putting rubber flooring down instead of wood chips.

Ms. Addison Bryan
(no address given)

Addison (a minor child) came forth and provided comments to the city council concerning the proposed Park at Breezy Hill. She explained that she was born with her legs backwards. She can walk and run, but she cannot bend her knees. She would like the Council to consider building a park similar to Yellow Jacket Park in her neighborhood. She would like for it to have rubber flooring and no wood chips. She would also like playground equipment built for wheelchairs and with no stairs.

There being no one else wishing to come forth and speak, the mayor then closed Open Forum.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 3, 2017 regular city council meeting, and take any action necessary.

2. **Z2017-005** - Consider a request by David Falls for the approval of an **ordinance** amending Ordinance No. 16-15 for the purpose of allowing the Animal Clinic for Small Animals land use to be a permitted use through a Specific Use Permit (SUP) for all properties within Planned Development District 50 (PD-50), being 21.266-acres of land in the S.S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, generally located along N. Goliad Street [SH-205] north of Interurban Street, and take any action necessary **(2nd Reading).**

3. **Z2017-006** - Consider a request by Brenda and Stuart Myers for the approval of an **ordinance** for a Specific Use Permit (SUP) amending Ordinance No. 11-37 (SUP No. S-034) to allow a restaurant with an accessory general retail store on a 0.6849-acre parcel of land identified as Lot 1, Abate Injury Rehab Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated in the North Goliad Corridor Overlay (NGC OV) District, addressed as 506 N. Goliad Street, and take any action necessary **(2nd Reading).**

4. **Z2017-008** Consider a city initiated request on behalf of Raymond Jowers of Jowers, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) rescinding Ordinance No. 08-38 (SUP No. S-056) and allowing outside storage adjacent to IH-30 on a 4.4317-acre tract of land identified as Tract 22-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30, and take any action necessary (**2nd Reading).**

5. Consider awarding a bid to Denco Construction and authorizing the City Manager to execute a contract for Police Building Security Enhancements in the amount of $213,061 to be funded out of the Police Department Operating budget, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#1, 2, 3, 4, and 5). Mayor Pro Tem Townsend seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW AN *ANIMAL CLINIC FOR SMALL ANIMALS* LAND USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) WITHIN THE SUBJECT PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-21
SPECIFIC USE PERMIT NO. S-165

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) BY AMENDING ORDINANCE NO. 11-37 (SUP NO. S-034), SPECIFICALLY TO ALLOW FOR A RESTAURANT IN CONJUNCTION WITH AN ACCESSORY GENERAL RETAIL STORE AND BANQUET FACILITY ON A 0.6849-ACRE PARCEL OF LAND; ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES; BEING ADDRESSED AS 506 N. GOLIAD STREET AND IDENTIFIED AS LOT 1, ABATE INJURY REHAB ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-20
SPECIFIC USE PERMIT NO. S-164

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) RESCINDING ORDINANCE NO. 08-38 (SUP NO. S-056) AND ALLOWING OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A 4.4317-ACRE TRACT OF LAND BEING

IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY, ABSTRACT NO. 120, 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 7 ayes to 0 nays.

X. APPOINTMENTS

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

Johnny Lyons, current Planning & Zoning Chairman, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's Council meeting agenda. The Council took no action following Mr. Lyons' comments.

XI. PUBLIC HEARING ITEMS

1. **Z2017-009** - Hold a public hearing to discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Motor Vehicle Dealership, New (Cars and Light Trucks) in a Light Industrial (LI) District for a 4.86-acre tract of land identified as Tract 5 of the N. M. Ballard Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1415 & 1501 E. IH-30, and take any action necessary **(1st Reading)** ***[Postponed to the May 1, 2017 City Council meeting].***

Mayor Pruitt announced that the applicant has requested postponement of this agenda item. It will be addressed at the May 1st Council meeting instead. Council took no action concerning this item at this time.

2. **Z2017-010** - Hold a public hearing to discuss and consider a City initiated request for the approval of an **ordinance** for a zoning amendment to Planned Development District 32 (PD-32) [Ordinance No. 10-21] for the purpose of amending the required streetscape elements stipulated by Exhibit 'C' of Ordinance No. 10-21 affecting a ~78.89-acre tract of land identified as the Harbor District, being zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, located at the southwest corner of Horizon Road [FM-3097] and IH-30, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided brief, introductory comments concerning this agenda item. He explained that at a work session in March, Council directed staff to work out some issues in the PD-32 district, including evaluating replacing street lighting fixtures.

Per this direction staff has prepared a text amendment that [1] removes all references to specific model numbers, [2] adds a requirement that applicants submit a Streetscape Plan at the time of site plan, and [3] makes general corrections to exhibits reflecting approved changes to other districts (i.e. changes approved with Case No. Z2017-003 that affected PD-32 & PD-7). The Streetscape Plan as required by the draft ordinance stipulates that applicants submit spec sheets/cut sheets for all proposed streetscape elements to ensure compatibility and continuity within the district. In addition, the requirement would give the Planning and Zoning Commission the discretion to review the submitted products, and determine if they meet the architectural/aesthetic intent of the PD Ordinance. Since this is an amendment to an existing Planned Development District, staff has notified all residents and property owners inside the PD boundaries, and within 500-feet of the PD boundaries. Of the 137 notices mailed to property owners and residents on March 29, 2017, staff has received no replies in favor or opposed to the request. In addition, staff emailed notices to the Lago Vista, Lakeside Village, Water's Edge, Signal Ridge, Chandler's Landing and Fox Chase Homeowner's Associations (HOA's), which are the only HOA's within 1,500-feet of the boundaries of the PD. The Planning & Zoning Commission has recommended approval of this item by a vote of 5 in favor with 0 opposed.

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

Councilmember White made a motion to approve Z2017-010. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 10-21*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND *ORDINANCE NO. 10-21* TO CODIFY CHANGES MADE BY *ORDINANCE NO. 16-13* AND APPROVE MINOR CHANGES TO *EXHIBIT 'C'* FOR A ~75.87-ACRE TRACT OF LAND SITUATED WITHIN THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11; E. TEAL SURVEY, ABSTRACT NO. 207; J. SMITH SURVEY, ABSTRACT NO. 200; AND W. BLEVINS SURVEY, ABSTRACT NO. 9, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2017-011** - Hold a public hearing to discuss and consider a City initiated request for the approval of an **ordinance** for a text amendment to Section 4.8, Downtown (DT) District, of Article V, District Development Standards, of the Unified Development Code for the purpose of amending the permitted major and minor waivers, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item. Approval of this ordinance would allow the City Council to approve major waivers to certain standards stipulated by the code. This direction came in response to an appointment with Rick Dirkse concerning a proposed development at 301 N. Goliad Street. Specifically, Mr. Dirkse submitted a site plan on February 17, 2017 depicting a ~5,000 SF, single story office building on the subject property. Upon reviewing the site plan, staff identified several major issues relating to the intent of the Downtown (DT) District. Specifically, staff noted that the request did not conform to the requirements of the district with respect to the building placement, building form, architectural style, parking requirements, and landscaping requirements. Several of these issues could be addressed through major or minor waivers as defined in the Downtown (DT) District zoning ordinance; however, issues relating to the building's height and roof color could not be waived by the code as it is currently written. This means that these requirements would be obligatory for any development proposed in the Downtown (DT) District.

Staff has prepared a draft ordinance that would make changes to the Downtown (DT) District zoning ordinance and would allow the City Council the ability to grant a major waiver to any standard in the ordinance with the exception of the items that are specifically stipulated as minor waivers. Minor waivers could be approved administratively with the option to appeal an administrative decision to the Planning and Zoning Commission. In the current ordinance there is no process to appeal a minor waiver.

After Mr. Miller's comments, Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, he then closed the public hearing.

Councilmember White moved to approve Z20177-011. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

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 4.8, *DOWNTOWN (DT) DISTRICT*, OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*; 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.

4. **Z2017-012** - Hold a public hearing to discuss and consider a request by Maria Del Carmen Andrew for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to Single-Family Estate 2.0 (SFE-2.0) District on a five (5) acre parcel of land being identified as Lot 2, Block A, Edwards Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 3401 FM-549, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item. He indicated that notices were sent out to adjacent property owners located within 500' of the subject

property. Nearby homeowners associations were also notified. However, staff has received no responses in return. The Planning & Zoning Commission has recommended approval of the item. Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, Mayor Pruitt closed the public hearing. Councilmember Lewis made a motion to approve Z2017-012. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A FIVE (5) ACRE TRACT OF LAND IDENTIFIED AS LOT 2, BLOCK A, EDWARDS ACRES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XII. ACTION ITEMS

1. **Z2017-007** - Discuss and consider a request by Rich Darragh of the Skorburg Company on behalf of the owner Bradley Joe Gideon for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 7 (SF-7) District land uses, on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the southwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item, indicating that the property is located near the intersection of John King Boulevard and Quail Run Road. It is currently zoned AG; however, the applicant is requesting to change the zoning to allow for a single-family subdivision. He generally indicated that the applicant has made some modifications to that which they originally proposed at the last council meeting. The applicant has submitted revisions, and the Council has been provided with details of these proposed updates. Notices were sent out March 8th to ten adjacent property owners, and two notices of opposition were received back by staff. The public hearings have already been held concerning this request. Mayor Pruitt called upon Assistant City Engineer, Amy Williams, to speak concerning some updates to the proposed detention systems. In the original request, detention was being shown on the up-stream side, so water would likely have had difficulty making it into those systems. However, the applicant has updated their proposal, and it now shows the detention systems on the downhill side, so they will be able to function properly and detain the water. Ms. Williams

also briefly spoke about proposed median cuts and associated openings. She explained that these updates will meet the city's requirements.

Mayor Pruitt commented that a lot of residents seem to be concerned about residential development along John King Boulevard. As such, he would like to put a moratorium on any future residential development to allow staff and Council time to evaluate the city's requirements, including the possibility of establishing requirements for 'slip streets' in future neighborhood developments along John King. He would also like the city to further evaluate our comprehensive plan to consider changing some of these properties to commercial or retail type uses. Mayor Pruitt shared that he would like the developer to stipulate on all of the new home plats that homeowners will very well see and hear traffic along John King.

Councilmember White made a motion to approve Z2017-007, including the P&Z and staff recommendations as well as the changes recommended by Council at the last meeting. He included in his motion that the residential plats state that these home will be located along a highway. Councilmember Hohenshelt clarified the motion, pointing out that the motion reflects 35% front entry garages, changes to the berm, the larger setback, the change in the configuration of the land to further push the homes away from John King. Mr. Miller pointed out that the ordinance that is before the Council for consideration this evening does include these items. Councilmember Hohenshelt seconded the motion.

Following brief comments, the ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-___

ORDINANCE NO. 17-XX AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 30.36-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pruitt directed staff to bring a plan to the Council regarding placing a moratorium on any future residential development along the John King Boulevard corridor. Councilmember Milder seconded the motion. The city attorney mentioned that public hearings must be held prior to the Council putting a moratorium in place. Staff suggested that a work session item could be placed on the May 1st council meeting agenda to further discuss this matter. After brief comments, Mayor Pruitt withdrew his motion, and Hohenshelt withdrew his second. This topic will be addressed at the next council meeting during the Work Session and/or Action Items.

2. Discuss and consider authorizing the City Manager to enter into a construction manager at risk contract to include a guaranteed maximum price for the construction of the Park at Breezy Hill, and take any action necessary

Andy Hesser, Parks & Rec Manager, provided brief introductory comments. William Spencer with MHS Planning & Design then came forth and provided a briefing to Council concerning proposed plans for this park. He explained that the proposed site amenities include the following:

- **30'x50' Log beam pavilion**
- **Playground with engineered wood fiber fall zone surfacing**
- **Approximately 2/3 mile 8' concrete trail**
- **Trail connections to existing trail with the Breezy Hill neighborhood**
- **Approximately 15,000 sq. ft. irrigated open lawn/play area**
- **One acre pond with an wildlife viewing/fishing pier**
- **Native prairie area.**

Mr. Brad Bassett, current chairman of the Park Board, came forth to address the Council on this item. Mr. Bassett commented that the current proposal calls for a wood chip-like material. He suggested that the Council consider upgrading this to include a "poured in place" ground surface and that the stairs and some of the connectors in the park be replaced with some things that are more 'wheelchair friendly.' He understands that these upgrades will cost approximately $150,000 additional dollars. He shared that Addison, who spoke during Open Forum, is a nine year old who currently attends Grace Hartman Elementary School in Rockwall. She previously spoke before the Park Board in a public forum held back in November. In addition, she previously spoke at the last Park Board meeting in addition to speaking during tonight's City Council meeting Open Forum. Mayor Pruitt indicated that the city manager may have some suggestions for funding the additional $150,000. Mr. Crowley shared that the only source of funding he can think of is 'general fund reserves.' However, staff may further evaluate possible alternatives for coming up with the additional funds.

Timing of the project was generally discussed, as well as the need to keep the project moving forward so that it may stay "on time" for ultimate completion. Councilmember Lewis generally indicated that he does not have a problem with adding the features and upgrades needed to make the design more handicapped accessible.
Councilmember Milder made a motion to approve the park design as recommended by the Park Board with authorization for up to an additional $150,000 for the accessible upgrades to make the park more handicapped accessible as recommended by the Park Board chairman. Councilmember White seconded the motion. Councilmember White and Mayor Pruitt indicated that they would be more comfortable waiting to receive more specific "hard numbers" before approving the additional funding. White suggested that the council consider acting upon two, separate motions so that the Council knows exactly what number is being voted on. Mayor Pruitt echoed that he will feel more comfortable voting on 'firm numbers' too.

Councilmember White rescinded his second to Milder's motion. Councilmember Lewis then seconded Milder's stated motion. The motion failed by a vote of 3 ayes to 4 nays (White, Hohenshelt, Pruitt and Fowler).

Councilmember White moved to approve the park plan as presented. Mayor Pro Tem Townsend seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Staff was asked to bring back a subsequent Action/discussion item at the next city council meeting pertaining to more firm numbers for the additional, "accessible" park features.

3. Discuss and consider approval of an **ordinance** amending Chapter 6. Animals; Article I. General; Article V. Impoundment; Article VII. Dangerous Dogs; and Article IX. Animal Care and Control, and take any action necessary. **[1st reading]**

Mr. Hesser, staff member who currently supervises the Animal Services Department, provided background information concerning this agenda item. The following is a summary of the major changes that are proposed with this ordinance amendment:

- **Clean up and additions to definitions section to provide clarity.**
- **Clarification of the prohibition of dangerous animals and associated authorities of appropriate staff and appeals.**
- **Clarification of ARTICLE V. Impoundment authority, notice and fees.**
- **The addition of an aggressive dog classification, owner responsibilities, appeals and declassification.**
- **Clarification of dangerous dog complaint, classification and appeal procedures.**
- **Addition of section to clarify the status of dog pending appeals.**
- **Change in tethering language to accommodate an exception to the tethering ordinance for legal trolley systems within certain limitations.**

Councilmember Lewis raised a question concerning the city retaining a dog for a period of 7 days before it becomes the property of the city and is then either adopted out or humanely euthanized. He is concerned about a resident perhaps being out of the country for longer than 7 days and not knowing that their dog has gone missing. Mr. Garza, city attorney, shared that he has seen some cities extend out the time to 30 days; however, this comes at a financial cost to the city.

Councilmember Lewis moved to approve the ordinance as presented. Mayor Pro Tem Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-___

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS CODE OF ORDINANCES AMENDING CHAPTER 6, ANIMALS, ARTICLE I. GENERAL; ARTICLE V. IMPOUNDMENT; ARTICLE VII. DANGEROUS DOGS; AND ARTICLE IX. ANIMAL CARE AND CONTROL; INCORPORATING RECITALS; PROVIDING REPEALING,

SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND SETTING AN EFFECTIVE DATE.

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

4. Discuss and consider granting permissions for the City's May 20, 2017 Founders Day Festival at Harry Myers Park related to Chapter 30, Article I, Sec. 30-2, Regulated Activities in Parks of the Code of Ordinances, and take any action necessary.

Mr. Hesser provided brief, introductory comments. He explained that this agenda item is a discretionary action on the part of the Council. It would temporarily allow for alcohol during the city's annual Founder's Day Festival, and it would immediately expire at the close of the event.

Councilmember White moved to allow the possession and consumption of alcohol at Harry Meyers Park during the city's upcoming Founders Day Festival. Councilmember Lewis seconded the motion. The motion passed by a vote of 6 ayes to 1 nay (Pruitt).

5. Discuss and consider possible amendments to Code of Ordinances Chapter 26, Motor Vehicles and Traffic to add provisions for extended parking of recreational vehicles and take any action necessary.

Mayor Pro Tem Townsend shared that he has brought forth this discussion item because he believes, at a minimum, that residents should be able to apply for a special permit of some sort if he/she intends to have an RV parked for a longer period of time than that for which the city's ordinance provisions allow. Discussion ensued pertaining to the city's current definition of "recreational use vehicles" and the associated prohibitions that apply for resident driveways and for "on street" parking.

Indication was generally given that staff will bring back some ordinance language options so that Council may consider making amendments to the current regulations. After lengthy discussion, the Council took no formal action concerning this agenda item.

6. Discuss and consider an appointment to fill a vacancy on the city's Main Street Advisory Board (MSAB), and take any action necessary.

Councilmember Milder shared that he would like to make a motion to appoint Terry Gregory to the Main Street Advisory Board (to replace former member, Mr. Gene Stroman, with a partial term to run through January of 2018). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIII. EXECUTIVE SESSION

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

1. Discussion regarding the sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
2. Discussion regarding Specific Use Permit (SUP) associated with car dealerships located along IH-30 pursuant to Section 551.071 (Consultation with Attorney)

3. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)

4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071

5. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Planning & Zoning Commission and the North TX Municipal Water District Board pursuant to Section 551.074 (personnel matters)

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

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

XV. ADJOURNMENT

Mayor Pruitt announced that the city's annual Household Hazardous Waste Day is coming up on April 22. He encouraged all residents to take advantage of this opportunity to dispose of hazardous materials in a safe way. He then adjourned the meeting at 7:28 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st day of May, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 01, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER-

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

II. WORK SESSION

1. Hold a work session to hear and discuss an update regarding the strategic plans for the following departments:

   a. Internal Operations Department;

Joey Boyd, the manager over the Internal Operations Department, updated the Council regarding strategic initiatives for the Internal Operations Department.

   b. Municipal Airport Department;

Joey Boyd, the manager over the Internal Operations Department, updated the Council regarding strategic initiatives for the Municipal Airport Department.

   c. Human Resources Department;

Cheryl Dunlop, the Director over the Human Resources Department, updated the Council regarding strategic initiatives for the Human Resources Department.

   d. Finance Department;

Mary Smith, Finance Director/Assistant City Manager, updated the Council regarding strategic initiatives for the Finance Department.

   e. Public Works Department; and

Tim Tumulty, City Engineer, updated the Council regarding strategic initiatives for the Public Works Department.

   f. Police Department

Chief Kirk Riggs, the Chief over the Police Department updated the Council regarding strategic initiatives for the Police Department.

Council took no action concerning these work session items.

2. Hold a work session to discuss and consider changes to the residential design standards for the SH-205 By Pass Overlay (SH-205 BY OV) District, and discuss the process and procedures for a moratorium on residential development along John King Boulevard.

Mayor Pruitt indicated that this topic arose at the last Council meeting, and the state is likely going to move forward with making John King Boulevard the future SH-205 bypass. Mr. Miller shared that staff was asked to review not only the design standards along John King Boulevard but also the future land use zoning designations. Staff was also asked to look into possible placement of a moratorium. The corridor is about 23% developed to date, so about 65% remains undeveloped thus far. The majority of the corridor is already entitled with the exception of The Hance property and Mr. Lofland's property (S. of the school site), and a property near SH-66. Mr. Miller went on to explain some of the existing property designations as well as possible changes to some of those designations. He shared the various ways in which the Council may go about amending some of those zoning designations if it so desires.

Mayor Pruitt commented that properties that are not already 'entitled' are far fewer in number than what he originally thought. Brief comments were made pertaining to possibly asking the city's Comprehensive Plan Advisory Review Committee to evaluate possible zoning designation changes, or the Council possibly moving forward to do so at its own discretion. Pruitt shared that he sees no need to move forward with a moratorium because it would impact such few properties (really, only Mr. Lofland's property).

Mr. Crowley commented that Council has asked staff to be mindful of future landscaping and hardscaping enhancements along John King. He explained that there are at least two programs with the State (the "Green Ribbon Program," which is 100% financed by the state) and a separate 50%/50% program through the state. He made Council aware that staff has been evaluating these program options.

Mr. Miller shared that the city is in the process of amending its future land use map, and all areas of the city are being looked at, including this corridor. Lengthy discussion ensued pertaining to setbacks from John King as well as berms, directional positioning of homes, additional siding on homes, and "slip streets." Councilmember White expressed that homeowners who have bought a home (or will buy a home) backing up to John King, already knew that when they purchased (or will purchase) their home. Staff agreed to outline some design standard changes and bring those back at a later date for the Council to consider.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the public meeting to go into Executive Session (5:22 p.m.).

I. 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 municipal boundary agreement with adjacent municipality pursuant to Section 551.071 (Consultation with Attorney)

2. Discussion regarding the lease and/or sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)

3. Discussion regarding interviews and appointments to city regulatory boards, commissions, and committees (the Planning & Zoning Commission) pursuant to Section 551.074 (personnel matters)

4. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)

5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)

II. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:55 p.m.

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

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

IV. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

There was no action taken as a result of Executive Session.

V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

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

VI. PROCLAMATIONS / AWARDS

1. National Day of Prayer

Mayor Pruitt read the proclamation for National Day of Prayer and invited members of the public to a Rockwall County Prayer Breakfast that will be held on May 4 at The Center.

2. Building Safety Month

Mayor Pruitt invited Jeffrey Widmer, Building Official, and Arianna Hargrove, Fire Marshal down to the front. The then read and presented them with this proclamation.

VII. OPEN FORUM

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

Bennie Daniels
3308 Augusta Blvd
Rockwall TX

Mr. Daniels came forth to publicly thank David White for his six years of service on the Rockwall City Council, thanking him for his straight forwardness and contributions to the citizens of Rockwall during his tenure.

Kevin Passons
Deputy Chief Appraiser
Rockwall Central Appraisal District
841 Justin Road
Rockwall, TX 75087

Mr. Passons came forth and thanked the Mayor and City Council for the opportunity to speak at the meeting tonight. Mr. Passons went on to speak regarding the 2017 appraisal value notices for the City of Rockwall and Rockwall County as a whole. Mr. Passons stated that the annual Notices of Appraised Value were mailed last Friday. Property owners began receiving them as early as last Saturday and will continue to do so the rest of this week. He stated that we are in a very aggressive real estate market. Homes stay on the market for just a few days and some cases they garner more than the asking price, and the result of this is a higher appraised values. In accordance with the Property Tax Code, Sec. 23.01-" all taxable property is appraised at its market value as of January 1," and Market value is defined in Sec. 1.047;(a) (b) & (c) of the property tax code. All property owners in Rockwall County have the opportunity and the right to file a protest and to protest their values by a formal or informal protest. If they would like to file a protest informally they can contact the Rockwall Central Appraisal District's office and schedule a meeting. If they would like to do a formal protest, they need fill out the notice of protest test form and turn it into the office or mail the form. Properties owners also have the option to protest online if their property is eligible within that notice of protest value. They will need to access the Rockwall Central Appraisal District's office website and follow the instructions. Mr. Passon then handed a document to the Mayor and City Council members. The document handed out basically outlines the last 5 years of history for the City of Rockwall and also the Rockwall County as a whole. The 2017 preliminary numbers that we have and the preliminary number is the noticed value of properties. He explained that the CAD does understand that property owners do exercise their right protest and, thru that, the preliminary property value is reduced. The difference from the certified value from 2016 in the preliminary market was an 11% increase. He explained that the next page on the document shows the net taxable value, and this net number is an estimated number by the CAD. It shows that from last year, regarding the certified net value, there will be a 12% increase. The difference in market and preliminary net value is netted, after the exemptions have been removed from the properties or homesteads over 65 and so on. The 3rd page shows the new value. It shows from 2016 to 2017 the number increased to 16%. Mr. Passons explained that the new value is comprised of new businesses, new homes, and any new construction within Rockwall County. The following page showed a five year levy history, and, off of our preliminary numbers that we have given you this year and last year's tax rate, it shows a 2% in the levy for 2017 in Rockwall County. The last pages are just bar graphs that show the progression of property taxes throughout each entity. He explained that the two pages back from the last page shows the City of Rockwall, and it shows steady growth over the last five years within the market in Rockwall County. Mr. Passon's stated they do encourage property owners to protest their values. They want to be able to show the property owners that their property values are correct. Or, if can't prove it by comparable properties, they will make those changes whether is market or equity. Mr.

Passon's stated that it is an honor to serve the citizens of Rockwall and Rockwall County, and he thanked the Council for its time.

Mayor Pruitt commented that, just because they turned down your protest and they come up with a value you think is unfair, you certainly have an easy route to filing a lawsuit in district court.

Bruce Foith
1087 Shady Lane Drive
Rockwall, TX

Mr. Foith explained that he was very angry and upset. He had attended the work shop he was a little surprised when the Mayor stated that it looks like the future state highway route for 205 is going to be John King. To Councilmen White, Mr. Foith called into question White's comments made during the work session in which White indicated that residents living along John King knew they were getting a state highway next to them. Mr. Foith explained that both he and many of other residents he has spoken to did do their research, but they have been unable to find anywhere in city documents where it says that John King Boulevard was going to be THE state highway. He stated it may be in there, but he did not find it in the documents. He commented that, in writing it failed to become a bypass because it didn't meet standards, so he questioned how it is going to be a state highway. He explained that he didn't expect to be a state highway based on what he read. He indicated that he did not appreciate Councilmen White stating that they did not do their research, because they did. He also indicated that he will definitely vote next time, that he is deeply offended by Councilmen White's comments, and that this won't be forgotten.

There being no one else wishing to come forth and speak, the mayor then closed Open Forum.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the April 17, 2017 regular city council meeting, and take any action necessary.

2. **Z2017-010** - Consider a City initiated request for the approval of an **ordinance** for a zoning amendment to Planned Development District 32 (PD-32) [Ordinance No. 10-21] for the purpose of amending the required streetscape elements stipulated by Exhibit 'C' of Ordinance No. 10-21 affecting a ~78.89-acre tract of land identified as the Harbor District, being zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, located at the southwest corner of Horizon Road [FM-3097] and IH-30, and take any action necessary **(2nd Reading).**

3. **Z2017-012** - Consider a request by Maria Del Carmen Andrew for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to Single-Family Estate 2.0 (SFE-2.0) District on a five (5) acre parcel of land being identified as Lot 2, Block A, Edwards Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 3401 FM-549, and take any action necessary **(2nd Reading).**

4. Consider an approval of an **ordinance** amending Chapter 6. Animals; Article I. General; Article V. Impoundment; Article VII. Dangerous Dogs; and Article IX. Animal Care and Control, and take any action necessary. **[2nd reading]**

5. **Z2017-011** - Consider a City initiated request for the approval of an **ordinance** for a text amendment to Section 4.8, Downtown (DT) District, of Article V, District Development Standards, of the Unified Development Code for the purpose of amending the permitted major and minor waivers, and take any action necessary **(2nd Reading).**

6. Consider awarding the Pavement Repairs and Maintenance Contract by unit price to XIT Paving and Construction, Inc. and authorize the City Manager to execute a contract for this service, and take any action necessary.

7. Consider awarding a bid to Waukesha-Pearce Industries and authorizing the City Manager to execute a contract for stationary generators at Dalton Road and Harlan Park Lift Stations in the total amount of $234,717.13 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.

8. Consider awarding a bid to SiteOne Landscape Supply and authorizing the City Manager to execute a Purchase Order for Plant Materials in the total amount of $27,170.27 to be funded out of Tree Mitigation funds, and take any action necessary.

9. Consider approval of an amendment to the engineering services contract with Hydrological Support Services, LLC to perform flood study reviews for developments within the City in an additional amount not to exceed $40,000, thus revising the contract amount to $80,000, and take any action necessary.

10. Consider a request by the Historic Preservation Advisory Board (HPAB) for the approval of Historic Cemetery Plaques for the Glen Hill and Nathan Butler Cemeteries and a name recognition sign for the Gardenhire Cemetery, and take any action necessary.

11. **P2017-019** - Consider a request by Drew Cunningham of Mountainprize, Inc. for the approval of a replat for Lots 3 & 4, Block A, Woods at Rockwall Addition being a 4.47-acre tract of land currently identified as Lots 1R & 2R, Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the southeast corner of the intersection

12. **P2017-024** - Consider a request by Greg T. Helsel of Spiars Engineering on behalf of Will Shaddock of Master Developers – SNB, LLC for the approval of a replat for Lots 26 & 27, Block E, The Preserve, Phase 1 Addition, being a 0.736-acre tract of land currently identified as Lots 20 & 21, Block E, The Preserve, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41), located northwest of the terminus of Wildwood Lane and Cooper Court, and take any action necessary.

Councilmember Milder pulled items #6 and #7 for further discussion. He then moved to approve the remaining items (#1, 2, 3, 4, 5, 8, 9, 10, 11, and 12). Councilmember Lewis seconded the motion. The Mayor then called for ordinance reading(s). The motion passed by a vote of 7 ayes to 0 nays.

Regarding Consent Item #6, Councilmember Milder stated that every now and then we get a large dollar item lumped into the consent agenda item. He feels like that both of these items warrant their own votes, and he would like the City Manager to give brief

comments regarding approximately how much in repairs the Council is approving. City Manager Rick Crowley indicated that this is contract for the concrete paving repairs that the city does annually. He explained that the city puts the projects together, and, based on the unit price of this contract, it awards those on a job-to-job basis. Tim Tumulty, City Engineer, explained that the project was set up when the city put an approved budget in place in the street's division. Throughout the year, about 1.4 million in funds may be utilize for asphalt streets and street-related expenses. The city started out the year utilizing another contractor, but it became obvious that he couldn't do it for what he bided it at. He went on to explain that this is for doing miscellaneous repairs throughout the city, whether it is a vacant site, repairing sidewalks, concrete streets on Yellowjacket, etc. He indicated, in general, that this gives the city the ability to lump a bunch of projects together and then bring in the contractor to get those done. He further explained that the city has to take in consideration other maintenance issues and asphalt needs as well so that things like maintenance, repairs and mud jacking are all balanced. He acknowledged that this contract is big, and it will include a lot of work.

Regarding Consent Agenda Item #7, Councilmember Milder stated this agenda item warranted its own vote since it includes a quarter of a million dollars being spent. Councilmember Milder asked the City Manager to briefly explain the amount being funded. Mr. Crowley explained that these are lift station generators, and we have a number of lift stations within our waste water collections systems. These are generators that allow them to continue to function when the power goes off. This is an obligation of the city to both operate a good system as well as to operate under the guidelines of the USEPA. Tim Tumulty, City Engineer, added that when the City had its audit thru the EPA, this had been an expressed area of concern for them. They either wanted the city to ramp up our mobile units to the sites, or make sure these generators get in because they do not want to see any sewer on the ground. Mary Smith, Finance Director/Assistant City Manager stated that this bid came in significantly under budget to the point where the city is probably going to be able to afford to address a third lift station that was not originally planned for this year.

Councilmember Milder moved to Agenda items #6 and #7. Councilmember Lewis seconded the motion. Both motions passed by a vote of 7 ayes to 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.

Johnny Lyons, Chairman of the P&Z Commission, came forth and briefed the Council regarding recommendations of the Commission relative to tonight's planning-related agenda items. No action was taken as a result of this appointment item.

2. Appointment with Shawn Howard to consider approval of a resolution concerning human trafficking training for the City's full-time first responders, and take any action necessary.

Mr. Howard came forth and provided brief comments pertaining to this proposed resolution. He explained that The Blue Campaign provides free training through the Department of Homeland Security for 'human trafficking,' and passage of this resolution would support additional training. He shared that the District Attorney as well as the Police Chief have expressed support for this resolution. Mayor Pruitt then moved to

approve this resolution. Councilmember Milder seconded the motion, which passed unanimously.

3. Appointment with Joe DeLane, Rockwall County Emergency Management Coordinator, to hear update regarding countywide Hazard Mitigation Plan and discuss and consider approval of a resolution adopting said plan, and take any action necessary.

Joe DeLane came forth and briefed the Council on the final draft of the countywide Hazard Mitigation Plan. He explained that this has been an ongoing, collaborative effort between the County, its consultant (H2O Partners), and staff members from all jurisdictions within Rockwall County. He shared that both the State Division of Emergency Management and FEMA have reviewed the draft plan. After some minor changes as a result of the state and federal review, he explained that the plan is now ready for adoption by each jurisdiction within the county. He briefly touched on the proposed "mitigation actions" that the City of Rockwall has identified for itself as far as implantation of the plan is concerned. Mr. DeLane explained that the plan will be reviewed annually with an overall update being done once every five years.

Councilmember Lewis moved to approve the adopting resolution. Mayor Pro Tem Townsend seconded the motion, which passed unanimously (7 ayes to 0 nays).

X. PUBLIC HEARING ITEMS

1. **Z2017-009** - Hold a public hearing to discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Motor Vehicle Dealership, New (Cars and Light Trucks) in a Light Industrial (LI) District for a 4.86-acre tract of land identified as Tract 5 of the N. M. Ballard Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1415 & 1501 E. IH-30, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. This property is currently zoned Light Industrial. It is East of Industrial Boulevard on the north side of the IH-30 frontage road. The applicant is seeking an SUP for a new motor vehicle dealership. The applicant has submitted a concept plan to depict how they wish to lay out the site with regards to the building and parking. He shared that a flood plain currently encompasses a majority of the property, and the applicant is proposing a sort of floating deck. This is being proposed in light of the flood plain as a way of recapturing this area without having to go through mitigation. The city's comp plan calls for nothing to be constructed within a flood plain; however, approval of this SUP is at the Council's discretion. Also, the city's engineering staff will require a flood study to ensure that any improvements proposed for the property do not affect any properties downstream. Staff sent out 28 notices to adjacent property owners, and three notices were received back in favor of the request. In addition, the Planning & Zoning Commission voted in favor of approval of this request by a vote of 3 to 1 (with Trowbridge dissenting).

Mr. Randall Noe and his representative, Chris Cuny, came forth to address the Council. Mr. Cuny stated his address as: 2 Horizon Court in Heath, TX. Mr. Cuny explained that the property is 4.86 acres, and about 54% of the property is located within a flood plain.

He explained that they have hired Boyd Hydrology to help them with a flood study to see what portions of the property may be reclaimed. Initially, a four-story parking structure was considered; however, no one seemed to be enthusiastic about this idea. So, a one level parking deck (basically a big bridge) was considered instead. It was discovered that going with this option will be a little less expensive than doing a four-story parking structure. He explained that city staff has preliminarily indicated that building this "big bridge" would be allowable. Mr. Cuny spoke briefly about the usability of this property and the estimated costs associated with reclaiming / remediating the property (overall total development cost of about $10 million). He acknowledged that underground detention will be necessary, so the cost will be very expensive. Mr. Cuny shared that he believes this is an innovative solution to solving the problem of utilizing flood plain property. He went on to explain that 150 new jobs will be created by this new Subaru dealership, and it will have additional, residual positive effects on the local tax base. He commented that Mr. Noe is very charitable and makes positive contributions to the local community. He generally encouraged Council to approve this request.

Mr. Noe then came forth and stated that, with their experience, they know where retail should go. Mr. Noe stated he bought this property but did not know what this property was like when he bought it, the flood stamp wasn't on it and he hasn't been able to do anything with it. They have taken this to 20 different businesses and no one is interested because they are running into the same problem. No one is going go there besides someone that will make an investment. Subaru would be a great partner for the City. They have the Love Foundation and have put thousands and thousands of dollars into the Terrell school system. Four years ago, they started a program that when they sell a car, money goes back to a charity. He believes the dealership will bring people into town that normally wouldn't come to Rockwall to purchase a car. Those people will see The Harbor and stop by to have lunch and will see the shops and want to stop and shop too. The business will be employing 150 employees, and many of them will live here and shop here. They've hired local contractors and local designers, so everything has been based around this town. They are not asking for a cent. They are going to take a piece of dirt that is valued at about $400,000, and if the Council votes this request down tonight, it will be valued at zero. He encouraged the Council to think about this being the best space for this property.

Councilmen Dennis Lewis asked Mr. Noe if he is under a timeframe with Subaru. Mr. Noe indicated that he is, and brief dialogue took place pertaining to the timeframe and general need to move forward in a timely manner.

Councilmen Mike Townsend asked Mr. Cuny for more details about the large bridge, including the anticipated height. Chris stated that when the average person drives by it, they will not even know that it is elevated. He explained that the bottom area will be a minimum of 2ft above the flood elevation, and it will look like just an extension. Councilmen Mike Townsend also asked how the underneath area of the bridge will be treated. Mr. Cuny indicated that they will have to make sure to have erosion protection and be sure it's seeded so as to ensure the material under there will not be undermined. Also, they will have to run a screen around so it will not be seen. It is a low shallow flood plain in that area. We've run the cost and the cost is about $8,000 a parking space and where a normal elevated parking structure is about $10,000 a space. Councilmen Mike Townsend stated he is worried about the danger of this elevated space. Chris stated that security for this space is very important to them. Security would be the same as it would be with any other retention pond. Part of the area below will be part of the valley storage so they will bring a fence down to the ground level with an access gate so you can't get into there. Councilmen Kevin Fowler asked the city's Planning Director if an SUP

(AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the southwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary **(2nd Reading).**

Mayor Pruitt asked Mr. Miller if this version of the ordinance reflects the desires of the Council as expressed at the last council meeting. Mr. Miller confirmed that it indeed does. Councilmember White made a motion to approve Z2017-007. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-25

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 84 (PD- 84) FOR SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 30.36-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. Discuss and consider imposing a moratorium on residential development along John King Boulevard, and take any action necessary.

Mayor Pruitt indicated that he put forth this item; however, based on the work session discussion that occurred earlier this afternoon, he does not feel there is a need to move forward with this item. Therefore, no discussion ensued, and no action was taken by Council.

3. Discuss and consider possible amendments to the city's Code of Ordinances in Chapter 26. Motor Vehicles and Traffic; Article VII. Stopping, Standing or Parking; Sec. 26-507 "Parking Oversized and Recreational Vehicles in Residential Areas" and the Unified Development Code in Article 6. Parking & Loading, Sec. 4. Residential Parking to modify certain regulations contained therein, and consider directing staff to initiate said modifications at the Planning & Zoning Commission through appropriate public hearings, and take any action necessary.

Mr. Widmer came forth and indicated that he has provided the Council with three possibilities for modifying the city's current ordinance language. He generally explained that the three versions reflect the following:

1. **Merge regulations currently contained within our UDC into the Code of Ordinances. The purpose for this change would be to place all regulations for parking of recreational vehicles into one code.**
2. **Provide for some general cleanup to the ordinance language.**
3. **Add a provision suggested by Council Member Townsend to allow extended parking for a defined period of time.**

He went on to explain that version 2 removes the term boat from the recreational vehicle definition and creates a definition for the term. This version also eliminates the requirement for a boat to meet the screening standards, which currently do apply to recreational vehicles. Version 3 accomplishes all of the above, and, in addition, it removes all current screening requirements for recreational vehicles, utility trailers and boats.

Councilmember Townsend provided general comments pertaining to the possibility of allowing boats to be parked for a 48-hour period and whether or not they should be required to be back behind the property line and/or screened if they are parked for more than 48-hours.

Mayor Pruitt expressed that he believes no one living along the lake who owns boats will be helped by any of these options. Townsend indicated that he is concerned for the overall community and the effects, aesthetically, that boat parking in residential areas may have. Mayor Pruitt expressed concern about the definitions of 'oversized vehicles' and recreational vehicles. He indicated that he would potentially like to add "food trucks" to the definition of oversized vehicles.

It was noted that Councilmember Hohenshelt left the meeting at this point (7:43 p.m.) because his son is involved in high school lacrosse playoffs.

Additional dialogue took place pertaining to "food trucks," with Mayor Pruitt indicating that a food truck is huge, and it's also a billboard in someone's front yard every night if it's parked there. Mr. Widmer explained the city's current regulations pertaining to "oversized vehicles" and that the definition is generally tied to the vehicle's weight (in tons) and overall length. Mr. Widmer pointed out that a food truck being parked is similar to a plumber parking his work truck at a residence.

General indication was given that staff will bring this item back at a later date for further consideration. No action was taken as a result of this item at this time.

4. Discuss and consider an update related to the city's policy regarding use of outdoor warning sirens, and take any action necessary.

Captain Ed Fowler of the Rockwall Police Department came forth and addressed the Council concerning this agenda item. He shared a lot of details concerning research he has performed regarding what other municipalities in the DFW area have in place for their individual outdoor warning siren policies. He spoke about various subjective vs. objective caveats that may dictate when a city sounds its sirens (i.e. wind speed, size of hail, watches vs. warnings, etc.). Councilmember Lewis commented that he likes that the city's policy specifies "golf ball sized" hail instead of a specified size in inches. Captain Fowler commented that 70 mph winds do start causing damage, and a lot of other cities do seem to have that standard in place. Councilman Fowler indicated that discussions he has had with citizens have seemed to favor our having a defined wind speed included in our policy. Captain Fowler shared that 58 mph wind speeds generally lead to a thunderstorm warning from the NWS. Mayor Pruitt pointed out that with the recent winds that adversely affected the Dalton Ranch subdivision in April, it wasn't necessarily the wind speed, but the downward direction that caused a type of microburst. It was suggested that perhaps it would not take dispatchers a lot of time to look at the city's AWOS system (automated weather observation system) to see that wind speeds are in

excess of 70 mph because that is a system that is located at our city's municipal airport, and it shows actual wind speeds. Townsend expressed concerns about that weather observation system only being in one, small location of our city. He would feel more comfortable if there were multiple weather stations that monitored wind speed at other locations within our city. Mr. Crowley, City Manager, pointed out that the weather monitoring device at the airport won't help with prediction - it will only help us know what's already happening. Captain Fowler commented that verifiable speeds from a reliable source are what seem to dictate other cities sounding their sirens. Councilman Milder suggested that we look at the new building code that was recently adopted and look to see what homes are designed to withstand. He believes that the new building code dictates that homes should be able to sustain 110 mph winds, pointing out that the previous code had a 90 mph threshold for homes to be able to withstand winds. He feels that 70 mph wind speeds being set as a parameter in our own city's policy would be good. Mr. Crowley indicated that staff will bring back some revisions to the policy - including 70 mph and better definitions for some of the subjective criteria (i.e. 'Credible sources'). Councilmember White pointed out that he does have concerns about the city being accused of "crying wolf" and its sirens going off for apparently no good reason. He went on to suggest that perhaps Joe DeLane (Rockwall County Emergency Management), Kristy Cole and Ed Fowler could be responsible for determining, on a case-by-case basis, when to sound the sirens. White also encouraged everyone to sign up for NIXLE (to receive text messages to their mobile device concerning severe weather). Captain Fowler pointed out that a city and its residents hearing sirens from the next city over poses challenges if a city's policy provisions vary from those of its neighbor. Brief comments were made concerning how the City might be able to better determine wind speeds. Councilman Lewis suggested researching what it would take / what it would cost to have multiple wind speed monitors in some other locations within the city as well. Mayor Pruitt reminded everyone that the main purpose of a siren is to encourage those who are outside to go inside and take cover and seek more information. Assistant Police Chief Kirk Riggs indicated that typically, the research shows that emergency managers are activating sirens. He stated that he prefers that Captain Fowler not have to be responsible.

The Council took no formal action concerning this agenda item.

5. Discuss and consider a request from Meals on Wheels Senior Services of Rockwall County pertaining to nomination of two outstanding citizens who are making a difference in the (senior) community, and take any action necessary.

Mayor Pruitt briefed the Council on this agenda item, indicating that he would like to suggest nominating Bill Cecil and Marilyn King. He explained that Mr. Cecil was the first and only one with the vision of having 'art in public places' for Rockwall in the future. So, he made sure that money was set aside in the bond debt issuance to ensure that public art could be put on display. Also, Marilyn King does a lot for seniors, especially the work that she does teaching exercise classes at the local YMCA. Also, she is an advocate on their behalf - always kind to point out if / when there is a problem with their transportation services with STAR Transit, for example. After brief comments, Mayor Pruitt moved to nominate Cecil and King for this honor. Councilmember White seconded the motion. White pointed out that more than two people can be nominated if the Council so desires. Also, the public may nominate individuals as well. The motion then passed by a vote of 7 ayes to 0 nays.

XII. 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 - 2017
   - Fire Department Monthly Report - March 2017
   - Fire Marshal's Division Monthly Report - March 2017
   - GIS Division Monthly Report - March 2017
   - Harbor PD Monthly Report - March 2017
   - Internal Operations Monthly Report for March 2017
   - Interoperability Radio Network Project Update
   - Police Department Monthly Report-March 2017
   - Recreation Monthly Report - March 2017
   - Rockwall Animal Adoption Center Monthly Report - March 2017
   - STAR Transit Monthly Report – March 2017
2. City Manager's Report

Mr. Crowley indicated that Council has been provided with the various departmental reports, and staff is prepared to answer any questions Council may have. There being no questions, Mayor Pruitt then read Executive Session discussion item #1 below into the public record before recessing the meeting to go back into Executive Session (at 8:08 p.m.).

XIII. EXECUTIVE SESSION

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

1. Discussion regarding possible municipal boundary agreement with adjacent municipality pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding the lease and/or sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
3. Discussion regarding interviews and appointments to city regulatory boards, commissions, and committees (the Planning & Zoning Commission) pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)

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

Council came out of Executive Session at 8:53 p.m., and Mayor Pruitt called the public meeting back to order. It was announced that no action was needed.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:54 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th day of May, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 15, 2017
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Mike Townsend and City Council Members David White, John Hohenshelt, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Council Member Scott Milder was absent from the first part of the meeting, joining Executive Session at 5:30 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 Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (the Planning & Zoning Commission) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding executive level employee benefits pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the lease and/or sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
5. Discussion regarding possible acceptance of a land donation in the vicinity of SH-205 and Lakeshore pursuant to Section §551.072 (Real Property)
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:35 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend moved to appoint Jerry Welch to fill the open position on the Planning & Zoning Commission (to replace former member, Sandi Whitley, with an initial term to expire in August of 2017). Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

VII. PROCLAMATIONS / AWARDS

1. "Put on Purple Day" for Lupus Awareness

Dolores English from the Lupus Foundation of America, Lone Star Chapter came forth and received the proclamation for this cause.

2. Emergency Medical Services (EMS) Week

Mitch Ownby and Martin Ramirez of Rockwall County EMS / Medic Rescue came forth and received the mayor's proclamation, declaring next week as "EMS Week" in the City of Rockwall.

3. Police Memorial Week

Police Chief Kirk Riggs, Assistant Police Chief Kirk Aldridge and about a dozen uniformed officers came forth at this time. Chief Riggs read a statement into the record before Mayor Pruitt read and presented the chief with this proclamation. At the request of Chief Riggs, a brief moment of silence was observed in recognition of those police officers who have made the ultimate sacrifice.

4. Public Works Week

The mayor called forth Tim Tumulty, City Engineer/Director of Public Works, and several members of his staff. He then read and presented them with this proclamation.

5. Recognition of graduating Youth Advisory Council (YAC) students

Members of the city's Youth Advisory Council came forth and introduced themselves. Mayor Pruitt introduced the city secretary, Kristy Cole, and recognized Council Members David White and Kevin Fowler for the important role they play as liaisons to the YAC. Mayor Pruitt then recognized two graduating seniors, Reid Rakow and Kelsey Franks.

6. Recognition of outgoing City Council members

Mayor Pruitt came forth and recognized Council Member David White for his six years of service on the city council. Mayor Pro Tem Mike Townsend came forth and recognized Scott Milder for his four years of service on the council. County Commissioner Cliff Sevier also came forward and recognized Council Member White, thanking him for his

contributions to the Council and to the city as a whole. Mayor Pruitt presented a special gift to both White and Milder.

VIII. OPEN FORUM

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

Edward G.
1470 John King Boulevard, Apt. 1410
Rockwall, TX

Edward provided comments on his experience while crossing the road in front of the old city hall on Rusk, which he understands is a state highway, SH-66. He shared that he would appreciate consideration to, perhaps, a flashing yellow 'caution' light of some sort being installed to warn drivers who may not be from here that as you head down SH-66 towards the Walmart Neighborhood Market the right lane merges down into the center lane. He feels that drivers should somehow be made better aware that there may be people trying to cross the street as well.

Edward went on to indicate that he is in a wheelchair. He recently had to go to the Police Department building, and he parked in the public parking lot that is located across the street. He then proceeded to provide details, generally pertaining to the challenges that he experienced with crossing the street and accessing sidewalks to and from where he parked and the building.

Addisyn Bryan
Ms. Bryan came forth and indicated that she is in 3rd grade, and she previously raised $85,000 for Texas Scottish Rite Hospital for Children. She shared that she cannot bend her knees, so playing on a traditional playground is difficult for her. Climbing stairs is difficult, and climbing on the equipment is generally challenging. She recently fell on the playground at Stone Creek Park. She has been to five public meetings pertaining to the planning for the Park at Breezy Hill. She is concerned because she wants to be sure that the plans that get approved for the Breezy Hill Park will include amenities she feels will truly make it accessible for both kids and adults who have physical needs and difficulties, especially since this particular park is located on the street on which she currently lives. She expressed appreciation for the City of Rockwall building the Yellow Jacket Park. She shared that having a park she can play in should not be considered a luxury. She is glad to have the opportunity to be a voice for the special needs community. She would like to see no wood chips in the Park at Breezy Hill, and she hopes there will be ramps and handicap accessible play equipment.

Sol Villasana
809 Village Green Drive
Rockwall, TX

Mr. Villasana thanked the Council and downtown merchants for the recent Cinco de Mayo event that was held in downtown Rockwall. He went on to express that a new organization has been formed in Rockwall – the League of United Latin American Citizens (LULAC) – which, he explained, is the oldest and largest Latino civil rights organization in the country.

Patrick Trowbridge of the city's Planning & Zoning Commission came forth and thanked both Council Member David White and Council Member Scott Milder for their past service on the city council.

Mayor Pruitt then reordered the agenda to address Appointment Item #1 with the city's Planning & Zoning Commission Chairman.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 1, 2017 regular city council meeting, and take any action necessary.
2. Consider approval of the construction contract for the rehabilitation/repairs to nine sanitary sewer manholes along Tubbs Road and authorize the City Manager to execute the contract with Fuquay, Inc. in an amount of $57,446 to be funded from the Sewer operations budget, and take any action necessary.
3. Consider approval of a resolution supporting SB 1239 relating to the authority of a municipality to remove directors of the North Texas Municipal Water District, and take any action necessary.
4. Consider approval of an **ordinance** approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation – Mid Tex Division regarding the company's 2017 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; and take any action necessary.
5. **P2017-017** - Consider a request by Jason Lentz of Atticus Harbor Village for the approval of a replat for Lot 1, Block A and Lot 1, Block B, Harbor Village Addition being a 6.904-acre tract of land identified as Lots 3A, 4A & 5A, Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District, located adjacent to Summer Lee Drive southwest of the intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take any action necessary.
6. **P2017-020** - Consider a request by William and Sandie Wood for the approval of a final plat of Lot 1, Block A, Wood Estates Addition being a 3.58-acre tract of land identified as Tract 60-01 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, generally located east of the intersection of S. Clark Street and Washington Street, and take any action necessary.
7. **P2017-021** - Consider a request by Cameron Slown of F. C. Cuny Corporation on behalf of Robert S. Whittle for the approval of a preliminary plat for the Highlands Subdivision containing 53 single-family residential lots on a 13.376-acre tract of land identified as Tract 2 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Zero Lot Line (ZL-5) District land uses, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located at the northwest corner of the intersection of SH-66 and FM-1141, and take any action necessary.

8. **P2017-022** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Phase VI SF, LTD. for the approval of a final plat for Breezy Hill, Phase VI containing 79 single-family residential lots on a 32.022-acre portion of a larger 61.528-acre tract of land identified as Tract 7 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, generally located northeast of the intersection of N. John King Boulevard and Life Springs Drive, and take any action necessary.

9. **P2017-023** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of Stone Creek Phase 8, LTD. for the approval of a final plat for Stone Creek, Phase VIII containing 102 single-family residential lots on a 28.655-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for Single Family-10 (SF-10) District land uses, generally located at the northwest corner of the intersection of Hay Road and E. Quail Run Road, and take any action necessary.

Mayor Pruitt pulled item #4 for further discussion. Mayor Pro Tem Townsend pulled item #7 for further discussion. Councilmember Townsend then moved to approve the remaining Consent Agenda items. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding Consent Agenda Item #4, Mayor Pruitt reminded the Council that there is a law firm and an attorney that works on these issues, and that attorney previously attended a city council meeting a few years ago to explain to the Council issues related to Atmos' rates. Pruitt went on to explain that he asked that attorney if he could provide a dollar figure related to the amount that these cities have paid his law firm over the years to represent them in these matters. Although the man had indicated that he would get that figure to the mayor, he never did so. Pruitt generally expressed that, for these reasons, he will not be voting in support of this item tonight.

Councilmember Lewis moved to approve this item. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2017 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS FOR 2018 PENDING RENEGOTIATION OF RRM TERMS AND CONDITIONS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND REQUIRING

DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

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

Regarding Consent Agenda item #7, Planning Director Ryan Miller provided background information concerning the request. Councilmember White moved to approve P2017-021. Councilmember Lewis seconded the motion. Councilmember Hohenshelt asked for additional clarification regarding this item.

Mayor Pruitt called forth Mr. Rob Whittle, and he asked him to clarify his request. Mr. Whittle shared that he purchased this piece of property back in 1992, and at that time, it was originally zoned as "multi-family," a designation that was already in place when he purchased the piece of property. The Council and city management at that time asked him if he would consider changing the zoning from "multi-family" to "zero lot lines," so he did so. Then, a preliminary plan was submitted and approved, and it reflected sixty patio home lots. The council and staff at that time also asked him to donate the 80+ acres, which became part of the Raymond Cameron Park. Mr. Whittle went on to explain that it was originally 500 acres, but the property was significantly downsized at that time (in the mid-1990's) at the request of the city.

After brief dialogue, the motion passed by a vote of 6 in favor with 1 against (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.

Johnny Lyons of the city's Planning & Zoning Commission came forth to address the Council. Mayor Pruitt then called fort Jerry Welch and introduced him as the newest member of the Planning & Zoning Commission. After a few comments, Mr. Lyons proceeded to brief the Council on recommendations of the Commission relative to items on tonight's council meeting agenda. Councilmember Fowler asked brief, clarifying questions pertaining to a couple of cases. The Council took no action concerning this agenda item.

2. Appointment with MHS Planning and Design to hear presentation regarding the adoption of the Parks & Recreation Open Space Master Plan, and take any action necessary.

Assistant City Manager, Brad Griggs, briefly stated that Mark Spencer with MHS Planning & Design was retained by the city to assist with developing the Parks & Rec Open Space Master Plan. Mr. Spencer has been working with staff as well as the city's Park Board, and he will be presenting the findings and recommendations to the Council for consideration this evening. The Park Board voted at its last meeting to unanimously recommend approval of the master plan.

Mr. Spencer came forth and briefed the board on the planning and development process as well as the resulting recommendations. He explained that this is an update to the plan that was originally adopted seven years ago in 2010. Mr. Spencer indicated that meetings were held with both community leaders and members of the public to seek

input on the plan. As a result of these meetings, it became clear that the citywide parks system and its maintenance are very important to the citizens of Rockwall. Also, a few things emerged as most important to focus on, including better athletic fields, a lakeside park and an indoor community recreation center. He spoke briefly about neighborhood parks, community parks, and trails, including their recommended priority rankings within the proposed plan. Following Mr. Spencer's presentation, Mayor Pro Tem Townsend moved to approve the Parks and Recreation Open Space Master Plan as presented. Councilmember Lewis seconded the motion, which passed unanimously (7 ayes to 0 nays).

3. Appointment with members of the city's Youth Advisory Council (YAC) to hear year-end program report, and take any action necessary.

Bethany Villalobos and Mary Claire Weible, two members of the city's YAC, came forth and provided a brief report to the Council that recapped the various activities the group has been involved in throughout the school year. Ms. Villalobos stated that she has been serving on the YAC for the last three school years. She thanked Councilmember White for his leadership and involvement in YAC over the years. Council thanked the YAC for its presentation, and Mayor Pruitt granted them permission to leave the meeting at this point. Council took no action concerning this appointment item.

4. Appointment with Tommy Hendricks, Chief Financial Officer, of STAR Transit to hear an update on transportation services in the City of Rockwall and to consider a request for funding for the remainder of the fiscal year, and take any necessary action.

Mr. Hendricks came forth and addressed the Council concerning this agenda item. He thanked the staff and Council for allowing his company the opportunity to provide this service to the citizens of Rockwall. He referenced the letter agreement that was signed between the city and STAR back in November, and he updated the Council on several things that have been done (four out of five things) to make system improvements over the last several months. He shared that STAR transit was awarded a grant by TXDOT to fund scheduling software, optimization and training. Scheduling parameters were reviewed in an effort to help improve scheduling efficiency, allowing the company to identify more areas to take rides at different times. Ridership has improved during peak hours and for rides associated with picking up prescriptions, for example. Also, the company went to the senior living centers and communities to evaluate their transportation needs and learn how they could most efficiently and effectively accommodate the residents' ride-related needs. Also, he explained, STAR implemented multiple group trips to provide greater access to things like grocery store shopping. He indicated that they have been averaging about 22 people for each of those types of grocery shopping trips. Also, they have had regular meetings with the city to evaluate service improvements, including meeting with staff at The Center. In addition, Mr. Hendricks indicated that the Rockwall Senior Services Alliance was launched in April through the Chamber of Commerce, and this will build collaboration among the various senior service-related agencies. Also, marketing has been taking place through water bill inserts. Lastly, STAR transit has notably reduced operating costs and has consolidated overhead staff positions, which has resulted in a reduced "cost per hour" for FY2018. He explained that this will result the city's overall monthly payments being reduced from $10,000 down to about $9,500 with an annual savings of just over $6,000 within a fiscal year 2018 contract.

Mayor Pruitt shared that city staff has indicated things have notably improved in recent

months, and Joey Boyd (city staff) has been very complimentary of Mr. Hendricks since he has come on board as the CFO for the STAR organization.

Mayor Pruitt shared some concerns about how scheduling is being handled. Residents have indicated that they have to call two weeks in advance to schedule a ride, and a lot of times if they don't call very, very early in the morning, all of the slots – even though it is two weeks out – are already filled. So, they're out of luck with getting the ride they need. Mr. Hendricks shared that they are working to address these types of concerns; however, over the course of these last six months, this has not been something that the company has been able to address. General discussion ensued pertaining to ride scheduling. Mr. Hendricks shared that a lot of the recent changes have been to better focus on the elderly and disabled.

Councilmember Lewis shared that he hopes Mr. Hendricks is able to work out the ride scheduling to where someone does not have to book their ride two weeks in advance.

Mayor Pruitt moved to approve providing funding from June through Sept. 30, 2017 in the amount of $40,080. Mayor Pro Tem Townsend seconded the motion, which passed by a vote of 6 ayes to 1 nay (White).

Mayor Pruitt called for a brief break at 7:40 p.m. Mayor Pruitt reconvened the meeting at 7:49 p.m. and addressed Public Hearing item #2.

XI. PUBLIC HEARING ITEMS

1. **Z2017-013** - Hold a public hearing to discuss and consider a request by Andrew Spearman for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 3.128-acre tract of land identified as Tract 25 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 2180 Airport Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. Notices were sent out to adjacent property owners, and four notices were received back in favor of the request. In addition, the Planning & Zoning Commission has recommended approval of this item. Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Councilmember Lewis made a motion to approve Z2017-013. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT

DOES NOT MEET THE MINIMUM REQUIREMENTS ON A 3.128-ACRE TRACT OF LAND ZONED SINGLE FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS TRACT 25 OF THE E.M. ELLIOTT SURVEY, ABSTRACT NO 77, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2017-014** - Hold a public hearing to discuss and consider a request by Dr. Josh Cope of Premiere Vet Care Animal Clinic on behalf of David Falls for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Animal Clinic for Small Animals in Planned Development District 50 (PD-50) for a one (1) acre parcel of land identified as Block 26 of the Gardner Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 901 N. Goliad Street [SH-205], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item, indicating that 102 notices were sent out concerning this request. Staff received two notices back in favor of the request and two notices in opposition of the request. The Planning & Zoning Commission has recommended approval of this request. The Historic Preservation Advisory Board and Architectural Review Board will both need to review this proposal if in fact the Council opts to move forward with approval of the request at this time.

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

Mona Garrison
119 E. Heath Street
Rockwall, TX

Mrs. Garrison stated that she is in favor of this request; however, she has concerns about the architectural design of the building. She wants to be sure that the design is not contemporary, but, rather, that it remains in sync with an architectural style that more aptly matches the look and feel of the historic downtown and surrounding area.

Jim Cooper
901 N. Alamo Road
Rockwall, TX

Mr. Cooper shared that his home is located directly across the road from this location. He appreciates the Council and others listening to his concerns about fencing. He expressed that he prefers that they utilize natural landscaping to screen rather than fencing. He hopes that the architectural plan is open and friendly to the neighbors, and an architectural plan that is compatible with the historic feel of the area. In general, he is in favor of this request.

There being no one else wishing to come forth and speak, Mayor Pruitt closed the public hearing. Councilmember White then moved to approve Z2017-014. Mayor Pro Tem Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR AN *ANIMAL CLINIC FOR SMALL ANIMALS* IN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ON A ONE (1) ACRE PARCEL OF LAND, ADDRESSED AS 901 N. GOLIAD STREET, AND DESCRIBED AS BLOCK 26 OF THE GARDNER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2017-015** - Hold a public hearing to discuss and consider a request by Matt King on behalf of Archie Underwood for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Hotel in a Commercial (C) District for a 1.345-acre parcel of land identified as Lakeside Batting Park Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 801B E. IH-30, and take any action necessary **(1st Reading).**

Councilmember White made a motion to postpone this public hearing until June 5th. Mayor Pro Tem Townsend seconded the motion. Mayor Pruitt shared that the Planning & Zoning Commission voted this down by a vote of 6-0. So, he does not see anything that may change between now and the June 5th meeting other than a couple of new council members. Councilmembers Milder and Hohenshelt echoed the mayor's comments. The motion failed by a vote of 6 against with 1 in favor (White).

Mr. Miller then provided the Council with background information concerning this agenda item. He shared that the request is associated with a Motel 6, which will not include 'extended stay' elements such as kitchenettes in the rooms. He indicated that 24 notices were mailed out to adjacent property owners, and 4 emailed notices were received back in opposition of this request. Since the P&Z recommended denial by a vote of 6-0, any approval of this request would require a ¾ majority vote of Council.

Mayor Pruitt opened the public hearing and asked if anyone would like to speak. There being no one coming forth at that time, he then closed the public hearing. Councilmember White moved to approve Z2017-015. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-____
SPECIFIC USE PERMIT NO. S-1___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT, ON A 1.345-ACRE PARCEL OF LAND BEING IDENTIFIED AS LAKESIDE BATTING PARK 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 DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 1 in favor (White) with 6 against.

Mayor Pruitt then moved to deny Z2017-015. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 in favor with 1 against (White).

Mayor Pruitt addressed Public Hearing item #5 next.

4. **Z2017-016** - Hold a public hearing to discuss and consider a request by Dan Claassen of Business Parks of America II, LLC on behalf of the owner Randall Noe of Rockwall Rental Properties, LP for the approval of an **ordinance** for a zoning change from a Commercial (C) District to a Light Industrial (LI) District for 3.287-acre tract of land identified as Tract 3-01 [2.182-acres] & Tract 3-2 [1.087-acres] of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, located at the northwest corner of the intersection of Enterprise Drive and the IH-30 Frontage Road, and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director, provided brief background information concerning this agenda item, explaining that the property is a 3.287-acre tract of land generally located at the northwest corner of the intersection of Enterprise Drive and IH-30, west of John King Boulevard. The property was annexed into the City on September 16, 1974 (*Ordinance No's 74-25 & 74-28*) and zoned Commercial (C) District. The applicant is requesting to change the zoning of the *subject property* from a Commercial (C) District to a Light Industrial (LI) District. The subject property is within the IH-30 Overlay (IH-30 *OV*) District, and, if approved, is subject to the development standards of this district.

Mr. Miller went on to explain that on April 26, 2017, staff mailed 13 notices to property owners and residents within 500-feet of the subject property. There is no HOA/Neighborhood Organization within 1500 feet participating in the notification program. Additionally, staff posted a sign along IH-30, adjacent to the subject property as required by the Unified Development Code (UDC). At the time this case memo was drafted, staff had not received any notices regarding the zoning change request.

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

Councilmember White made a motion to approve Z2017-016. Councilmember Lewis seconded the motion. After brief questions and answers, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A COMMERCIAL (C) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT ON A 3.287-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-01 [2.182-ACRES] & TRACT 3-2 [1.087-ACRES] OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING 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 failed by a vote of 2 in favor (White and Lewis) with five against (Townsend, Hohenshelt, Pruitt, Milder and Fowler).

5. **Z2017-017** - Hold a public hearing to discuss and consider the approval of an **ordinance** for the revocation of Ordinance No. 15-05 (i.e. SUP No. S-131) under Section 4.4 of Article IV, Permissible Uses, of the Unified Development Code for failing to meet the terms of S-131, which would have allowed outside storage and a new motor vehicle dealership on a ten (10) acre tract of land identified as Tract 4-02 and Tract 4 of the N. M. Ballard Survey, Abstract No. 24 and the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Corridor Overlay (IH-30 OV) District, addressed as 1530 E. IH-30, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item. On March 2, 2015, the City Council approved Case No. Z2015-006 allowing a New Motor Vehicle Dealership and/or Outside Storage on a ten (10) acre tract of land addressed as 1530 IH-30. Approved with this request was the flexibility for the then owner - Young Hyundai - to pursue other brands for the purpose of establishing a New Motor Vehicle Dealership while continuing to use the property for the outside storage of motor vehicles in conjunction with the Hyundai Dealership at 1540 E. IH-30. As part of this request, the then applicant submitted a letter laying out the planned improvements for the property over a three (3) year period. These improvements and timelines are as follows:

1) ***Phase One (12 Months).*** **Submit and receive approval for all civil drawings (*e.g. paving, drainage, utilities, and etcetera*). Complete all storm water/drainage and detention pond improvements.**
2) ***Phase Two (12 - 24 Months).*** **Complete all concrete paving improvements (*these improvements are shaded on the attached Concept Site Plan in the Ordinance 15-05*).**

3) *Phase Three (24 - 36 Months).* Remodel the existing building façade (*the changes to the building façade are depicted in the attached Concept Building Elevations in Ordinance 15-05*).

In response to the phased approach taken by the applicant, staff prepared a Specific Use Permit (SUP) ordinance that set a review period of three (3) years from the approval date; however, an operational condition stating that the redevelopment of the subject property should generally be in conformance with the timelines established by the applicant (*as stated above*) was included in the ordinance. The ordinance was approved on March 2, 2015, giving the applicant until March 2, 2016 to complete *Phase One* of the project, which included all civil plans being submitted and the storm water/drainage and detention pond improvements fully constructed. While the civil plans were submitted on April 20, 2015 in compliance with the timeline, the detention pond was not completed until November 17, 2016 and the storm line was not completed until November 23, 2016. In addition, *Phase Two* improvements were to be completed on March 2, 2017. This included the completion of all concrete paving improvements on the property; however, no concrete paving improvements have commenced on the property despite being issued a permit on July 8, 2016.

Notices were sent out to 36 adjacent property owners located within 500' of the subject property. Staff received one notice in favor of the Council revoking the SUP.

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

Zack Amick
1957 Stevens Road
Rockwall, TX

Mr. Amick shared that he is the one who originally represented the applicant when the SUP was initially requested and approved. He indicated that this was a complicated process, and obtaining the permit took a while. Then, Mr. Young, the owner of the dealership passed away in August of 2016. He had been the one running the dealership, and it took a while for the family to figure out what to do moving forward. The Young family subsequently sold the dealership to Clay Cooley. He explained that the new owners are committed to finishing the project within a three year timeframe.

Ed Hicks Junior
Chief Operating Officer
Clay Cooley Automotive

Mr. Hicks shared that he was not initially aware that there was an SUP in place on the property. However, he shared that they are completely committed to moving forward with getting the project completed within a three year period. He generally requested that the Council not revoke the SUP at this time.

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

Councilmember White moved to approve Z2017-017 with the recommendation from P&Z that the Phase 2 improvements are to be completed by September 2, 2017. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Public Hearing Item #4 was addressed next by Council.

6. **Z2017-018** - Hold a public hearing to discuss and consider a request by Cesar Sagovia of Rogue Architects on behalf of Starbucks Coffee Company for the approval of an **ordinance** for a Specific Use Permit (SUP) amending Ordinance No. 12-29 (S-099) to allow for an expansion to the existing restaurant on a 0.182-acre portion of a larger 25.927-acre parcel of land identified as Lot 6, Block A, Wal-Mart Supercenter Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and within the IH-30 (IH-30 OV) Overlay District, addressed as 778 E. IH-30, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item. The applicant is requesting the approval of an amendment to Ordinance No. 12-29 (S-099) to allow for the expansion of an existing Starbucks restaurant. The subject property is zoned Commercial (C) District and is situated adjacent to IH-30 on 0.185-acre portion of the Wal-mart Supercenter property, which is a 25.927-acre tract of land identified as Lot 6, Block A, Wal-mart Supercenter Addition. This property is also situated within the IH-30 Overlay (IH-30 OV) District, and is addressed as 778 E. IH-30.

On November 11, 2012, the City Council approved a Specific Use Permit (SUP) to allow a restaurant of less than 2,000 sq. ft. with a drive-through in a Commercial (C) District. At that time, the restaurant was Seattle's Best Coffee, and the SUP stipulated that the restaurant not exceed 550 sq. ft. On December 11, 2012, the Planning and Zoning Commission approved a site plan [Case No. SP2012-029] for the subject property. Since the approval of the site plan, the restaurant has changed to a Starbucks. According to the approved site plan, the existing restaurant is about 519 sq. ft. The applicant is proposing to expand the existing restaurant by about 201 sq. ft. for a total sq. footage of approximately 720 sq. ft. The site plan submitted by the applicant for the proposed expansion will be on the north elevation, which will cause the restaurant to lose one (1) parking space; however, the restaurant and adjacent Wal-Mart Supercenter will continue to have adequate parking. Additionally, the expansion with utilize materials that match the current restaurant.

Mr. Miller shared that seventeen notices were sent out to adjacent property owners, and one adjacent HOA was also notified. However, no notices have been received back by staff at this time. The P&Z Commission has recommended approval of this item.

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

Councilmember Lewis moved to approve Z2017-018. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) RESCINDING ORDINANCE NO 12-29 (SUP NO. S-099) AND ALLOWING FOR A *RESTAURANT LESS THAN 2,000 SF WITH A DRIVE-THOUGH* WITHIN A COMMERCIAL (C) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, ON A 0.182-ACRE PORTION OF A LARGER 25.927-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 6, BLOCK A, WAL-MART SUPERCENTER 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 DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

XII. ACTION ITEMS

1. **Z2017-009** - Discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Motor Vehicle Dealership, New (Cars and Light Trucks) in a Light Industrial (LI) District for a 4.86-acre tract of land identified as Tract 5 of the N. M. Ballard Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1415 & 1501 E. IH-30, and take any action necessary **(2nd Reading).**

Mr. Miller shared that this ordinance did not receive a unanimous vote at the last meeting, so it was placed as an Action Item tonight. Councilmember White made a motion to approve Z2017-009. Mayor Pro Tem Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *MOTOR VEHICLE DEALERSHIP, NEW* (*CARS AND LIGHT TRUCKS*) ON A PROPERTY ZONED LIGHT INDUSTRIAL (LI) DISTRICT, AND WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, FOR A 4.86-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE N. M. BALLARD SURVEY, ABSTRACT NO. 99, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE, PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. Discuss and consider a change order to Dean Construction Manager at Risk Contract for the Park at Breezy Hill, and take any action necessary.

Mr. Griggs, Assistant City Manager, provided background information concerning this agenda item. He shared that this item was recently discussed at a previous council meeting. This change order will reflect a change in the playground surface to a poured rubber surface and make the entire playground barrier free. The cost, including the design fees, is $151,107.00. This price does not include the cost associated with adding a shade structure over the playground area. He explained that the poured rubber surface gets very hot, especially during the summer months, and it could have the ability to blister a young child. The additional shade structure cost would be approximately $55,858.00. The Park Board did review this, and they have recommended approval of the playground and surfacing changes in the amount of $151,107.00. At the request of Mayor Pruitt, Mr. Griggs clarified that the Park Board did not take action on the shade structure and the associated cost for that particular item.

Mayor Pruitt expressed that he has some concerns about approval of these extra expenditures when, in order to pay for them, it will require that funds be taken out of the city's "reserve" funds. He feels the Council should look at either increasing developer fees associated with neighborhood parks, or find another way to pay for these improvements within the budget system we already have in place. He generally believes that taking money out of reserves should only be reserved for emergency reasons. He believes that the city should evaluate its planning for future park facilities, and, if these sorts of amenities are to become somewhat standard, then perhaps developer fees should be modified to increase those fees so that the city can pay for future parks designed in this way.

Councilmember Milder shared that we are a community that prides itself in being family-oriented and family friendly. He expressed general support of these park-related improvements, especially since the city already received a grant for over $400,000 for parks. In addition, sales tax revenues are 'up,' and we have a very healthy reserve fund. Therefore, he made a motion to approve the change order, including a $151,000 increase in funding for the poured in place surface as well as an additional $56,000 for the complete shade structure coverage. Councilmember Townsend seconded the motion. Councilmember Townsend then engaged Mr. Griggs in questions and answers, generally related to scheduling and the possibility of moving forward without these changes initially, and then going back some time later to incorporate the changes in the future (i.e. after the budget cycle).

Councilmember Lewis generally shared that he agrees the city may need to revisit its plans and standards for future parks. He indicated that he has heard a lot of positive feedback from residents about the Yellow Jacket Park, including the fact that it is fully shaded.

Mayor Pruitt again expressed that he believes these sorts of expenditures should be considered during the time of the normal annual budget discussions. He has concerns that developer fees on a lot of these neighborhood parks have already been paid, so the extra funds needed, which are, it seems, as much as $200,000 (which, he pointed out, is a significant amount of money). Timing was discussed further.

Councilmember Hohenshelt echoed a desire to evaluate a possible change in developer costs / fees. Also, he does believe these sorts of expenditures should be discussed during the annual budget-related discussions.

Following the comments, the motion failed by a vote of 3 in favor with 4 against (White, Hohenshelt, Pruitt and Fowler).

3. Discuss and consider a sign plan to allow a new pole sign for Toyota of Rockwall located at 1250 E. Interstate 30, and take any action necessary.

City Building Official, Jeffrey Widmer, provided background information concerning this agenda item. A representative of Toyota then came forth and showed a brief video that depicted a typical drive eastbound on IH-30 at the SH-205 and John King Boulevard exists. The two applicants who spoke generally expressed that the growth that has taken place over the years since the dealership placed its sign and opened in 2008 has been substantial. The growth, especially the restaurants and retail, they explained, has inhibited their customers' ability to visually see their dealership sign.

Mayor Pro Tem Townsend and Mayor Pruitt generally expressed the belief that raising the sign's height will not do much of anything to cause drivers to see the sign.

Councilmember White moved to approve the newly requested pole sign. Councilmember Lewis seconded the motion.

The applicant then provided some additional comments. Councilmember Milder shared that he is going to support this request because Toyota is a good partner in the community, and they provide a vehicle for the school district's "teacher of the year" to utilize. Councilmember Fowler sought additional clarification for how Toyota arrived at the size request. The applicant generally indicated that the only options are a 48' or 60' tall sign because those are the only sizes that the sign manufacturer offers. Councilmember Fowler questioned whether or not the city's current sign ordinance regulations are even relevant, especially in light of the fact that the IH-30 interstate overpass at SH-205 has been changed and reconfigured.

Additional, lengthy discussion ensued pertaining the city's sign ordinance regulations and how large of a sign should be allowed as well as what factors should warrant the size of a sign.

Councilmember Hohenshelt shared that he is willing to take a look at the city's overall sign regulations in the area along the IH-30 corridor as a whole. However, he is not in favor of piecemealing these sorts of variance requests.

Following the discussion, the motion failed by a vote of 3 in favor with 4 against (Townsend, Hohenshelt, Pruitt and Fowler).

4. Discuss and consider a sign plan to allow a new pole sign for Southwest Kia of Rockwall located at 1790 E. Interstate 30, and take any action necessary.

Mr. Widmer, the city's Building Official, provided brief, introductory comments pertaining to this agenda item. Mayor Pruitt asked staff if the Council could please hold a work session with staff within the next month pertaining to the city's existing sign ordinance

regulations along this IH-30 corridor and the possibility of making modifications to those regulations.

Councilmember White moved to approve this request. Councilmember Lewis seconded the motion. Councilmember White shared that he feels the only way to solve this issue is to prohibit the allowance of variances to the city's sign ordinance regulations.

Mayor Pro Tem Townsend shared that the exits along IH-30 will change over time, and, in a lot of instances, it doesn't matter how tall a sign is, it very likely will not be seen by drivers approaching a particular exit no matter what. He is generally in favor of holding some sort of work session to discuss this topic, as a whole, further.

Mr. Widmer confirmed for the mayor that there is nothing that would prohibit an applicant from re-requesting a variance to the city's sign ordinance in the future.

Following additional, brief comments, the motion failed by a vote of 2 in favor with 5 against (Townsend, Hohenshelt, Pruitt, Milder and Fowler).

5. **SP2017-010** - Discuss and consider a request by Rick Dirkse on behalf of Rockwall Trinity Real Estate, LLC for the approval of major waivers in association with a downtown development plan and approved site plan for an office building on a 0.63-acre tract of land identified as Lots 1-6, Block B, Rockwall Old Towne Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 301 & 303 N. Goliad Street [SH-205], and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item. On February 17, 2017, the applicant, Rick Dirkse, submitted a site plan/downtown development plan requesting to construct a 4,999 SF single-story office building on a 0.63-acre tract of land, which is situated in between N. Goliad Street and N. Alamo Street, just south of the SH-205 split/couplet. The subject property is zoned Downtown (DT) District and has two (2) existing single-family homes situated on it. The original plan submitted by the applicant did not conform to the standards of the Downtown (DT) District, and, as a result, the applicant approached the City Council on March 6, 2017 requesting they consider changing the ordinance to accommodate his project. At that meeting, staff was directed to change the process for what could be requested as a major waiver/minor waiver under the ordinance. This text amendment was brought back to the City Council -- after recommendation from the Planning and Zoning Commission -- on April 17, 2017 and ultimately approved by the City Council on May 1, 2017.

Mr. Miller continued - now that the ordinance has been changed to allow the applicant the ability to request relief to the standards of the Downtown (DT) District, staff is able to bring the site plan/downtown development plan forward for consideration of the Planning and Zoning Commission. The submitted plan shows how the applicant proposes to layout the office building, which, due to the shape and position of the lot, will be visible from public right-of-way on all four (4) sides. The proposed building will be constructed to a residential scale in the style of a bungalow, will utilize a majority HardiBoard or HardiPlank with a brick wainscot, and be oriented so that it faces onto N. Goliad Street. Staff is still waiting on the applicant to address many of the comments for this case; however, the majority of the documents submitted are complete enough to move forward with conditional approval of the site plan and overall approval of all major and minor waivers. Staff has made conformance to the City's landscaping, photometric, and site plan requirements a condition of approval of this case.

Mr. Miller explained that several major waivers will be required for the approval of this project. He went on to explain the nature of said waivers. After additional comments, Councilmember White moved to approve SP2017-010, including all requested minor and major waivers. Councilmember Hohenshelt seconded the motion, which passed unanimously of Council (7 to 0).

6. **SP2017-012** - Discuss and consider a request by Curtis Behrens of Greenberg Farrow on behalf of Doug Druen of Texas Roadhouse Holdings, LLC for the approval of variances associated with an approved site plan for a restaurant [Texas Roadhouse] on a 2.07-acre portion of a larger 8.613-acre tract of land identified as Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, IH-30 Overlay (IH-30 OV) District, generally located east of the intersection of Greencrest Boulevard and the IH-30 Frontage Road, and take any action necessary.

Mr. Miller, Planning Director, provided brief background information concerning this agenda item and associated request. He explained that a site plan was reviewed by Council at its last meeting. The applicant is requesting variances to the minimum 10% 'secondary materials.' They would like to exceed the 10% by 20-32%, depending on the elevation that is ultimately chosen. Also, they are requesting to allow more than one row of parking (two, total rows) in between the front façade of the building and the right-of-way line. Approval of these requests will require a ¾ majority vote of Council. The city's Architectural Review Board did recommend approval of the building elevations by a vote of 5 in favor with 0 against. Also, the Planning & Zoning Commission has recommended approval of both variances by a vote of 6 – 0.

Councilmember Lewis moved to approve SP2017-012. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

7. Discuss and consider amending Section 6.10, 205 By-Pass Corridor Overlay (205 BY-OV) District, of Article V, District Development Standards and Appendix F of the Unified Development Code for the purpose of amending the landscape standards for properties adjacent to John King Boulevard, and take any action necessary.

Mr. Miller provided brief comments pertaining to this agenda item. He generally indicated that this item was brought forth during a work session at the last city council meeting. Specifically, the City Council was looking to create a set of standards for residential lot layouts that increased the separation and screening for properties adjacent to John King Boulevard. Staff has prepared a possible text amendment that creates four (4) options that can be combined with the already required 50-foot landscape buffer and that will increase the separation between John King Boulevard and any residential structure to a minimum of 100-feet. These options are: [1] increased landscape buffer of 100-feet, [2] increased rear yard building setback of 50-feet for properties backing to John King Boulevard, [3] the incorporation of a slip street with minimum of 50-feet of right-of-way, and [4] the incorporation of an eyebrow street with a 30- foot landscape buffer and 25-foot front yard building setback. In addition, staff has added language that lays out the purpose of the required berm, and creates a stipulation that requires additional screening in the landscape buffer if the berm is deemed insufficient in screening traffic along John King Boulevard.

Mayor Pruitt asked for some clarifying information concerning the prospect of a builder / developer wanting to have the back of a home fronting on John King Boulevard and the

associated berm and landscaping that would be required. After a brief reply from Mr. Miller, Mayor Pruitt made a motion to direct staff to move forward with bringing forth the text amendment(s) as described. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

8. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 26. Motor Vehicles and Traffic; Article IV. Bicycles and Play Vehicles to add "Group Cycles" to the title of Article IV. and to create a new division (Division 5.) to regulate the use of group cycle and group cycle services within the city limits, and take any action necessary. **[1st reading]**

Mr. Griggs, Assistant City Manager, provided brief, introductory comments pertaining to this agenda item. He explained that several weeks ago, staff was approached about whether or not a pedal bar / mobile tavern would be allowed by the City. The person who inquired potentially wanted to put one of these pedal bars in the downtown area. Staff is bringing forth this ordinance to prohibit these sorts of vehicles and their operation if the Council so desires to prohibit them. At this time, he explained, the city does not have an ordinance regulating them, one way or the other.

Mayor Pruitt indicated that he received a similar inquiry regarding the possibility of doing a similar mobile bar, except it was on the lake.

Pruitt then moved to approve the ordinance prohibiting these group cycles. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE ROCKWALL MUNICIPAL CODE OF ORDINANCES IN CHAPTER 26. *MOTOR VEHICLES AND TRAFFIC,* ARTICLE IV. *BICYCLES AND PLAY VEHICLES* TO ADD *GROUP CYCLES* TO THE TITLE OF ARTICLE IV. AND TO CREATE A NEW DIVISION - DIVISION 5. - TO REGULATE USE OF GROUP CYCLES AND GROUP CYCLE SERVICES WITHIN THE CITY LIMITS; AUTHORIZING THE CITY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF $200 FOR EACH OFFENSE; INCORPORATING RECITALS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

9. Discuss and consider approval of a resolution authorizing the mayor and city manager to negotiate amendments to the existing boundary agreement with the City of McLendon-Chisholm to include the transfer of extraterritorial jurisdiction (ETJ), and take any action necessary.

Mr. Crowley provided brief comments pertaining to this agenda item. He shared that a couple of utility districts and potential development by those utility districts has spurred the need for discussion of this agenda item. He explained that, if approved, the mayor and city manager will pursue negotiations to try and work out a new boundary agreement. Mayor Pruitt pointed out that McLendon-Chisholm's city council approved a similar resolution at its meeting that was held this past Saturday.

Mayor Pro Tem Townsend moved to approve the resolution authorizing the mayor and city manager to negotiate amendments to the existing boundary agreement with the City

of McLendon-Chisholm. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

10. Discuss and consider approval of a resolution canvassing the returns of the May 6, 2017 General Election, and taken any action necessary.

Mrs. Cole, City Secretary, provided brief comments pertaining to this agenda item. She indicated that the Rockwall County Elections Administrator (EA) administered the election on the city's behalf on May 6th, and the EA provided her with the certified results this past Wednesday. A canvassing resolution has been prepared for Council's consideration this evening, and the city attorney has reviewed the resolution. One of the sections within the resolution does call for reading of the election returns into the public record. Mrs. Cole then proceeded to read aloud into the public record the election results (number of votes cast (per place, per candidate)), as follows:

Mayor, Rockwall
Vote for 1
(WITH 1 OF 1 PRECINCTS COUNTED)

Jim Pruitt	1,481
Total	1,481
Over Votes	0
Under Votes	567

City Council, Place 1, Rockwall
Vote for 1
(WITH 1 OF 1 PRECINCTS COUNTED)

Enid Marie Reyes	760
Bree McCleskey	199
Bennie Daniels	892
Total	1,851
Over Votes	0
Under Votes	197

City Council, Place 3, Rockwall
Vote for 1
(WITH 1 OF 1 PRECINCTS COUNTED)

Daniel Janik	519
Kevin Fowler	1,214
Adan "Adam" Tovar	193
Total	1,926
Over Votes	1
Under Votes	121

City Council, Place 5, Rockwall
Vote for 1
(WITH 1 OF 1 PRECINCTS COUNTED)

Scott Hilder	706
A. Christine Hanna	420
Dana K. Macalik	865
Total	1,991
Over Votes	0
Under Votes	57

Councilmember White moved to approve the canvassing resolution. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 in favor with 0 against.

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 appointments to city regulatory boards, commissions, and committees (the Planning & Zoning Commission) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding executive level employee benefits pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the lease and/or sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
5. Discussion regarding possible acceptance of a land donation in the vicinity of SH-205 and Lakeshore pursuant to Section §551.072 (Real Property)
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)

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

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 9:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th day of June, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, June 05, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. He then announced that Municipal Court Judge, Cathy Penn, and Associate Municipal Court Judge, David Mallard, would administer the Oath of Office to the four, newly elected council members. Judge Penn swore in Bennie Daniels (newly elected, Place 1) and Kevin Fowler (newly elected, Place 3). Assoc. Judge Mallard swore in Dana Macalik (Place 5) and Jim Pruitt (Mayor).

All seven council members were present (Jim Pruitt, Dana Macalik, Mike Townsend, John Hohenshelt, Kevin Fowler, 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 Pruitt then read the below listed items into the public record before recessing the meeting to go into Executive Session (at 4:06 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 (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding negotiations associated with amendments to the existing boundary agreement with the City of McLendon-Chisholm pursuant to Section 551.072 (Real Property)
3. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding agreement with Todd Parks of Texas Air Center (Ralph M. Hall Municipal Airport) pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding acceptance of land donation in the vicinity of SH-205 and Lakeshore pursuant to Section §551.072 (Real Property)
6. Discussion regarding the lease of real property / land in the vicinity of IH-30 and Lakefront Trail, pursuant to Section §551.072 (Real Property)
7. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).
8. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

The Council adjourned from Executive Session at 5:50 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Townsend made a motion to appoint John Hohenshelt to serve as the new Mayor Pro Tem. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

Townsend delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS / AWARDS

1. Swearing in of newly elected mayor and city council members
   - State Representative Justin Holland

Texas State Representative Justin Holland came forth and ceremoniously swore in newly elected city council members, including Bennie Daniels, Kevin Fowler, Dana Macalik and Jim Pruitt.

2. Rockwall and Heath High School Boys Lacrosse Team State Championship Day

VIII. OPEN FORUM

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

Mark Berglund
207 Woodpark Ln.
Rockwall, TX 75087

Mr. Berglund came forth and shared that he keeps an aircraft at the city's municipal airport, and he buys fuel from Mr. Parks at the airport. He strongly urged the Council to do whatever may be necessary to keep Mr. Parks employed as the city's fixed base operator. He provided highly complementary remarks about Mr. Parks, generally expressing that Mr. Parks is far superior than the previous manager of the airport, especially in the area of his professionalism.

Paul Davis
777 Paul Davis Lane
Rockwall, TX 75032

Mr. Paul Davis came forth and explained that he has had an airplane on this airport since 1971. He shared that he believes the current management at the airport, in contrast to Mr. Berglund's expressed sentiments, has resulted in it being run in a manner that is the worst it has ever been. He believes that current operations at the airport are a total failure and a 'flop.' He believes that not a lot of aircraft maintenance is available, and things such as getting a stalled aircraft off the runway are services not currently offered.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 15, 2017 regular city council meeting, and take any action necessary.

2. **Z2017-013** - Consider a request by Andrew Spearman for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 3.128-acre tract of land identified as Tract 25 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 2180 Airport Road, and take any action necessary **(2nd Reading).**

3. **Z2017-014** - Consider a request by Dr. Josh Cope of Premiere Vet Care Animal Clinic on behalf of David Falls for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Animal Clinic for Small Animals in Planned Development District 50 (PD-50) for a one (1) acre parcel of land identified as Block 26 of the Gardner Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 901 N. Goliad Street [SH-205], and take any action necessary **(2nd Reading).**

4. **Z2017-018** - Consider a request by Cesar Sagovia of Rogue Architects on behalf of Starbucks Coffee Company for the approval of an **ordinance** for a Specific Use Permit (SUP) amending Ordinance No. 12-29 (S-099) to allow for an expansion to the existing restaurant on a 0.182-acre portion of a larger 25.927-acre parcel of land identified as Lot 6, Block A, Wal-Mart Supercenter Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and within the IH-30 (IH-30 OV) Overlay District, addressed as 778 E. IH-30, and take any action necessary **(2nd Reading).**

5. Consider authorizing the City Manager to execute a design services contract with MHS Planning and Design for the SH 66 Boat Ramp expansion project in the amount of $57,575 to be funded by the Recreation Development Fund Budget, and take any action necessary.

6. Consider awarding a bid to Grass Kisser and authorizing the City Manager to execute a Contract for Mowing Services in the amount of $80,437 to be funded out of the General Fund, Parks Operating Budget, and take any action necessary.

7. Consider awarding a bid to Waukesha-Pearce Industries and authorizing the City Manager to execute a Purchase Order for a fixed generator at the Hickory Ridge Lift Station in the amount of $77,946 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.

8. **P2017-016** - Consider a request by Glen and Rosie Cox for the approval of a final plat of Lots 1 & 2, Block A, Cox Acres Addition being a 29.97-acre tract of land identified as Tract 7 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located on the south side of Quail Run Road east of the intersection of Quail Run and John King Boulevard, and take any action necessary.

9. **P2017-025** - Consider a request by Stephen Coslik of Rockwall Crossing, LTD for the approval of a replat for Lots 12 & 13, Block A, Rockwall Crossing Addition being a 22.246-acre parcel of land currently identified as Lot 9, Block A, Rockwall Crossing Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,

situated within the IH-30 Overlay (IH-30 OV) District, located at the south side of the IH-30 Frontage Road east Mims Road, and take any action necessary.

10. **P2017-026** - Consider a request by Jerry Monk of Monk Consulting on behalf of Dr. Steve Arze of Zaph & Ath Properties, LLC for the approval of a final plat for Lots 1-3, Block A, Landing Point Addition being a 4.88-acre tract of land identified as Tract 4-01 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located north of the intersection of Industrial Boulevard and Airport Road, and take any action necessary.

11. **P2017-027** - Consider a request by Randal Currington of Fontanna Ranch Phase II, LP for the approval of an amending plat for Phase II of the Fontanna Ranch Subdivision containing 49 single-family residential lots on a 19.167-acre tract of land identified as Tract 5 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 64 (PD-64) for Single Family 16 (SF-16) land uses, generally located east of FM-549 and south of SH-276, and take any action necessary.

12. **P2017-028** - Consider a request by Mushtak Khatri of T. Rockwall Phase 2, LLC for the approval of a replat for Lot 5, Block A, Rockwall Commons Addition being a 3.802-acre parcel of land currently identified as Lot 6, Block A, Rockwall Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 1 (PD-1) for mixed use development, generally located on Ridge Road [FM-740] south of Summit Ridge Drive, and take any action necessary.

13. Consider authorizing the mayor to execute agreements for the provision of municipal court judge and associate judge services, and take any action necessary.

Councilmember Townsend pulled item #13 for further discussion. Councilmember Lewis moved to approve the rest of the Consent Agenda items (#1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12). Councilmember Fowler seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-29
SPECIFIC USE PERMIT NO. S-167

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON A 3.128-ACRE TRACT OF LAND ZONED SINGLE FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS TRACT 25 OF THE E.M. ELLIOTT SURVEY, ABSTRACT NO 77, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-30
SPECIFIC USE PERMIT NO. S-168

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 HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR AN *ANIMAL CLINIC FOR SMALL ANIMALS* IN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ON A ONE (1) ACRE PARCEL OF LAND, ADDRESSED AS 901 N. GOLIAD STREET, AND DESCRIBED AS

BLOCK 26 OF THE GARDNER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-31
SPECIFIC USE PERMIT NO. S-169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) RESCINDING ORDINANCE NO 12-29 (SUP NO. S-099) AND ALLOWING FOR A *RESTAURANT LESS THAN 2,000 SF WITH A DRIVE-THOUGH* WITHIN A COMMERCIAL (C) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, ON A 0.182-ACRE PORTION OF A LARGER 25.927-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 6, BLOCK A, WAL-MART SUPERCENTER 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 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 (7 ayes to 0 nays).

Councilmember Townsend then moved to authorize the mayor to execute agreements for the provision of municipal court judge and associate judge services (approval of item #13). Mayor Pruitt seconded the motion, which passed unanimously of those present.

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.

It was announced that Mr. Lyons, Chairman of the Planning & Zoning Commission, was not able to be present this evening. Therefore, this item was not addressed (and no action was taken).

XI. ACTION ITEMS

1. Discuss and consider approval of an **ordinance** amending the Code of Ordinances in Chapter 26. Motor Vehicles and Traffic; Article IV. Bicycles and Play Vehicles to add "Group Cycles" to the title of Article IV. and to create a new division (Division 5.) to regulate the use of group cycle and group cycle services within the city limits, and take any action necessary. **(2nd reading)**

Mayor Pruitt explained that this item was not unanimously approved at the last council meeting, which is why it appears under Action Items (rather than Consent Agenda). However, the council person who voted against it is no longer serving on Council. So, he indicated he will entertain a motion at this time. Councilmember Lewis then moved to approve the ordinance as presented. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 17-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE ROCKWALL MUNICIPAL CODE OF ORDINANCES IN CHAPTER 26. *MOTOR VEHICLES AND TRAFFIC,* ARTICLE IV. *BICYCLES AND PLAY VEHICLES* TO ADD *GROUP CYCLES* TO THE TITLE OF ARTICLE IV. AND TO CREATE A NEW DIVISION - DIVISION 5. - TO REGULATE USE OF GROUP CYCLES AND GROUP CYCLE SERVICES WITHIN THE CITY LIMITS; AUTHORIZING THE CITY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF $200 FOR EACH OFFENSE; INCORPORATING RECITALS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **MIS2017-006** - Discuss and consider a request by Lance Tyler 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 12.0-acre portion of a larger 29.97-acre tract of land identified as Tract 7 of the J. M. Glass Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located east of the intersection of John King Boulevard and E. Quail Run Road, and take any action necessary.

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant is requesting a masonry exception for the purpose of constructing a single-family home on a vacant 12-acre tract of land. The subject property is located east of the intersection of John King Boulevard and E. Quail Run Road and is zoned Agriculture (AG) District. The applicant is proposing to construct the single-family home of approximately 69% Hardy Board, 4% stone, and 4% IPE/Stained Wood. According to Section 3.1, General Residential District Standards, of Article V, District Development Standards, of the Unified Development Code (UDC) the minimum masonry (i.e. brick, stone -- natural, cast or cultured -- glass block, tile and/or CMU) requirement for exterior walls on structures that are 120 square feet or greater is 80%; with a maximum of 50% of this masonry requirement being permitted to be Hardy Plank®, stucco or a similar cementaceous material. Additionally, the code states that, "(e)xceptions to these requirements ... may be permitted on a case-by-case basis by the City Council upon submission and approval of elevation drawings of the subject structure, and materials samples." Since the proposed exterior building materials do not meet the minimum masonry requirements as stipulated in the UDC, the applicant is requesting a masonry exception. The applicant has submitted a letter along with a rendering. Staff should note the property to the west of the subject property is constructed of 100% vinyl/ Hardy Plank®. Additionally the home will have no visibility from John King Boulevard or E. Quail Run Road due to the location existing trees. On May 30, 2017, the Planning and Zoning Commission's motion to recommend approval of the masonry exception with staff recommendations passed by a vote of 5-0.

Following Mr. Miller's comments, Councilmember Townsend moved to approve MIS2017-006. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider a recommendation from the Airport Advisory Board regarding the Fixed Base Operator contract at the Ralph M. Hall / Rockwall Municipal Airport, and take any action necessary.

Councilmember Townsend moved to call upon the city's Airport Advisory Board finalize the rules and regulations associated with management and operation of the airport. Thereafter, the Council could consider formally addressing the contract. In the meantime, the City Manager could address a temporary contract extension with the current FBO (fixed base operator). Mayor Pruitt seconded the motion.

It was clarified that the current contract with the FBO expires in September. Mr. Crowley clarified that the rules and regulations that the Airport Advisory Board develops will be forwarded to the City Council for its review, input, approval, etc. Mayor Pruitt wants the Airport Advisory Board to also determine how there will be a revenue stream that will allow anyone who manages to airport to make a living out there. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider possible amendments to the city's Code of Ordinances in Chapter 26. Motor Vehicles and Traffic; Article VII. Stopping, Standing or Parking; Sec. 26-507 "Parking Oversized and Recreational Vehicles in Residential Areas" and the Unified Development Code in Article 6. Parking & Loading, Sec. 4. Residential Parking to modify certain regulations contained therein, directing staff to initiate said modifications at the Planning & Zoning Commission through appropriate public hearings, and take any action necessary.

Councilmember Townsend moved to move forward with the proposed amendments as presented. Mayor Pruitt seconded the motion. Mayor Pruitt asked for clarification from staff member Jeffrey Widmer regarding the size of trucks. He asked if vehicles like food trucks are included within the 23' definition of "vehicle," and will this help address food trucks parked in residential neighborhoods. Mr. Widmer clarified that, yes, if a vehicle is over 23' in length or over 1.5 tons in capacity, it would be considered "oversized," and those regulations will kick in. Mayor Pruitt expressed concern about "recreational vehicles" and how those would be impacted. He also stressed his concern about food trucks that are wrapped and basically have billboards / advertisements on either side of them. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider directing staff to amend Article IX, Tree Preservation, of the Unified Development Code for the purpose of amending the tree mitigation requirements and making general corrections, and take any action necessary.

Mr. Miller briefed the Council on this agenda item. He explained that these amendments will do the following: (1) Clarify the criteria for applicable properties; (2) revise the existing definitions; (3) outline and revise the process for treescape plans; (4) amend and clarify tree preservation regulations; and (5) make definition corrections.

Mayor Pruitt expressed concern that the way these regulations are currently written make it difficult to enforce the provisions in court. He personally feels that some of the regulations are too stringent, especially for someone who is just trying to clean up brushy property in order to sell it. Mr. Miller commented that a person has the ability to submit a letter to staff stating that there are no 'protected' trees on the property, and that would allow them to remove trees that are not deemed protected. However, if there are protected trees on a property, the matter may be taken before the Planning & Zoning Commission after submission of a treescape plan. After the treescape plan is approved, if additional protected trees are found, the person can seek administrative approval to remove those as long as the trees are not a "featured" tree – in which case, the person would have to go back and amend the treescape plan.

Mayor Pruitt shared that he has had a lot of conversations, especially with grade school children, about trees being removed and wildlife / animals essentially having to evacuate areas where they would otherwise be peacefully living. Is there a way that the city can say in certain circumstances (i.e. a 100 year old pecan tree) that person is NOT going to be allowed to remove a tree. Mr. Miller shared that the provisions will allow the city some authority to do things like require them to move the building, and the provisions will allow the P&Z the ability to deny the proposed treescape plan.

Councilmember Townsend expressed some level of concern about the language associated with tree pruning potentially being too vague, especially related to "featured" and "protected" trees. Mr. Miller shared that the purpose of the language is to protect against purposefully disfiguring a tree. Townsend also expressed concern about properties that are overrun with a whole lot of trees and there being no "cap" on the number of trees that a property owner could "mitigate for." Mr. Miller assured him that the regulations will allow the city the flexibility needed to deny requests if/when desired.

Councilmember Fowler moved to send the proposed tree ordinance to the Planning & Zoning Commission for consideration and then bring it back to Council for potential approval at a later date. Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

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

Mayor Pruitt expressed a desire to share his thoughts concerning serving the City and its citizens over the past two years. He went on to speak favorably about the following: fiscal responsibility (decreased effective tax rate the last two years because of appraisals going up); residential development (essentially increasing in size and quality of homes to increase taxable valuation); business development (attracting quality commercial and retail projects and the successful downtown revitalization project); Rockwall being designated by the State Legislature as "The Free Live Music Capital of North Texas;" The Harbor District being sold and redefining it to encourage its use by residents of our city; roadways and transportation projects (designating the preferred alternate route for SH-205 as John King Boulevard); the Park at Stone Creek and Breezy Hill being successfully developed through grants or developer contributions; Yellow Jacket Park being a popular success, especially for use by those with certain physical needs. Mayor Pruitt thanked Councilmember Townsend for his service as mayor pro tem.

1. Departmental Reports
   - Building Inspections Monthly Report - April 2017
   - Fire Department Monthly Report - April 2017
   - Fire Marshal Division Monthly Report - April 2017
   - GIS Division Monthly Report - April 2017
   - Harbor PD Monthly Report - April 2017
   - Internal Operations Department Monthly Report - April 2017
   - Police Department Monthly Report - April 2017
   - Recreation Monthly Report - April 2017
   - Rockwall Animal Adoption Center Monthly Report - April 2017
   - STAR Transit Monthly Report – April 2017
2. City Manager's Report

Mr. Crowley indicated that monthly reports have been provided to Council, and staff is happy to answer any questions at this time. Councilmember Lewis pointed out a "tax penalty" that was noted on the monthly animal adoption center report. He wonders what that is pertaining to, so Mr. Griggs committed to looking into this and getting back to Councilman Lewis.

XIII. EXECUTIVE SESSION

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

1. Discussion regarding (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding negotiations associated with amendments to the existing boundary agreement with the City of McLendon-Chisholm pursuant to Section 551.072 (Real Property)
3. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding agreement with Todd Parks of Texas Air Center (Ralph M. Hall Municipal Airport) pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding acceptance of land donation in the vicinity of SH-205 and Lakeshore pursuant to Section §551.072 (Real Property)
6. Discussion regarding the lease of real property / land in the vicinity of IH-30 and Lakefront Trail, pursuant to Section §551.072 (Real Property)
7. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).
8. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney)

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

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

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19th day of June, 2017.

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, June 19, 2017
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt and Council Members Dana Macalik, Kevin Fowler, 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. Council Member Mike Townsend and Mayor Pro Tem John Hohenshelt were absent from the meeting.

II. WORK SESSION

1. Hold work session to discuss status of the following strategic plan item: proposed regional Outer Loop (roadway).

City Manager Rick Crowley briefed the Council on this work session item. He explained that, as a result of regional traffic congestion and traffic growth studies, which include traffic modeling by the North Central Texas Council of Governments (NCTCOG), the construction of the Outer Loop in Rockwall and Rockwall County is now projected to occur after 2040. Legislation authorizing Outer Loop regional studies along its proposed route south of I-30 was filed in the last two (2) Legislative Sessions but did not pass; however, significant progress has been made on the studies north of I-30 which was mandated by State Law. Since the Outer Loop in Rockwall County, now projected as an improvement so far in the future (especially South of I-30 where it is most material to Rockwall), it is not anticipated that additional detailed work needs to continue as a part of current strategic planning on the part of the city.

There being no questions of Council following Mr. Crowley's comments, Mayor Pruitt then read the below listed items into the public record before recessing the meeting into Executive Session at 5:11 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding modifications to the amended and restated Harbor Development agreement pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding negotiations associated with amendments to the existing boundary agreement with the City of McLendon-Chisholm pursuant to Section 551.072 (Real Property).
3. Discussion regarding agreement with Todd Parks of Texas Air Center (Ralph M. Hall Municipal Airport) pursuant to Section 551.071 (Consultation with Attorney).

4. Discussion regarding acceptance of land donation in the vicinity of SH-205 and Lakeshore pursuant to Section §551.072 (Real Property).

5. Discussion regarding appointment of city council subcommittees and board liaisons pursuant to Section, §551.074 (Personnel Matters).

6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:55 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with Councilmembers Macalik, Fowler, Daniels and Lewis being present (Hohenshelt and Townsend were both absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Lewis made a motion to move forward with issuing a "request for proposals" (RFP) for the Fixed Base Operator services at the (Ralph M. Hall) Municipal Airport. Councilmember Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt and Townsend).

Councilmember Lewis moved to authorize the City Manager to finalize negotiations and execute an amendment to the agreement with Bella Harbor Hotel Venture, LLC. Councilmember Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt and Townsend).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

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

VIII. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and speak. There being no one indicating such, he then closed Open Forum.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the June 5, 2017 regular city council meeting, and take any action necessary.

Councilmember Lewis moved to approve the Consent Agenda (minutes). Councilmember Fowler seconded the motion, which passed by a vote of 5 in favor with 2 absent (Townsend and Hohenshelt).

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.

Johnny Lyons, Chairman of the P&Z, came forth and provided a brief update to the Council regarding recommendations of the Commission relative to items on tonight's council meeting agenda. The Council took no action concerning this agenda item.

XI. PUBLIC HEARING ITEMS

1. **Z2017-019** - Hold a public hearing to discuss and consider a request by Clarence L. Jorif of The Compound at Rockwall on behalf of Tom Szoboszlay for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for 20.0-acre tract of land identified as Tract 5 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4821, 4827 & 4849 SH-276, and take any action necessary **[1st Reading].**

Mayor Pruitt indicated that the applicant has asked to withdraw this request. He asked the city attorney if Council needs to take action to accept that withdrawal, or if it may just be announced. Mr. Garza indicated that either option is fine. Mayor Pruitt then simply announced that this request has been withdrawn, and the Council took no action.

2. **Z2017-020** - Hold a public hearing to discuss and consider a request by Rockwall SIL, LLC on behalf of the owner Cameron & Cameron for the approval of an **ordinance** for a zoning change from an Agricultural (AG) and Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex on a 12.40-acre tract of land identified as Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the west side of T. L. Townsend Drive south of Justin Road, and take any action necessary **[1st Reading].**

Planning Director, Ryan Miller, briefed the Council on this case, indicating that the property was partially annexed into the city back in 1959, and the remainder was brought into the city in 1961. It is a 12.4 acre tract zoned as Commercial and Agricultural. Several commercial properties line both SH-205 and Justin Road. TL Townsend Drive and Utley Middle School as well as the First United Methodist Church all surround this property. The applicant is proposing an age-restricted senior living facility. He explained that the city has to treat this use the same as a multi-family apartment complex because the city cannot actually restrict age through zoning. Age restrictions have to be applied through deed restrictions. They are proposing 174 unit, four-story complex that will include a swimming pool, a 5' walking trail, pavilion, putting green and indoor recreation area. It is proposed to be comprised of 114 one-bedroom units and 60 two-bedroom units. This does fall into one of the city's highest density designations. Mr. Miller spoke briefly about the parking requirements and associated proposal. Thirty-four

notices were sent out to residents and property owners located within 500' of the subject property. Four notices and one email were received back in favor of the request, and 1 notice and 1 email were received back in opposition. The Planning & Zoning Commission has recommended approval of this request by a vote of 4 in favor, 1 absent (Welch) and 2 opposed (Trowbridge and Chodun).

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

Tim O'Hanlon
825 Watters Creek Blvd., Suite 250
Allen, TX 75013

Mr. O'Hanlon came forth and indicated that he is one of the developers, and representatives including the civil engineer and property management company are also present.

Rob Cameron
6808 Delani Drive
McKinney, TX 75070

Mr. Cameron came forth on behalf of his family to address the Council concerning this item. He shared that the property has been on the market for about 5 years. They tried to market it for commercial zoning; however, they did not have success in this regard. He went on to share with the Council the various contributions that his family has made to the Rockwall community over the years (six generations) (i.e. bringing the first grocery store – Brookshires – to Rockwall; donating more than $10 million of land (free of charge), for example, for Rochelle Elementary and the original property for the First United Methodist Church; having The History Channel out a few years ago to do a story on the 'rock wall' at the family's own expense). He explained that one potential buyer of this property was previously passed up because the Cameron family did not feel that particular "multifamily" buyer worked well for Rockwall.

Clint Thomas
144 Wrenwood
Coppell, TX 75019

Mr. Thomas explained that he has been in the multifamily property management business for since 1985, and over the last several years, he has managed senior communities. He explained that his company manages communities in Plano, Hurst, McKinney, and Allen, among other places. He shared that there are several advantages to senior independent communities such as this one that is being proposed, including things like no drain on the local school system, no large impact on law enforcement, and no large impact on roadways. He explained that seniors don't have school aged children, they are very law abiding citizens, and they don't get out and drive much. This company currently has a senior multifamily development underway in Allen in Twin Creeks.

The presenters went on to share that they are proposing 174 units with over 18,000 square feet of clubhouse and amenities space. The units will be oversized and will have covered balconies with storage for each unit. They will meet the city's standards, including the design and visual look (architecture). The development will also contain a

private wildflower park and nature preserve that will include a walking trail containing placards along the path that display "the history of Rockwall." They will be partnering with the Lady Bird Johnson Wildflower Center out of Austin on this portion of the development. They explained that they have been looking for a property in Rockwall for two to three years now. They want to be in Rockwall, and they believe that there is definitely a market for this product.

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

Joe Pool
1700 Plummer Drive
Rockwall, TX 75087

Dr. Pool shared that he is the pastor of the church that is adjacent to this property. He and his board of trustees recently met, and they are unanimously in favor of this development. He indicated that many developers have been interested in this property over time; however, this particular development is, by far, the best project that has come along. He generally spoke in favor of its approval and urged the Council to vote in favor of it.

Dr. David McKeon
4104 Village Drive
Rockwall, TX
(Lakeside Village subdivision)

Mr. McKeon shared that he and his wife moved to Rockwall in 1982, and he and his wife have been business people in Rockwall, serving the community as marriage and family counselors. He went on to offer comments, generally expressing support for approval of this development. He also thanked the Council for the work that it does on behalf of the community.

Bart Tinsley
1625 Clarke Springs Drive
Allen, TX

Mr. Tinsley shared that The Cameron Family plans to donate portions of the original "rock wall" to be placed along the "history walking path" that will be part of this development.

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

Councilmember Lewis asked if there would be any medical services available on-site. The applicant indicated that, no, no medical services will be readily available on-site; however, some residents may participate in things such as home health care.

Councilmember Macalik asked for further clarification on the idea of this community being "age restricted." The applicant came forth and shared that there will be a deed restriction placed on the property that stipulates it may only be utilized by seniors. A property management company will be in place to ensure the age restrictions are

adhered to for those who are 55 and older. Councilmember Macalik brought up the possibility of the owner selling the property to a buyer at some point in the future and a new buyer not abiding by initial age restrictions that are in place as part of the deed restrictions. Clarification was given by the Planning Director, Ryan Miller, that the city is not able to place any deed or other restrictions on the property to "enforce" age restrictions. From the city's perspective, the property would just be treated as 'multifamily apartments.'

Councilmember Lewis asked for clarification on a fence around the private park/walking path. Mr. Miller clarified that it would be a 6' wrought iron fence.

At the request of Councilman Fowler, the applicant clarified that no one under the age of 18 years will be able to permanently reside at the complex.

At the request of Councilman Fowler, Mr. Miller shared that about 1,900 (multifamily) units are currently 'entitled' but have not yet been constructed within the city.

Councilmember Daniels asked for clarification again concerning "age restrictions." He wonders if there can be any "iron clad" guarantee with regards to these restrictions. He has concerns about the property being sold at some point in the future if the age restrictions are not able to be put in place on a permanent basis, regardless of if the property changes hands in the future. Mr. Garza, the city's attorney, expressed a desire to see the documents that the applicant indicated it has in place on a similar age-restricted community in the City of Allen to try and evaluate if making this "iron clad" would be possible.

Councilmember Daniels asked Mr. Miller for information on what mix of multifamily to single family is 'healthy' for a community. Mr. Miller shared that he does not have a particular answer to this question at this time; however, the Council may want to consider this matter as part of revisions to its comprehensive plan. Mr. Crowley shared that this "mix" is likely up to the Council's discretion, indicating that it varies city-to-city.

Councilmember Fowler shared that he would like a little more definitive information on things such as the 'age restrictions.' Councilmember Fowler then made a motion to table this item at this time. Councilmember Macalik seconded the motion. After brief comments regarding timing, Councilmember Fowler amended his motion to stipulate that this item will be tabled and readdressed at the July 3rd council meeting. Councilmember Macalik seconded the motion, which passed by a vote of 5 in favor with 2 absent (Hohenshelt and Townsend).

3. **Z2017-022** - Hold a public hearing to discuss and consider a City initiated request for the approval of an **ordinance** for a text amendment to Section 6.8, 205 By-Pass Corridor Overlay (205 BY-OV) District, of Article V, District Development Standards, and Section F.3, District Landscaping Requirements, of Appendix 'F', Landscaping Requirements and Guidelines, of the Unified Development Code for the purpose of amending the residential frontage requirements and clarifying certain sections of the code, and take any action necessary **[1st Reading].**

Mayor Pruitt and Mr. Miller provided brief, introductory comments pertaining to this agenda item. Pruitt explained that this item is generally related to the Council's desire to

try and address some issues that have arisen as a result of people have purchased homes in neighborhoods along John King Boulevard. Staff has worked to help the Council draft an ordinance to address things like adding some slip streets, increasing buffering, and installing berms and/or additional trees and landscaping.

Mr. Miller went on to explain the four options that developers will have with regards to addressing these issues for future homes built closest to John King Boulevard. All of the options are intended to create at least a minimum of 100' separation from the house and the John King Boulevard.

The Planning & Zoning Commission has recommended approval of this item by a vote of 6-0. Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Councilman Lewis moved to approve Z2017-022. Councilmember Fowler seconded the motion. Councilmember Lewis thanked staff for its work on this item, indicating that he believes staff has done a great job of capturing the Council's desires. After brief comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-34

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 6.10, *205 BY-PASS CORRIDOR OVERLAY (205 BY-OV) DISTRICT*, OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS AND SECTION F.3, DISTRICT LANDSCAPING REQUIREMENTS, OF APPENDIX 'F', LANDSCAPING REQUIREMENTS AND GUIDELINES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absent (Hohenshelt and Townsend).

4. **H2017-007** - Hold a public hearing to discuss and consider a City initiated request for the approval of an **ordinance** rescinding the Local Landmark Designation (i.e. Ordinance No. 08-15) for the Spafford House being a 0.24-acre parcel of land identified as a portion of Lot 1, Austin Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) District, addressed as 902 N. Goliad Street, and take any action necessary **[1st Reading].**

Mr. Miller shared that this home is currently in the process of being converted into an office space. On March 3, 2008, after receiving recommendations from the Historic Preservation Advisory Board (HPAB) and the Planning and Zoning Commission, the City Council passed Ordinance No. 08-15 designating 902 N. Goliad Street as a Landmark Property. This property is known as the Historic Spafford Home. The home was built in 1894 with a Folk Victorian influence. At the time of designation, staff felt the home provided positive characteristics for the North Goliad streetscape and that designating the property would allow for proper restoration/redevelopment of the home. However, he explained, the previous (then) owners actually made changes to the home (i.e. changing out windows and siding) that were not in keeping with the historic integrity of the home, and they did not seek a certificate of appropriateness from the city prior to doing so.

New owners now have possession of the home, and they are coming forth with this request to rescind the local landmark status. Property owners within 500' were notified of this proposal, and one notice was received back in favor of the request. In addition, the Planning & Zoning Commission has recommended approval of this item by a vote of 6-0.

Mayor Pruitt opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing.

Councilman Fowler moved to approve H2017-007. Councilmember Lewis seconded the motion. Mayor Pruitt indicated that he is not in support of approving this item, expressing dissatisfaction that the previous owners made changes that were not in conformance with the ordinance that was in place at that time which designated the property as "historic." Following the mayor's comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. O4-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO RESCIND *ORDINANCE NO. 08-15,* WHICH RECOGNIZED THE PROPERTY AT 902 N. GOLIAD STREET (THE SPAFFORD HOUSE) AS A LANDMARKED PROPERTY, BEING A 0.24-ACRE PARCEL OF LAND IDENTIFIED AS A PORTION OF LOT 1, AUSTIN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND LOCATED AT 902 N. GOLIAD STREET, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes, 1 against (Pruitt), with 2 absent (Hohenshelt and Townsend).

XII. ACTION ITEMS

1. **SP2017-016** - Discuss and consider a request by Bassam Ziada of Murphy Oil USA, Inc. for the approval of an exception to the articulation requirements stipulated by the Unified Development Code in conjunction with an approved site plan for a convenience store with gasoline sales on a 1.013-acre parcel of land identified as Lot 5, Block A, Walmart Super Center Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 776 E. IH-30, and take any action necessary.

The applicant is asking for an approximately 1,200 SF building with canopy for a proposed convenience store with gasoline sales. The new building will be larger than the existing, incorporating four (4) additional gasoline pumps for a total of eight (8) gasoline pumps with sixteen dispensers (i.e. 16 vehicles). The applicant is requesting variances to the city's vertical articulation requirements. The city's Architectural Review Board and the Planning & Zoning Commission have both reviewed and have both recommended approval of this request.

Bassam Ziada
3100 N. Verana Lane
Fayetteville, AR

Mr. Ziada shared that he works for Murphy Oil as a Senior Project Engineer. He provided some clarifying comments pertaining to the existing gas pumps facility versus what is being proposed at this time. They are proposing to raise and rebuild the existing site. The existing site has a building that is about 200 square feet and has four pumps. They will demolish the existing site, build a new site, and add new and additional pumps. Customers will have access to the pumps from both sides of the canopy.

Following Mr. Ziada's comments, Councilmember Lewis moved to approve SP2017-016. Councilmember Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt and Townsend).

2. **A2017-003** - Discuss and consider the expiration of an existing 212 Development Agreement for a 2.77-acre tract of land that is contiguous with the City of Rockwall's city limits, situated within the City's Extraterritorial Jurisdiction (ETJ), addressed as 417 & 463 Green Circle and identified as Tract 8 of the R. Dickens Survey, Abstract No. 73, City of Rockwall, Rockwall County, Texas, and take any action necessary.

Mr. Miller shared that on November 15, 2010, the City Council approved a 212 Development Agreement [Case No. A2010-003] for the 2.77-acre tract of land, which is addressed as 417 & 463 Green Circle. The subject property is described as Tract 8 of the R. Dickens Survey, Abstract No. 73 and is situated within the City's Extraterritorial Jurisdiction (ETJ). The initial term of the 212 Development Agreement was for a period of seven (7) years, and upon expiration of the initial period the owner shall be deemed to have filed a petition for voluntary annexation and annexation procedures shall commence; however, Section 12, Terms and Extension, of the agreement permits the City Council to grant a subsequent term of seven (7) years. With this being said the Texas Local Government Code further allows the City Council to extend a 212 Development Agreement for successive time periods not to exceed a period of 15 years, with the total duration of the contract (i.e. the initial time period plus each successive time period) not to exceed 45 years.

The 212 Development Agreement was originally signed on December 8, 2010, and is set to expire on December 8, 2017. In accordance with the agreement staff has notified the current property owner, Timothy E. White, of the pending expiration. In response to staff's notice, Mr. White has submitted a letter requesting the City Council extend the agreement for a subsequent term of seven (7) years. Staff has placed a copy of the 180-day expiration notice, extension request and 212 Development Agreement in the attached packet for the City Council's review. It should be noted that the City Council has the discretion to continue the 212 Development Agreement for a subsequent term or elect to annex the subject property at the termination of this agreement. Regardless of the City Council's choice, staff will be required to send a letter via certified mail notifying the affected property owner of the City Council's decision by September 9, 2017.

Councilmember Lewis moved to approve A2017-003 for a period of three (3) years. Councilmember Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt and Townsend).

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 modifications to the amended and restated Harbor Development agreement pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding negotiations associated with amendments to the existing boundary agreement with the City of McLendon-Chisholm pursuant to Section 551.072 (Real Property).
3. Discussion regarding agreement with Todd Parks of Texas Air Center (Ralph M. Hall Municipal Airport) pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding acceptance of land donation in the vicinity of SH-205 and Lakeshore pursuant to Section §551.072 (Real Property).
5. Discussion regarding appointment of city council subcommittees and board liaisons pursuant to Section, §551.074 (Personnel Matters).
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XV. ADJOURNMENT

Mayor Pruitt shared that on Thurs. at 8:00 a.m. at The Harbor, WFAA will be there to cover a news story about Rockwall. So, he invited everyone out to the boat docks for this news story and associated coverage.

Mayor Pruitt adjourned the meeting at 7:22 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd day of July, 2017.

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 03, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and Council Members Dana Macalik, Kevin Fowler, 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 Mike Townsend was absent from the meeting.

II. WORK SESSION

1. Hold work session to discuss and consider regulation of pole signs within the IH-30 corridor overlay district.

Building Official from the city's Neighborhood Improvement Services Department, Jeffrey Widmer, came forth and briefed the Council on this item, indicating that Council previously requested that a work session be held to discuss this topic. He shared details of research staff performed to see what other cities in the area are doing as far as regulation of pole signs is concerned. Councilmember Fowler indicated that he believes Council will always receive requests for an exception, no matter how high the city's standards currently allow for. The only way that the Council would not receive variance requests is if the city did not allow for pole signs along the IH-30 corridor at all. Dialogue ensued between the Council and the city attorney related to options that the Council may wish to consider should it want to modify the city's current ordinance regulations (i.e. calling for a super majority vote of the Council in order for variances to be granted or changing the regulations to remove the ability for someone to request a variance). Councilmember Lewis suggested that the Council may want to consider allowing a height that is essentially based upon the grade of the roadway (the IH-30 interstate). Councilmember Daniels pointed out that, in this day and age, a lot of people utilize their phone or other GPS device to look up directions to find their destination or to look at details about what businesses are located in/around a certain interstate exit. Mr. Crowley pointed out that some sign heights, depending on location, may require Federal Aviation Administration (FAA) approval, due to proximity to the municipal airport.

Following the discussions, Mayor Pruitt read the below listed discussion items into the public record before recessing the meeting to go into Executive Session (at 4:29 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding terms of Chapter 380 Economic Development Agreement pursuant to Section §551.071 (Consultation with Attorney).

2. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney).

3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:50 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

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

VIII. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and speak. There being no one indicating such, he then closed Open Forum.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the June 19, 2017 regular city council meeting, and take any action necessary.

2. **P2017-029** - Consider a request by Joe Wimpee for the approval of a final plat of Lot 1, Block A, Wimpee Acres Addition being an 8.1232-acre tract of land identified as Tract 2 of the C. W. Jones Survey, Abstract No. 127, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located north of the intersection of Dalton Road and Promenade Place, and take any action necessary.

3. **P2017-031** - Consider a request by Rick Dirkse for the approval of a replat for Lot 1, Block A, Dirkse Addition being 2.29-acres of land currently identified as Lots 1-6, Block B, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 301 N. Goliad Street, and take any action necessary.

4. **Z2017-022** - Consider a City initiated request for the approval of an **ordinance** for a text amendment to Section 6.8, 205 By-Pass Corridor Overlay (205 BY-OV) District, of Article V, District Development Standards, and Section F.3, District Landscaping Requirements, of Appendix 'F', Landscaping Requirements and Guidelines, of the Unified Development

Code for the purpose of amending the residential frontage requirements and clarifying certain sections of the code, and take any action necessary **[2nd Reading].**

5. Consider authorizing the City Manager to execute contract Amendments Number One, Two and Three for the total additional contract amount of $26,550.00 with Birkhoff, Hendricks & Carter, L.L.P. for the Squabble Creek Lift Station/Quail Run By-Pass Trunk Sewer Improvement Project to be funded by 2016 Water and Sewer Bonds, and take any action necessary.

6. Consider authorizing the City Manager to execute Contract Amendments Number One, Two, Three and Four for the total additional contract amount of $29,202.98 with Benchmark Building & Construction, L.L.P.. for the State Highway 276 Utility Relocation Project to be funded by 2016 Water and Sewer Bonds, and take any action necessary.

7. Consider authorizing the City Manager to execute contract Amendment Number Three for the total additional contract amount of $104,280.00 with Kimley–Horn and Associates, Inc.. for the S. Lakeshore Dr./Summit Ridge Dr. Reconstruction Project to be funded by 2016 General Obligation Bonds, and take any action necessary.

8. Consider a resolution denying a rate change request by Oncor Electric Delivery, approving cooperation with the Steering Committee of Cities served by Oncor to study the rates and negotiate with Oncor on the City's behalf, and take any action necessary.

Mayor Pruitt pulled item #7 for further discussion. Councilmember Lewis moved to approve the remainder of the Consent Agenda Items (#1, 2, 3, 4, 5, 6, and 8). The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-34

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 6.10, *205 BY-PASS CORRIDOR OVERLAY (205 BY-OV) DISTRICT*, OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS AND SECTION F.3, DISTRICT LANDSCAPING REQUIREMENTS, OF APPENDIX 'F', LANDSCAPING REQUIREMENTS AND GUIDELINES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pruitt indicated that, although he does not live in the actual notification area associated with this agenda item, he does live nearby. As such, he would like to voluntarily recuse himself from the discussion and associated vote for this agenda item. Councilman Lewis then moved to approve Consent Agenda item #7. Councilman Fowler seconded the motion, which passed by a vote of 5 ayes, 1 abstention (Pruitt) and one absence (Townsend).

X. ACTION ITEMS

1. **Z2017-020** - Discuss and consider a request by Rockwall SIL, LLC on behalf of the owner Cameron & Cameron for the approval of an **ordinance** for a zoning change from an Agricultural (AG) and Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex on a 12.40-acre tract of land identified as Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the west side of T. L. Townsend Drive south of Justin Road, and take any action necessary **[1st Reading].**

Councilmember Lewis moved to approve Z2017-020. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) TO ALLOW AN AGE RESTRICTED MULTI-FAMILY APARTMENT COMPLEX ON THE SUBJECT PROPERTY, BEING A 12.40-ACRE TRACT OF LAND IDENTIFIED AS TRACT 8 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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 failed by a vote of 5 against (Macalik, Hohenshelt, Pruitt, Fowler and Daniels), 1 in favor (Lewis) and 1 absent (Townsend).

2. **H2017-007** - Discuss and consider a City initiated request for the approval of an **ordinance** rescinding the Local Landmark Designation (i.e. **Ordinance** No. 08-15) for the Spafford House being a 0.24-acre parcel of land identified as a portion of Lot 1, Austin Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) District, addressed as 902 N. Goliad Street, and take any action necessary **[2nd Reading].**

Planning Director Ryan Miller provided background information concerning this agenda item, in part, explaining that this item is coming before Council as an Action Item for second reading this evening due to it not having received a unanimous vote of approval at the last council meeting. After brief comments, Councilmember Fowler moved to approve H2017-007. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. O4-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO RESCIND *ORDINANCE NO. 08-15,* WHICH RECOGNIZED THE PROPERTY AT 902 N. GOLIAD STREET (THE SPAFFORD HOUSE) AS A LANDMARKED PROPERTY, BEING A 0.24-ACRE PARCEL

OF LAND IDENTIFIED AS A PORTION OF LOT 1, AUSTIN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND LOCATED AT 902 N. GOLIAD STREET, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. Discuss and consider a request by Hacienda Car Wash to use the City of Rockwall logo at a local business in Rockwall, and take any action necessary.

Mayor Pruitt indicated that this item will be deferred to the next Council meeting.

4. Discuss and consider approval of a sign plan to allow a new pole sign for Southwest Kia of Rockwall located at 1790 E. Interstate 30, and take any action necessary.

Building Official from the city's Neighborhood Improvement Services Department, Jeffrey Widmer, came forth and briefed the Council on this item. He explained that the applicant is asking for a variance. The sign ordinance allows for a 30' tall sign, and they are asking for a 38' tall sign.

Brandon Morris
General Manager of Southwest Kia
1411 Misty Cove
Rockwall, TX 75087

Mr. Morris came forth and shared that the company previously asked the Council for approval of a 50' tall pole sign. The company has now amended its request to instead ask for a 38' tall sign. He shared that approval of this sign would provide them with the exposure they are looking for.

Following Mr. Morris' comments, Councilmember Hohenshelt clarified with Mr. Widmer (city's Building Official) that the applicant will need a variance for both the sign size and the sign height. After brief discussion, Councilmember Lewis moved to approve the sign plan to allow for a new pole sign as requested. Councilmember Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absent (Townsend).

5. Discuss and consider the approval of an **ordinance** adding approximately 4,110-acres to the City's Extraterritorial Jurisdiction (ETJ) in a sequence of boundary adjustments with the City of McLendon-Chisolm and establishing a common boundary between the two (2) cities, and take any action necessary **(1st Reading).**

City Manager Rick Crowley briefed the council on this item, indicating that McLendon-Chisholm recently passed an ordinance abandoning this portion of land contingent upon the City of Rockwall accepting this area. Mayor Pruitt moved to approve the boundary adjustment agreement with McLendon-Chisholm through approval of the ordinance as presented. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS ACCEPTING INTO ITS EXTRATERRITORIAL JURISDICTION THOSE LANDS AS HEREINAFTER DESCRIBED AS A SEQUENCE OF BOUNDARY ADJUSTMENTS, WHICH TERRITORY THE ADJACENT MUNICIPALITY OF MCLENDON-CHISOLM, TEXAS HAS RELEASED, THEREBY EXPANDING THE CITY OF ROCKWALL'S EXTRATERRTITORIAL JURISDICTION; ESTABLISHING A COMMON BOUNDARY SEPARATING THE TERRITORY OF THE CITIES OF ROCKWALL AND MCLENDON-CHISOLM-CHISOLM; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

6. Discuss and consider identifying items of interest to the city pertaining to the upcoming special session of the Texas State Legislature, and take any action necessary.

City Manager Rick Crowley provided brief comments pertaining to this agenda item. Councilmember Hohenshelt shared that, regarding item #9 in Mr. Griggs' memo (preventing local governments from changing rules midway through construction projects), he does have an interest in this topic, especially since this topic can result in very costly ramifications for a business owner or developer. He generally believes that a business / builder should have to abide by whatever rules and regulations are in place at the time he/she pulls a building permit. Brief discussion took place pertaining to this topic.

Regarding #8 (Preventing cities from regulating what property owners do with trees on private land), Councilmember Daniels wonders if this provision would apply to a developer. City Manager Rick Crowley shared that, if this bill (as it was originally proposed) passes, cities would essentially not be able to have or enforce a tree mitigation ordinance. This bill would apply to private, residential land owners and businesses / developers.

The Council took no action concerning this agenda item.

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 - May 2017
   Fire Department Monthly Report - May 2017
   GIS Division Monthly Report - May 2017
   Harbor PD Monthly Report - May 2017
   Internal Operations Department Monthly Report - May 2017
   Police Department Monthly Report - May 2017
   Recreation Monthly Report - May 2017
   Rockwall Animal Adoption Center Monthly Report - May 2017
   STAR Transit Monthly Report - May 2017
2. City Manager's Report

City Manager Rick Crowley provided brief comments, sharing that this month's Fire Department report does reflect the number of "first responder" (medical type) calls that the Fire Department responded to.

Councilmember Daniels shared that he noticed that 'false alarm' business calls went up notably. He wonders why this might be so. Police Chief Riggs indicated that this may be due to weather that has been occurring recently; however, to know for sure, he will need to look into this further.

Mayor Pruitt provided positive comments pertaining to the Police Department's recent (children's) safety camp that was offered. He thanked the three officers that hosted this program.

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 terms of Chapter 380 Economic Development Agreement pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding the status of ambulance services contract pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:36 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th day of July, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 10, 2017
5:00 p.m. Special City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and Council Members Dana Macalik, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley and Assistant City Manager Brad Griggs. Councilmember Mike Townsend was absent from the meeting.

Following the discussions, Mayor Pruitt read the below listed discussion items into the public record before recessing the meeting to go into Executive Session (at 5:01 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 negotiations associated with amendments to the existing boundary agreement with the City of McLendon-Chisholm pursuant to Section 551.072 (Real Property).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:20 p.m.

IV. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting 5:21 p.m. with all Council members except Townsend being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

VI. ACTION ITEMS

1. Discuss and consider the approval of an **ordinance** adding approximately 4,110-acres to the City's Extraterritorial Jurisdiction (ETJ) in a sequence of boundary adjustments with the City of McLendon-Chisolm and establishing a common boundary between the two (2) cities, and take any action necessary **(2nd Reading).**

Mayor Pro Tem Hohenshelt made the motion to approve Action Item #1 and the associated ordinance. Mayor Jim Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS ACCEPTING INTO ITS EXTRATERRITORIAL JURISDICTION THOSE LANDS AS HEREINAFTER DESCRIBED AS A SEQUENCE OF BOUNDARY ADJUSTMENTS, WHICH TERRITORY THE ADJACENT MUNICIPALITY OF MCLENDON-CHISOLM, TEXAS HAS RELEASED, THEREBY EXPANDING THE CITY OF ROCKWALL'S EXTRATERRTITORIAL JURISDICTION; ESTABLISHING A COMMON BOUNDARY SEPARATING THE TERRITORY OF THE CITIES OF ROCKWALL AND MCLENDON-CHISOLM-CHISOLM; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

VII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 5:25 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 7th day of August, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 17, 2017
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Jim Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and Council Members Dana Macalik, Mike Townsend, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, as well as City Attorney Frank Garza. Council Member Kevin Fowler was absent from the meeting.

Mayor Pruitt read the below listed discussion items into the public record before recessing the public meeting to go into Executive Session at 5:02 p.m.

II. EXECUTIVE SESSION.

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

1. Discussion regarding legislation to amend the North Texas Municipal Water District (NTMWD) governance pursuant to Sections 551.071 (Consultation with Attorney).
2. Discussion regarding possible negotiations of development agreement in the ETJ area pursuant to Sections 551.071 (Consultation with Attorney).
3. Discussion regarding the sale of real property / land in the vicinity of Heath Street and Fannin Street pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

The City Council adjourned from Executive Session at 5:50 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:01 p.m. with the all of the council, except Council Member Fowler, being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VII. PROCLAMATIONS / AWARDS

1. Matt Bendorff Special Olympics Recognition

Mayor Pruitt called resident, Jerry Fisher, forward along with Matt Bendorff. He then read and presented Mr. Bendorff with this proclamation.

VIII. OPEN FORUM

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 3, 2017 regular city council meeting, and take any action necessary.
2. **SP2017-020** - Consider a request by Cody Brooks, PE of Bannister Engineering on behalf of John Arnold of the Skorburg Co. for the approval of a master open space plan for the Gideon Grove Subdivision consisting of 72 single-family residential lots on a 29.185-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 77 (PD-77), situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.
3. **P2017-032** - Consider a request by Cody Brooks, PE of Bannister Engineering on behalf of John Arnold of the Skorburg Co. for the approval of a preliminary plat for the Gideon Grove Subdivision consisting of 72 single-family residential lots on a 29.185-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 77 (PD-77), situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.
4. Consider approval of a resolution adopting a certificate of amendment to the original Articles of Incorporation of the Rockwall Economic Development Corporation (REDC), and consider approval of amendments to the REDC bylaws, and take any action necessary.
5. Consider awarding a bid to D&G Quality Roofing in the amount of $127,730.78 for City facilities roof restoration and replacement, authorizing the City Manager to enter into a contract, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, and 5). Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of those present (six (6) ayes with 1 (Fowler) absent).

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.

Johnny Lyons, current chairman of the city's P&Z 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 formal action concerning this agenda item.

2. Appointment with Kevin Brown at 611 Sunset Hill regarding a sewer utility easement and possible options to restore the access to the sewer system.

Mayor Pruitt announced that Councilmember Macalik has decided to recuse herself from this agenda item. It was noted that she has filed an affidavit of recusal with the City Secretary.

Mr. Brown came forth and indicated that he is with Keller Williams Realty. He then provided information to the Council concerning a sewer utility easement that he explained is adversely affecting this property. He shared that there is an encroachment onto a sewer easement due to an error being made on the placement of the home when it was originally constructed. He shared additional details pertaining to the sewer lines and associated easements. After brief discussion, Mayor Pruitt made a motion to abandon the portion of the easement that encroaches on the house itself. Councilmember Townsend seconded the motion, which passed by a vote of 5 ayes, 1 recusal (Macalik) and 1 absent (Fowler).

3. Appointment with Robert Coburn to hear concerns related to parking in residential neighborhoods, including parking on unpaved / unimproved surfaces, and take any action necessary.

Robert Coburn
149 Summer Hill
(Windmill Ridge subdivision)
Rockwall, TX

Mr. Coburn shared that he would like to address the Council on this topic out of a desire to help maintain property values. He generally expressed the belief that parking on unimproved surfaces adversely affects property values. He went on to indicate that he posted an informal survey on "NextDoor" that ran from June 26 to July 17, and no one expressed support for parking on unimproved surfaces (i.e. grass); however, he did acknowledge that some respondents indicated they were "undecided" on the issue. Mayor Pruitt asked Mr. Coburn if his subdivision currently has an HOA (homeowners association) in place. Mr. Coburn shared that, although the neighborhood used to have an HOA in place at one time, it is no longer active. He acknowledged that he knows this topic has been discussed in past years with past city councils, and that those past councils opted to not address this issue because of neighborhoods in the city such as "old town" and the "Lake Rockwall Estates" subdivision.

Phillip Herbst
148 Westwood Drive
Rockwall, TX

Mr. Herbst came forth and generally indicated that he did some informal research and found that the City of Austin has addressed this type of concern by creating certain parking districts. It was suggested that perhaps Rockwall could look into doing something similar.

After additional comments, the Council asked Jeffrey Widmer, the City's Building Official, to conduct some research to find out how other cities address this concern (if at all) and then bring this information back to Council at a future (unspecified) date for consideration at that time. The Council took no formal action concerning this agenda item.

XI. PUBLIC HEARING ITEMS

1. **Z2017-023** - Hold a public hearing to discuss and consider a request by Joe Wimpee for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District for an 8.1232-acre tract of land identified as Tract 2 of the C. W. Jones Survey,

Abstract No. 127, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located north of the intersection of Dalton Road and Promenade Place, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property is located at the end of Dalton Road. The applicant would like to seek rezoning approval in order to place a single-family home on this property. Notices were sent out to adjacent property owners within 500' of the property. The City did receive one notice in favor of the request and one notice in opposition. Neighboring HOAs were also notified. The Planning & Zoning Commission has recommended approval of this request.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. The applicant was not in attendance. There being no one wishing to come forth and speak, the mayor then closed the public hearing.

Councilmember Townsend moved to approve Z2017-023. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT FOR AN 8.1232-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE C. W. JONES SURVEY, ABSTRACT NO. 127, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2017-024** - Hold a public hearing to discuss and consider a request by Alex Freeman of Pinnacle Montessori Franchise Co. on behalf of George R. Weatherford for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a daycare facility on a 2.38-acre parcel of land identified as Tract 6 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Residential-Office (RO) District, situated within the North SH 205 Overlay (N-SH 205 OV) District, addressed as 4031 N. Goliad Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. This property is situated within the North SH 205 Overlay (N-SH 205 OV) District, and is addressed as 4031 N. Goliad Street. On May 12, 2017, the applicant submitted a request [Z2017-021] to rezone the subject property from Residential Office (RO) District to General Retail (GR) District to allow for a Montessori School (daycare) and a general retail strip center. On June 13, 2017, the applicant requested to withdraw the case with the intention of changing the request from a rezoning request to a SUP request for a Montessori School/daycare and a second SUP request for a general retail store [Case No. Z2017-025]. The applicant has indicated a desire to have retail tenants that would essentially compliment the daycare and provided examples such as a music lessons business and karate studio at the recent Planning

& Zoning Commission meeting. The applicant has proposed to install a 6' masonry screening wall, and has provided a proposed concept plan and elevations for the building, which would not be taller than 25'. Staff also suggested that the applicant consider installing 10' buffer trees complimented by 4' accent trees. In addition, requirements are also in the draft ordinance concerning headlights screening along SH-205, parking screening and requirements that address the dumpster (that it shall not face towards the residential subdivision). The ordinance also limits incidental display and requires cross access. Also, if approved, the applicant would be required to do a traffic impact analysis at the time of site plan.

On July 3, 2017, staff sent 69 notices to property owners and residents within 500-feet of the subject property. Additionally, staff notified the Castle Ridge Phase 2 Homeowners Association (HOA), which is the only HOA and/or Neighborhood Organization within 1,500-feet participating in the Neighborhood Notification Program. Fifteen notices in opposition were received from residents located within the notice area and an additional five emails of opposition from outside of the notice area. He essentially explained that the number of notices received back in opposition did meet more than 20% under the TX Local Government Code, so it will require a ¾ majority vote of the Council in order for this request to be approved. In addition, the Planning & Zoning Commission did recommend approval of this item

Brad Williams (applicant)
2728 N. Harwood Street
Dallas, TX

Mr. Williamson came forth and indicated that he is speaking on behalf of the applicant. He went on to provide details to the Council concerning this SUP request for a daycare. He clarified that approval of the requested SUPs will not change the underlying zoning. He shared that the daycare will be characterized by Montessori school programming. There will be students from infancy to about 3rd grade, and there will be a maximum of 180 students. He explained that the school will be open year round. He shared the daily hours of operation, details regarding expected staffing (will be a state licensed facility with an average of about 16 staff per day). He shared that there will be two outdoor play areas, separated by age group, and two outdoor play hours. Mid-day "recess" will be held (never after dark). He went on to share a little more details about the style of teaching involved in Montessori schooling.

Following Mr. Williams comments, Mayor Pruitt opened the public hearing, asking if anyone in the audience would like to come forth and speak.

Bob Wacker
809 Miramar Drive
Rockwall, TX

Mr. Wacker expressed concern about the applicant indicating that they did a survey of "competing schools." He suggested that the Council might want to table this item to speak to the school district to see if perhaps the addition of this school would just be too many schools in this area.

Stephen North
513 Windsor Way
Rockwall, TX 75087

Mr. North came forth and shared that he is absolutely opposed to this request being approved. He has concerns about the increased vehicular traffic and high speed limits posing safety concerns if this Montessori school were to get approved and built. He shared that at one time in the past, he personally had to seek the city's approval and adhere to regulations pertaining to placing a small storage building in his home's backyard, inside of a 7' fence. So, since so much detail had to go into him just placing a simple storage building in his back yard, he definitely feels that approval of a request such as this would definitely warrant a lot of oversight when considering its approval. He is concerned about the speed limits and how those might negatively affect the increased traffic. He is generally opposed to approval of this SUP request.

Kimberly Cunningham
3910 Durham Drive
Rockwall, TX 75087

Mrs. Cunningham indicated that she is the President of the Castleridge Estates HOA. Less than two months ago, two people died down the road in this general area. She believes this development would only make safety concerns worse, and it would make home values decrease. She shared that she opened up discussion on the HOA's Facebook page online, and no one expressed support for its approval. Mayor Pruitt shared that, at this time, the city has no control over the speed limits set on SH-205, pointing out that TXDOT currently sets the speed limits. He also pointed out that "by right," the property owner could build an office at this location. Mrs. Cunningham feels that approval of this school and strip shopping center would create much more traffic than what is currently anticipated, and it will be dangerous. Councilmember Daniels pointed out that the owner of the property has the right to develop the property. He encouraged the neighborhood residents to be thinking about what type of development they would prefer and perhaps could support. Mrs. Cunningham voiced concerns about the type of tenants that might occupy the strip shopping center. Councilmember Daniels shared that the applicant indicated at the Planning & Zoning Commission that the tenants would complement the Montessori school (music school, karate studio, etc.). He acknowledged, however, that such tenants may not actually come to fruition.

Kyle Thornton
3880 Thorndale Drive
Rockwall, TX

Mr. Thornton came forth and indicated that he lives within about 200' of this property. He believes that a Montessori school will create a lot of unwanted, increased traffic. In addition, he works from home and feels that noise, for example from mid-day 'recess', will be disrupting. He has concerns about lighting, speed and safety. He is generally opposed to the Council approving this SUP request.

Jennifer Dayman
519 Cellars Court
Rockwall, TX

Ms. Dayman came forth and shared that in 2011, this property, which is directly adjacent to her residential home, changed from "agricultural" zoning to "residential-office." She feels like she would be more comfortable with a truly "residential office" use for this property. She is definitely not in favor of the proposed Montessori school. Her husband works from home, and they are able to hear children outdoors at Nebbie Williams (school) three to four blocks away. So, she feels that noise would definitely be a concern. In addition, she feels like this area

poses a safety concern due to increased vehicular traffic and the current speed limit. She also has concerns about her privacy being compromised. She feels that, if this item is approved, her property value would be diminished. She feels that this would very likely have an adverse impact on her ability to sell her home. She pointed out that this would be the fourth daycare within a 2 mile radius. She urged the Council to be mindful of the fact that this request requires approval of an "SUP," and there is likely very good reason for that requirement. She is opposed to Council approving this item.

Dennis Dayman
519 Cellars Court
Rockwall, TX

Mr. Dayman came forth and echoed his wife's concerns. In addition, he pointed out that he feels this type of development does not "fit" in this particular location. Also, he has concerns about car lights shining in his children's' windows in the early morning hours on a daily basis. He believes he and his wife would be ok with a small, residential office. However, he is not at all in favor of this Montessori school.

SuLaine Callaway
517 Cellars Court
Rockwall, TX

Mrs. Callaway shared that she owns the home directly to the south of this property. She believes that 1,000 (+) additional cars on a daily basis will pose traffic and safety-related concerns. She pointed out that there are a lot of traffic accidents that occur in this area already on a regular basis. Also, Nebbie Williams school aged children are heard regularly during the school year, and that is blocks away. So, she feels strongly that children playing outdoors at "recess" would definitely pose noise that would generally be disruptive to residential neighbors. Mrs. Callaway expressed that a home 'converted to an office' would more aptly "fit" on this property and in this area, and that sort of 'use' would definitely not have as much traffic and other concerns.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan indicated that her residential home is currently situated on the end that would eventually become the Montessori school's parking lot, if it were to be approved and built. Mrs. Sullivan showed the city's 'residential land use' map up on the room's "big screen," pointing out the plentiful "medium density, single-family residential" land use designations in and around this area. She has concerns about noise, lighting, and increased traffic. She believes that, even if lighting were situated in a manner in which it is pointing downward, all of the concrete will result in the light reflecting back upward, thereby compromising the otherwise "night skies." She generally indicated that approval of this school would result negatively in her ability to sell her home someday. She pointed out that she believes there are several aspects of this proposed school that do not aptly fit with the city's own comprehensive plan. She went on to share the multiple reasons why she and other residents move to and choose to live in Rockwall. She pointed out that a Montessori school is, admittedly, not the worst "neighbor" she and others could have next door. However, she does not feel that 'retail-like' use are appropriate for this piece of property, and she is generally strongly opposed to the Council approving this SUP. She urged the council to vote "no" to this item.

Thomas H. McMahan
520 Cellars Court
Rockwall, TX

Mr. McMahan came forth and shared that he is pretty sure the city would not let the neighbors build 25' fences to screen their homes from this school. He does not feel that this school 'fits in' with this neighborhood, and he believes that it does not belong. He feels like a "residential-office" type use would perhaps be a better fit. He is against approval of this request.

Shelby Record
514 Cellars Court
Rockwall, TX

Ms. Record came forth and shared that she is opposed to the Council approving this request. She indicated that she moved from Arlington, and when there, she lived in a home that backed up to a retail development. Traffic and vehicular accidents were very prevalent. Also, smells (i.e. from dumpsters), noise and excess lighting were also concerning. She urged the Council to not approve this item, and she expressed that she is also opposed to the Council approving the next item (the retail portion) as well.

Mr. James Scarnati
3718 Hunt Cliff Drive
Rockwall, TX

Mr. Scarnati came forth and shared that he is opposed to the Council approving this SUP request. He echoed a lot of the concerns already expressed by others who have already come forth to speak (i.e. lighting, noise, screening, traffic, etc.). He suggested that the city consider requiring an applicant to do a traffic analysis and traffic impact study prior to moving forward with approval of SUPs, zoning changes, or new developments. He shared that he does not want to have a palm reader business, a massage parlor, or a bakery store at this location. He shared that, if he is going to have a neighbor, he would like to see a Castleridge Estates swimming pool or amenities center; however, he realizes these are not possibilities. He thanked the property owner and applicant, as well as city staff, for hearing the residents' concerns and attempting to work with them to implement standards that, in a lot of ways, go "above and beyond" the city's minimum standards (i.e. lighting that is more directional / less impactful on neighbors; building a masonry wall for screening; planting additional trees to help buffer as well). He generally shared that, as long as the applicant continues to work with residents to address their concerns, then he is supportive of this SUP request being approved by the Council.

Mr. Wacker (previous speaker) came forth again and gave brief comments about previous developments that have come before the Council in the past, been debated by area residents, and either approved or denied by Council.

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

Mayor Pro Tem Hohenshelt asked for clarification regarding what type of developments could be constructed under the city's "residential-office" zoning designation. Mr. Miller indicated that some of the types of businesses that would fit with "residential-office," by right, at this location would be those that are 5,000 square feet or less. He went on to explain that "RO"

could be, for example, a small assisted living facility geared towards a smaller, less intense use.

Mr. Williamson (the applicant) came back before the council and provided extensive "rebuttal" commentary to the Council in response to the dialogue that had taken place up until this point.

Mr. Miller elaborated on the "permitted by right" uses, which would include a convalescent care facility (home occupancy), convent, bed and breakfast, townhouse, library or art gallery, office less than 5k square feet, fundraising, non-profit, or a studio (i.e. art, photography, music). Also, it could be a multi-story office building too, as long as it didn't exceed 5,000 square feet.

Mayor Pro Tem Hohenshelt made a motion to approve Z2017-024. Councilmember Townsend seconded the motion. The ordinance was then read into the record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A DAYCARE FACILITY IN A RESIDENTIAL OFFICE (RO) DISTRICT WITHIN THE NORTH SH-205 OVERLAY (N-SH 205 OV) DISTRICT, ON A 2.38-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 6 OF THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, 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 failed by a vote of 3 in favor, 3 against (Pruitt, Daniels and Lewis), and 1 absent (Fowler).

Mayor Pruitt then recessed the public meeting and called for a brief break (at 7:57 p.m.).

Mayor Pruitt reconvened the public meeting at 8:11 p.m.

3. **Z2017-025** - Hold a public hearing to discuss and consider a request by Alex Freeman of Pinnacle Montessori Franchise Co. on behalf of George R. Weatherford for the approval of an **ordinance** for Specific Use Permit (SUP) allowing a general retail store on a 2.38-acre parcel of land identified as Tract 6 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Residential-Office (RO) District, situated within the North SH 205 Overlay (N-SH 205 OV) District, addressed as 4031 N. Goliad Street, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information related to this agenda item. This area is located directly adjacent to the Montessori school that was proposed in the previous public hearing agenda item. This property is also situated within the North SH 205 Overlay (N-SH 205 OV) District, and is addressed as 4031 N. Goliad Street. The request is for a 22' tall building that is a strip shopping center. The applicant has indicated that he plans to have businesses such as a karate studio, dance academy, and music school to occupy the spaces. However, it could also have tenants, by right, such as a donut shop or dry cleaners. Sixty-nine notices were sent out to adjacent property owners. Eighteen notices inside the

buffer area were received back in opposition of this case. In addition, five emails from outside of the buffer area have been received back as well. The city has received back enough opposing notice replies (within 200' of the subject property) to warrant that approval of this request will require a ¾ majority approval of Council this evening.

The applicant Brad Williamson (applicant) - 2728 N. Harwood Street – came forth and shared that this proposed SUP was intended to essentially go hand in hand with and to have tenants that would complement the school (such as karate or dance studios rather than a donut shop).

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

Jennifer Dayman
519 Cellars Court
Rockwall, TX

Mrs. Dayman indicated that she spent a lot of time on the city's website becoming familiar with the city's comprehensive plan and other zoning and development-related documents that the city has previously published. She believes that the applicant cannot adequately address the residents' concerns while also meeting his client's needs. This is exactly why she feels this retail development (and the earlier proposed Montessori school) are not a good fit for this residential neighborhood. Mrs. Dayman shared that she did some research on the Montessori school's website. As a result of her research, she pointed out that several of the school's other locations in other, metroplex or Texas cities, are not accompanied by adjacent retail developments. However, she did acknowledge finding one Pinnacle Montessori school in San Antonio that does have adjacent retail located right next door to the Montessori school. She showed a photograph of that retail center, pointing out that it appears to be occupied by things like a nail salon, a hair salon, a karate studio, and an empty suite. She feels that it is nothing more than a strip mall / strip center, and she does not believe this would be a good fit. She is generally opposed to the Council approving this request.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan came forth and briefly commented that she is generally opposed to the Council approving this SUP request. She does not believe this retail strip center 'fits into' the residential area.

Dennis Dayman
519 Cellars Court
Rockwall, TX

Mr. Dayman came forth and provided comments in opposition of the Council approving this request. He does not believe a retail center such as this would be ideal as an entry point in the north part of the city. In addition, he does not feel it is a 'good fit' in this location.

SuLaine Callaway
517 Cellars Court
Rockwall, TX

Mrs. Callaway came forth and shared that she is opposed to approval of this request. She shared that part of the reason she and her husband moved to Rockwall is because of the "hometown feel" that it currently has. She does not feel that approval of this request would be aligned with that which has been expressed as desirable in the city's Comprehensive Plan. She does not believe this retail development would be pedestrian or neighborhood friendly. She generally does not feel that this use would integrate well with the existing residential area. She pointed out that the research she and her neighbors have conducted induce fear in her since, for example, the school's adjacent retail center by their San Antonio location does not have tenants that complement the Montessori school's use.

The applicant came forth and asked that, if the Council does decide to deny this request, they do so "without prejudice" to avoid the applicant having to endure a long waiting period.

Mayor Pro Tem Hohenshelt moved to deny Z2017-025 without prejudice. Councilmember Daniels seconded the motion.

Mayor Pro Tem Hohenshelt then provided several follow up comments, mentioning Kroger and the "Neighborhood Market." He pointed out to the residents who spoke tonight that a lot of developers can build things 'by right' under certain zoning designations. He cautioned the residents to be cognizant of a land owner's rights to develop his property 'by right' as long as zoning is in place. Hohenshelt generally encouraged the residents to be mindful of any developer who is willing to essentially go 'above and beyond' to listen to residents' concerns and institute extra provisions to address those concerns, especially in light of the fact that this developer, for example, could cut the property in two pieces and build two 5k square foot office buildings today 'by right.'

Following Hohenshelt's comments, the motion passed by a vote of 6 in favor with 1 absent (Fowler).

4. **Z2017-026** - Hold a public hearing to discuss and consider a city initiated request for the approval of an **ordinance** for a text amendment amending Section 4.1, Lots Less Than Five (5) Acres, of Article VI, Parking and Loading, of the Unified Development Code and Chapter 26, Motor Vehicles and Traffic, of the Municipal Code of Ordinances for the purpose of consolidating language relating to the storage of recreation vehicles and adding provisions to allow extended parking, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided some background information concerning this agenda item, generally indicating that this item is coming forth as a result of past council discussions that took place at recent meetings. Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Townsend moved to approve Z2017-026. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] AND THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 4.1., *LOTS LESS THAN FIVE ACRES*, OF ARTICLE VI, *PARKING AND LOADING* OF THE UNIFIED DEVELOPMENT CODE AND SECTION 26-507, *PARKING OVERSIZED AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS,* OF ARTICLE VII,

***STOPPING, STANDING, OR PARKING*, CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, OF THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL INCORPORATING LANGUAGE RELATING TO THE STORAGE OF RECREATIONAL VEHICLES; PROVIDING EXTENDED PARKING; PROVIDING DEFINITIONS; 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 (6 ayes with Fowler being absent).

5. **Z2017-027** - Hold a public hearing to discuss and consider a request by Mahbub Dewan of D1 Architect on behalf of Deepak Gandhi for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a residence hotel in a Commercial (C) District that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 5.217-acre parcel of land identified as a portion of Lot 8 and all of Lots 9 & 11, Block A, La Jolla Pointe, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant, Mahbub Dewan, is requesting the approval of a Specific Use Permit (SUP) to allow a residence hotel on a 5.217-acre parcel of land located south of IH-30, adjacent to Ralph Hall Court. The proposed four (4)-story *Residence Hotel* will be the *Hyatt House* brand and will have approximately 90 rooms available for extended stay. Although the *subject property* is within the IH-30 Overlay (IH-30 OV) and the Scenic Overlay (SO) Districts, it does not have direct frontage along IH-30 or Ridge Road. The property does have frontage along La Jolla Pointe Drive. The site can be accessed from Ridge Road and Village Drive (*exit from IH-30*), which connects to La Jolla Pointe and Laguna Drive. In addition, the site can be accessed from Catalina Drive via IH-30 Frontage Road. It should be noted that since the property does not have direct access on IH-30, it is not permitted to have a pole sign. In addition, the *subject property* is within the Scenic Overlay (SOV) District, which incorporates *special use standards* for structures exceeding 36-ft in height, and requires an SUP. Should the applicants request for the *Residence Hotel* be approved, staff has included a condition of approval allowing the structure to have an overall height of four (4) stories not to exceed 60-feet. He went on to explain that the applicant's request conforms to all applicable requirements regarding a Specific Use Permit (SUP); however, granting an SUP remains a discretionary act of the City Council. If approved, the applicant will be required to submit a site plan and replat the lot. On June 29, 2017, staff mailed 45 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Turtle Cove and Lakeside Village Homeowner's Associations (*HOA's*), which are the only HOA's located within 1,500-feet of the subject property that are participating in the notification program. Additionally, staff posted a sign on the *subject property*, and advertised the public hearings in the Rockwall Harold Banner as required by the UDC. At the time this case memo was drafted staff has not received any notices regarding the applicant's request.

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

Patrick Hilchie
6176 FM 2011
Longview, TX

Brief comments took place, with the applicant indicating that this particular hotel proposal will in fact include limited kitchen-related facilities in the rooms. Mr. Miller apologized and indicated that this was not his understanding from what was conveyed at the city's recent Planning & Zoning Commission meeting. In light of this apparent discrepancy, Mayor Pro Tem Hohenshelt moved to remand this agenda item back to the Planning & Zoning Commission for

additional consideration. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes to 1 absent (Fowler).

6. **Z2017-028** - Hold a public hearing to discuss and consider a request by Mahbub Dewan of D1 Architect on behalf of Deepak Gandhi for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a hotel in a Commercial (C) District that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 5.217-acre parcel of land identified as a portion of Lot 8 and all of Lots 9 & 11, Block A, La Jolla Pointe, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. This is the same subject property, and it is located just adjacent to the one discussed during the previous agenda item. He explained that an SUP is required for hotels and for any property that exceeds 36' in height. The applicant is requesting a 4-story hotel that will not exceed 60' in height. It will contain 90 rooms and be under the Hyatt Place banner. The concept plan and rendering has been tied into the SUP ordinance, with general conformance to those being a condition of approval. In addition, this facility will include a full service restaurant and room service. Notices were sent out to forty-five property owners located within 500' of the property. One notice was emailed back in favor of the request, and the Planning & Zoning Commission has recommended approval as well.

Mayor Pruitt pointed out that both of these hotels have been combined in order to achieve the required number of parking spaces. As such, he is concerned about potentially approving this hotel if the other one has not (and may not) be approved yet. Councilmember Townsend asked for clarification on what the SUP entails – does approval of the SUP also approve the site plan? Mr. Miller shared that it only approves the location of the Hyatt Place hotel (the non-residence hotel). This is approval of a concept – the applicant would still need to come back for final plan approval, including shifting parking around to make things work and make things fit.

Patrick Hilchie
6176 FM 2011
Longview, TX

Mahbub Dewan
D-1 Architects
13601 Preston Road
Dallas, TX 75240

Mr. Dewan came forth and provided comments regarding these proposed hotels, particularly pertaining to the parking. He also spoke about the topography of the land and the proposed heights of the buildings, taking the topographical elevations into consideration.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and address the Council concerning this item. There being no one indicating such, he then closed the Public Hearing.

Councilmember Daniels commented as a council member, as an adjacent homeowner, and as a member of the Lakeside Village HOA. He shared that the Lakeside Village HOA will not take

a definitive stand on this particular proposal one way or the other. So, he is not speaking on behalf of his neighbors or his HOA. He and his neighbors realize that this is zoned "commercial" and that a hotel is acceptable. The issue is the height. He has spoken to several neighbors who feel they would be okay with this hotel as long as its height does not exceed that of the existing Hampton Inn. They do not wish to have a higher structure because it would be looking down into their back yards. He expressed that he would rather have a hotel with some in room cooktops than a multifamily apartment complex.

Councilmember Daniels then moved to approve Z2017-028 with the stipulation in the SUP that the total elevation height of the hotel shall not exceed 566 feet. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 5.217-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 8 AND ALL OF LOTS 9 AND 11, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

7. **Z2017-029** - Hold a public hearing to discuss and consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of the owner Don Silverman of Rockwall 205-552, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing an ~3,000 SF restaurant with drive-through on a 0.857-acre parcel of land identified as Lot 4, Block A, Dalton-Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N-SH-205 OV) District, addressed as 3611 N. Goliad Street, and take any action necessary **(1st Reading).**

The applicant, Juan J. Vasquez, is requesting the approval of a Specific Use Permit (SUP) to allow a *Restaurant greater than 2,000 SF with a Drive-Through* use on a 0.857-acre parcel of land generally located at the northwest corner of Dalton Road and N. Goliad Street. The *subject property* is addressed as 3611 N. Goliad Street and is zoned General Retail (GR) District. According to the Section 1, *Land Use Table*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) a *Restaurant* greater than 2,000 SF with a drive-through requires a Specific Use Permit (*SUP*) within a General Retail (GR) District. The proposed single-story building will be a 3,010 SF *Freddy's Frozen Custard* restaurant. The applicant has indicated that the drive-through window and order kiosk (*i.e. intercom*) will be oriented away from the single-family neighborhood to the north of the subject property. On June 29, 2017, staff mailed 28 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Castle Ridge Phase 2 and the Shores/Ray Hubbard Homeowner's Associations (*HOA's*), which are the only HOA's located within 1,500-feet of the subject property participating in the notification program. Additionally, staff posted a sign on the *subject property*, and advertised the public hearings in the Rockwall Harold

Banner as required by the UDC. At this time two notices have been received back by staff in favor of the request. In addition, the Planning & Zoning Commission has recommended approval of this request.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Juan Vasquez
1919 S. Shiloh Road
Garland, TX

Mr. Vasquez came forth and shared that Freddie's Frozen Custard will be the land owner, the developer, the builder, etc. This will end up being the company's seventh location (pointing out that the McKinney location is further along and will be finished sooner than this one perhaps will). After his brief comments, he generally indicated that he is happy to answer any questions the Council may have at this time.

There being no one else indicating a desire to come forth and speak related to this item, Mayor Pruitt closed the public hearing.

Councilmember Lewis moved to approve Z2017-029. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *RESTAURANT GREATER THAN 2,000 SF WITH A DRIVE-THROUGH* IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.857-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 4, BLOCK A, DALTON-GOLIAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

8. **Z2017-030** - Hold a public hearing to discuss and consider a request by Calise Barraque of The Mint Julep on behalf of the owner Caprice Michelle of Rockwall Rustic Ranch, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a general retail store on a 0.183-acre parcel of land identified as Lot 1, Block A, Rockwall Rustic Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50), situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 406 N. Goliad Street, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information related to this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) to allow for a *general retail store*. The subject property is zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses and is situated adjacent to SH-205 [*N. Goliad Street*]

on 0.183-acre parcel of land identified as Lot 1, Block A, Rustic Ranch Addition. This property is also situated within the North Goliad Corridor Overlay (NGC OV) District, and is addressed as 406 N. Goliad Street.

On October 6, 2014, the City Council approved a Specific Use Permit (SUP) [*Case No. Z2014-026*] (*Ordinance No. 14-44; S-127*) to allow a *restaurant, less than 2,000 SF without a drive in.* Currently, the applicant is requesting to establish a business [*i.e. The Mint Julep*] that sells home furnishings, refinished and painted antique and vintage furniture, candles, skincare, new clothing, etc. [*i.e. merchandise that would be considered general retail*]. In addition, the applicant would like to sell new clothing in a limited section of the building (i.e. 200 SF). According to Section 1.1, *Land Use and Buildings*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) and the Planned Development District 50 (PD-50) standards, a *general retail store* is permitted with an SUP. According to the PD-50 standards, the sale of new clothing is prohibited, however, similar requests have been approved previously [*i.e. Hazel and Olive, Hallie B*] as an accessory use to the main business; however, this request is discretionary to the Planning and Zoning Commission and City Council. The floor plan that the applicant submitted shows that the sale of new clothing will be limited to 200 SF of the building. Additionally, incidental display outside storage and the sale of new clothing will be prohibited. The development is in conformance with the parking requirements for a general retail store (i.e. 1:250 SF) and the applicant is providing 28 parking spaces.

Staff should note that the existing SUP [Ordinance No. S-127] for a *restaurant, less than 2,000 SF without a drive-in* is subject to Section 4.4, *Abandonment, Expiration, and Revocation of a Specific Use Permit (SUP)* of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*i.e. Ordinance No. 17-17*] and will expire if not utilized by March 20, 2018. On July 3, 2017, staff sent 109 notices to property owners and residents within 500-feet of the subject property. There are no Neighborhood Associations/HOA's located within 1,500-feet of the subject property. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff received four (4) notices in favor of the request. Should the City Council choose to approve the SUP request, staff would offer the following conditions of approval:

1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance which are as follows:

    a) Incidental display and outside storage shall be strictly prohibited on this property.

    b) The sale of new clothing shall generally conform to the zoning exhibit as depicted in *Exhibit 'B'* of the attached ordinance.

    c) The sale of new clothing shall not exceed 200 SF.

    d) The sale of use clothing shall be prohibited.

In addition, the city's Planning & Zoning Commission has recommended approval of this request.

Following Mr. Miller's comments, the mayor invited the applicant forth to speak.

Calise Barraque
587 W Fate Main Place
Rockwall, TX 75087

She explained that she is requesting approval of an SUP for a retail store. She has a home furniture store and art studio which features local artisans and jewelry makers. She believes that her store will really fit in with the culture and creativity of the downtown area.

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

Staff and Council then engaged in extensive discussion pertaining to the business' access onto SH-205. Following the dialogue, Councilmember Townsend moved to approve Z2017-030. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A GENERAL RETAIL STORE IN PLANNED DEVEOPMENT DISTRICT 50 (PD-50), ON A 0.183-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, ROCKWALL RUSTIC RANCH 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 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 (Fowler).

XII. ACTION ITEMS

1. **A2017-001** - Discuss and consider the expiration of an existing 212 Development Agreement for a 4.264-acre tract of land identified as Lot 1, Block 1, Valk Rockwall Addition, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4028 N. SH-205, and take any action necessary.

Mr. Miller, Planning Director, provided background information pertaining to this agenda item. This property is located across from the Castleridge subdivision. He shared that this property was originally annexed into the city as Platinum Storage in 2013. The original 212 agreement did expire in 2016, and the applicant asked for a one-year renewal that was granted at that time. The applicant is now requesting an additional, one-year extension of the 212 agreement.

Mr. Crowley shared that, at the time this storage facility was approved, it was located in the city's ETJ, so the city's ability to have 'say so' regarding it being built and how it was built was somewhat limited. Following Mr. Crowley's comments, the mayor asked if the applicant was present this evening. He/she was not. Mayor Pruitt then moved to deny extension of the existing 212 Development Agreement and proceed with annexation of the property. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Fowler).

2. Discuss and consider a request by Hacienda Car Wash to use the City of Rockwall logo at a local business in Rockwall, and take any action necessary.

Danielle Vega
3 Northridge Lane
2400 S. Goliad

Councilmember Macalik expressed concern about allowing this (and other) businesses to utilize the city's logo at their private business(es). She pointed out that the city's logo is its own, personal brand, and it is typically utilized by the city on its own printed material, for its own city events, vehicles and the like. Therefore, she fears that allowing this business to utilize the logo could be misconstrued as an endorsement of the business by the city. Also, she fears it could lead the public to inadvertently conclude that the business is affiliated with the City. Councilmember Townsend echoed similar comments to those made by Councilmember Macalik. He especially has concerns that allowing this car wash to utilize the city's flag could signify an endorsement, and that may not be well received by other car wash businesses in town. He did, however, encourage the business to come up with some other type of flag that could still convey the business' support of the city without actually utilizing the city's logo. Councilmember Townsend then moved to deny this request. Mayor Pro Tem Hohenshelt seconded the motion. The motion passed by a vote of 4 in favor, 2 against (Pruitt and Lewis) and 1 absent (Fowler).

3. Discuss and consider approval of a proposal from Swagit Productions in the amount of $78,190.10 to provide video streaming services of public meetings, and take any action necessary.

After brief introductory comments by Joey Boyd, the city's Director of Internal Operations, Mayor Pro Tem Hohenshelt moved to approve proposal from Swagit Productions in the amount of $78,190.10 to provide video streaming services of public meetings. Councilmember Towensend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Fowler).

4. Discuss and consider overview of the city's budget process and outlook for Fiscal Year 2018, and take any action necessary.

Mary Smith, Rockwall's Finance Director, indicated that the City is developing the FY2018 budget with preliminary tax information from the Rockwall Central Appraisal District (RCAD). She pointed out that information that has been provided to Council represents estimates at this time since the RCAD is still working through the protest period now. All of the figures and calculations discussed were based on estimates, and final figures are due to the taxing entities later this month. A preliminary overview of the budget has been conducted; however, staff is still working through balancing the budget. Staff expects to have a budget proposal out to the Council some time between Aug. 10-15.

Councilmember Townsend asked if capital improvement projects, such as street-related needs, can be evaluated as part of the budgeting process. Councilmember went on to share that, based on the city's strategic plan and the fact that the current baseball program and fields are at capacity, he would like staff to evaluate the possible addition of land and ball fields to address the demand and meet some of those needs. Following brief comments from Mr. Crowley, Townsend clarified and acknowledged that there will not be a way to fund additional fields without a bond election and CIP program. However, he would like staff to include funding in the budget proposal to hire a company to conduct an evaluation to identify current and future ball field-related needs as well as estimated associated costs.

Mr. Crowley shared that staff can look into how much it might cost to conduct some CIP-related studies pertaining to project needs that the city has (i.e. the airport, parks, streets, etc.). Then, this matter may be discussed further by the Council and staff at the budget work session in August. He then clarified his understanding that council generally does not wish to see anything higher than the effective tax rate included in staff's balanced budget proposal. The Council took no formal action concerning this agenda item at this time.

5. Discuss and consider identifying items of interest to the city pertaining to the upcoming special session of the Texas State Legislature, and take any action necessary.

Mayor Pruitt indicated that draft resolution language has been distributed to the Council for consideration this evening. If the Council approves of the language, he would then like to pass along the resolution to the state legislature. He generally expressed concern about some legislation that is being proposed during the special session that will potentially allow water districts to pop up everywhere. He pointed out that such water districts then charge residents taxes and unreasonable rates, which is truly a form of 'taxation without representation.' Councilmember Townsend moved to approve a resolution reflecting the draft language that the council members have reviewed and that is in front of them this evening. Mayor Pro Tem Hohenshelt seconded the motion. The City Attorney, Frank Garza, indicated that the drafted language will just need to be placed into "resolution format" and then be executed by the mayor. After brief comments, the motion to approve said resolution passed unanimously of those present (6 ayes with 1 absent – Fowler).

6. Discuss and consider an update to the Parks and Recreation Revenue and Pricing policy, and take any action necessary.

Parks and Rec Manager, Andy Hesser, providing background information on this agenda item, explaining that the city previously adopted a Revenue and Pricing Plan. This plan set general guidelines for how staff allocates its resources, plans program and event offerings, determines fee structure and amount of subsidy versus revenue. He shared that it is time for the plan to be reviewed and updated, and a draft of the proposed updates has been provided to the council members. The main principle that it addresses is the philosophy of program categories and how much tax subsidy is appropriate for three general categories of program/event – "public," "select," and "exclusive. Public events/programs represent leisure opportunities available to all residents and are viewed as major contributors to the community's quality of life. These programs are typically free to the public and are supported by City staff and a certain degree of general fund general fund support. Select programs/events have less overall public benefit and more individual benefit. The cost recovery goal for this category is increased through fees and/or sponsorships. The general guideline is 51-100% cost recovery. The third category, "Exclusive," generally includes fee based programs geared towards personal enrichment, instruction, rentals, etc. The cost recovery goal is expected to be from 101 to 150%. Other components of the plan reference the scholarship program for those that can't afford access to a program, refund policy and how to determine direct and indirect costs. One of the updates to the plan includes a more detailed list of guidelines for determining our annual program and event offerings.

Mr. Hesser explained that the Park Board recently reviewed the updated policy and has recommended its approval. Councilmember Townsend moved to approve the revised Parks and Recreation Revenue and Pricing Plan / Policy. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Fowler).

7. Discuss and consider an Animal Services policy regarding wildlife trapping, and take any action necessary.

Mr. Hesser shared that this policy will be a new policy that aims to address residents' needs while balancing limited Animal Services resources. Councilmember Lewis moved to approve this policy as presented. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent (Fowler).

City Manager Rick Crowley pointed out that tonight's Council meeting is the last meeting that City Engineer, Tim Tumulty, will be attending, as he will be retiring at the end of this month. The Council generally thanked Mr. Tumulty for his service to the city. Mr. Tumulty thanked the

city and the council for the ability to serve the City of Rockwall for the past four years. Tumulty commented that staff members are great and have been a pleasure to work with during his tenure with the city.

Mr. Crowley also indicated that a mosquito did test positive for the West Nile virus within the city, so the city will be following the direction of the city's health advisor, Dr. Lensch, and will begin spraying in accordance with adopted protocols.

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 legislation to amend the North Texas Municipal Water District (NTMWD) governance pursuant to Sections 551.071 (Consultation with Attorney).
2. Discussion regarding possible negotiations of development agreement in the ETJ area pursuant to Sections 551.071 (Consultation with Attorney).
3. Discussion regarding the sale of real property / land in the vicinity of Heath Street and Fannin Street pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XV. ADJOURNMENT

The meeting was adjourned at 9:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 7th day of August, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 07, 2017
5:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager Mary Smith, and City Attorney Frank Garza. Assistant City Manager Brad Griggs was absent from the meeting.

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

II. EXECUTIVE SESSION.

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

1. Discussion regarding the possible joint purchase of real property for transportation/municipal purposes pursuant to Section §551.072 (Real Property)
2. Discussion regarding land acquisition in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:50 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

VII. PROCLAMATIONS / AWARDS

1. Lifesaving Award Recognitions - Kellee Marley, April Onofre, and Dimitrius Glenn

Bonnie Lavielle, Director of the Rockwall Y.M.C.A., came forward with Kellee Marley, April Onofre, and Dimitrius Glenn. Also present were Mitch Ownby of Rockwall County EMS (local ambulance company) and Mr. Paul Havens. Mayor Pruitt read and presented Mrs. Onofre, Mrs. Marley, and Mr. Glenn with lifesaving awards in recognition of them helping save Mr. Havens life during an exercise class back in May. Mr. Havens expressed a deep gratitude to the individuals who helped save his life that day.

2. Barb Coleson Appreciation Day

Mayor Pruitt came forth and shared kind words about Mrs. Barb Coleson, a beloved member of the Rockwall community, who recently passed away.

VIII. OPEN FORUM

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

Ms. Kaylen Pruitt
209 Stonebridge
Rockwall, TX 75087

Ms. Pruitt came forth and expressed concern about the fountains at the spray park at The Harbor not working properly. She explained that no water is shooting out at the spray park, and she petitioned the city to make needed repairs before the hot, summer season is over.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 10, 2017 Special City Council meeting, and take any action necessary.
2. Consider approval of the minutes from the July 17, 2017 regular city council meeting, and take any action necessary.
3. **Z2017-023** - Consider a request by Joe Wimpee for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District for an 8.1232-acre tract of land identified as Tract 2 of the C. W. Jones Survey, Abstract No. 127, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located north of the

intersection of Dalton Road and Promenade Place, and take any action necessary **(2nd Reading).**

4. **Z2017-026** - Consider a city initiated request for the approval of an **ordinance** for a text amendment amending Section 4.1, Lots Less Than Five (5) Acres, of Article VI, Parking and Loading, of the Unified Development Code and Chapter 26, Motor Vehicles and Traffic, of the Municipal Code of Ordinances for the purpose of consolidating language relating to the storage of recreation vehicles and adding provisions to allow extended parking, and take any action necessary **(2nd Reading).**

5. **Z2017-028** - Consider a request by Mahbub Dewan of D1 Architect on behalf of Deepak Gandhi for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a hotel in a Commercial (C) District that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 5.217-acre parcel of land identified as a portion of Lot 8 and all of Lots 9 & 11, Block A, La Jolla Pointe, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and take any action necessary **(2nd Reading).**

6. **Z2017-029** - Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of the owner Don Silverman of Rockwall 205-552, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing an ~3,000 SF restaurant with drive-through on a 0.857-acre parcel of land identified as Lot 4, Block A, Dalton-Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N-SH-205 OV) District, addressed as 3611 N. Goliad Street, and take any action necessary **(2nd Reading).**

7. **Z2017-030** - Consider a request by Calise Barraque of The Mint Julep on behalf of the owner Caprice Michelle of Rockwall Rustic Ranch, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a general retail store on a 0.183-acre parcel of land identified as Lot 1, Block A, Rockwall Rustic Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50), situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 406 N. Goliad Street, and take any action necessary **(2nd Reading).**

8. Consider authorizing the sale of City owned undeveloped land to Fang Properties LLC in the amount of $163,500 for two residential lots located at N/S E. Heath St. and 3.35 acres located at the southwest quadrant of N. Fannin and E. Heath St. and authorize the City Manager to execute related contracts, and take any action necessary.

9. Consider approval of a professional engineering services contract with Halff Associates, Inc. to perform an engineering drainage analysis for Bayshore Drive in the amount of $54,500, to be funded by the FY2016-17 Engineering Operations Budget, and take any action necessary.

10. Consider approval of Change Order Number One to Barson Utilities for changes in the construction installation method for the Signal Ridge Sanitary Sewer Pipe

Bursting Project in the amount of $57,615.64 to be funded by 2015 Water and Sewer bonds, and take any necessary action.

11. **P2017-034** - Consider a request by Worth Williams of Moore Worth Investments, LLC for the approval of a replat for Lot 5, Block A, Lakeshore Commons Addition being a 1.472-acre parcel of land currently identified as Lot 1, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the southwest corner of Quail Run Road and N. Goliad Street (SH-205), and take any action necessary.

12. **P2017-036** - Consider a request by Matt Moore, PE of Claymoore Engineering, Inc. on behalf of the owner Rockwall Regional Hospital, LLP for the approval of a replat for Lot 23, Block A, Presbyterian Hospital Addition being a 18.867-acre parcel of land identified as Lot 22, Block A, Presbyterian Hospital of Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, located east of the intersection of Summer Lee Drive and Rockwall Parkway, and take any action necessary.

13. **P2017-037** - Consider a request by Mike Swiercinsky of 7.1 Ridge, LLC for the approval of a final plat for Lot 1, Block A, Sky Ridge Addition being a 8.583-acre tract of land currently identified as Tracts 4 & 19 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located west of the intersection of W. Yellow Jacket Lane and Ridge Road (FM-740), and take any action necessary.

Mayor Pruitt removed #5, #8, and #9 from the Consent Agenda. Councilmember Lewis moved to approve the Consent Agenda, minus items #5, 8 and 9. Councilmember Townsend seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT FOR AN 8.1232-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE C. W. JONES SURVEY, ABSTRACT NO. 127, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] AND

THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 4.1., *LOTS LESS THAN FIVE ACRES*, OF ARTICLE VI, *PARKING AND LOADING* OF THE UNIFIED DEVELOPMENT CODE AND SECTION 26-507, *PARKING OVERSIZED AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS,* OF ARTICLE VII, *STOPPING, STANDING, OR PARKING*, CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, OF THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL INCORPORATING LANGUAGE RELATING TO THE STORAGE OF RECREATIONAL VEHICLES; PROVIDING EXTENDED PARKING; PROVIDING DEFINITIONS; 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. 17-39

SPECIFIC USE PERMIT NO. S-171

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *RESTAURANT GREATER THAN 2,000 SF WITH A DRIVE-THROUGH* IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.857-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 4, BLOCK A, DALTON-GOLIAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-40
SPECIFIC USE PERMIT NO. S-172

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A GENERAL RETAIL STORE IN PLANNED DEVEOPMENT DISTRICT 50 (PD-50), ON A 0.183-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, ROCKWALL RUSTIC RANCH 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 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 (7 ayes to 0 nays).

Mayor Pruitt spoke about Consent Agenda Item #5, generally expressing concern about shared parking regarding this particular hotel and the adjacent hotel (that was remanded back to the city's Planning & Zoning Commission for further consideration during the last city council meeting). He is generally concerned about approving one hotel but perhaps not approving the other one, and he is also concerned about there potentially being two, separate hotel owners over

time. Mr. Miller generally explained that the city council has the ability to approve a shared parking agreement through the site plan process. Then, it would be filed with Rockwall County, making it a condition of approval for both of the properties. So, the agreement would stay in place even if one of the two properties were to sell to a different owner over time. Mr. Miller explained that any "shared parking agreement" will be addressed during the site planning and approval process. Following these comments, Mayor Pruitt motioned to approve Consent Agenda item #5 (Z2017-028). Councilmember Townsend seconded the motion.

CITY OF ROCKWALL
ORDINANCE NO. 17-38
SPECIFIC USE PERMIT NO. S-170

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 5.217-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 8 AND ALL OF LOTS 9 AND 11, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY 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.

Regarding item #8, Mayor Pruitt announced that Councilmember Macalik has requested to recuse herself from this item. Councilmember Townsend moved to approve Consent Agenda item #8. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 recusal (Macalik).

Mayor Pruitt introduced the city's new Director of Public Works/City Engineer, Amy Williams. The then commented regarding Consent Agenda item #9, expressing concern about the city making this particular expenditure in light of the possibility that the city may end up needing to "buy out" this home / this property at some point in the future. Mr. Crowley generally indicated that the property owner does not have his home up for sale at this time, and he has not given indication that he would like to move out of his home at this point. It could ultimately come to that; however, the city feels it is prudent to fully research he options, especially when a homeowner does not have their home up for sale. City Engineer Amy Williams provided brief comments, indicating that the property has flooded three times in past years. The new property owner is new, and has only been living in the home when the most recent, 2017 flood occurred. She explained that the engineering design work affecting this particular home was built to the standard that was in place at that time. It is a little bit older of a subdivision, and today's standards are higher. So it is just an older subdivision that needs to be brought up to current standards. Ms. Williams shared that, at this time, it is only this one home that has flooded. A neighboring home has had water, but it has not yet reached the actual home up until this point. Councilmember Daniels asked for clarification regarding if this

study will only affect and benefit that one home. Ms. Williams indicated that, no, it will also benefit some other homes in that small, general area, and the entire "basin" will be studied to be sure the 'fix' does not adversely affect other, neighboring properties. Following these brief comments, Councilmember Lewis moved to approve Consent Agenda item #9. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENTS

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

The Council did not discuss this agenda item, as indication was given that it was unnecessary to do so.

XI. PUBLIC HEARING ITEMS

1. Hold a public hearing to discuss and consider approval of an **ordinance** adopting local standards of care for the city parks and recreation youth programs as required by Chapter 42 of the Texas Human Resources Code, and take any action necessary. **(1st reading)**

Parks & Rec Manager, Andy Hesser, provided brief background information to the Council concerning this agenda item. Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Townsend made a motion to approve the ordinance as presented. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ADOPTING LOCAL STANDARDS OF CARE FOR THE CITY PARKS AND RECREATION YOUTH PROGRAMS AS REQUIRED BY CHAPTER 42 OF THE TEXAS HUMAN RESOURCES CODE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of those present (7 ayes to 0 nays)

XII. ACTION ITEMS

1. **A2017-002** - Discuss and consider the expiration of an existing 212 Development Agreement for a 20.74-acre tract of land that is contiguous with the City of Rockwall's city limits, situated within the City's Extraterritorial Jurisdiction (ETJ), addressed as 427 Clem Road and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, and take any action necessary.

Planning Director Ryan Miller provided background information concerning this agenda item. A 212 development agreement was previously put into place for a period of 7 years, and it is nearly expiration at this point. The property owner has submitted a letter requesting an additional seven year 212 development agreement. Indication was given that the property owner is not present at the council meeting this evening.

Councilmember Daniels asked if the 212 agreement is affixed to the property itself or to the property owner. Mr. Miller shared that it is an agreement with the property owner; however, if/when the property changes hands, the city could still step in and enter into a 212 development agreement with any new owner. Questions and answered ensued pertaining to surrounding properties and whether or not those are currently located within the city and/or within its ETJ (extraterritorial jurisdiction).

Mr. Miller shared more details regarding how a 212 agreement works. Following the additional comments, Councilmember Fowler made a motion to extend the 212 Development Agreement for a period of seven (7) years. Councilmember Townsend seconded the motion, which passed unanimously of Council present (7 ayes to 0 nays).

2. Discuss and consider possible honorary gesture in memory of the late Barb Coleson, recognizing her contributions to the City of Rockwall, including those related to the historic downtown square, and take any action necessary.

Mayor Pruitt provided comments concerning this agenda item. He acknowledged that the city does not have a lot of options for honoring people who make contributions to our city. He shared that he feels the city may want to consider doing some sort of permanent recognition for Barb Coleson and Claudette Hatfield to honor them for their contributions. He suggested the Council may wish to consider a plaque or photo in their honor, perhaps in the downtown area.

Councilmember Fowler suggested that the Council consider some sort of larger-scale type recognition that would encompass recognition for Bard and Claudette as well as other, late members of our community who have made notable contributions to our city. Councilmember Fowler suggested that the City may want to consider naming the Farmers Market after Barb and Claudette and then looking to do something larger and more permanent for both them and others at some point in the future.

Councilmember Lewis shared that perhaps a "wall of honor" somewhere would be a good idea to honor notable volunteers who have made notable contributions to our city.

Councilmember Macalik suggested that the Council may get a board or commission involved in brainstorming ideas as well, like perhaps the city's ART Commission. Mayor Pruitt pointed out that the city council does have a Naming Subcommittee. General indication was given that the city council will utilize the Naming Subcommittee to further evaluate ideas. The Council took no formal action concerning this agenda item.

3. Discuss and consider amending the city's Code of Ordinances to repeal **Ordinance** #17-06 in its entirety, including any and all of its provisions, which were previously adopted by the Rockwall City Council on January 17, 2017; directing Municipal Code Corporation and its codifier(s) to

restore these sections of the Rockwall Code back to their previous condition, providing for an effective date. **(1st reading)**

Building Official Jeffrey Widmer came forth and shared brief, background comments pertaining to this agenda item. Mayor Pruitt then read the language from a recent piece of legislation that was passed by the State of Texas.

> **HB-3257: Notwithstanding any other law, a state agency or political subdivision may not restrict the use or installation of a specific fuel gas pipe product that is approved for use and installation by the International Fuel Gas Code. To the extent of a conflict between this subchapter and another law, this subchapter controls.**

Councilmember Fowler shared that he is very displeased in the State legislature forcing a city to reverse an ordinance that it put a lot of time and effort into adopting. Councilmember Lewis shared that he too is dissatisfied that the State legislature passed this restriction. He finds it unfortunate that they passed this legislation without taking public comment. He indicated that he cannot, in good conscious, repeal this ordinance since, to him, he feels it is a life safety issue, and repealing it means putting lives in danger.

Mayor Pruitt called upon City Attorney, Frank Garza, for comment. He generally indicated that if the city does not repeal this ordinance, it essentially risks having suit brought against it by contractors who utilize this product and/or by manufacturers of this product. Such lawsuits would be accompanied by legal fees.

Councilmember Townsend asked that if there is a problem with leaving the ordinance in place if the city does not enforce its provisions. Mr. Garza shared that it was his understanding that the intent of the legislation was not to cause a city, such as Rockwall or Lubbock, that already had an ordinance like this in place, to have to repeal its ordinances. However, it is clear that no exemption was adopted when this law was passed.

Following the comments, Mayor Pruitt moved to adopt the repealing ordinance and cause it have an effective date of September 1, 2017. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 17-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO REPEAL, IN ITS ENTIRETY, ORDINANCE NO. 17-06, INCLUDING ANY AND ALL OF ITS PREVIOUSLY ADOPTED PROVISIONS; DIRECTING MUNICIPAL CODE CORPORATION AND ITS CODIFIER(S) TO RESTORE THESE SECTIONS OF THE ROCKWALL CITY CODE BACK TO THEIR PREVIOUS CONDITION, PRIOR TO ORDINANCE NO. 17-06 BEING ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 in favor with 3 against (Townsend, Daniels and Lewis).

4. Discuss and consider (re)appointments to the city's (advisory) boards and commissions, and take any action necessary.

Macalik moved to reappoint David Sweet, Jane Braddock, and Kathleen Morrow to serve an additional two-year term on the ART Commission (will expire in August of 2019). Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Townsend moved to reappoint Larry Denny and Ray Harton to serve an additional two-year term on the Park Board (will expire in August of 2019). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Fowler moved to reappoint Mike Potter, Kellie Roby, Mark Berglund, and Tom Woodruff to serve an additional two-year term on the city's Airport Advisory Board (will expire in August 2019). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
   - Building Inspections Monthly Report - June 2017
   - Fire Marshal Division Monthly Reports - May and June 2017
   - GIS Division Monthly Report - June 2017
   - Harbor PD Monthly Report - June 2017
   - Internal Operations Department Monthly Report - June 2017
   - Meals on Wheels / Senior Services of Rockwall County Quarterly Report
   - Recreation Monthly Report - June 2017
   - Rockwall Animal Adoption Center - June 2017
   - Rockwall Fire Department Monthly - June 2017
   - Police Department Monthly Report-June 2017
   - STAR Transit Monthly Report - June 2017
2. City Manager's Report

City Manager Rick Crowley indicated that each of the city's departments has included monthly reports in the council members' informational packet for review. He offered to answer any questions of the Council. Mayor Pruitt pointed out that Mr. Kenneth Cullins has been named the city's new Fire Chief, and he will begin his new position with the City of Rockwall Fire Department in September. He pointed out that he has been a volunteer with the city for over twenty years. He has been well trained and has gained a lot of good experience with the City of Dallas over the years. He believes he will do a fine job for the City of Rockwall. The Kiwanis Club recently held their triathlon fundraising event, and it was a great success. In addition, the Noon Rotary will hold its Hot Rocks bicycle race event this coming weekend in Rockwall. He pointed out that sometimes these races and runs have traffic-related implications; however, he is grateful for residents who find alternative routes, and he is thankful for events such as these.

Mr. Crowley shared that there will be opportunities for the council and others to meet Mr.

Cullins in the coming weeks, prior to him starting work with the Rockwall Fire Department.

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 the possible joint purchase of real property for transportation/municipal purposes pursuant to Section §551.072 (Real Property)
2. Discussion regarding land acquisition in the vicinity of the downtown area pursuant to Section §551.072 (Real Property)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

XV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

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

XVI. Adjournment

Mayor Pruitt adjourned the meeting at 7:04 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21st day of August, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 21, 2017
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Hohenshelt convened the meeting at 5:00 p.m. with himself and Councilmembers Macalik, Townsend, and Fowler being present. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith, and City Attorney Frank Garza. Councilmember Daniels and Mayor Pruitt were absent from the meeting.

Mayor Pro Tem Hohenshelt then read the below listed items into the public record before recessing the meeting to go into Executive Session at 5:01 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 (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding the sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property).
3. Discussion regarding Fixed Based Operator Services Contract at the Ralph M. Hall / Rockwall Municipal Airport, including associated Requests for Proposals (RFP) process, pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:35 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Townsend made a motion to negotiate with an adjacent property owner concerning the sale of real property owned by the City. Councilmember Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Daniels).

Councilmember Townsend moved to direct staff to start negotiations with the Terrell Aviation group for contractual services related to fixed based operations at the Ralph M. Hall Municipal Airport. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Daniels).

VI. Invocation and Pledge of Allegiance – Councilmember Macalik

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

VII. Open Forum

Mayor Pro Tem Hohenshelt explained how Open Forum is conducted and asked if anyone would like to come forth and speak. There being no one indicating such, the then closed Open Forum.

VIII. Consent Agenda

1. Consider approval of the minutes from the August 7, 2017 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** adopting local standards of care for the city parks and recreation youth programs as required by Chapter 42 of the Texas Human Resources Code, and take any action necessary **(2nd reading)**.
3. Consider reauthorizing the City's local match in the amount of $69,000 for pavement rehabilitation and drainage improvements at the Ralph M. Hall / Rockwall Municipal Airport to be paid for from Airport Fund Reserves, and take any action necessary.
4. Consider approval of a resolution allowing a temporary partial closure of FM 740 from Summer Lee Drive to the south City limits to facilitate the U.S. Open Triathlon on Sunday, October 15, 2017 from 3:00 AM to 1:00 PM, and take any action necessary
5. Consider approval of the construction contract for the repairs to the Kroger lift station along eastbound Interstate 30 with DFW Services, LLC in an amount of $41,700.00 to be funded from the Wastewater Operating Budget, and take any action necessary.
6. Consider approval of the FM 3549 16" Waterline Relocation Project and authorize the City Manager to execute a contract with TRI-CON Services, Inc. in the amount of $580,000.00 to be funded by 2015 Water and Sewer bonds, and take any action necessary.
7. Consider authorizing the City Manager to execute a Facility Agreement with Barbara Criswell to allow for the delay of the construction of the required cross access easement adjacent to the eastern property line and the removal of a portion of the existing garage located within a dedicated cross access easement for a 0.344-acre parcel of land described as Lot 2 of the Barnes Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the N. Goliad Corridor Overlay (NGC OV) District, addressed as 602 N. Goliad Street [SH-205], and take any action necessary.
8. **P2017-035** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH 60's POD, LTD for the approval of a final plat for

Breezy Hill, Phase X containing 79 single-family residential lots on 19.784-acre portion of a larger 29.181-acre tract of land identified as Tract 7-05 of the J. Strickland Survey, Abstract No. 187; the J. Simmons Survey, Abstract No. 190; and the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, situated with the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally located northeast of the intersection of N. John King Boulevard and FM-552, and take any action necessary.

9. **P2017-039** - Consider a request by Patricia E. Linder for the approval of a replat for Lot 66, Block D, Northshore, Phase 2-A being a 0.23-acre parcel of land identified as Lot 17, Block D, Northshore, Phase 2-A, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 611 Sunset Hill Drive, and take any action necessary.

Councilmember Townsend moved to approve the entire Consent Agenda as presented. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ADOPTING LOCAL STANDARDS OF CARE FOR THE CITY PARKS AND RECREATION YOUTH PROGRAMS AS REQUIRED BY CHAPTER 42 OF THE TEXAS HUMAN RESOURCES CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pro Tem Hohenshelt reordered the agenda to address Action Item #4 at this point in the meeting.

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.

Johnny Lyons, Chairman of the Planning & Zoning Commission, briefed the Council on recommendations of the Commission relative to items on tonight's meeting agenda. The Council took no action concerning this agenda item.

X. PUBLIC HEARING ITEMS

1. **Z2017-032** - Hold a public hearing to discuss and consider a request by Brian and Darla Kelly for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District for a 3.217-acre tract of land identified as a portion of Tract 13-06 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located along the north side of Hanby Lane south of the intersection of Jeff Boyd Road and Hanby Lane, and take any action necessary **(1st Reading).**

Planning & Zoning Director, Ryan Miller, provided background information concerning this agenda item. In part, he indicated that notices were mailed to adjacent property

owners located within 500' of the subject property; however, no replies have been received back by staff to date. In addition, no adjacent homeowners associations exist, so no HOAs were notified. Also, the Planning & Zoning Commission has recommended approval of this item. Mayor Pro Tem Hohenshelt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Councilmember Lewis moved to approve Z2017-032. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 3.217-ACRE TRACT OF LAND IDENTIFIED AS TRACT 13-06 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

2. **Z2017-033** - Hold a public hearing to discuss and consider a request by Deric Salser of Salser Development Group on behalf of Russ Porter of Rockwall School of Music for the approval of an **ordinance** for a Specific Use Permit (SUP) for a music studio on a 0.747-acre portion of a larger 2.49-acre parcel of land identified as Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this item. On August 4, 2017, staff sent 92 notices to property owners and residents within 500-feet of the subject property. Additionally, staff notified the Lynden Park and Flagstone Estates HOA's, which are the only Neighborhood Homeowner's Associations located within 1,500-feet of the subject property. Two notices have been received back in opposition of the request. On August 25, the Planning and Zoning Commission's motion to recommend approval of this requested Specific Use Permit (SUP) passed by a vote of 6-0 with Commissioner Welch absent.

Mayor Pro Tem Hohenshelt opened the public hearing, asking if anyone would like to speak concerning this item.

Kevin Holmes
2647 Waterstone Lane
Rockwall, TX

Mr. Holmes asked if the masonry wall will be required, or if it is simply a suggestion. Mr. Miller, Planning Director, shared that this is a requirement; however, the applicant could seek a variance on that requirement in the future if he so desires. If he does so, no public notices will be required to be sent out on that variance request.

Mayor Pro Tem Hohenshelt asked if anyone else would like to come forth and speak. There being no one else indicating such, Mayor Pro Tem Hohenshelt then closed the public hearing.

Councilmember Lewis moved to approve Z2017-033. Councilmember Macalik seconded the motion. She offered positive comments pertaining to local students at both of the Rockwall high schools, expressing that a lot of musicians begin developing their talents at places like this. She expressed that she applauds companies like this who help young members in our community hone their skills. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__
SPECIFIC USE PERMIT NO. S-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MUSIC STUDIO IN PLANNED DEVEOPMENT DISTRICT 60 (PD-60), ON A 0.747-ACRE PORTION OF A LARGER 2.49-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 9, BLOCK A, FLAGSTONE CORNERS 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 DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

XI. ACTION ITEMS

1. Discuss and consider amending the city's Code of Ordinances to repeal **Ordinance** #17-06 in its entirety, including any and all of its provisions, which were previously adopted by the Rockwall City Council on January 17, 2017; directing Municipal Code Corporation and its codifier(s) to restore these sections of the Rockwall Code back to their previous condition, providing for an effective date. **(2nd reading)**

Councilmember Fowler moved to approve this ordinance (to repeal Ord. #17-06). Mayor Pro Tem Hohenshelt seconded the motion. Councilmember Lewis shared that he is opposed to the repeal of this ordinance, as he feels that doing so puts people's lives in danger. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO REPEAL, IN ITS ENTIRETY, ORDINANCE NO. 17-06, INCLUDING ANY AND ALL OF ITS PREVIOUSLY ADOPTED PROVISIONS; DIRECTING MUNICIPAL CODE CORPORATION AND ITS CODIFIER(S) TO

RESTORE THESE SECTIONS OF THE ROCKWALL CITY CODE BACK TO THEIR PREVIOUS CONDITION, PRIOR TO ORDINANCE NO. 17-06 BEING ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion then passed by a vote of three in favor, two against (Townsend and Lewis), and two absent (Pruitt and Daniels).

2. **Z2017-027** - Discuss and consider a request by Mahbub Dewan of D1 Architect on behalf of Deepak Gandhi for the approval of an **ordinance** for a Specific Use Permit (SUP) for the purpose of allowing a residence hotel in a Commercial (C) District that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 5.217-acre parcel of land identified as a portion of Lot 8 and all of Lots 9 & 11, Block A, La Jolla Pointe, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information concerning this agenda item, reminding Council that this case previously came before Council for consideration; however, due to some information that arose at that council meeting, it was remanded back to the Planning & Zoning Commission for further review and evaluation. The Planning & Zoning Commission did review the case again at its August 15th meeting, and the Commission did recommend approval of this item by a vote of 4-2.

The applicant, Deepak Gandhi, then came forth to address the Council. Mr. Gandhi shared that each room will be equipped with a refrigerator, a two burner cooktop (no stove), and a microwave.

Councilmember Fowler asked if Mr. Gandhi knows the general demographics of the clientele that stay at this type of facility. Mr. Gandhi shared that the average occupancy during the week is about 109 occupants. During the week, clients are work-related corporate travelers, and weekend visitors may be "sports team"-related travelers/visitors. Councilmember Fowler generally expressed that he has some concerns regarding approval of this item. General discussion ensued between staff and councilmembers concerning other hotels that may or may not be similar and area already in existence within the city. Brief comments were made concerning SUP expiration dates.

Following the comments, Councilmember Townsend moved to approve Z2017-027 with the restriction that the hotel will not exceed 565' in elevation. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESIDENCE HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A

STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 5.217-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 8 AND ALL OF LOTS 9 AND 11, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY 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 5 ayes with 2 absent (Pruitt and Daniels).

3. Discuss and consider approval of recommendations from the Hotel Occupancy Tax subcommittee regarding supplemental funding requests from the Artists League and the Chamber of Commerce, and take any action necessary.

Assistant City Manager Mary Smith provided brief, introductory comments pertaining to this agenda item. Councilmember Townsend then moved to approve the $800 request from the Artist League. Councilmember Lewis seconded the motion, which passed unanimously of those present (5 ayes with Pruitt and Daniels absent).

Councilmember Macalik recused herself from this portion of the discussion. She filed an affidavit with the city secretary, and she excused herself from the room. Councilmember Lewis expressed some level of concern regarding the entire amount of money the Chamber has requested. However, he expressed that he does feel comfortable approving a portion of the full request that has been made. He then moved to approve the amount of $25,236 for the Chamber Directory. Councilmember Townsend seconded the motion. Additional discussion then ensued related to concerns expressed by Councilmember Fowler regarding how relevant and useful a printed, hardcopy version of a directory really is in this day and age (with so much material being published electronically (only) nowadays). He is not sure how many "heads in beds" will result from this directory being printed, and he is not sure how the city would know how many "heads in beds" resulted. Following the comments, the motion passed by a vote of 4 ayes, 1 recusal (Macalik) and 2 absent (Pruitt and Daniels).

Regarding the portion of the Chamber's request pertaining to the CVB website (amount of $8,295), Councilmember Townsend moved to approve this requested amount in full. Councilmember Lewis seconded the motion, which passed by a vote of 4 ayes, 1 recusal (Macalik) and 2 absent (Pruitt and Daniels).

4. Discuss and consider acceptance of donation of park land (25.60 acre tract of land on the north side of N. Lakeshore Drive) from Wes and Hedwig Pettinger, and take any action necessary.

Assistant City Manager Brad Griggs provided introductory comments concerning this agenda item. He explained that Wes and Hedwig Pettinger have owned a 25.60 acre tract of land on the north side of N. Lakeshore Drive since 1999. The property remains undeveloped and is covered in a variety of hardwood trees including a large Pecan grove. In May of this year, the Pettinger's approached the City to discuss a potential dedication of the property to the City of Rockwall for the purposes of a public park. The land is adjacent to the Squabble Creek Mountain Bike Trail and is accessed by old Quail Run Road behind the Walgreens.

After brief comments, Councilmember Townsend moved to begin the process to accept this land donation and approve signing of any and all associated paperwork.

Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Daniels).

5. Discuss and consider (re)appointments to the city's advisory boards and commissions, and take any action necessary.

Councilmember Lewis moved to appoint Dennis Dayman and Julien Meyrat to serve on the city's Architectural Review Board (replacing former members Jerry Welch and Jimmy Strohmeyer, with both of their terms expiring in August of 2019). Councilmember Townsend seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Daniels).

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 (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)
2. Discussion regarding the sale of real property / land in the vicinity of the downtown area pursuant to Section §551.072 (Real Property).
3. Discussion regarding Fixed Based Operator Services Contract at the Ralph M. Hall / Rockwall Municipal Airport, including associated Requests for Proposals (RFP) process, pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XIV. ADJOURNMENT

Mayor Pro Tem Hohenshelt adjourned the meeting at 6:51 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th day of September, 2017.

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Friday, August 25, 2017
8:00 a.m. Budget Work Session / Special City Council Mtg.
Municipal Court Building, 2860 SH-66 Rockwall, TX 75087

1. Call to Order

Mayor Pruitt called the meeting to order at 8:00 a.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, departmental directors and other city staff.

2. Hold budget work session to discuss and consider the City of Rockwall's fiscal year 2018 budget.

Mayor, Council and staff extensively discussed the proposed budget for the upcoming fiscal year. The Council took no action concerning this agenda item. A public hearing for the FY2018 budget proposal will be held at the Tuesday, September 5, 2017 regular city council meeting.

3. Discuss and consider Capital Improvement Planning (CIP) for the City, including needs, the proposed process, potential timeline, costs and related matters, and take any action necessary.

Council and staff discussed capital improvement projects such as streets, drainage and other water/wastewater infrastructure needs. It was generally agreed that staff will evaluate some of the needs further and will return to the Council at a later date to discuss more accurate cost projections. Council took no action following discussion of this agenda item.

4. Discuss and consider the approval of an **ordinance** adopting right-of-way management policies and design guidelines for Chapter 42, Telecommunications, of the Municipal Code of Ordinances for the purpose of address changes required by SB 1004 for small cellular nodes/networks, and take any action necessary. **(1st reading)**

City Manager Brad Griggs, briefed Council on this agenda item, generally indicating that the Texas the Governor recently signed SB1004 (*codified as Chapter 284 of the Texas Local Government Code and effective on September 1, 2017*), which restricts a City's ability to regulate and receive compensation for *small cell* facilities situated within a right-of-way. While this bill is restrictive, it does allow cities some ability to regulate these facilities under the new legislation. As a result, staff and the City Attorney have prepared the following amendments to Chapter 42, *Telecommunications*, of the Municipal Code of Ordinances intended to maximize the City's ability to restrict these facilities within the limits and scope of the new law: (1) Right-of-Way Management Ordinance, and (2) Design Manual.

Following brief comments, Mayor Pruitt moved to approve the ordinance for 1st reading. Councilmember Lewis seconded the motion. The ordinance caption was read in to the record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 42, *TELECOMMUNICATIONS*, FOR THE PURPOSE OF REGULATING THE PHYSICAL USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS, RESIDENTIAL AREAS, HISTORIC DISTRICTS AND DESIGN DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. Adjournment

Mayor Pruitt adjourned the meeting at 2:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th day of September, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL

Tuesday, September 05, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt and Council Members Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Lea Ream. Mayor Pro Tem John Hohenshelt was absent from the meeting, and Councilmember Dana Macalik joined the meeting at 4:06 p.m.

II. WORK SESSION

1. Hold work session to discuss and consider land use options for the Wallace property, located in the vicinity of Wallace Lane and FM 3097.

Mayor Pruitt provided brief, introductory comments pertaining to this work session item, indicating that these gentlemen have met with him a couple of times over the last few months. He generally explained that this property comes with a lot of challenges because it has a gas line that runs right through the middle of it, the topography is not ideal, and getting water and sewer service to the area will be a challenge.

Ben Brewer, Managing Director for Hines Development, came forth to speak regarding the Wallace Tract, which he explained is located off of Horizon Road. He then introduced other individuals that were accompanying him, including: Dustin Davidson (works for Hines Development, specifically on single-family land issues), Kevin Kessler (Lead Project Manager with Jacobs Engineering), Tim Green and Nick Hayden (acting on behalf of the broker for this partnership), and Mike Wallace (land owner, along with his family).

Mr. Wallace came forth and indicated that he represents four siblings, including himself, all of whom have an equal interest in the property. He shared that the city has developed over time, and that the "city has come to us." He shared that they are looking for a way to take their great grandfather's investment in farm land into dollar bills. Mr. Wallace explained that the City of Rockwall annexed this 267 acres of land several years ago, and development has expanded since that time. He and his siblings would like to see the property developed; however, he generally explained that they are faced with some challenges in doing so.

It was noted that Councilmember Dana Macalik arrived to the meeting at this point (4:06 p.m.).

Mr. Brewer again came forth and shared some information about the Hines Development company and past projects that the firm has been involved with over the years. He and other presenters in the group spoke about the various development-related challenges associated with this piece of property. He went on to essentially put forth a conceptual proposal involving the creation of a PID ("Public Improvement District") to help address some of the development-related costs associated with public infrastructure that would

need to be installed. He and the other presenters encouraged Council to think about and consider PIDs as well as the various pieces of information that were shared concerning future development of this property. The Council took no action related to this agenda item.

2. Hold a work session with the Chairman and Vice-Chairman of the Comprehensive Plan Advisory Committee (CPAC) to discuss the progress on the 2017 Comprehensive Plan Update.

Jerry Welch and Bob Wacker came forth and briefed the Council on the committee's work so far on updating the city's Comp Plan. Mr. Welch shared that the committee has been working since February, and he provided the names of all of the members who have been assisting with the efforts. They complimented staff, commenting that Ryan Miller (Planning Director), Amy Williams (City Engineer), and Parks Department staff have been really good to work with. He explained that the committee's goal is to put together a plan that is precise, simple, and user friendly. He went on to explain the broad topics that the committee has covered so far. They suggested that the city council may want to consider holding a joint work session with the CPAC to discuss some of the suggested modifications to the city's Comp Plan. Mr. Welch explained that the goal is to try and finalize the Comp Plan (and related revisions) by year's end. Council took no action related to this work session item but agreed to have staff work with the committee to determine a joint meeting date.

Mayor Pruitt then read the below listed items into the record before recessing the public meeting to go into Executive Session (at 4:58 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding claim by former police employee pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding request by property owner to develop service plan for annexed area pursuant to Section §551.071 (Attorney/Client Consultation)
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:56 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members except John Hohenshelt being present (he was absent from the entire meeting).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Townsend made a motion to reappoint Steven Geiger and Alan Dennard to the Board of Adjustments (for an additional two-year term (each) to expire in August of 2019). Councilmember Fowler seconded the motion, which passed unanimously (6 ayes with Hohenshelt absent).

Councilmember Townsend then moved to reappoint Freddie Jackson to the Building & Standards Commission (for an additional two-year term to expire in August of 2019). Councilmember Lewis seconded the motion, which passed unanimously (6 ayes with Hohenshelt absent).

Councilmember Townsend moved to reappoint Jerry Welch, Eric Chodun, Annie Fishman and Tracey F. Logan to serve an additional term on the city's Planning & Zoning Commission (three year terms (each), expiring in August of 2020). Councilmember Lewis seconded the motion, which passed unanimously (6 ayes with Hohenshelt absent).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

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

VIII. PROCLAMATIONS / AWARDS

1. Swearing in of Rockwall Fire Chief, Kenneth Cullins

Mayor Pruitt called forth Kenneth Cullins and his wife. Mayor Pruitt delivered the Oath of Office, and Kenneth's wife, Heather, pinned his badge on him. City Manager Rick Crowley then presented him with his fire chief helmet. Chief Cullins generally thanked all of his family and friends, as well as the City of Rockwall, for their support and for entrusting him with this important role.

2. Wes and Hedwig Pettinger Day

Mayor Pruitt called forth the Pettinger's, indicating that the City of Rockwall would like to recognize this couple for its recent, selfless giving of a large piece of land valued at $690,000 that will become a nature preserve as part of the city's Parks system. He explained that this property is near the lake as well as near Squabble Creek. He then read and presented the Pettinger's with the proclamation and thanked them for their donation.

IX. OPEN FORUM

Harold Snyder
1519 Murphy Drive
Rockwall, TX 75087

Mr. Snyder came forth and shared that he lives in the Waterstone Estates subdivision. He has some comments that he would like to share with the Council concerning the appointment item that's on tonight's agenda pertaining to a proposed road connection on Damascus Road. He generally shared that he and the Waterstone Estates Homeowner's Association do not feel that the road connection is necessary or advisable. He handed out a letter to the council members for their review.

James Kropke
142 Pelican Cove Drive
Rockwall, TX
(Waterstone Estates)

Mr. Kropke generally expressed that he is in agreement with Mr. Snyder's comments, and he is opposed to this potential road connection.

Susan Gamez
1024 Ridge Road
Rockwall, TX

Ms. Gamez came forth and thanked the city and its staff for the work that they put forth to assist her with her replatting case (Consent Agenda item #13). She is a small business owner (EveryBody Massage), and she is grateful to the city for everything.

Linda Striegel
1430 Murphy Drive
Rockwall, TX

Mrs. Striegel came forth and shared that she is opposed to Damascus Road being pushed thru within the Waterstone Estates subdivision.

Kenneth Alvarez
1534 Murphy Drive
(Waterstone Estates)

Mr. Alvarez shared that he has lived here for twenty-four years. He agrees with the other residents who have spoken against pushing this roadway through. He values the quietness of the neighborhood and children being able to play in the street within no "thru" traffic.

X. CONSENT AGENDA

1. Consider approval of the minutes from the August 21, 2017 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the August 25, 2017 Budget Work Session / Special City Council meeting, and take any action necessary.
3. Consider authorizing the City Manager to execute an Airport Project Participation Agreement (APPA) between the City of Rockwall and TXDOT Aviation Division for pavement rehabilitation and drainage improvements at the Ralph M. Hall / Rockwall Municipal Airport, and take any action necessary.

4. Consider the approval of an **ordinance** adopting right-of-way management policies and design guidelines for Chapter 42, Telecommunications, of the Municipal Code of Ordinances for the purpose of address changes required by SB 1004 for small cellular nodes/networks, and take any action necessary **(2nd Reading)**.

5. **Z2017-032** - Consider a request by Brian and Darla Kelly for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District for a 3.217-acre tract of land identified as a portion of Tract 13-06 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located along the north side of Hanby Lane south of the intersection of Jeff Boyd Road and Hanby Lane, and take any action necessary **(2nd Reading).**

6. **Z2017-033** - Consider a request by Deric Salser of Salser Development Group on behalf of Russ Porter of Rockwall School of Music for the approval of an **ordinance** for a Specific Use Permit (SUP) for a music studio on a 0.747-acre portion of a larger 2.49-acre parcel of land identified as Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and take any action necessary **(2nd Reading).**

7. **Z2017-027** - Consider a request by Mahbub Dewan of D1 Architect on behalf of Deepak Gandhi for the approval of an **ordinance** for a Specific Use Permit (SUP) for the purpose of allowing a residence hotel in a Commercial (C) District that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 5.217-acre parcel of land identified as a portion of Lot 8 and all of Lots 9 & 11, Block A, La Jolla Pointe, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and take any action necessary **(2nd Reading).**

8. Consider approval of the Engineering Services Agreement with Birkhoff, Hendricks and Carter, L.L.P. to provide general engineering services for water and wastewater improvements to the City of Rockwall, to be funded by the Engineering Consulting budget , and take any necessary action.

9. Consider authoring the execution of an interlocal agreement with Rockwall County to provide fire protection services within unincorporated areas of the county for the year 2017-2018, and take any action necessary.

10. **P2017-040** - Consider a request by Paula Hubert of Greenberg Farrow on behalf of Doug Druen of Texas Roadhouse Holdings, LLC for the approval of a final plat for Lot 1, Block A, Texas Roadhouse Addition being a 2.0767-acre portion of larger 8.613-acre tract of land identified as Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 912 E. IH-30, and take any action necessary.

11. **P2017-042** - Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Himmat Chauhan of JAGH Hospitality for the approval of a replat for Lot 2, Block A, Comfort Inn & Suites, Rockwall Towne Centre Addition being a 1.742-acre parcel of land identified as Lot 1, Block A, Comfort Inn & Suites, Rockwall Towne Centre Addition, City of Rockwall, Rockwall County, Texas, zoned

Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, addressed as 700 E. IH-30, and take any action necessary.

12. **P2017-043** - Consider a request by Kevin Patel, P. E. on behalf of John Dunkin for the approval of a final plat for Lot 1, Block A, North Lakeshore Daycare Addition being a 2.960-acre tract of land identified as Lot 1, Block S, Preserve, Phase 3 Addition and Tract 12 [1.4376-acres], A. Hanna Survey, Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) and Single Family 10 (SF-10) District, addressed as 1450 East Fork Drive, and take any action necessary.

13. **P2017-044** - Consider a request by Susan Gamez for the approval of a final plat for Lot 1, Block A, Everybody Massage Addition being a 0.478-acre tract of land identified as Tract 7 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Residential-Office (RO) District, situated within the Scenic Overlay (SOV) District, addressed as 2001 Ridge Road, and take any action necessary.

14. **P2017-045** - Consider a request by Spencer Byington of SWBC Real Estate, LLC on behalf of the owner Robert Lamberth of Pneuma Ventures, LTD for the approval of a conveyance plat for Lots 1 & 2, Block A, SWBC Rockwall Addition being a 42.555-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 83 (PD-83), situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8 9, 10, 11, 12, 13 and 14). Councilmember Townsend seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 42, *TELECOMMUNICATIONS*, FOR THE PURPOSE OF REGULATING THE PHYSICAL USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS, RESIDENTIAL AREAS, HISTORIC DISTRICTS AND DESIGN DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; 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. 17-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 3.217-ACRE TRACT OF LAND IDENTIFIED AS TRACT 13-06 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-45
SPECIFIC USE PERMIT NO. S-174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MUSIC STUDIO IN PLANNED DEVEOPMENT DISTRICT 60 (PD-60), ON A 0.747-ACRE PORTION OF A LARGER 2.49-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 9, BLOCK A, FLAGSTONE CORNERS 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 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. 17-43
SPECIFIC USE PERMIT NO. S-173

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESIDENCE HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 5.217-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 8 AND ALL OF LOTS 9 AND 11, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. APPOINTMENTS

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

Johnny Lyons, Chairman of the P&Z 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 following Mr. Lyons' presentation.

2. Appointment with representative of Our Lady of the Lake Catholic Church to hear request concerning possible construction of creek crossing on Damascus Road between the church property and the Waterstone Estates subdivision, and take any action necessary.

Father George Monaghan came forth and shared comments pertaining to this agenda item, generally indicating that he would like the City to consider connecting Damascus Road. He shared that he lives in Waterstone Estates, and he also pastors at the Church. He went on to share his opinions pertaining to the various reasons why connecting this roadway is prudent, including public safety-related concerns. He shared that connection of this roadway has been reflected on all of the original plats for a number of years now.

Mayor Pruitt shared that the neighborhood residents will be invited to be a part of future discussions if and when this topic gets brought back before the Council for consideration at a later date.

General discussion took place pertaining to times in past years when this topic had been previously brought up to past city councils.

Father George raised a legal questions concerning how the city may be able to prevent this road from being built if it was shown on a plat that was previously approved by a past sitting Council. Mr. Crowley shared that this legal question is best answered by the City Attorney, Frank Garza.

Councilmember Fowler shared that he would like some current facts and figures pertaining to traffic counts and traffic patterns in and around this area before moving forward with entertaining any formal decision on this matter.

Staff will contact Father George to review his current engineering plans. They will also see to it that any legal-related questions get answered by the City Attorney and will arrange for residents in the neighborhood and the Catholic Church to speak collectively concerning this possibility.

The Council took no action concerning this agenda item.

XII. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the proposed FY 2018 City of Rockwall budget and tax rate, and take any action necessary.

City Manager Rick Crowley shared that the budget reflects the addition of two, new city personnel - a traffic officer in the Police Department and a staff member in the Water/Wastewater Department. He went on to share that the proposed budget reflects tax revenues assuming adoption of the Effective Rate, which is a 3.07 cent decrease from the current tax rate. The proposed rate is 42.36 cents per hundred dollars of assessed value.

Mayor Pruitt shared that this is a very lean budget. He shared that the traffic officer will be a motorcycle officer since it is much less expensive to outfit a motorcycle officer rather than a squad car officer. He went on to share additional details pertaining to certain projects that this budget will address. He shared comments pertaining to city parks, park districts and associated developer-related fees that get assessed in order to fund park open space and help address park equipment.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak concerning the city's budget. There being no one indicating such, he then closed the Public Hearing.

Mayor Pruitt shared that this is the fourth year in a row that the city has actually been able to essentially decrease its tax rate and the associated tax burden for Rockwall residents.

Councilmember Daniels shared that he has heard that some residents are concerned that there aren't any additional fire department staff being added in the proposed budget. He clarified that there may be some staff-related modifications made within the Fire Department during this upcoming fiscal year. He went on to explain that the Council has built in some discretion so that the new fire chief, Kenneth Cullins, may have an opportunity to come in and evaluate the department to determine what staff-related modifications may be needed.

The Council took no action concerning this agenda item at this time.

XIII. ACTION ITEMS

1. Discuss and consider variance requests associated with a monument sign located at 2845 Ridge Road that is utilized by Willis Jewelry, and take any action necessary.

Brad Griggs, Assistant City Manager, spoke concerning this item, indicating that the city Building Official, Jeffrey Widmer, the staff member who would normally handle this item, is deployed to south Texas to assist with damage assessments in five of the communities that were recently affected by Hurricane Harvey. He generally explained that Mr. Willis of Willis Jewelry has acquired a unique, oversized, working clock that he would like to place atop an existing monument sign at this location.

A gentleman from Signature Signs & Graphics, Jamie, (880 E. Ralph Hall Parkway) came forth and provided very brief comments pertaining to this agenda item request. A depiction of the clock and sign were shown. Councilmember Lewis moved to approve the variance requests associated with this monument sign. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Hohenshelt).

2. **MIS2017-008** - Discuss and consider a request by William C. Salee of the Rockwall Independent School District (RISD) for the approval of an exception to the minimum masonry requirements for a property in a Commercial (C) District for the purpose of constructing an accessory building on a 35.295-acre parcel of land identified as Lot 1, Block A, Rockwall High School Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 901 W. Yellow Jacket Lane, and take any action necessary.

Mr. Miller, Planning Director, explained that this property is located near Greencrest Boulevard and Kyle Drive. The applicant is asking for an exception to the minimum masonry requirements for the purpose of constructing two (2) accessory buildings on the property at 901 W. Yellow Jacket Lane (*i.e. Rockwall High School*). According to the applicant's letter, the purpose of the two (2) storage buildings will be to store golf carts, gymnastic equipment, cheer equipment, and wrestling mats, which are currently located in the halls of main building. Approval of this request will require a super majority vote of Council since it is located within an overlay district.

After brief comments and exchange of dialogue with the applicant, Councilmember Townsend moved to approve MIS2017-008. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

3. **MIS2017-009** - Discuss and consider a request by Kay Uhlig of Sabrina's Flowers and Gifts for the approval of a variance to the district development standards of the SH-205 Overlay (SH-205 OV) District for the approval of an electronic message sign (EMS) being incorporated into an existing pole sign on a 0.407-acre parcel of land identified as the J. J. Jones Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1903 S. Goliad Street [SH-205], and take any action necessary.

Mr. Miller, Planning Director, provided background information concerning this agenda item. He shared that the applicant is requesting to convert the message reader board on the existing pole sign in front of Sabrina's Flowers and Gifts (i.e. 1903 S. Goliad Street) to a LED message board. This would be a retrofit of the existing four (4) foot by eight (8) foot message reader board and would not increase the size or height of the existing sign. In addition, the applicant's letter states that they will be upgrading the landscaping and repainting the existing pole. Mr. Miller explained that the sign, as it sits today, is actually considered to be a legally non-conforming sign (i.e. the City does not allow pole signs along SH-205). Based on this, any changes to the sign would necessitate the applicant to convert the sign to a monument sign, and the *Sign Code* does not grant the ability for the City Council to approve a variance for a non-conforming sign; however, the SH-205 Overlay (SH-205 OV) District does go on to state that the City Council has the power to, "...grant a variance to any provision of this section [*i.e. Section 6.7; Article V of the UDC*] where unique or extraordinary conditions exist or where strict adherence to the provisions of this section would create a hardship." He went on to explain that the city's Planning & Zoning Commission did review this case and made a recommendation to deny this request. He shared that in order for this item to be approved tonight, a super majority vote of council members present this evening will be needed.

Councilmember Macalik shared that she feels it would be best to convert this pole sign to a monument sign in order to move away from this non-conforming sign.

Jamie from Signature Signs & Graphics accompanied Ms. Uhlig, and he generally shared that a monument sign would likely not adhere to the city's setback requirements, and it

would likely cause a visibility issue. He went on to share how this existing sign would be retrofitted to remove its current contents and 'drop in' the guts needed to make the new, LED sign.

Ms. Uhlig shared that she does not believe a monument sign will be visible to drivers traversing Yellow Jacket Lane or SH-205.

Discussion ensued pertaining to Taco Casa, with indication being given that Taco Casa was granted a variance in 2013 that allowed that company to install an LED sign. The same variance procedure was utilized when that particular sign was approved.

Councilmember Daniels shared that he believes that this would be an improvement to the existing sign, and he feels that granting the variance would be a good idea. Indication was given that the LED sign, if approved, would have graphics that change no more often than once every 10 seconds (according to the city's current sign regulations).

Following the comments, Councilmember Daniels moved to approve this variance request. Councilmember Lewis seconded the motion, which failed by a vote of 4 ayes with 2 nays (Pruitt and Macalik) and 1 absence (Hohenshelt).

4. Discuss and consider possible drafting of a resolution related to the City of Rockwall asking the Texas State Legislature to evaluate the safety of Corrugated Stainless Steel Tubing (CSST) products, and take any action necessary.

Mayor Pruitt shared that the city council received a letter from Ken and Becky Teel. He shared that the Texas legislature removed the city's power and ability to do anything about CSST. So, at this point, the only thing the city can do is encourage the legislature to study the safety of CSST products. Mayor Pruitt moved to draft a resolution to come back to the Council at a later date that will essentially let the legislature know that the city would like more "say so" concerning this topic and/or would like to see more study of this matter. Councilmember Townsend seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

5. Discuss and consider approval of an **ordinance** amending Chapter 8, Aviation; Article II. Airport of the Code of Ordinances to add provisions for Rules and Regulations for the Ralph M. Hall / Rockwall Municipal Airport, and take any action necessary. **(1st reading)**

Dwight Royall
1995 Hidden Valley
Rockwall, TX

Mr. Royall came forth and shared that he is the current chairman of the city's Airport Advisory Board. He then went on to brief the Council on the work of the board pertaining to this agenda item and associated ordinance (establishing the rules and regulations for the airport).

Councilmember Townsend moved to approve the ordinance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 8. AVIATION; ARTICLE II. AIRPORT TO ADD NEW SECTIONS TO ESTABLISH RULES AND

REGULATIONS FOR THE RALPH M. HALL/ROCKWALL MUNICIPAL AIRPORT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF $200 FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE

The motion passed by a vote of 6 ayes with 1 absence (Hohenshelt).

6. Discuss and consider the Rockwall Central Appraisal District Fiscal Year 2018 budget and adoption of a resolution regarding said budget, and take any action necessary.

Mayor Pruitt shared that the CAD recently held a budget hearing to discuss and consider its fiscal year budget. He generally expressed concern about the Rockwall CAD's chief appraiser making some notable financial-related mistakes in the past, explaining that, as a result, the city has lost all confidence in her ability to convey correct figures. He went on to explain that the CAD prepares a budget, which then gets adopted, and cities have 30 days to express objection to the budget. He explained that he is personally opposed to the budget that has been put forth because it reflects an increase of 14.902% in their operating budget. He went on to explain that he has discovered that several key staff members have been receiving notable pay increases (generally ranging from 12-13% to 27% (over a two year period)). Mayor Pruitt made some comparisons between the Rockwall CAD and Hunt County CAD, generally pointing out that the price associated with appraising each parcel of land in Rockwall County is notably higher than it is in Hunt County. He expressed discomfort with these proposed pay increases. He went on to share that those who are proposed to receive pay raises are only on the appraisal side of staff, while employees on the collection side are only proposed to receive very minimal raises (2.9%).

It was generally agreed that an agenda item related to this topic will be placed on a future council agenda to consider adopting a resolution to formally object to the CAD budget.

Mayor Pruitt shared that Judge Sweet received a letter from Ray Helm (past Chief Appraiser of Rockwall County CAD) in which he basically expressed dissatisfaction with Patricia Davis blaming Ray Helm for increased appraisals in a recent newspaper article (indicating that Mrs. Davis generally indicated that she had to notably increase appraisals because Mr. Helm had spent years not doing a good job of keeping up with them). Pruitt indicated that he will share this letter with the other council members.

7. Discuss and consider (re)appointments to the city's advisory boards and commissions, and take any action necessary.

Councilmember Daniels moved to reappoint Ashlei Neil to an additional two-year term (expiring in August of 2019) on the city's Architectural Review Board. Councilmember Lewis seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

Councilmember Daniels moved to reappoint Carolyn Francisco, Daniel Nichols, Jay Odom and Mike Mishler to serve an additional two-year term on the city's Historic Preservation Advisory Board (each to expire in August of 2019). Councilmember Fowler seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

8. Discuss and consider approval of (re)appointments to the City of Rockwall Youth Advisory Council, and take any action necessary.

Councilmember Fowler provided background information concerning this agenda item. Indication was given that financial sponsorships have been secured by the cities of Fate and Rowlett for a few of the students. Councilmember Fowler then moved to reappoint the slate of students from last year as well as three new members (as named below). Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt). The slate of YAC students for the 2017-2018 school year include the following:

- **Mary Claire Weible**
- **Caleb Davis**
- **Emily Henry**
- **Emily Williams**
- **Natalie Newhouse**
- **Jonathan Naylor**
- **Thomas Milder**
- **Molly Kate Evans**
- **Aidan Culp**
- **Bethany Villalobos**
- **Addison Schale (new)**
- **Parker Yarbrough (new)**
- **Brenden Ivey (new)**

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

1. Departmental Reports
   Building Inspections Monthly Report - July 2017
   Fire Department Monthly - July 2017
   Fire Marshal Report
   GIS Division Monthly Report - July 2017
   Harbor PD Monthly Report - July 2017
   Internal Operations Department Monthly Report - July 2017
   Recreation Monthly Report - July 2017
   Rockwall Animal Adoption Center Monthly Report - July 2017
   Police Department Monthly Report - July 2017
   STAR Transit Monthly Report - July 2017
2. City Manager's Report

Mayor Pruitt congratulated Chief Cullins on his appointment as Fire Chief. He went on to explain that the City of Rockwall's Building Official, Jeffrey Widmer, sits on the board of the Building Officials Association of Texas (BOAT). He shared that this group, including Jeffrey, have been working on damage assessments down in South Texas following Hurricane Harvey. He thanked Jeffrey and other Rockwall staff who have been helping with relief efforts following this disaster.

City Manager Rick Crowley shared that the city's Community Emergency Response Team (CERT) has been assisting with hurricane-related shelter operations in Dallas, and the city appreciates their involvement as well.

XV. EXECUTIVE SESSION

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

1. Discussion regarding claim by former police employee pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding request by property owner to develop service plan for annexed area pursuant to Section §551.071 (Attorney/Client Consultation)
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:43 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18th day of September, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, September 18, 2017
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss development of the Cameron property, generally located near Townsend Drive.

Mr. Bart A. Tinsley
1625 Clarke Springs Drive
Allen, TX 75002

Mr. Tinsley came forth and shared that they are proposing a "Rockwall Senior Campus" that will have 144 living units and 28 separate (additional) units that will serve as a memory care facility. The 144 units will be three levels and will sit on 10.30 acres. The memory care portion will sit on 2.10 acres. He shared, in part, that this facility would not have a commercial grade kitchen on the "independent living" side; however, there will be a commercial kitchen on the memory care side. The city attorney shared that any change in this facility that would "convert it to a traditional multifamily housing" property would require any such proposal to come back to the city council for approval if it were to ever happen.

Mr. Tinsley shared that he would appreciate the city council giving him some sort of indication on if a proposal such as this revised one might possibly and ultimately receive council's approval. He expressed that he does not want to spend an additional $100,000 to hire folks to go through the entire Planning & Zoning process at this point if, ultimately, what is being proposed will not have a viable chance of receiving approval from the Council.

Mayor Pruitt shared that he was one who voted against the initial proposal that was brought forth; however, he does feel that Mr. Tinsley and his team have made changes to the proposal that now make him feel more comfortable with its potential approval. Councilmember Fowler shared that, relatively speaking, he feels more comfortable with the revised concept too.

Brief discussion took place regarding the proposed "mix" of units (square footage ranges) as well as price points. Also, Mr. Tinsley shared that utilities on the "independent living" portion of the development will be individually metered (for both electricity and water). Mr.

Tinsley also shared an architectural rendering that visually depicted what the proposed facilities would look like.

The Council informally gave indication that they are generally okay with the developer moving forward at this point. However, no formal action was taken by the Council at this time.

2. Hold work session to discuss Public Improvement Districts (PIDs)

David Medanich and his associate, Nick Bulaich, from Hilltop Securities (the city's financial advisors) provided a presentation to the city council pertaining to PIDs. City Attorney, Frank Garza, then gave a presentation concerning PIDs and MUDs (municipal utility districts), including providing a comparison of the two. Following the presentations, Mayor Pruitt commented that the chance of MUDs coming in up north in the city's Collin County area is quite likely. In addition, he pointed out that the city recently acquired three MUDs as part of the more than 4,000 acres that were recently brought into the City of Rockwall from McLendon Chisholm. The Council took no action as a result of this work session item.

3. Hold a work session to discuss the IH-30 Commercial Corridor study.

Mayor Pruitt indicated that Council would not be addressing this work session item today after all.

Following the first two work session discussion items, Mayor Pruitt read the below listed items into the record before recessing he public meeting to go into Executive Session at 5:02 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

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

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with 6 of the 7 council members being present (Lewis was absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt indicated that no action was needed at this time as a result of Executive Session.

VII. Invocation and Pledge of Allegiance – Mayor Pro Tem Hohenshelt

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

VIII. Proclamations / Awards

1. Blood Cancer Awareness Month

Jim Lightbody with the North Texas Chapter of the Lukemia and Lymphoma Society came forth and accepted this proclamation, which was read and presented by Mayor Pruitt.

2. Constitution Week 2017

Mayor Pruitt called forth Marilyn King and Ruth Peck, who spoke a few, brief words regarding our country's founding fathers and the U.S. Constitution. Mrs. Peck spoke a brief prayer, and Mayor Pruitt read and presented them with the proclamation.

3. Hispanic Heritage Month

Sol Villasana came forth and introduced Vilma Ledferd, a junior at Royse City High School, who was recently selected to participate in the LULAC National Educational Service Centers' 2017 Washington Youth Leadership Seminar. Mayor Pruitt then read and presented this proclamation to Mr. Villasana.

IX. Open Forum

Freddie Jackson
1812 Bristol Lane
Rockwall, TX

Mr. Jackson shared that he is thankful to council members and other individuals who recently came out in support of the Helping Hands Golf Tournament. Also, he shared that he is coming forth on behalf of some of the residents who live in the city's Southside neighborhood. He explained that some of them have concerns about this neighborhood being utilized as a "cut thru" and the speeding cars associated with that issue. He stated that some of the residents would like to see speed bumps installed. Mayor Pruitt shared that the city has a process in place that describes how the issue of "speed bumps" may be raised by a citizen or neighborhood group. He indicated that Mr. Crowley should be able to provide him with this information if he so desires, and he encouraged Mr. Jackson to get with Mr. Crowley on this matter.

Jeff Bryan
513 Limmerhill Drive
Rockwall, TX

Mr. Bryan came forth and shared comments pertaining to the Park at Breezy Hill. He expressed appreciation for the Park Board and City Council. He is thankful that the city has a park that is inclusive for everybody. He shared that his daughter spoke to the Rockwall Independent School District Board, and she recently got to see the new playground that was recently constructed at a local elementary school and was built in a way that is conducive to her utilizing it. Mayor Pruitt thanked Mr. Bryan for his comments, especially for understanding regarding how the city has to handle "last minute" requests that affect

the budget as well as all of the other, competing interests that have to be taken into account.

Ben Weible
215 Trout Street
Rockwall, TX

Mr. Weible shared that he lives in Lake Rockwall Estates, and he has lived there since before the time that the City of Rockwall annexed that neighborhood into the city. He went on to speak against the city potentially passing an ordinance that would essentially criminalize "parking on unimproved surfaces." He shared that a lot of homes in his neighborhood have a single lane driveway in front, and a smaller width roadway. So, households that have two parents and a couple (or more) kids that also drive vehicles, parking on the street is not really an option, especially since doing so could create a safety issue for emergency vehicles and other drivers to safely traverse the streets.

John White
1929 S. Lakeshore
Rockwall

Mr. White shared that he has lived here for more than 30 years, and he also owns property in Lake Rockwall Estates. He went on to comment about the city potentially banning parking on unimproved surfaces. He shared that the city doing so would place a large burden on hundreds of residents. He shared that he owns land where he parks a trailer and supplies. After the city annexed Lake Rockwall Estates, he did go in and adhere to the city requiring him to screen these items by putting up a little fence. He is generally opposed to the city passing an ordinance to prohibit parking on unimproved surfaces.

There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the September 5, 2017 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution of the City of Rockwall asking the Texas State Legislature to evaluate the safety of Corrugated Stainless Steel Tubing (CSST) products, and take any action necessary.
3. Consider approval of an interlocal agreement between the City of Rockwall and the Rockwall Independent School District for School Resource Officer services for the 2017-2018 school year, and take any action necessary.
4. Consider approval of an **ordinance** amending Chapter 8, Aviation; Article II. Airport of the Code of Ordinances to add provisions for Rules and Regulations for the Ralph M. Hall / Rockwall Municipal Airport, and take any action necessary. **(2nd reading)**
5. Consider authorizing a one year contract renewal to Terracare in the amount of $426,543 for Grounds Maintenance Services to be funded in FY 2018 General Fund, Parks Operations budget and authorizing the City Manager to execute the contract, and take any action necessary.

6. Consider approval of the Quail Run and Memorial Bypass Trunk Sewer Project and authorize the City Manager to execute a contract with Wildstone Construction, LLC. in an amount of $2,019,570.99, to be funded by 2016 Water / Sewer bonds, and take any action necessary.

7. Consider authorizing the City Manager to execute an Interlocal Agreement with the Cities of Allen, Anna, Forney, Frisco, Heath, Lucas, McKinney, Melissa, Mesquite, Parker, Plano, Princeton, Richardson, Seagoville, and Towns of Fairview, Prosper, and North Texas Municipal Water District (NTMWD), regarding the implementation of a Regional Capacity, Management, Operations and Maintenance Program pertaining to NTMWD wastewater treatment systems, and take any action necessary.

8. Consider approval of the Engineering Services Agreement with HydroLogical Support Services, L.L.P. to provide general engineering services for flood plain impacts in the City of Rockwall, to be funded by the 2017-2018 Engineering Consulting Budget and developer reimbursement, and take any action necessary.

9. **P2017-047** - Consider a request by Cameron Slown of FC Cuny Corporation on behalf of Randal Currington of Fontanna Ranch, LP for the approval of a final plat for Phase III of the Fontanna Ranch Subdivision containing 53 single-family residential lots on a 27.80-acre tract of land identified as Tract 19 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 67 (PD-67) for Single-Family 16 (SF-16) District land uses, generally located east of FM-549 and south of SH-276, and take any action necessary.

Mayor Pruitt pulled item #2 for further discussion. Councilmember Fowler moved to approve the remaining items. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 8. AVIATION; ARTICLE II. AIRPORT TO ADD NEW SECTIONS TO ESTABLISH RULES AND REGULATIONS FOR THE RALPH M. HALL/ROCKWALL MUNICIPAL AIRPORT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF $200 FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE

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

Regarding Consent Agenda item #2 concerning a resolution related to CSST, Mayor Pruitt provided brief comments. He expressed a desire to remove the specific statistic associated with the percentage of house fires within the city that were thought to have been related to CSST. He then moved to approve this resolution, calling for it to reflect the modifications that he verbally conveyed prior to execution. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).

XI. APPOINTMENTS

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

Johnny Lyons, current Chairman of the city's Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's city council meeting agenda. The Council took no action concerning this agenda item.

2. Appointment with Mike and Sunny Richter to discuss the City's Mobile Food Vendor and Portable Food and Beverage Facility requirements, and take any action necessary.

Indication was given that the Richters were not able to be present tonight. Therefore, Mayor Pruitt moved on to the next item, and the Council took no action concerning this agenda item.

XII. PUBLIC HEARING ITEMS

1. **Z2017-031** - Hold a public hearing to discuss and consider a request by David Turnham for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a 1.410-acre tract of land identified as Tract 9-01 of the J. E. Sherwood Survey, Abstract No. 193, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 950 Clem Road, and take any action necessary **(1st Reading)**.

On September 1, 2017, staff mailed eight (8) notices to property owners and residents within 500-feet of the subject property. There are no Homeowner's Associations (HOA's) or Neighborhood Organizations located within 1,500-feet of the subject property participating in the notification program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Harold Banner as required by the UDC. At the time staff drafted the case memo for the packet, one (1) notice had been received in favor of the applicant's request. In addition, the Planning & Zoning Commission did review the case and has recommended approval of this item.

Mayor Pruitt opened the public hearing, asking if anyone would like to speak concerning this matter. There being no one indicating such, he then closed the Public Hearing.

Councilmember Fowler then moved to approve Z2017-031. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ONE (SF-1) DISTRICT FOR A 1.410-ACRE TRACT OF LAND IDENTIFIED AS TRACT 9-01, J. E. SHERWOOD SURVEY, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2017-036** - Hold a public hearing to discuss and consider a request by Kevin Patel of Triangle Engineering, LLC on behalf of Michael Fisher of 1306 Summer Lee, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a medical office building exceeding 36-feet in height in the Scenic Overlay (SOV) District on a 1.082-acre parcel of land identified as Lot 6, Block A, Temunovic Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1310 Summer Lee Drive, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information related to this agenda item. The applicant, Kevin Patel of Triangle Engineering, LLC, is requesting the approval of a Specific Use Permit (*SUP*) to allow for a structure that will exceed 36-feet in height within the Scenic Overlay (*SOV*) District on a parcel of land generally located west of the intersection of Summer Lee Drive and West Ralph Hall Parkway. The *subject property* is addressed as 1310 Summer Lee Drive and is zoned Planned Development District 9 (PD-9) for General Retail (*GR*) District land uses. According to Subsection C.3, *Special Use Standards,* of Section 6.8, *Scenic Overlay (SOV) District*, of Article V, *District Development Standards*, of the Unified Development Code (*UDC*) any structure over 36-feet in height requires a Specific Use Permit (*SUP*). The proposed single-story building will be a 6,454 SF medical office facility. It should be noted that the applicant has submitted a site plan (*SP2017-023*), and on July 25, 2017 the Architectural Review Board (*ARB*) recommended approval of the building elevations with the increased height. The site plan case has been tabled pending the outcome of this SUP request. Granting a SUP remains a discretionary act of the City Council. If approved, the applicant will be required to site plan and replat the lot. On September 1, 2017, staff mailed 51 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Chandlers Landing and Lago Vista Homeowner's Associations (*HOA's*), which are the only HOA's located within 1,500-feet of the subject property participating in the notification program. Additionally, staff posted a sign on the *subject property*, and advertised the public hearings in the Rockwall Harold Banner as required by the UDC. At the time this case memo was drafted staff has received three (3) notices in favor of and two (2) notices opposed to the applicant's request.

Mayor Pruitt opened the public hearing and asked if anyone would like to address the Council concerning this agenda item.

Robert Stensland
Stensland Group Architects
5151 Bent Tree Forest Drive, Suite 560
Dallas TX

He shared that a couple years ago, he was charged with designing a building on Ridge Road that is now called "The Castle." Also, last year, Dr. Fisher hired him to design one of the nicest medical buildings in Rockwall. He went on to provide comments pertaining to this particular request. He generally expressed a desire for the Council to consider approving this request, as he believes this clock tower is the best look for this building.

There being no one else wishing to come forth and speak, Mayor Pruitt then closed the public hearing. Councilmember Townsend moved to approve Z2017-036. Councilmember Fowler seconded the motion. Following brief questions and answers, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.082-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 6, BLOCK A, TEMUNOVIC ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY 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 4 ayes, 2 against (Hohenshelt and Daniels) and 1 absent (Lewis).

3. **Z2017-037** - Hold a public hearing to discuss and consider a request by Russell Phillips on behalf of Sandra McMullen for the approval of an **ordinance** for a zoning change from a Single-Family Estate 4.0 (SFE-4.0) District to a Commercial (C) District for a 8.733-acre tract of land identified as a portion of Lot 16 and all of Lot 14, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 259 Ranch Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information related to this agenda item. The applicant is requesting to rezone the subject property from a Single-Family Estate 4.0 (SFE-4.0) District to a Commercial (C) District. The applicant has stated that he intends to utilize the subject property for commercial land uses. Staff should note that all of the surrounding properties are currently zoned Commercial (C) District. Additionally, a commercial land use table has been attached to this memo. Should the request be approved, any new development shall be subject to the Commercial (C) District standards stipulated in Section 4.5, Commercial District, of Article V, District Development Standards, and Section 1, Land Use Schedule, of Article IV, Permissible Uses, of the Unified Development Code. Thirty notices were sent out to property owners located within 500'; however, the city staff received no responses back as a result of those notices. The Planning & Zoning Commission has reviewed this request and has recommended its approval at this time.

Mayor Pruitt then opened the public hearing, asking if anyone would like to speak concerning this item.

Mike Wallace
6271 Horizon Road
Rockwall, TX

Mr. Wallace share that he is a significant property owner to the east of this proposed zoning change. He asked for the Council to discuss what they feel the highest and best use may be for the adjacent property. Mayor Pruitt shared that the Council is not able to answer or

discuss that matter at this time, as that topic is not specifically listed on tonight's city council meeting agenda for discussion and doing so would violate the Open Meetings Act. He encouraged Mr. Wallace to work with the city's Planning Director, Ryan Miller, to bring an agenda item forth for the Council to discuss at a later date if he so desires..

Russell Phillips
521 Moraine Way
Heath, TX

Mr. Phillips came forth and generally asked the Council to consider approving this request.

There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed the public hearing. Councilmember Macalik moved to approve Z2017-037. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR AN 8.733-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF LOT 16 AND ALL OF LOT 14, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **Z2017-038** - Hold a public hearing to discuss and consider a request by Lori Stevens of Patriot Paws Service Dogs for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a residential care facility on a 3.466-acre parcel of land identified as Lot 1, Block A, Patriot Paws Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 302 Ranch Trail, and take any action necessary. **(1st reading)**

Planning Director Ryan Miller provided background information concerning this agenda item. This parcel is about 3.5 acres of land. The applicant is Patriot Paws, which is a non-profit organization that trains dogs for veterans. They would like to create a place for veterans to stay on-site for temporary periods of time while their dog is being trained. It would be limited to two people at a time, and the occupancy would not exceed fourteen (14) days at a time. Thirty-one notices were sent out to adjacent property owners; however, no responses were received back by staff. In addition, the Planning & Zoning Commission did review this request and make a recommendation for its approval.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Lori Stevens

Patriot Paws
254 Ranch Trail
Rockwall, TX

Mrs. Stevens came forth and explained that there is an existing home on the property; however, the Dallas Builders Association has chosen Patriot Paws as its charitable organization. So, they have indicated a preference to tear the existing home down and build a completely new structure. She generally asked the Council to consider approving this request. There being no one else wishing to speak, Mayor Pruitt closed the public hearing.

Councilmember Townsend moved to approve Z2017-038. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *RESIDENTIAL CARE FACILITY* IN A COMMERCIAL (C) DISTRICT, ON A 3.466-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, PATRIOT PAWS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2017-039** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC on behalf of Jane Cullins for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a General Retail (GR) District for a 9.894-acre portion of a larger 37.932-acre tract of land identified as Tract 5, M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Overlay (205 BY-OV) District and East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(1st Reading)**.

Councilmember Macalik recused herself from this agenda item and filed appropriate paperwork with the City Secretary. Mr. Miller, Planning Director, then provided background information concerning this agenda item. The applicant wants to rezone the property, and he has submitted a concept plan for Council's review. This is a concept plan only, and some changes would need to be made to it before it came before the Council as a site plan in the future. The city's future land use map (FLUM) designates the area for Medium-Density Residential land uses. So, approval of this item would need to be accompanied by a change in the city's FLUM. Thirteen notices were mailed out to adjacent property owners, and two notices were received back in favor of this request. The Planning & Zoning Commission has reviewed this case and has recommended approval of this request.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak.

Jane Cullins
775 Jeff Boyd Road
Rockwall, TX

Mrs. Cullins shared that she is the property owner. She generally encouraged the Council to approve this request tonight.

John Delin
Integrity Group, LLC.
361 West Byron Nelson Blvd., Suite 104
Roanoke, TX

Mr. Delin came forth and provided a very brief PowerPoint presentation to the Council concerning this request.

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

Mayor Pruitt pointed out that if this zoning designation is approved, the applicant could bring a number of different types of businesses in to this development; whereas, conversely, if this were done through a "planned development" designation, the city council have some additional input regarding which types of businesses could potentially go in.

Additional dialogue took place between the Council and the applicant pertaining to this request. The applicant indicated that he has looked at 'medium density residential," however, that is not financially feasible on this piece of property.

Mayor Pro Tem Hohenshelt and Councilmember Daniels generally expressed concern about moving forward with approving an outright zoning change, as is being requested at this time. Instead, they would feel more comfortable with approving a "Planned Development District" instead.

Mr. Miller shared that the city's Unified Development Code discourages a "PD" if it is less than 25 acres. However, he indicated that it does not prohibit it. It was explained that if the applicant were to combine this request with the following request (Z2017-040), then it would be over 25 acres. The applicant was asked if he would have a problem with combining the two cases / requests. Also, the city attorney was asked if there would be any reason why the two cases could not be combined and if the city would need to be advertised. The applicant indicated that he does not believe he would object to doing so. Mr. Garza shared that there would not be a need to re-advertise it, suggesting that Council could open the public hearing on the next item, take public comment tonight, and then continue it until the next regular city council meeting.

Mayor Pruitt then moved to remand this agenda item back to the Planning & Zoning Commission and directed staff to combine this request (Z2017-039) with the next one (Z2017-040) to create a "planned development district" before then bringing it back to Council for further consideration after it goes back to the Planning & Zoning Commission.

Mayor Pro Tem Hohenshelt seconded the motion. The motion passed by a vote of 5 ayes, 1 recusal (Macalik), and 1 absent (Lewis).

6. **Z2017-040** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC on behalf of Jane Cullins for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for a single-family residential land uses on a 28.011-acre portion of a larger 37.932-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Overlay (205 BY-OV) District and East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(1st Reading).**

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

Bob Wacker
(no current address stated)

Mr. Wacker came forth and expressed concern about this proposal having such little space between homes and having all 'flat front' garages. He feels that there are a whole lot of considerations that go along with this proposal, and he urged the Council to carefully think through this high-density proposal.

There being no one else wishing to come forth at this time, Mayor Pruitt then moved to continue this public hearing until the next council meeting, allowing the city's Planning & Zoning Commission an opportunity to revisit this matter. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 5 ayes, 1 recusal (Macalik) and 1 absence (Lewis).

At 7:31 p.m., Mayor Pruitt called for a brief break and recessed the meeting. At 7:46 p.m. Mayor Pruitt reconvened the public meeting.

XIII. ACTION ITEMS

1. **SP2017-025** - Discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of Doug Fox of Cornerstone Church for the approval of a variance to the material requirements in conjunction with an approved site plan for a church on a six (6) acre parcel of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the 205 By-Pass Overlay (205 BY-OV) District, addressed as 1565 Airport Road, and take any action necessary.

Planning Director Ryan Miller provided background information concerning this agenda item. He shared that this request was reviewed by the city's Architectural Review Board and Planning & Zoning Commission, and the P&Z has recommended its approval. After brief comments, Mayor Pro Tem Hohenshelt moved to approve SP2017-025. Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).

2. **SP2017-024** - Discuss and consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of the owner Don Silverman of Rockwall 205-552, LLC for the approval of a variance to the roof design standards of the North SH-205 Overlay (N-SH-205 OV) District in conjunction with an approved site plan for a restaurant with a drive-through on a 0.857-acre parcel of land identified as Lot 4, Block A, Dalton-Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N-SH-205 OV) District, addressed as 3611 N. Goliad Street, and take any action necessary.

Planning Director Ryan Miller provided brief comments pertaining to this request. The applicant is requesting the approval of a variance to allow for not meeting the pitched roof standard for a structure that is 6,000 SF or less by allowing a flat roof design as depicted in the building elevations. The proposed variance will allow the construction of a 2,822 SF restaurant with a drive-through (*i.e. Freddy's Frozen Custard*). The development is located within the North SH-205 Overlay District and will be required to meet the development standards for this district as stipulated by the Unified Development Code (UDC). The property is located north of the northwest corner of the intersection of N. Goliad Street [*SH-205*] and Dalton Road, and is addressed 3611 N. Goliad Street.

Juan Vasquez with Vasquez Engineering
S. Shiloh Road
Garland, TX

Mr. Vasquez shared that he is proposing this type of design, which will require approval of a variance, because that is the general design of adjacent buildings. He generally asked Council to approve this request. Councilman Townsend then moved to approve SP2017-024. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).

3. Discuss and consider approval of an airport management agreement with F46 Aviation Services, LLC for Fixed Base Operator (FBO) services at the Ralph M. Hall / Rockwall Municipal Airport, authorizing the City Manager to execute the agreement on behalf of the City, and take any action necessary.

Mayor Pruitt shared that several changes have been made to the contract since the version that was placed in the council meeting packet on Friday. He asked the two representatives who were from F46 Aviation if they are agreeable to those changes, and they indicated that they are in fact okay with them. Councilmember Fowler then moved to approve the airport management agreement with F46 Aviation Services, LLC (as amended) for Fixed Base Operator (FBO) services at the Ralph M. Hall / Rockwall Municipal Airport and authorized the City Manager to execute the agreement on behalf of the City. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Lewis).

4. Discuss and consider a resolution expressing opposition to the Rockwall Central Appraisal District (RCAD) Fiscal Year 2018 budget, and take any action necessary.

Mayor Pruitt began discussion of this agenda item, indicating that he provided a lot of comments at the last city council meeting concerning various reasons why he is opposed to the RCAD's approval of its proposed FY2018 budget, including various notable salary increases for staff members and an overall budget increase of about fifteen (15%) percent. He went on to point out that he generally believes that the RCAD did not follow the proper public and other related notice requirements associated with holding the budget-related

public hearing(s). He shared, in part, that he as the chief elected official of Rockwall was to have received notice of the hearing; however, he never received anything. Mayor Pruitt pointed out that the chief appraiser is required to include the number of new employees that are being proposed. He went on to explain that there are related discrepancies associated with the number of proposed new employees. He also conveyed that he understands that the chief appraiser is about to begin asking for permission to do a capital expansion / improvement to her existing building. He went on to share that approval of this resolution opposing the budget is largely symbolic at this point. He introduced Ben Weible who is the Chairman of the RCAD Board of Directors, and Mark Moeller, who also serves on the RCAD Board. He went on to remind the Council of mistakes that the current Chief Appraiser of the RCAD has made over time.

Councilmember Daniels generally expressed that he is unsure about the numbers that the RCAD is proposing. For example, he wonders if the raises being proposed are in an effort to cause the salaries to (essentially) be "caught up" with the market. Or, are they being proposed for another reason. He agrees that the types of mistakes that have occurred are not acceptable. He is unsure of how to best address what is essentially poor management in the upper echelon of the organization.

Mayor Pruitt then moved to approve a resolution generally expressing the City of Rockwall's opposition to the RCAD approving its proposed FY2018 budget. Councilmember Townsend seconded the motion. Councilmember Daniels expressed concern about the management at the RCAD. He pointed out that Council just received some salary-related numbers for staff members at the RCAD today, and he has some questions and concerns about those numbers.

Mayor Pruitt pointed out that Councilmember Lewis could not be here this evening; however, he did email the mayor some thoughts pertaining to some of the comparisons that Mayor Pruitt had made between Hunt County appraisals and Rockwall appraisals. The Mayor went on to share details of Lewis' email, explaining that he wanted to know if there was a big disparity in the amount of vacant land in Hunt County versus in Rockwall County. He shared that Hunt County had 5,800 appeals, and Rockwall County had 5,900 appeals. Hunt County held hearings on 162 cases; whereas Rockwall County held hearings on 1,037 appeal cases.

Following the mayor's comments, the motion passed by a vote of 4 in favor, 2 against (Fowler and Daniels) and 1 absent (Lewis).

5. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2018 and amended budget for fiscal year 2017, and take any action necessary.

Mayor Pro Tem Hohenshelt indicated that Mrs. Franza of the REDC had to leave early due to a family-related matter. After brief comments in which he provided a broad overview of this agenda item, he then moved to approve the amended budget for FY17 and the proposed budget for FY18. Councilmember Fowler seconded the motion, which passed by a vote of 6 in favor with 1 absent (Lewis).

6. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2018 and amended budget for fiscal year 2017, and take any action necessary.

Mayor Pro Tem Hohenshelt made brief comments and then moved to approve the amended FY17 budget and the proposed FY18 budget. Councilmember Fowler seconded the motion. It was indicated that this budget is mainly related to mowing and maintenance of public areas in and around the Rockwall Technology Park. Following brief comments, the motion passed by a vote of 6 ayes with 1 absent (Lewis).

7. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2018, including authorizing the City Manager to execute associated funding agreements, and take any action necessary.

Mayor Pro Tem Hohenshelt and Councilmember Fowler recused themselves from a portion of this agenda item because both of their wives serve on the board for Lonestar CASA.

Councilmember Townsend moved to approve the funding request for Lonestar CASA. Councilmember Daniels seconded the motion, which passed by a vote of 4 in favor, 2 recusals (Hohenshelt and Fowler) and 1 absent (Lewis).

Hohenshelt rejoined the meeting / discussion at this time.

Councilmember Fowler again recused himself on the Music Fest and Rotary funding requests because he sits on each of these boards. Councilmember Townsend moved to approve the funding for these two organizations as recommended by the Council subcommittee. Councilmember Daniels seconded the motion, which passed by a vote of 5 ayes, 1 recusal (Fowler) and 1 absence (Lewis).

Councilmember Townsend moved to approve all other funding requests, as recommended by the Council Subcommittee, for all of the other, remaining organizations.

Mayor Pruitt really encouraged these organizations to begin weaning themselves off of HOT funding provided by the city in the future. Following his comments, Councilmember Fowler seconded the motion, which passed unanimously of those present (Lewis absent).

8. Discuss and consider approval of an **ordinance** amending the budget for fiscal year 2017, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the ordinance amending the FY17 budget. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

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

9. Discuss and consider the proposed budget for fiscal year 2018 and approval of an **ordinance** adopting the proposed budget, and take any action necessary.

Mayor Pruitt provided brief, introductory comments pertaining to this agenda item, sharing that the City Council and staff met and held a work session about the proposed budget

several weeks ago. He asked Mrs. Smith, Assistant City Manager, to provided brief comments to give a broad overview of the budget proposal overall. She did so and then read the following statement into the public record:

> ***This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is $600,567.***

Mayor Pro Tem Hohenshelt moved to approve the FY2018 budget. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of those present (Lewis absent).

10. Discuss and consider approval of an **ordinance** levying ad valorem taxes for the tax year 2017, and take any action necessary.

Mrs. Smith, the city's Finance Director / Assistant City Manager, shared that the Council will be considering an ordinance adopting a tax rate of 42.36 cents per $100 of assessed value, which represents just over a 3 cent decrease in the property tax rate.

Mayor Pro Tem Hohenshelt moved to approve the ordinance. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 17-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2016 AT A RATE OF $.4236 PER ONE HUNDRED DOLLARS ($100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2017 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2017 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absent (Lewis). Mayor Pruitt provided brief comments, generally complimenting the city manager and city staff for their diligent work during this budget process.

11. Discuss and consider approval of a change order for playground equipment at the Park at Breezy Hill, and take any action necessary.

Mayor Pruitt provided brief comments pertaining to this agenda item. He shared that he was able to obtain about a $15,000 donation from Dick Skorburg to help fund this change

order for the playground equipment. He thanked Mr. Skorburg for his donation. The mayor went on to explain that this equipment will make the playground 'barrier free,' which is one step more than having it "ADA compliant." Councilmember Fowler the moved to approve the change order for the playground equipment for the Park at Breezy Hill. Councilmember Townsend seconded the motion, which passed unanimously of those present (Lewis absent).

12. Discuss and consider staff report regarding parking on unimproved surfaces in residentially zoned areas within the city, and take any action necessary.

The city's Building Official, Jeffrey Widmer, came forth and generally indicated that staff has done some research, at the request of Council, following a couple of citizens who previously approached the Council concerning this topic. Staff has provided some photos to Council concerning parking on unimproved surfaces. He does not have any data on how many complaints that his staff has received over the years concerning this topic because parking on unimproved surfaces has not been a violation of city code, so staff has not tracked those complaints. Councilmember Fowler shared that this topic presents a quandary because parking on unimproved surfaces in certain neighborhoods within the city would be acceptable and likely okay, whereas, in other neighborhoods, if cars parked in front yards, the city would likely receive a lot of complaints. Councilmember Townsend asked if the city regulates storage of vehicles that are parked on residential lots. Mr. Widmer shared that the city does regulate "junked vehicles" that are not legal and/or not operable. Mayor Pro Tem Hohenshelt wonders how many neighborhoods within the City of Rockwall currently have an HOA (homeowners association) in place. Mr. Miller shared that a large majority of the neighborhoods are governed by an HOA. Hohenshelt shared that he generally feels this topic should be addressed by residential neighborhood HOAs. Councilmember Daniels expressed the belief that not addressing this issue would likely have the effect of devaluing homes in some of the city's residential neighborhoods. Councilman Daniels provided several comments pertaining to HOA regulations. He also asked the city attorney if the city could pass an ordinance prohibiting on parking on unimproved surfaces in certain areas of the city but not in other areas. Mr. Garza indicated that any such ordinance would have to be applied to the city as a whole.

The Council did not take any action concerning this agenda item.

13. Discuss and consider (re)appointments to the city's advisory boards and commissions, and take any action necessary.

This agenda item was not discussed, and no action was taken.

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 (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:42 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 2nd day of October, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, October 02, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, 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. WORK SESSION

1. Hold work session to hear and discuss an update on 2012 Roadway Bond Projects (E. Boydstun Ave., Throckmorton St., County Line Rd. and S. Lakeshore Dr./Summit Ridge Dr.)

Jeremy White, Engineer with the City of Rockwall, and Amy Williams, City Engineer and Director of Public Works provided an update to City Council concerning these various roadway improvement projects. The Council took no action following the presentation.

III. EXECUTIVE SESSION.

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

1. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding ballot nominations associated with elections to the Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 4:27 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Regarding ballot nominations associated with elections to the Rockwall Central Appraisal District Board, Mayor Pruitt made a motion to nominate John Hohenshelt (Mayor Pro Tem) and Dana Macalik (City Council Member). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR JIM PRUITT

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

VIII. PROCLAMATIONS / AWARDS

1. Breast Cancer Awareness Month

Mayor Pruitt read a proclamation declaring the month of October as "Breast Cancer Awareness Month."

IX. OPEN FORUM

Sol Villasana
809 Village Green Drive
Rockwall, TX

Mr. Villasana came forth, reminding the Council that he is part of LULAC (League of United Latin American Citizens). He went on to share some personal thoughts concerning a recent shooting involving the Rockwall Police Department. He generally urged the Police Chief to ensure that departmental policies on "use of deadly force" are periodically reviewed, including in light of the recent event. Mayor Pruitt thanked Mr. Villasana for his comments. He applauded the Rockwall Police Department for so quickly having the Texas Rangers come in to immediately begin conducting an independent investigation into the police-involved shooting. He offered assurances that whatever the investigation turns up, he will support its findings.

Mayor Pruitt pointed out that Judith Matherne who is with the Rockwall County Democratic Party was present in the audience. She introduced a couple of her board members.

Mayor Pruitt then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the September 18, 2017 regular city council meeting, and take any action necessary.

2. **Z2017-031** - Consider a request by David Turnham for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a 1.410-acre tract of land identified as Tract 9-01 of the J. E. Sherwood Survey, Abstract No. 193, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 950 Clem Road, and take any action necessary **(2nd Reading).**

3. **P2017-041** - Consider a request by request by David Turnham for the approval of a final plat for Lot 1, Block A, Blueberry Hill Estate Addition being a 1.410-acre tract of land identified as Tract 9-01 of the J. E. Sherwood Survey, Abstract No. 193, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 950 Clem Road, and take any action necessary.

4. **Z2017-037** - Consider a request by Russell Phillips on behalf of Sandra McMullen for the approval of an **ordinance** for a zoning change from a Single-Family Estate 4.0 (SFE-4.0) District to a Commercial (C) District for a 8.733-acre tract of land identified as a portion of Lot 16 and all of Lot 14, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 259 Ranch Road, and take any action necessary **(2nd Reading).**

5. **Z2017-038** - Consider a request by Lori Stevens of Patriot Paws Service Dogs for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a residential care facility on a 3.466-acre parcel of land identified as Lot 1, Block A, Patriot Paws Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 302 Ranch Trail, and take any action necessary. **(2nd reading)**

6. Consider contract award to Tyler Technologies and authorizing the City Manager to execute a contract for the upgrade of the Utility Billing System eUtilities software in the amount of $35,420 to be funded out of the Water Sewer Fund, and take any action necessary.

7. Consider authorizing the City Manager to execute an updated agreement for environmental health specialist services (a.k.a. health inspections) with KB Kirkpatrick R.S., LLC, and take any action necessary.

8. Consider approval of a resolution adopting an updated "Schedule of Permit, Health & Miscellaneous Fees" to update certain health-related fees, and take any action necessary.

9. Consider authorizing the City Manager to execute a contract with the Texas Department of Transportation, Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.

10. Consider bid award to Caldwell Country Chevrolet and authorizing the City Manager to execute a Purchase Order for five new 1/2 ton work trucks in the amount of $104,720 to be funded out of the General and Water Sewer Funds, and take any action necessary.

11. **P2017-048** - Consider a request by Dan Warfield of Halff Associates, Inc. on behalf of John Wardell of Lake Pointe Church for the approval of a replat for Lot 3, Block A, Lake Pointe Baptist Church Addition being a 34.4904-acre parcel of land identified as Lot 1, Block A, Lake Pointe Baptist Church Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 701 E. IH-30, and take any action necessary.

Councilmember Daniels moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Townsend seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ONE (SF-1) DISTRICT FOR A 1.410-ACRE TRACT OF LAND IDENTIFIED AS TRACT 9-01, J. E. SHERWOOD SURVEY, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR AN 8.733-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF LOT 16 AND ALL OF LOT 14, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-54
SPECIFIC USE PERMIT NO. S-176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *RESIDENTIAL CARE FACILITY* IN A COMMERCIAL (C) DISTRICT, ON A 3.466-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, PATRIOT PAWS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY

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

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

XI. APPOINTMENTS

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

Patrick Trowbridge who currently serves on the P&Z Commission, came forth and addressed the Council concerning this item, sharing that Mr. Lyons was unable to attend this evening. He briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. The Council took no action following his report.

2. Appointment with Mike and Sunny Richter to discuss the City's Mobile Food Vendor and Portable Food and Beverage Facility requirements, and take any action necessary.

Mr. and Mrs. Richter came forth and shared that they have provided the council members with ordinances that some other cities currently have in place pertaining to food trucks. He shared that he and his wife own a mobile food truck, and they are currently under contract with the city to run concession stand services at the Leon Tuttle Ballpark (baseball fields). He went on to explain that he would like the city council to consider making some ordinance provisions that would essentially make it easier for their mobile food truck and associated services to legally operate within the city.

Planning Director Ryan Miller shared information concerning what the city's current ordinance provisions do and do not allow pertaining to mobile / portable food vendors.

Councilmember Hohenshelt generally expressed that he believes the city's current regulations are too restrictive. Councilmember Fowler also expressed that perhaps the current regulations are too restrictive. Also, several comments were made, generally indicating that when the regulations were first put into place, the council at that time was concerned about a proliferation of food truck vendors. Also, some of the restaurants felt as though food trucks have an unfair advantage over local, brick and mortar restaurants that have to pay rent and taxes.

Following the comments made, Councilmember Macalik shared that she is happy to volunteer to help research this issue further. Council took no formal action but agreed to look into the matter further and schedule a future work session on the topic.

3. Appointment with Spencer Byington of SWBC Real Estate, LLC to discuss waiving the water and wastewater impact fees for a multi-family apartment complex on a 42.555-acre tract of land located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary.

Mr. Miller, Planning Director, shared that this agenda item is related to a piece of property consisting of 42 acres off Discovery Boulevard that was recently rezoned for a multifamily apartment complex. He explained that Mr. Byington is here to discuss his request for the council to consider waiving certain fees associated with the development.

Mr. Spencer Byington
5600 S. FM 148
Kaufman, TX

Mr. Byington explained that he represents SWBC Real Estate and Gene Lambreth, the property owner, of this property located near Discovery and John King Boulevard. He explained that they received their site plan approval several weeks ago. Around that sme time, the city completed an infrastructure study that essentially revealed that the existing sanitary lines are not sufficient to support the development (590 dwelling units). He went on to explain how much the impact fees are anticipated to be as well as what and how he is asking the Council to consider waiving said fees. Brief comments were also made pertaining to anticipated park-related fees.

Indication was given that the previous zoning was "light industrial." However, when it was changed to a higher density use with the multifamily housing project being approved, it resulted in a larger impact to the sanitary sewer system, and it was found that the existing infrastructure essentially could not support the higher density use.

After lengthy discussion, Councilmember Daniels moved to table this item, asking staff to get back with the applicant to discuss these issues further and return back to the city council at a later date with more succinct facts and information for the council to consider. Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

Council asked staff to put together an illustration that shows how the city normally assesses and handles impact fees versus how the applicant is proposing to handle its required impact fees.

Mayor Pruitt then reordered the agenda to address Action Item #5 next.

XII. PUBLIC HEARING ITEMS

1. **Z2017-040** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC on behalf of Jane Cullins for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for general retail and single-family residential land uses on a 37.932-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Overlay (205 BY-OV) District and East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. He shared that the property is located on the east and west sides of John King

Boulevard, north of SH-66. It is zoned Agricultural, and a portion was annexed into city in 1960 with the remainder coming into the city in 1998. In 2008, John King Boulevard was constructed through the property, which basically subdivided the property. Originally, this request came forth as two, separate zoning cases. The applicant wanted to change a portion of it to straight "retail" zoning. However, the Council remanded this back to the P&Z Commission, asking staff to combine the two land tracts into one, overall case through a "unified planned development district." Mr. Miller indicated that limited general retail uses will be allowed. The applicant has asked that a garden supply and plant nursery use be permitted through an SUP process. On the other side of the property, the applicant is proposing a low maintenance active adult community that will consist of 84-89 lots, 12.8 acres of open space and other amenities as depicted on the concept plan. The development is set up in a condominium regime, meaning they will still be single-family homes, and individuals will own the homes; however, the HOA will own the lots and maintain the grounds. It will also have private streets that will be maintained by the HOA. They want the ability to have 89 lots; however, they will need to do a full engineering study beforehand in order to determine if it will ultimately be 84 or 89 lots (there is some floodplain area). The density is about 3.2 dwelling units per acre. The homes will range from 1,600 square feet to 2,100 square feet. They've also agreed to meet the city's anti-monotony requirements.

Mr. Miller explained that the applicant is seeking variances concerning the garage orientation (they're requesting 100% flat front entry garages). Also, the city recently changed the requirements in the John King Overlay District and established four design standards. He generally explained that the 'slip streets' being proposed with this development don't quite meet the new standards. He went on to explain the width of streets, the screening, buffering, and setbacks that the applicant is proposing.

Twenty-one notices were sent out to property owners located within 500' of the subject property(ies). Of those notices, staff received back two that were in favor of the request. The Caruth Lakes HOA was notified as well. In addition, the Planning & Zoning Commission did review this case on Sept. 26, and the Commission did recommend approval of this case by a vote of 5-1 (Chodun dissented and Lyons was absent).

John Delin
Integrity Group
361 West Byron Nelson, Suite 104
Roanoke, TX

Mr. Delin came forth and addressed the Council concerning this case. He indicated that his company focuses on building active adult communities (rather than single family home communities). He shares that a huge demographic swing has happened in recent years, and his company has focused heavily on "active adult communities" since 2012. He shared that his company controls the quality of the development from start to finish. This proposal is characterized by a "condo association," and he shared how this type of community differs from one with a homeowner's association (HOA). He shared that these homes are "semi-custom." He went on to share details of some of the company's other developments, which are located elsewhere in other cities. He shared that the only way that any developer could utilize this particular piece of property is if 'off-site utilities' are brought onto the property (both water and sewer). He shared that this will cost about a half million dollars, and his company will be bearing that up-front burden.

Steve Delin
3400 Nickel Creek Drive
Plano, TX

Mr. Delin shared that he is responsible for all of the sales and marketing for the company, and he works closely with buyers. He explained that his company is involved in conducting surveys in order to seek feedback from buyers regarding their preferences, reasons for buying, levels of satisfaction, etc. He provided comments pertaining to the various reasons why past customers have said that they bought a home from Ladera. He shared that buyers like this type of community because they don't have to worry about maintaining anything that is on the exterior of their home (i.e. the condo association takes care of all of the lawn maintenance). He went on to talk about the rear patios as well as side patios and the courtyard type feel that residents seem to enjoy. He pointed out that the closest active adult community is located in Fairview and that there is no development like this currently located on the east side of the Metroplex.

Discussion ensued regarding property lines, setbacks, the close proximity of neighboring homes, and side versus rear patios. The mayor expressed concern about screening, including masonry versus wrought iron fencing.

Bobby Dolack
GNA Consultants (project engineer)
1111 Hillside Drive
Lewisville, TX

Mr. Dolack spoke about the density of the proposed project as well as the on and off-site improvements needed, including estimated, associated costs. He shared that the price point of the homes would be mid-$300k's, and that, in part, has to do with the development-related costs. He spoke about the lot sizes and design as well as the geometric design of the streets. He touched on the proposed setbacks, screening/buffers as well as fencing and landscaping.

Mr. John Delin shared brief comments pertaining to the fiscal impact that the taxing on these homes will provide to the city. He shared that the average age of homeowners in these types of communities is 65, and the impact on the school system is non-existent.

Mr. Miller shared that the age restriction would be specified as part of deed restrictions.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Jane Cullins
775 Jeff Boyd Road
Rockwall, TX

Ms. Cullins came forth and shared that she has been in Rockwall since 1992. She has received several offers for her property and none of them has been for low density development. She believes this represents the best use for this property.

Bob Wacker
(no current address stated)

Mr. Wacker generally encouraged the city council to follow the development related rules and regulations that are currently in place. He encouraged them to carefully consider if allowing all of these requested variances is the best thing to do.

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

Councilmember Daniels shared that he believes that most neighborhoods that have flat front garages are not very aesthetically appealing, especially about fifteen years after they're built. He is concerned about the size of the garages, wondering if an F-150 truck can comfortably fit in the garage. Discussion took place regarding the anticipated monthly HOA dues. He also has concerns about how the streets within the development would be maintained, especially twenty or more years from now. He also has concerns about inadequate driveway lengths and parking on the street. He acknowledged that he does believe there is a need for this type of housing; however, he is still not totally comfortable with what is being proposed.

Councilmember Lewis moved to approve Z2017-040. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR LIMITED GENERAL RETAIL (GR) DISTRICT AND SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON A 37.932-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, 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 5 ayes, 1 nay (Daniels), and 1 recusal (Macalik).

XIII. ACTION ITEMS

1. **Z2017-036** - Discuss and consider a request by Kevin Patel of Triangle Engineering, LLC on behalf of Michael Fisher of 1306 Summer Lee, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a medical office building exceeding 36-feet in height in the Scenic Overlay (SOV) District on a 1.082-acre parcel of land identified as Lot 6, Block A, Temunovic Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1310 Summer Lee Drive, and take any action necessary **(2nd Reading).**

Mr. Miller shared that this item came before the council at its last meeting, and the vote to approve it at that time was not unanimous. Therefore, it is coming before the Council on second reading under "Action Items."

Councilmember Townsend the moved to approve Z2017-036. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-52
SPECIFIC USE PERMIT NO. S-175

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.082-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 6, BLOCK A, TEMUNOVIC ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY 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 5 ayes with 2 nays (Hohenshelt and Daniels).

2. **SP2017-026** - Discuss and consider a request by William Adair on behalf of Raymond Jowers for the approval of variances to the articulation requirements stipulated by the Unified Development Code (UDC) in conjunction with an approved site plan for an industrial building on a 2.16-acre parcel of land identified as Lot 1-B, Bodin Industrial Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 2040 Kristy Lane, and take any action necessary.

Planning Director Ryan Miller provided brief comments pertaining to this agenda item. The Planning & Zoning Commission previously approved a site plan for this building. The applicant is now requesting some variances on the horizontal and vertical articulations. The Architectural Review Board has reviewed this twice, and the board ultimately recommended approval of this to the P&Z Commission. The Planning & Zoning Commission has recommended approval of this request. Following the comments, Councilmember Lewis moved to approve SP2017-026. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **MIS2017-010** - Discuss and consider a request by Brian and Darla Kelly for the approval of an exception to the minimum masonry requirements stipulated by Article V, District Development Standards, of the Unified Development Code to allow for the construction of a single-family home on a 3.217-acre tract of land identified as a portion of Tract 13-06 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, generally located along the north side of Hanby Lane south of the intersection of Jeff Boyd Road and Hanby Lane, and take any action necessary.

Mr. Miller briefly shared that this property was recently rezoned. At this time, the applicant is requesting a masonry-related exception because they are essentially looking

for more of a "farmhouse" look. He expressed that the applicant was unable to attend the meeting this evening. Following the brief comments, Councilmember Townsend moved to approve MIS2017-010. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider authorizing the City Manager to execute a contract between the City of Rockwall and STAR Transit for transportation services for fiscal year 2018 in the amount of $102,099.20 to be funded by the Administration Operating Budget, and take any action necessary.

Director of Internal Operations, Joey Boyd, provided brief comments pertaining to this agenda item. Mayor Pruitt indicated that, although there are still some minor issues and areas of concern, he believes this organization is running much more efficiently lately, and the services have improved.

Tommy Hendricks of STAR Transit came forth, providing brief comments and generally thanking the Council for its support of the program and its consideration of this funding request.

Following Mr. Hendricks' comments, Councilmember Macalik moved to authorize the contract for fiscal year 2018 in the amount of $102,099.20. Councilmember Townsend seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Mayor Pruitt then addressed Public Hearing item #1.

5. Discuss and consider authorizing the City Manager to execute a contract with Meals on Wheels Senior Services for certain nutritional and senior service programs in the amount of $35,000 to be funded from the Administration Department Operating Budget, and take any action necessary.

Margie Verhagen, Executive Director of the local Meals on Wheels program, came forth and provided brief comments to the Council concerning the organization's services and the associated funding request. She shared that, so far this year, over 30,000 meals have been provided to seniors and disabled citizens living in Rockwall.

Mayor Pro Tem Hohenshelt moved to approve the funding allocation in the amount of $35,000.00. Councilmember Townsend seconded the motion. Mayor Pruitt pointed out that Councilmember Lewis recused himself since he serves on the board. The motion then passed by a vote of 6 ayes with 1 recusal (Lewis).

Mayor Pruitt then addressed Action Item #4.

6. Discuss and consider (re)appointments to the city's advisory boards and commissions, including the Park Board and the Architectural Review Board, and take any action necessary.

Councilmember Daniels moved to appoint Trace Johannsen to serve on the city's Architectural Review Board (to replace former board member Ralph Chizzonite with an initial term to run through August of 2019). Councilmember Lewis seconded the motion, which passed unanimously.

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

1. Departmental Reports
   Building Inspections Monthly Report - August 2017
   Fire Department Monthly Report - August 2017
   Fire Marshal's Division Monthly Report - August 2017
   GIS Division Monthly Report - August 2017
   Harbor PD Monthly Report - August 2017
   Internal Operations Department Monthly Report - August 2017
   Police Department Monthly Report - August-2017
   Recreation Monthly Report - August 2017
   Rockwall Animal Adoption Center Monthly Report - August 2017
   STAR Transit Monthly Report – August 2017
2. City Manager's Report

City Manager Rick Crowley gave indication that a favorable report is soon forthcoming pertaining to the city's ISO (insurance services organization) rating.

Mayor Pruitt indicated that the city recently held its annual volunteer appreciation reception, which was very well attended. He thanked all of the city's volunteers for all of their hard work and service to our citizens.

XV. EXECUTIVE SESSION

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

1. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding ballot nominations associated with elections to the Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th day of October, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL



MINUTES
ROCKWALL CITY COUNCIL
Monday, October 16, 2017
4:15 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:16 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and City Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and the city's legal counsel, Patrick Lindner.

II. WORK SESSION

1. Hold a work session to discuss potential amendments to the City's requirements for Mobile Food Vendors, Food Trucks and Portable Food and Beverage Facilities.

Staff and Council discussed at length possible options associated with allowing these sorts of vendors on public property, private property, public and/or private streets and related regulations. This included discussions about the possibilities related to temporary versus 'fixed' locations.

Tamara Kolleck
20 Intrepid Circle
Rockwall, TX 75032

Mrs. Kolleck was in attendance in the audience during this work session discussion, and she requested that the Mayor allow her to come forth and speak. She did so, sharing that she is a shop owner in the downtown area and is also a member of what she called "the Downtown Rockwall Association" that all of the shop owners are a part of. She shared that this topic has come up in discussions many times. She expressed that she has taken the lead in being the liaison to see if they can work with the city to see if they can get more food trucks. She went on to express that the owner of Zanata, Kevin, (who she said is also currently the president of the Downtown Association) and Jeremy at the Bookclub Café as well as Charlie and Charlie's Burgers – everyone in downtown is fully supportive of having more food trucks downtown. She went on to generally explain how the downtown restaurants are inundated with customers during 'special events,' which creates very long waiting lines at the restaurants. She shared that the restaurants cannot meet the demand to feed everyone during these special events. She acknowledged some of the current ordinance provisions related to allowing food trucks during special events on a limited basis in the downtown area. However, she believes that patrons feel as though the wait lines at the restaurants downtown are too long and that those patrons either eat before they come (elsewhere, outside of downtown), or they leave early, and this is resulting in the shops "losing business." Mayor Pruitt asked Ms. Kolleck which locations in the downtown area might be conducive to parking a food truck. She explained that, in the past, they have worked it out where the bank that is located on the

Northeast area of the square has allowed a food truck to be parked during special events. Mayor Pruitt pointed out that the bank location has been utilized for this purpose during some times when the city closes down all of San Jacinto, and the Council is not currently proposing to close down the street. Additional, brief comments ensued pertaining to possible locations to park food trucks.

Mayor Pro Tem Hohenshelt expressed a preference to have food trucks allowed on private property thru zoning rather than thru an SUP process.

Discussion took place related to having food trucks in a public park (not a neighborhood park) perhaps once a month. A venue such as a city park will ensure that parking and restrooms would be available. Also, the city could enter into concession agreements with food truck vendors.

No action was taken as a result of this work session item. Indication was given that staff will come back with some additional, more clearly defined options for the Council to consider.

III. EXECUTIVE SESSION.

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

1. Discussion regarding vacancy and hiring process for Executive Director of the Rockwall Economic Development Corporation (REDC) pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale or lease of real property / land in the vicinity of Heath Street and Fannin Street pursuant to Section §551.072 (Real Property).
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:46 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt made a motion to extend the contract for the sale of real property located in the vicinity of Heath and Fannin Streets to December 29, 2017. It was pointed out that Mrs. Macalik is recusing herself from this vote. Councilmember

Townsend seconded the motion, which passed by a vote of 6 ayes with 1 recusal (Macalik).

VII. Invocation and Pledge of Allegiance – Councilmember Fowler

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

VIII. Proclamations / Awards

1. Break the Silence Sunday (Domestic Violence Awareness)
2. Texas Chamber of Commerce Week
3. Fire Prevention Month
4. National Community Planning Month

Mayor Pruitt called forth various representatives from the audience who were in attendance pertaining to each of the above listed proclamations. He then read and presented each of the proclamations to the respective person(s).

IX. Open Forum

Mayor Pruitt provided various comments pertaining to domestic and family violence as well as some additional information pertaining to a police involved shooting that occurred a few weeks ago at a local apartment complex. Mayor Pruitt shared that four people have been killed due to domestic violence within the City of Rockwall in the last nine years. He went on to share details pertaining to the criminal history of the person that Rockwall police officers shot and killed during this recent event. He also made the public aware of the firearms training and qualifications that Rockwall police officers go through as well as the police department's "use of force" policy, including its regular review. He went on to share information regarding the noteworthy designations that the Rockwall Police Department has worked diligently to achieve ("recognized status" by the Texas Police Chiefs Association in both 2011 and 2015). He provided comments pertaining to the city's "equal opportunity" employment practices and current racial statuses of staff members currently working for the Rockwall Police Department. He also shared that each of the Rockwall Police Department officers are equipped with body worn cameras, and policies require use of the cameras during all enforcement-related activities. He indicated that the Texas Rangers (through the TXDPS) are currently conducting an independent investigation, and if it is found that mistakes were made, he assured the public that the city / the department will correct things. He generally expressed strong support for the Rockwall Police Department.

Austin Lewis
401 Shoreview Drive
Rockwall, TX

Mr. Lewis commented on a fire that occurred over the weekend in his neighborhood, on Agape Lane. He indicated that he was very impressed by the efficiency and professionalism showed by the Rockwall Fire Department that worked this event.

X. CONSENT AGENDA

1. Consider approval of the minutes from the October 2, 2017 regular city council meeting, and take any action necessary.

2. Consider adoption of a resolution approving a resolution of the Rockwall Economic Development Corporation authorizing the issuance of the Corporation's sales tax revenue refunding bonds; confirming a sales tax collection resolution; enacting other provisions relating to the subject, and take any action necessary.

3. Consider awarding bids to Caldwell Country Chevrolet and Pursuit Safety and authorizing the City Manager to execute Purchase Orders for four new Police Pursuit Tahoes and related aftermarket equipment, in the total amount of $182,308 to be funded out of the General Fund Police Patrol Budget, and take any action necessary.

4. Consider awarding a bid to Holt CAT and authorizing the City Manager to execute a Purchase Order for a new Compact Excavator in the amount of $61,039 to be funded out of the General Fund Parks Operations Budget, and take any action necessary.

5. Consider awarding a bid to C & O Equipment Company and authorizing the City Manager to execute a Purchase Order for a new Toro Dingo in the amount of $42,999.90 to be funded out of the General Fund Parks Operations Budget, and take any action necessary.

6. Consider approval of a contract for ESRI Small Municipal and County Government Enterprise License Agreement (ELA) with Environmental Systems Research Institute, Inc. to provide for software maintenance for the City's Geographic Information Systems (GIS) software and to authorize the City Manager to execute a contract for $35,000.00, to be funded by the General Fund Development Services Budget, and take any action necessary.

7. Consider approval of the Stonebridge Lift Station Elimination Project and authorize the City Manager to execute a contract with Barson Utilities, Inc. in the amount of $776,064, to be funded by 2016 Water / Sewer Bond funds, and take any action necessary.

8. Consider approval of the E. Boydstun Avenue and Throckmorton Street Reconstruction Project and authorize the City Manager to execute a contract with McMahon Contracting, LP. in an amount of $3,409,273.86, to be funded by Street Bond funds and Water/ Sewer Bond funds, and take any action necessary.

9. Consider authorizing the City Manager to execute an interlocal agreement between the City of Rockwall and the City of Fate for emergency dispatch and radio system support services for fiscal year 2018, and take an action necessary.

10. Consider authorizing the City Manager to execute an interlocal agreement between the City of Rockwall and the City of Heath for emergency dispatch and radio system support services for fiscal year 2018, and take an action necessary.

11. Consider approval of Engineering Service Agreement with Pipeline Analysis, LLC, to provide engineering services for Sanitary Sewer Condition Assessments and authorize the City Manager to execute a contract for $150,634.38, to be funded by the Water and Sewer Fund, and take any action necessary.

12. **P2017-049** - Consider a request by David L. and Sue W. Hodgdon for the approval of a final plat for Lots 1 & 2, Block A, Hodgdon Addition being a 12.36-acre tract of land identified as Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of

Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 1085 Dalton Road, and take any action necessary.

13. **P2017-033** - Consider a request by Mario Ramirez for the approval of a replat for Lot 1, Block K, Rockwall Lake Estates West being a 0.27-acre tract of land identified as Lots 908, 909 & 910, Block E, Rockwall Lake Estates #1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses, addressed as 894 & 908 Lakeside Drive, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13). Councilmember Townsend seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

XI. APPOINTMENTS

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

Mr. Patrick Trowbridge of the city's Planning & Zoning Commission came forth and briefed the Council on recommendations of the Commission relative to items on tonight's city council meeting agenda. The Council took no formal action as a result of Mr. Trowbridge's comments.

2. Appointment with John Batts of Pratt Industries to hear presentation regarding their new location in the Rockwall Technology Park, and take any action necessary.

Mayor Pruitt reordered the agenda to address this Appointment Item following the proclamation presentations. Mr. Batts of Pratt Industries came forth and gave a brief presentation to the city council, explaining what Pratt Industries does (makes boxes out of recycled materials) and giving a 'virtual tour' of the company's new facility in Rockwall. Mrs. Sheri Franza, President/CEO of the Rockwall Economic Development Corporation (REDC) then explained that Mr. Pratt previously took out a full page ad in the Wall Street Journal pledging to create new jobs in Rockwall, TX. Mr. Pratt and Mrs. Franza then presented the mayor and council with a framed version of that full page newspaper advertisement.

XII. PUBLIC HEARING ITEMS

1. **Z2017-042** - Hold a public hearing to discuss and consider a request by Jay Odom for the approval of an **ordinance** for a zoning change from a Single Family 7 (SF-7) District to a Downtown (DT) District for a 0.21-acre parcel of land identified as Lot D-1, Block 122, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Historic Overlay (HOV) District, addressed as 201 Olive Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided introductory comments pertaining to this agenda item. The applicant, Jay Odom, has submitted an application requesting to rezone the subject property from a Single Family 7 (SF-7) District to Downtown (DT) District. The subject property is considered to be a *Non Contributing* property and is located within the Historic Overlay (HO) District and Old Town Rockwall (OTR) Historic District. The

property is currently vacant and is situated adjacent to Bin 303 (*western property line*) and 401 N. Fannin Street (*eastern property line*). The applicant has stated that the purpose of the zoning change is to construct an office building. According to Article IV, *Permissible Uses*, of the Unified Development Code (UDC) a general office land use is permitted *by-right* in the Downtown (DT) District. In a letter provided by the applicant, the applicant has stated that, in his opinion, an office building would be more suitable for the subject property as compared to a single-family home. The applicant goes on to state that this opinion is based on the properties adjacency to a non-residential land use (*i.e. Bin 303*).

On September 12, 2017, staff mailed 91 notices to property owners and residents within 500-feet of the subject property. There is no Homeowner's Association (HOA) or Neighborhood Organization located within 1,500-feet participating in the notification program. At the time this case memo was drafted staff has received two (2) responses in favor of the applicant's request. On October 10, 2017, the motion to recommend approval of the zoning change request passed by a vote of 4 to 0 with Commissioners Lyons, Logan, and Moeller absent.

Following Mr. Miller's comments, Mayor Pruitt opened the public hearing, asking if anyone would like to address the Council. There being no one indicating such, Mayor Pruitt then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2017-042. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE-FAMILY 7 (SF-7) DISTRICT TO A DOWNTOWN (DT) DISTRICT FOR A 0.21-ACRE TRACT OF LAND IDENTIFIED AS LOT D-1, BLOCK 122, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2017-043** - Hold a public hearing to discuss and consider a request by Austin Lewis of Lewis Real Estate Investments, Inc. on behalf of Stone Creek Balance, LTD for the approval of an **ordinance** for an amendment to Planned Development District 70 (PD-70) to incorporate a single-family subdivision consisting of 19 single-family residential homes on a 5.28-acre tract of land identified as Tract 2-7 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses, located at the southeast corner of the intersection of Greenway

Drive and FM-552, and take any action necessary **(1st Reading) [Postponed to the November 6, 2017].**

Mayor Pruitt announced that this item is being postponed, at the request of the applicant, until the November 6, 2017 regular city council meeting.

Mayor Pruitt called for a break at this point in the meeting (6:55 p.m.), sharing that he will be dismissing the Youth Advisory Council (YAC) students from the council meeting at this time. He thanked them for attending a portion of tonight's meeting.

3. **Z2017-044** - Hold a public hearing to discuss and consider a request by Sydney Brown of Godspeed Motors, LLC on behalf of the owner Greg Ollom for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Indoor Motor Vehicle Dealership/Showroom, New and/or Used on a one (1) acre tract of land identified as Tract 5-1 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1785 E. IH-30, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. On November 11, 2014, the City Council approved an ordinance that added *Indoor Motor Vehicle Dealership, New and/or Used* to the permissible use chart within the UDC and requiring an SUP within the *Commercial* (C), *Heavy Commercial* (HC), *Light Industrial* (LI), or *Heavy Industrial* (HI) zoning districts. This ordinance defined this land use as, "(t)he indoor storage of operable automobiles in a fully enclosed building for the purpose of holding such vehicles for sale, lease, distribution, or storage." The applicants business model is generally internet based -- *not traditional auto sales* -- with on hand inventory limited to the interior of the buildings showroom floor. The applicant's floor plan submitted with the SUP request indicates the area to be a maximum of 2,500 S.F. If approved, the SUP would be limited by allowing the use only within the enclosed building area designated on the floor plan for Suite 1 and as depicted in Exhibit 'B' of the draft ordinance, and not the entire 12,500 S.F. building. Mr. Miller pointed out that granting an SUP remains a discretionary act for the City Council. Notices were mailed out to residents and property owners located within 500' of the subject property; however, no responses were received back by staff. In addition, the city's Planning & Zoning Commission did review this case and has recommended its approval.

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

Councilmember Lewis moved to approve Z2017-044. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE

DEALERSHIP/SHOWROOM LOCATED IN A 2,500 SQUARE FOOT PORTION OF AN APPROXIMATELY 12,500 SQUARE FOOT BUILDING AS INDICATED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE, AND ADDRESSED AS 1785 E. IH-30, SUITE 1, WHICH IS LOCATED ON A ONE (1) ACRE TRACT OF LAND IDENTIFIED AS TRACT 5-1 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **Z2017-045** - Hold a public hearing to discuss and consider a request by David L. and Sue W. Hodgdon for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 12.327-acre tract of land identified as Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 1085 Dalton Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant is requesting to rezone the property from an Agricultural (AG) District to a Single-Family Estate 2.0 District for the purpose of constructing one (1) single-family home. The applicant has also submitted a request [Case No. P2017-049] to final plat one (1) tract of land into two (2) parcels of land [i.e. Lots 1 & 2, Block A, Hodgdon Addition]. According to Section 2.1, Agriculture (AG) District, of Article V, District Development Standards, of the Unified Development Code (UDC), a single-family dwelling is allowed on any Agriculture (AG) District zoned property that is more than ten (10) acres. Since the resulting subject properties will be less than ten (10) acres, the tracts will need to be rezoned. Currently, floodplain traverses the property, and, should any improvements impact the floodplain, the applicant could be required to submit a flood study. On September 29, 2017, staff sent 66 notices to property owners and residents within 500-feet of the subject property and situated in the city limits. Staff also notified the Shoal Creek and Hidden Valley Homeowner's Associations (HOA's) which are the only HOA's/Neighborhood Associations within 1,500 feet. Staff received one notice in opposition, and two more opposition notices were received today. One notice was received in support of the request as well. In addition, the Planning & Zoning Commission did vote 4-0 to recommend approval of this request to Council.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time concerning this agenda item. There being no one indicating such, he then closed the public hearing.

Councilmember Townsend moved to approve Z2017-045. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND

THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 12.327-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-01 OF THE T. DEAN SURVEY, ABSTRACT NO. 69, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2017-046** - Hold a public hearing to discuss and consider a request by Jim Douglas of Douglas Properties, Inc. on behalf of Isabel Garrett of the McClendon Company for the approval of an **ordinance** for an amendment to Planned Development District 82 (PD-82) for the purpose incorporating an additional 59.065-acre tract of land into the existing single-family development being a 81.49-acre tract of land creating a 140.555-acre tract of land identified as a portion of Tract 8 and all of Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) and Agricultural (AG) District, situated on the west side of Rochell Road south of SH-276, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. On September 15, 2017, the applicant submitted an application requesting an amendment to Planned Development District 82 (PD-82) [Terracina Estates Subdivision] proposing to incorporate an additional 59.065-acre tract of land into the existing 81.49-acre tract of land (PD- 82), creating a 140.55-acre single-family residential development. If approved, Planned Development District 82 (PD-82) will consist of 352 single-family residential lots. The applicant intends to develop the property in individual phases, which will be identified at the time of master plat. The subject property, which was annexed into the City on July 21, 1997 by Ordinance No. 97- 14, is located west side of Rochelle Road south of SH-276, adjacent to Timber Creek Estates Subdivision. The 59.065-acre subject property is currently vacant land and is zoned Agricultural (AG) District, while the 81.49-acre tract is zoned PD-82. The proposed development of the subject property will provide an additional 6.45–acre park with amenities such as a playground, Dog Park, benches, and an 8-ft meandering trail that also provides access to the 9.0-acre public park amenity provided by the developer that was approved with PD-82. The *Concept Plan* indicates the addition of 12.0-acres of open space (*or 20.32%*) and will combine the 18.97-acres of open space (*or 23.3%)* for a total of 30.97-acres of open space for the development, exceeding the 20% requirement. With the inclusion of the *subject property*, the location of the park and open space along the western boundary of the development will provide an additional buffer from the iHeartMedia Tower Company's antenna park. The applicant has also indicated that a minimum of a 10-ft landscape buffer along the proposed minor collector street (*Street H*) will include large canopy trees planted along the perimeter of the roadway and park trails at a minimum of 50-ft intervals. The applicant will also be required to provide a minimum of a five (5) foot sidewalk that will be constructed within the rights-of-way of the development. Staff has included these as development requirements within the Planned Development District Ordinance.

Mr. Miller explained that property owners and residents located within 500' as well as the Fontana Ranch and Timber Creek HOAs were notified. Five total notices of opposition were received back by staff. On October 10, 2017, the Planning and Zoning

Commission's motion to recommend approval of the amendment to PD-82 with staff conditions passed by a vote of 3 to 1 with Commissioner Welch dissenting. Additionally, the motion included a recommendation for the entire PD to incorporate front entry driveways with a minimum of 30% in a "J" swing configuration and the remaining 70% of the driveways to be a front entry configuration and situated equal to or behind the front façade of the primary structure.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Jim Douglas of Douglas Properties came forth and made a presentation to the Council concerning this proposal. He indicated that Bloomfield Homes will be the builder of these homes. He explained that this builder constructs high-quality homes, and, since they do have front entry garages, they do construct the upgraded cedar garage doors. He generally indicated that his client is in agreement with the proposed split of front entry and j-swing garages. Mr. Douglas clarified, at the request of Councilmember Daniels, that they do plan to purchase additional land in order to connect a roadway associated with the Fontana Ranch subdivision.

General discussion took place pertaining to possibly waiving the requirement to have alleyways, including what might be in the best interest of the city. Mayor Pro Tem Hohenshelt pointed out that the city's Comprehensive Plan Advisory Committee is currently reviewing this topic. Also, alleyways, he pointed out, do end up being owned and maintained by the city, the cost of which is quite substantial.

Councilmember Fowler pointed out that one of the notices that the city received back in opposition of this request indicated that they bought their home believing that this property could not be developed as "residential" in the future. He asked Mr. Miller if this was ever the case. Mr. Miller clarified that this area has always been shown on the city's future land use map as "low density residential," and it has been zoned for such for quite some time.

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

Councilmember Townsend asked for some clarification pertaining to the park, questioning if the developer and HOA will really, truly want the 'general public' to be utilizing the park. Mr. Douglas shared that he is in favor of the idea of having this park be open to the general public; however, he explained that it will be maintained by the subdivision's HOA. Councilmember Daniels and Councilmember Lewis also expressed concern about this concept, in general.

Councilmember Lewis made a motion to approve Z2017-046 with the stipulation that the playground, parks and dog park will always be owned and operated/maintained by the HOA and that the percentage of front entries vs. j-swing garages will be a 70% / 30% mix. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 82 (PD-82) [*ORDINANCE NO. 16-43*], AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE PLANNED DEVELOPMENT DISTRICT TO INCORPORATE A 59.065-ACRE TRACT OF LAND INTO THE EXISTING 81.49-ACRE TRACT OF LAND, CREATING A 140.555-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 82 (PD-82) AND BEING A PORTION OF TRACT 8 AND ALL OF TRACT 16, OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING

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

The motion passed by a vote of 4 in favor with 3 against (Townsend, Fowler and Daniels).

6. **Z2017-047** - Hold a public hearing to discuss and consider a request by Trent Hyde for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 0.830-acre tract of land identified as the Wilson Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 218 W. Quail Run Road, and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director, provided background information concerning this item. Forty-three notices were mailed out to property owners and residents located within 500' of the subject property, and three adjacent HOAs were notified as well. Three notices in favor and one notice in opposition were received back by staff. The city's Planning & Zoning Commission has recommended approval of this agenda item.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time concerning this agenda item. There being no one indicating such, he then closed the public hearing.

Councilmember Townsend asked for clarification regarding if there is currently an accessory building that is already located right on the property line. The applicant then came forth to answer this question. Trent Hyde (218 W. Quail Run Road) shared that there is in fact an existing accessory structure that is currently located on the property and that it is "on skids." He explained that his plan is to relocate it and move it slightly down the hill. Councilmember Townsend pointed out that, collectively, the square footage of the accessory buildings, if the Council were to allow the one being requested tonight, will be more than twice what the city's ordinance regulations currently allow.

Mr. Miller pointed out that the applicant will be required to meet the side yard setback requirements. Mr. Hyde shared that he will also reposition the current structure such that it too will meet the required setbacks. He clarified that the metal building will look just like the photo that has been included in the council members' packets.

At Councilmember Macalik's request, Mr. Miller clarified that the city's Planning & Zoning Commission has recommended approval of this item by a vote of 4 in favor with 0 against.

Councilmember Lewis moved to approve Z2017-047. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 0.830-ACRE TRACT OF LAND ZONED SINGLE-FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS THE WILSON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 2 in favor with five against (Townsend, Hohenshelt, Pruitt, Fowler and Daniels).

7. **Z2017-048** - Hold a public hearing to discuss and consider a request by Russell Phillips on behalf of Sandra McMullen for the approval of an **ordinance** for a Specific Use Permit (SUP) for a mini-warehouse facility on an 8.733-acre tract of land identified as a portion of Lot 16 and all of Lot 14, Rainbo Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 Ranch Road, and take any action necessary **(1st Reading).**

The applicant is requesting the approval of a Specific Use Permit (SUP) to allow for a 575 unit mini-warehouse. The subject property is zoned Commercial (C) District and is situated adjacent to Mims Road on 8.733-acre tract of land. This property is addressed as 259 Ranch Trail. According to the concept plan and building elevations, the mini-warehouse facility will be comprised of multiple buildings [i.e. ~24 buildings], ranging in size from five (5) storage units to 108 storage units. Additionally, the applicant is proposing a masonry façade on the perimeter of all buildings that are visible from the street; however, the applicant is proposing to utilize metal facades on the interior buildings. Staff should note that most of the surrounding buildings are constructed of metal. Each building will have drive-up units with roll-up doors. None of the roll-up doors will face Ranch Trail or Horizon Road. With the exception of the leasing office, the applicant is proposing to provide landscape screening allowing the mini-warehouse facility to have limited visibility from Ranch Trail and Horizon Road. Additionally, the northeast portion of the subject property is wooded and the applicant is proposing to save trees in the area to act as a screen to the adjacent properties. Should this request be approved, the applicant will be required to submit a site plan, landscape plan, photometric plan, and building elevations to the Architectural Review Board and the Planning and Zoning Commission. The Council has been provided with a concept plan and building elevations, and conformance to these plans is a requirement of the draft ordinance. On September 29, 2017, staff sent thirty (30) notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Associations within 1,500-feet of the subject property. At the time the report was drafted, staff had not received any notices concerning this case. On October 10, 2017, the Planning and Zoning Commission's motion to recommend approval of the Specific Use Permit (SUP) with the condition that the developer provide landscape screening along all property lines passed by a vote of 4-0.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

Russell Phillips, the applicant, came forth and addressed the Council at this time. He shared additional details concerning his plans for this property. Mr. Miller clarified that the Council is only being asked tonight to consider an SUP to allow for the mini warehouse facility.

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

Councilmember Daniels moved to approve Z2017-048. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-___
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 8.733-ACRE TRACT OF LAND BEING IDENTIFIED AS A PORTION OF LOT 16 AND ALL OF LOT 17, RAINBO ACRES 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 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.

8. **Z2017-049** - Hold a public hearing to discuss and consider a request by John Arnold of the Skorburg Company on behalf of Breezy Hill 405, LTD for the approval of an **ordinance** for a zoning amendment to Planned Development District 74 (PD-74) to amend the concept plan and for the purpose of incorporating changes to the lot composition stipulated by the development standards contained in Exhibit 'C' of Ordinance No. 16-59 for a 405.184-acre tract of land identified as the Breezy Hill Subdivision and situated within 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).**

Planning Director Ryan Miller provided background information concerning this agenda item. Currently, Planned Development District 74 (PD-74) [Ordinance No. 16-59] requires the applicant to construct 326, 80' x 125' lots. The applicant is requesting to reduce this to 137, 80' x 125' lots for the purpose of adding 33, 100' x 200' lots and 44, 100' x 180' lots. In addition, the applicant will be reducing the 60' x 120' lots by 22 and increasing the 70' x 120' lots by 108. These changes will reduce the overall lot count from 776 lots to 750 lots, reducing the overall density of the development from ~2.02-units/acre to ~1.85-units/acre. These changes will necessitate creating two (2) new lot types (i.e. Type 'F' & 'G'). The Type 'F' lot is the proposed 44, 100' x 180' lots and the Type 'G' lot includes 94 of the 225, 70' x 120' lots. For the Type 'G' lots the applicant is requesting that 50% (i.e. 47 lots) be permitted to have a flat front entry garage product (i.e. the garage is even with the front façade of the house). This means that the applicant will be allowed to have a

total of 67 flat front entry garages between the Type 'E' and Type 'G' lots. On September 29, 2017, staff mailed 560 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Stoney Hollow and Breezy Hill Homeowner's Associations (HOA's), which are the only HOA's located within 1,500 feet of the subject property. At the time this case memo was drafted staff had not received any notices in return. On October 10, 2017, the Planning and Zoning Commission approved a motion to recommend approval of the zoning amendment by a vote of 3-1.

Discussion took place between Council and staff pertaining to whether or not one retention pond will be required.

Adam Buczek
8214 Westchester Drive, Suite 710
Dallas, TX 75225

Discussion ensued pertaining to the retention pond topic.

Mayor Pruitt opened the public hearing and asked the applicant if he would like to speak further. Mr. Buczek continued discussion of this item, sharing a PowerPoint presentation with the Council that explained more details pertaining to this request. Mr. Buczek asked Council to essentially not require him to have to put in a 100' buffer (a requirement that has come about and been put into place by Council since the last time a Phase in this development was brought before the Council for approval). He explained that there will already be about a 70' buffer, and the lots will topographically be located downhill from the roadway (as opposed to the more common uphill configuration when compared to street level).

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

Councilmember Lewis moved to approve Z2017-049. Mayor Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74) [*ORDINANCE NO. 16-59*] 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. 16-59, BEING A 405.184-ACRE TRACT OF LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY, ABSTRACT NO. 190, 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.

After brief comments, the motion passed by a vote of 5 ayes to 2 nays (Fowler and Daniels).

XIII. ACTION ITEMS

1. **Z2017-040** - Discuss and consider a request by John Delin of Integrity Group, LLC on behalf of Jane Cullins for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for general retail and single-family residential land uses on a 37.932-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Overlay (205 BY-OV) District and East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(2nd Reading).**

Planning Director Ryan Miller indicated that this item was placed on Action Items since it did not receive unanimous approval at the last city council meeting. It was announced that Councilmember Macalik will be recusing herself from this item.

Councilmember Fowler then moved to approve Z2017-040. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR LIMITED GENERAL RETAIL (GR) DISTRICT AND SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON A 37.932-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, 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 5 ayes, 1 against (Daniels) and 1 recusal (Macalik).

2. **SP2017-030** - Discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of variances in conjunction with an approved site plan for a motor vehicle dealership on a 4.86-acre tract of land identified as Tract 5 of the N. M. Ballard Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1415 & 1501 E. IH-30, and take any action necessary.

Mr. Miller shared that at the last Planning & Zoning Commission meeting, the commissioners recommended approval of a car dealership. As part of that, they

recommended approval of several variance requests. He went on to provide additional details pertaining to the variance request, indicating that some of the variances will require a ¾ majority vote of the Council for approval. Mr. Miller also indicated that the city's Architectural Review Board did recommend approval of the proposed building elevations by a vote of 6-0. Also, the city's Planning & Zoning Commission has recommended approval of this item.

Mr. Miller shared that there is a flood plain that runs directly to the north of this property, so it will more than likely remain a mostly treed area. The applicant provided brief, related comments.

Councilmember Lewis then moved to approve the following three items that will require a simple majority vote of Council:

- **Variance to the parking stall size**
- **The garage doors facing onto IH-30 and**
- **the horizontal articulation.**

Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Lewis then moved to approve the items as specified in 1a, 1b, and 1c of the staff memo

- **A variance to allow for not meeting the 20% natural or quarried stone requirement for the north building elevations,**
- **A variance to allow for exceeding more than 50% use of a cementaceous product (*i.e. 3-part stucco*) for the north and west elevations**
- **A variance to allow for the building not meeting architectural finishing for all four sides of the building with the same materials, detailing, and features for the north elevation**

Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider adopting a drainage priority standard for structure flooding, property flooding, street flooding, erosion and groundwater, and take any action necessary.

Mayor Pruitt moved to adopt the priority standards as outlined and specified by staff. Councilmember Hohenshelt seconded the motion.

Mayor Pruitt commented that the Fire Department held a successful "Open House" event this last weekend, and the annual triathlon event went off without notable complications as well.

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 vacancy and hiring process for Executive Director of the Rockwall Economic Development Corporation (REDC) pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale or lease of real property / land in the vicinity of Heath Street and Fannin Street pursuant to Section §551.072 (Real Property).
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

Council did not reconvene in Executive Session following the close of the public meeting agenda (see action taken after the 6:00 p.m. 'call to order' as noted above).

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:53 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th day of November, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES

ROCKWALL CITY COUNCIL (SPECIAL MEETING)
JOINT WORK SESSION WITH COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC)
Monday, October 23, 2017 - 6:00 p.m.
Foyer/Main Entry of City Hall
385 S. Goliad Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER (MAYOR PRUITT)

Mayor Pruitt called the public meeting to order with the following members of City Council being present: Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Kevin Fowler and Dennis Lewis. The following members of the city's CPAC were also present: Dale Cherry, Johnny Lyons, Shannon Nerren, Donna Doorman, Bob Wacker, Jerry Welch, and Mike Larriviere. City staff in attendance included Assistant City Managers Brad Griggs and Mary Smith, Director of Parks and Recreation Andy Hesser, City Engineer/Director of Public Works Amy Williams, Senior Planner David Gonzales, Planner Korey Brooks, and City Secretary Kristy Cole. Councilmember Mike Townsend was absent from the entire meeting, and Councilmember Bennie Daniels joined the meeting at 6:27 p.m. (as noted below).

II. INTRODUCTIONS

Mayor Pruitt facilitated introductions of each person in attendance.

III. WORK SESSION

Hold a joint work session with the city's Comprehensive Plan Advisory Committee to discuss and consider the following:

(1) ***the CPAC's recommendations concerning the residential and non-residential policies for the Comprehensive Plan Update.*** The CPAC Chairman, Vice Chairman and Committee members will update the City Council on their recommendations concerning the residential and non-residential policies contained in the current *Hometown 2000 Comprehensive Plan.*

(2) ***the CPAC's recommendations concerning the following sections: (1) Land Use & Growth Management, (2) Environment and Ecology, (3) Parks, Open space and Trails, (4) Infrastructure and (7) Community Character.*** The City Council and CPAC may discuss any of the recommendations to date on the Draft Sections of the proposed Comprehensive Plan Update.

(3) ***the pending sections that will be reviewed by the CPAC in future meetings: (5) Public Health, Services & Safety, (6) Economic Development, (10) Implementation, Appendix 'A' Corridor Plans, and Appendix 'B' Small Area Plans.*** The City Council and CPAC may discuss any of the future sections of the Comprehensive Plan Update.

Chairman of the CPAC, Jerry Welch, kicked off the work session discussions. He briefly explained the new layout of the document, including the new 'look and feel' of the draft

"Land Use and Growth Management Plan." He inquired as to what the city's ultimate goal is with regards to residential housing. He went on to share some statistics he recently gathered, indicating that last month, the average home in Rockwall sold for $312,922, and that the average selling price of a home in months prior to that was roughly $335,000. He pointed out that an estimated 80% of Rockwall residents leave the city to go to work daily, and a lot of non-city residents commute into Rockwall to work daily. Mr. Welch pointed out that the city council did recently approve two large apartment complexes to be constructed. General commentary ensued pertaining to the concept of "affordable housing," especially for millennials or those who grew up here, go away to college and then want to return to Rockwall afterwards. Mr. Welch shared that the millennial generation like "community." They want to park in front of their homes in order to get to know their neighbors; however, they also want large backyards in case they want to build a swimming pool. The topic of "apartment housing" was generally discussed. The topic of "senior aged" individuals was also talked about (i.e. those who are older, retired and want to live close to their grown children and grandchildren but do not want to spend $350k+ for housing).

Bennie Daniels arrived at this point in the meeting (6:27 p.m.).

It was pointed out that if all of the apartments that have so far been approved for construction in the city were actually all built, then that number of apartment units would make up a large percentage, overall, of the residential housing in the city.

Discussion took place pertaining to garages (i.e. "front entry" vs. "j-swing" and the associated, necessary setbacks). The depth of garages was also discussed since, as Mr. Welch pointed out, a lot of residents are unable to park their larger vehicles (i.e. Pickup trucks) in garages because the garages, in a lot of cases, are too small to accommodate such larger vehicles. The topic of setbacks, alleyways, streets and sidewalks was also discussed from the perspective of the number of linear feet of concrete that the city would have to maintain in the various instances.

It was pointed out that Comp Plan draft calls for developers to be limited to a maximum of 20% front entry garages. Also, the new draft plan incorporates an additional 5' of front setback space associated with placement of the house so as to allow a longer front driveway (so that the tail ends of cars are not protruding out into the streets).

Requiring culverts versus "curbs and gutters" was also generally discussed as well as requirements pertaining to installation of sidewalks. Mr. Welch pointed out that the city has always seemed to promote the creation of a "walkable community," and he feels that residential sidewalks may be a necessary component to achieving that goal.

The draft of the "Future Land Use Plan" was also discussed, including current versus proposed densities for residential developments.

The downtown area was also discussed, including if the city is trying to encourage higher density, mixed use developments in the future. The thought is that perhaps this type of development may not be achieved unless a developer was to tear down existing, old, historic structures.

It was pointed out that millennials want to be able to live in a place where they can walk to work, to entertainment and to restaurants (i.e. The Shops at Legacy in Plano). It was

suggested that The Harbor might be a good place for this type of development in the future. Also, a couple of the members of the CPAC suggested that the east side of the city (to the east of John King Blvd.) may be a good area for future entertainment-type development to occur (i.e. A movie theater). Mr. Wacker expressed the belief that The Habor could, in time, become too congested and perhaps residents would enjoy alternative areas within the city for entertainment.

Brief discussion took place pertaining to the TX Alcoholic Beverage Commission's (TABC's) rules regarding 'open containers' as well as the city's 51%/49% rule regarding the ratio of food-to-alcoholic beverage sales. The mayor pointed out that the reason the city has that rule is because that is what voters approved when alcohol sales were first voted on. He went on to explain that, in order to change this, it would require a additional citywide election. Then, if it were to be approved in an election, doing away with the 51%/49% 'rule' would open up the door for bars to come into the city. Mayor Pruitt pointed out that the City of Frisco somewhat recently had one such election after a local food service establishment successfully petitioned for an election to be called. He indicated that the election in Frisco to essentially "allow bars" then notably failed.

Mr. Welch went on to share that the draft plan aims, in part, to drastically simplify how requirements are worded and explained within the plan.

General discussion took place pertaining to the progress that the CPAC has made so far and how much more work it may have left still to complete. Mr. Miller shared that there are 15 more districts for which plans need to be written. There's also a public safety section and economic development section left to be reviewed as well as a few other things. Mr. Welch shared that the committee's goal is to be finished with its work by the end of this calendar year.

CPAC members thanked the city's planning director and staff members for all of their work and assistance throughout this process.

Brief comments were made pertaining to future traffic planning, especially pertaining to if/when the city may take over SH-205 (Goliad Street). Bike path traffic lanes on roadways were briefly mentioned as part of this discussion.

CPAC member Johnny Lyons shared that he hears of a lot of citizens inquiring about the possibility of the city getting a notable sports complex of some sort in the future. Mayor Pruitt shared that, as a whole, he believes that the city council will likely agree to call a bond election during the next city election; however, he explained that said bond election will likely strictly focus on streets and street-related improvements. He indicated an apprehension for going to the voters with a large, laundry list of costly bond-related projects, including a sports complex.

Mr. Wacker briefly commented that he wonders if having cultural improvements, such as theaters or art centers, might be appealing to residents.

No formal action was taken by either the City Council or the CPAC as a result of these work session discussion items.

IV. ADJOURNMENT

Mr. Welch thanked the City Council for its time, attention and discussion of these matters. Mayor Pruitt thanked the various members of the CPAC for their hard work and dedication to review of these plans.

Mayor Pruitt then adjourned the meeting at 7:22 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th day of November, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 06, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session with Schuler Development regarding existing 380 development agreement with Murphy Building Limited within the medical district area (near FM 3097/Horizon and Tubbs Road)

Mr. George Schuler came forth and provided brief, introductory comments to the Council concerning this work session item, indicating that this is the first time he has participated in a work session where he has talked about the future without yet knowing exactly what he would like to propose. He went on to explain that his company began bringing developments into Rockwall twenty years ago, and he shared a little about each one of those previous projects. Regarding the hospital development, he explained that there was some leftover land, and his company entered into a 380 development agreement with the City pertaining to enhancing the park land. There has been a notable increase in interest pertaining to this property over the course of the last twelve months, and he believes that we could become a regional medical facility for the Metroplex. He explained that his company has retained two architectural firms to evaluate the market and to come up with some ideas about developing this land.

Jim Mirra
2116 North Haskell
Dallas, TX

Mr. Mirra explained that they have about 17.5 acres that is entitled for building up to about 850,000 square feet. A couple of architectural firms have been hired to come in and look at this property. He shared some ideas about enhancing the area, in part with the park and a trail system and optimizing the adjacency to water. The area could consist of multiple buildings of varying heights and sizes as well as structural parking. Mr. Mirra generally explained that he would like to receive some feedback from the Council so that both parties may begin looking into more concrete details related to a 380 agreement.

Mayor Pruitt asked what the current status is of the 380 agreement. Mr. Crowley went on to explain that a previous city council initially entered into this 380 agreement with various things in mind. However, he and the mayor acknowledge that a lot has changed

over time. Mayor Pruitt expressed that there has been a shift over the years in the way the Council views private / public relationships.

Mr. Schuler explained that the original 380 agreement was done almost out of necessity. His company has had a very longstanding, positive relationship with the city, and at the time, the city had a need for additional parking at Fox Chase Park. So his company leased the land to the city for $1 / year. Furthermore, the city took land as part of the 380 agreement, and Mr. Schuler's company agreed to build a large parking lot, which would enhance parking for the park.

Following various comments, Mayor Pruitt indicated that he and the Council will appreciate some time to contemplate this topic before placing it on a future council meeting agenda for further consideration. Council took no action as a result of this work session item.

2. Hold work session to discuss possible waiver of water and wastewater impact fees and engineering inspection fees related to construction of off-site infrastructure improvements for a multi-family apartment complex

Assistant City Manager, Mrs. Smith shared that staff met with the developer and its representatives this past Friday. In general, she indicated that the developer seems to have gained a better understanding of the impact fees that will need to be paid and how those fees will be paid over time (on a pro rata basis when future development occurs and ties into the line). The mayor clarified that the developer will build the entire line to the city's engineering specifications.

It was clarified that the city will pay out no money at any point in time in association with this development and the required utility-related infrastructure. Councilmember Daniels shared that he is not in favor of this multifamily development to begin with.

City Manager Rick Crowley went on to share that it is his belief that the developer will not be continuing his efforts to get impact fees waived. So, the next thing the Council will see is an agreement come forth pertaining to this topic. The Council took no action concerning this work session item at this time.

3. Hold work session to discuss the city's Hotel Occupancy Tax (HOT) program as related to a Convention & Visitor's Bureau (CVB)

Councilmember Townsend shares that he currently serves on the Council's HOT funding subcommittee. He commented that there is no rush for making any concrete decision on how to handle HOT funding in the future moving forward. He explained that after the first of each calendar year, projections are made for the estimated amount of HOT funding that the city may collect throughout the year.

Councilmember Macalik indicated that when she worked at The Chamber of Commerce, hundreds of phone calls per year would come in from individuals or businesses that wanted to host a conference in the city. The Chamber would just refer such calls to The Hilton hotel, as it is the only venue that can accommodate a conference involving 500-600 people. She generally expressed support for further evaluating the future of HOT funding, especially pertaining to the creation of a Convention and Visitor's Bureau.

Councilmember Hohenshelt asked what the funds may be spent on, legally. Mr. Garza, the city's legal counsel, shared that the funds may be utilized for a number of things

generally pertaining to attracting and promoting "tourism" within the city. He went on to share some specific examples of things for which HOT funds may be utilized.

City Manager Rick Crowley shared that some cities have saved up HOT funding for a long period of time in order to save enough money to fund a CVB building or to help pay for said debt. Other cities have utilized HOT funding to staff and run the operations of a CVB. He pointed out that the mayor requested that this item be brought forth this evening as a work session item in order to begin relevant discussions with the Council concerning the potential, future creation of a CVB and possible changes related to how HOT funds may be distributed / spent moving forward. The mayor expressed that he feels this is a very important topic to address, and it is important that the Council get a handle on how these issues should be handled in the future.

Mrs. Smith shared that the state has put together a new reporting framework, and the city must soon begin reporting to the State on how HOT funds were spent during the previous year. She generally expressed that the state's new reporting requirements do not exactly make logical sense.

Councilmember Daniels expressed that he wonders what benefit(s) the average taxpaying resident may realize as a result of HOT funding and how those funds are spent.

Mayor Pruitt concluded that the Council's HOT Funding subcommittee will further look into this topic and will come back to the Council at a later date with some possible options.

4. Hold work session to hear update regarding the following departmental strategic business plans: (1) Planning and Zoning; (2) Building Inspections/Neighborhood Improvement Services; (3) Parks and Recreation (4) Animal Services; and (5) Fire Marshal

Planning Director Ryan Miller briefed the Council on various accomplishments pertaining to the Planning & Zoning's strategic business plan as well as some initiatives that are yet to be completed.

Building Official Jeffrey Widmer came forth and updated the Council concerning the Building Inspections/Neighborhood Improvement Services strategic goals and recent related accomplishments.

Andy Hesser, Director of Parks & Recreation and Animal Services, provided a brief update to Council concerning progress on the various strategic initiatives pertaining to these departments.

Indication was given that an update pertaining to the strategic planning initiatives for the Fire Department, including the Fire Marshal Division, will be brought forth to the Council at a later date.

Council took no action concerning this work session item.

5. Hold work session to discuss processes and procedures related to City utility bills and dispute resolution.

Mayor Pruitt indicated that he will postpone this work session discussion item until the 6:00 p.m. portion of tonight's meeting. He pointed out that some individuals on social media had indicated a desire to hear and voice input on this item.

Mayor Pruitt read the below listed discussion items into the public record before recessing the meeting to go into Executive Session at 5:18 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Board of Adjustments and the Rockwall Economic Development Corporation (REDC) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

The mayor and council adjourned from Executive Session at 5:50 p.m.

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

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt made a motion to move Peter Flores from an "alternate" board member to a regular, voting board member on the city's Board of Adjustments and then appoint David Lowrey to an "alternate" board member. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

(Note: It is understood that Flores' term will expire in August of 2019 and Lowrey's term will expire in August of 2018).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VIII. PROCLAMATIONS / AWARDS

1. Recognition of Police Captain Ed Fowler's graduation from the FBI National Academy

Mayor Pruitt called forth Captain Edward Fowler and read and presented him with this proclamation. His family then came forward, and Captain Fowler introduced them. Police Chief Riggs thanked his family for always supporting him in his law enforcement career.

2. Recognition of Police Lieutenant David Valliant's graduation from The Police Executive Research Forum's (PERF) Senior Management Institute for Police

Mayor Pruitt read and presented Lt. Valliant with this proclamation in recognition of his recent graduation from PERF. Police Chief Riggs then read a statement and generally thanked Lt. Valliant and all the other individuals who dedicate their lives and career to the 'noble cause' of law enforcement.

3. GIS (Geographic Information Systems) Day

Mayor Pruitt called forth Lance Singleton, GIS Manager, and Lindsay Gnann, GIS Technician. He then read and presented the proclamation for GIS Day, inviting all members of the public to attend the annual GIS Day on November 15.

IX. OPEN FORUM

Richard Langley
2401 Sandstone Court
Rockwall, TX

Mr. Langley came forth and shared that there are many reasons why he lives in Rockwall. He enjoys the local YMCA, and he thanked the Council for its support of the YMCA. Mr. Langley then congratulated the city on its recent appointment of Kenneth Cullins as the city's new fire chief. He indicated that he believes Chief Cullins is a man of immense integrity, and Rockwall is lucky to have him as Fire Chief.

Mario Smajli
1422 Murphy Drive
Rockwall, TX

Mr. Smajli came forth and provided comments pertaining to the possibility of Murphy Drive being "pushed through" to provide a connection to the property belonging to the Catholic Church. He expressed that he is against the street being connected / "pushed through." He believes that doing so will diminish property values and will pose safety risks, especially for children who live on and around Murphy Drive within the Waterstone Estates subdivision.

Mayor Pruitt indicated that, at this point, the city manager has met with representatives of the Catholic Church, and he has met with residents who live in and/or own homes in the neighborhood. He assured everyone that the Council will very carefully consider this issue before making any decision, and members of the public will also have an opportunity to come forth and address the Council regarding the roadway as well.

Mayor Pruitt next addressed the following work session item, which was held over from the pre-6:00 p.m. meeting:

Hold work session to discuss processes and procedures related to City utility bills and dispute resolution.

Mayor Pruitt briefly introduced Tom Kula of the North Texas Municipal Water District and Rockwall County Judge David Sweet who were both present in the audience.

Mayor Pruitt then asked Mary Smith, Assistant City Manager, to come forth and speak concerning this work session item. Mrs. Smith provided extensive educational information concerning where the city's water comes from (the N. TX Municipal Water District), the buying and selling of water, water distribution and storage, water and sewer-related staff (including examples of associated job tasks), water and sewer maintenance, and the city's processes associated with reading water meters and calculating monthly charges for customers' bills. She went on to explain how water rates are set and the various 'tiers' associated with said rates. She also explained that the city bills in cycles and customer receive twelve water/sewer bills per year.

Mayor Pruitt indicated that if a customer has an old style, manual water meter, the city will go out, at the customer's request, and install one of the new electronic 'radio' type meters. He explained that the city staff is able to better monitor water usage, including an ability to look at water usage on an hour-by-hour basis and identify trends, with the newer meters. Mayor Pruitt went on to explain that during the last few years, the North Texas Municipal Water District (NTMWD) has had to make some very expensive infrastructure improvements, and those costs have been passed on to water customers. He went on to explain the structure of the NTMWD, including its various member cities. Mayor Pruitt then asked if anyone in the audience would like to come forth and speak.

Terri Nevitt
201 Becky Lane
Rockwall, TX 75087

Mrs. Nevitt came forth and requested that the Council consider restructuring its billing system so that it will not be so adversely impactful to widows and retired residents. She would like the base amount to be set at 5,000 gallons rather than 2,000 gallons. She wonders if there are any checks and balances to ensure that the NTMWD is being responsible with how it spends money on infrastructure to get water delivered to us. She believes there needs to be a more just means by which each member city is charged for the water it buys from the NTMWD. She went on to share examples of past mishaps that have occurred related to the city's "water department." She also expressed distress about lime green spray paint being placed on the curb by where her sewer meter is located.

Wilbur Morgan
429 Park Place Boulevard
Rockwall, TX

Mr. Morgan shared that he and his wife are newcomers to Rockwall, and they had a home built here in the city a few years ago. Mr. Morgan generally indicated that he respects the fact that the water rates have had to increase; however, to his knowledge, he does not recall having ever been formally notified that water rates would be increasing. He went on to share details pertaining to his own, personal monthly water consumption and water

usage over time. He expressed that he would be in favor of strictly having a 'per gallon' charge, citywide for water usage (instead of tiered charges).

Mayor Pruitt offered to Mr. Morgan that Mrs. Smith will contact him to convey additional details to him concerning his particular water meter and water usage.

Joe Lovoi
501 Park Place Boulevard
Rockwall, TX

Mr. Lovoi came forth and explained that he has personally been experiencing high water bills and notable "jumps" in his water bills month-to-month.

Jennifer Drake
205 Darrin Drive
Rockwall, TX

Mrs. Drake shared that she is a local realtor, and her husband works for the water department in the City of Dallas. She shared that she has a lot of clients that are retired and are on fixed incomes, and she believes that those clients as well as a lot of other members of the public are not truly educated on water-related issues. She believes that more education is important. Also, she feels as though city utility billing staff may be able to be more specific with customers who call in, especially pertaining to the question, "do you have a leak?"

Don Donnelly
1611 North Hills
Rockwall, TX

Mr. Donnelly shared that he has a problem with the rude demeanor of some city staff, especially with their questioning if a customer has a leak or is irrigating their lawns. He went on to share his own personal frustrations with some of his past water bills. He would like to standardize the billing cycle. He is okay with the price of water, but he is concerned with the billing cycles and the rates not being fair. When asked if he would have a problem with the city billing on a "per gallon used" rate structure, he indicated that "no." He does feel like those who use an exorbitant amount of water should have to pay more. He has a problem with some bills reflecting four weeks and other bills reflecting five weeks of usage.

Tom Kula, North Texas Municipal Water District, came forth at the request of the mayor to briefly speak concerning water. He shared that he is a resident of Rockwall, and he is a water customer too. He generally explained that water was pretty cheap up until the year 2010. The three things that have caused increases in the price of water include the following: (1) aging infrastructure; (2) regulatory requirements; (3) population growth. The NTMWD provides water to about 1.6 million customers, and the population growth continues. He generally shared that the NTMWD strives to keep water rates as low as possible. He shared that around the year 2012-2013, water rates started notably increasing. This, in part was due to the need to install the new Texoma water pipeline because of the zebra mussels and associated regulatory restrictions that forced this pipeline to have to be installed. He explained that the NTMWD is building an additional water reservoir to keep up with the population growth and demand. Mr. Kula shared that

there is a lot of information available on the NTMWD's website, and he encouraged residents to check it out and/or call the NTMWD offices with any questions.

Mayor Pruitt asked staff to look at a more solid billing cycle (that does not fluctuate) as well as the possibility of establishing a "per gallon usage" rate structure and bring back related information to the Council for consideration at the next meeting.

The Council took no action following discussion of this work session item.

Mayor Pruitt called for a break at 7:47 p.m.

X. CONSENT AGENDA

1. Consider approval of the minutes from the October 16, 2017 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the October 23, 2017 City Council special work session meeting with the Comprehensive Plan Advisory Committee, and take any action necessary.
3. **Z2017-042** - Consider a request by Jay Odom for the approval of an **ordinance** for a zoning change from a Single Family 7 (SF-7) District to a Downtown (DT) District for a 0.21-acre parcel of land identified as Lot D-1, Block 122, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Historic Overlay (HOV) District, addressed as 201 Olive Street, and take any action necessary **(2nd Reading).**
4. **Z2017-045** - Consider a request by David L. and Sue W. Hodgdon for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 12.327-acre tract of land identified as Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 1085 Dalton Road, and take any action necessary **(2nd Reading).**
5. **Z2017-048** - Consider a request by Russell Phillips on behalf of Sandra McMullen for the approval of an **ordinance** for a Specific Use Permit (SUP) for a mini-warehouse facility on an 8.733-acre tract of land identified as a portion of Lot 16 and all of Lot 14, Rainbo Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 Ranch Road, and take any action necessary **(2nd Reading).**
6. **P2017-056** - Consider a request by Rich Houston on behalf of R. Fifty Green Homes, LLC for the approval of an amending plat for Lots 3 & 4, Block A, Solar Village Addition, containing six (6) single family lots on a 2.055-acre tract of land identified as Lots 1-6, Block A, Solar Village Addition, City of 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.
7. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City Manager to execute a Purchase Order for three new trucks in the amount of $95,945 to be funded out of the General Fund, Streets and Drainage Operating Budget, and take any action necessary.

8. Consider approval of Contract Amendments Number Two and Five for the total additional contract amount of $43,305.00 with Freese and Nichols, Inc. from 2015 Street Bonds for the County Line Road Reconstruction Project, and take any action necessary.

9. Consider awarding a bid to My Computer Guy for purchase, installation, and support of information technology data backup and storage solutions in the amount of $97,430 to be funded by the Internal Operations Department operating budget, authorizing the City Manager to execute a contract on the City's behalf, and take any action necessary.

10. Consider approval of the Construction Materials Testing for E. Boydstun Avenue and Throckmorton Street Reconstruction Project and the Stonebridge Lift Station Elimination Project and authorize the City Manager to execute a contract with Braun Intertec Corporation for a total amount of $53,119.00 to be funded by Bond Funds, and take any action necessary.

11. Consider approval of the Squabble Creek Lift Station Improvements Project and authorize the City Manager to execute a contract with Red River Construction Company in an amount of $2,695,930., to be funded by Water and Sewer Bonds, and take any action necessary.

12. Consider authorizing the City Manager to execute an agreement in the amount of $52,339.18 from the Sewer Operations budget, with North Texas Municipal Water District, for the feasibility study to regionalize wastewater system collection in the Lavon Lake watershed, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12). Councilmember Townsend seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM A SINGLE-FAMILY 7 (SF-7) DISTRICT TO A DOWNTOWN (DT) DISTRICT FOR A 0.21-ACRE TRACT OF LAND IDENTIFIED AS LOT D-1, BLOCK 122, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 12.327-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-01 OF THE T. DEAN

SURVEY, ABSTRACT NO. 69, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 17-60
SPECIFIC USE PERMIT NO. S-178

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 8.733-ACRE TRACT OF LAND BEING IDENTIFIED AS A PORTION OF LOT 16 AND ALL OF LOT 17, RAINBO ACRES 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 DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

XI. APPOINTMENTS

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

Mayor Pruitt indicated that there is not a need for this appointment item this evening. So this item was not addressed.

2. Appointment with David Naylor, President/CEO of Rayburn Electric to discuss the City's height limitations for communications towers, and take any action necessary.

Mr. Naylor came forth and explained the nature of this request. Planning Director Ryan Miller provided additional details, generally indicating that accommodating this request will require the need for the Council to direct staff to initiate an amendment to the Unified Development Code (changing the Code from a 125' height restriction to a 320' height restriction). It could also be accomplished through the Council directing the establishment of an SUP process (via a Code amendment).

General direction was given to staff to bring back options for the Council to consider related to a possible amendment to the UDC. No formal action was taken pertaining to this topic at this time.

XII. PUBLIC HEARING ITEMS

1. **Z2017-043** - Hold a public hearing to discuss and consider a request by Austin Lewis of Lewis Real Estate Investments, Inc. on behalf of Stone Creek Balance, LTD for the approval of an **ordinance** amending Planned Development District 70 (PD-70) to incorporate a single-single family

subdivision consisting of 19 single-family residential homes on a 5.28-acre tract of land identified as Tract 2-7 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses, located at the southeast corner of the intersection of Greenway Drive and FM-552, and take any action necessary ***[Request to Postpone to November 20, 2017].***

Mayor Pruitt shared that the applicant is again requesting to postpone this Public Hearing item. He expressed concern about developers repeatedly postponing public hearing items, especially if they are doing so in an effort to avoid receiving comments from the public. Councilmember Lewis shared that there is a time limit of sixty days (60) associated with postponements. City Attorney Frank Garza confirmed that there is a 60 day limit. He pointed out that the city's Planning & Zoning Commission has not yet held a public hearing on this agenda item. So, it is not possible, legally, for the Council to take any action on this tonight since it has to first be heard by the Planning & Zoning Commission, and the Commission has to issue a recommendation to the Council.

The Council took no action concerning this agenda item, indicating that this item will go to the Planning & Zoning Commission for public hearing and recommendation on November 14th, and it will then come to the Council on November 20th. If the developer again requests postponement, then the request will be considered 'automatically withdrawn).

Council asked staff to look into how many times a developer may request postponement of a case / request.

XIII. ACTION ITEMS

1. **Z2017-044** - Discuss and consider a request by Sydney Brown of Godspeed Motors, LLC on behalf of the owner Greg Ollom for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Indoor Motor Vehicle Dealership/Showroom, New and/or Used on a one (1) acre tract of land identified as Tract 5-1 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1785 E. IH-30, and take any action necessary **(2nd Reading).**

Councilmember Townsend moved to approve Z2017-044. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-57
SPECIFIC USE PERMIT NO. S-177

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 FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM LOCATED IN A 2,500 SQUARE FOOT PORTION OF AN APPROXIMATELY 12,500 SQUARE FOOT BUILDING AS INDICATED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE, AND ADDRESSED AS 1785 E. IH-30, SUITE

1, WHICH IS LOCATED ON A ONE (1) ACRE TRACT OF LAND IDENTIFIED AS TRACT 5-1 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2017-046** - Discuss and consider a request by Jim Douglas of Douglas Properties, Inc. on behalf of Isabel Garrett of the McClendon Company for the approval of an **ordinance** for an amendment to Planned Development District 82 (PD-82) for the purpose incorporating an additional 59.065-acre tract of land into the existing single-family development being a 81.49-acre tract of land creating a 140.555-acre tract of land identified as a portion of Tract 8 and all of Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) and Agricultural (AG) District, situated on the west side of Rochell Road south of SH-276, and take any action necessary **(2nd Reading).**

Councilmember Lewis moved to approve Z2017-046. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 82 (PD-82) [*ORDINANCE NO. 16-43*], AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE PLANNED DEVELOPMENT DISTRICT TO INCORPORATE A 59.065-ACRE TRACT OF LAND INTO THE EXISTING 81.49-ACRE TRACT OF LAND, CREATING A 140.555-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 82 (PD-82) AND BEING A PORTION OF TRACT 8 AND ALL OF TRACT 16, OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 3 in favor with 4 against (Townsend, Pruitt, Fowler and Daniels).

3. **Z2017-049** - Discuss and consider a request by John Arnold of the Skorburg Company on behalf of Breezy Hill 405, LTD for the approval of an **ordinance** for a zoning amendment to Planned Development District 74 (PD-74) to amend the concept plan and for the purpose of incorporating changes to the lot composition stipulated by the development standards contained in Exhibit 'C' of Ordinance No. 16-59 for a 405.184-acre tract of land identified as the Breezy Hill Subdivision and situated within 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 **(2nd Reading).**

Councilmember Townsend moved to approve Z2017-049. Councilmember Macalik seconded the motion. The ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74) [*ORDINANCE NO. 16-59*] 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. 16-59, BEING A 405.184-ACRE TRACT OF LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY, ABSTRACT NO. 190, 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 5 in favor with 2 against (Fowler and Daniels).

4. Discuss and consider Hotel Occupancy Tax subcommittee recommendation for funding the Chamber of Commerce request in the amount of $123,380 and Starr Commonwealth conference in the amount of $12,000 and take any action necessary.

Mayor Pruitt indicated that the subcommittee of the Council has reviewed this and has made a recommendation for its approval. So, Mayor Pruitt moved to approve this funding request. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider amending the Article IV, Permissible Uses, of the Unified Development Code to include land use regulations for Food Trucks/Trailers, and take any action necessary.

At its request, Planning Director Ryan Miller provided additional information concerning this topic to the Council (as this topic has been previously discussed at a work session on October 16). Councilmember Townsend generally expressed that he would like to see ordinance provisions that will allow food trucks/food trailers on a semi-permanent basis, but he does not want it to be truly permanent. Councilmember Hohenshelt clarified that Council does not wish to have a permanent food truck/trailer "lot" or location. They would just like to make the permitting process to allow for these types of trucks/trailers while making the process to do so less onerous. Councilmember Townsend wants to be sure that these would be on private property with the owner's knowledge/approval. Brief comments were made pertaining to restroom facilities pertaining to food trucks/trailers. Mayor Pruitt indicated that he feels all of the council members are not necessarily in agreement on how food trucks/food trailers should be handled. Pruitt went on to express that he does not have a problem with the city allowing a food truck lot of some sort as long as it is not near downtown. He does not want to take business away from 'brick and mortar' type restaurants. After lengthy discussion, Council informally directed staff to bring back additional information to Council concerning allowing food trucks / trailers but placing a limitation on them to stipulate that they cannot be parked anywhere within

300' of an adjacent restaurant. Council took no formal action concerning this agenda item at this time.

6. Discuss and consider the preliminary alignment and median openings for Texas Department of Transportation (TXDOT) roadway FM 552, and take any action necessary.

City Engineer, Amy Williams, mentioned that staff met with TXDOT representatives and with the design experts to review the alignment and proposed median openings. TXDOT will hold public meetings on this topic in late January or early February.

Following additional, brief comments, Council took no action concerning this agenda item.

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

1. Departmental Reports
   Building Inspections Monthly Report - September 2017
   Fire Department Monthly Report - September 2017
   Fire Marshal Division Monthly Report - September 2017
   GIS Division Monthly Report - September 2017
   Harbor PD Monthly Report - September 2017
   Internal Operations Department Report - September 2017
   Police Department Monthly Report - September 2017
   Recreation Monthly Report - September 2017
   Rockwall Animal Adoption Center Monthly Report - September 2017
   Rockwall Meals on Wheels Senior Services Quarterly Report
   STAR Transit Monthly Report – September 2017

2. City Manager's Report

City Manager Rick Crowley shared that Veteran's Day is coming up, and there will be various activities related to this holiday throughout the city. Monthly staff reports have been included in Council's meeting packet, and staff stands ready to answer any questions the Council may have. Council expressed no questions concerning the staff reports.

Councilmember Lewis thanked the Fire Department for recently providing "first responder" assistance on a medical related 9-1-1 call. He explained that there was a glitch with the 9-1-1 EMS dispatching system, but our fire department's first responders did respond to the call, and they provided critical life-saving services. He pointed out that the dispatch glitch has since been rectified.

Mayor Pruitt shared that this Thursday evening there will be a Veteran's Day concert held. The Farmer's Market and Scare on the Square were very successful events that were recently held. In addition, a very successful Parks & Rec Halloween event took place at The Harbor. A 5k CASA race was held within the city, and a lot of good things are happening in the City of Rockwall. Video cameras were very recently installed in the council chambers. He pointed out that very soon citizens will be able to watch live video and archived videos of Council meetings and some board/commission meetings.

XV. EXECUTIVE SESSION

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

1. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Board of Adjustments and the Rockwall Economic Development Corporation (REDC) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

Council did not reconvene into Executive Session following the close of the public meeting agenda. See above for action taken as a result of the pre-6:00 p.m. Executive Session.

XVII. ADJOURNMENT

Mayor Pruitt adjourned the public meeting at 8:59 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 20th day of November, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 20, 2017
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and Council Members Mike Townsend, Bennie Daniels, Kevin Fowler and Dennis Lewis. (Councilmember Fowler arrived to the meeting at 4:05 p.m.). Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Councilmember Dana K. Macalik was absent from the entire meeting.

II. WORK SESSION

1. Hold work session to hear update regarding the following departmental strategic business plans: (1) Fire Marshal; (2) Human Resources; (3) Internal Operations; (4) Municipal Airport; (5) Police; and (6) Public Works.

Director of Human Resources, Cheryl Dunlop, began this work session item by briefing the Council on departmental progress associated with the HR strategic plan.

Fire Marshal Ariana Hargrove came forth to brief the Council on progress made pertaining to the Fire Marshal's strategic plan.

Director of Internal Operations, Joey Boyd, briefed the Council on his departments' strategic objectives (Internal Operations (which includes public information/communications) and the Municipal Airport) and associated progress.

Chief of Police, Kirk Riggs, briefed the Council on the Police Department's strategic initiatives and progress recently made concerning those efforts.

Amy Williams, Director of Public Works/City Engineer, briefed the Council on progress made pertaining to her department's strategic initiatives.

Council took no action as a result of the work session discussions. Mayor Pruitt then read the below listed discussion items into the record before recessing the meeting to go into Executive Session at 4:21 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding ballot voting associated with appointments to the Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)

2. Discussion regarding status report on the City's Municipal Court judges pursuant to Section 551.074 (Personnel Matters)

3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically, the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)

4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

The Council adjourned from Executive Session at 5:10 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with 6 of the 7 Council Members being present (Macalik was absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to reappoint Stewart Storms, Rick Carroll and Bob Amick to the Rockwall Economic Development Corporation. Councilmember Townsend seconded the motion, which passed by a vote of 6 in favor with one absent.

(Note: Amick and Storms' reappointments are each for an additional one-year term, expiring in December of 2018. Carroll's reappointment is for a two-year term, expiring in December of 2019).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

VIII. OPEN FORUM

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the November 6, 2017 regular city council meeting, and take any action necessary.

2. **P2017-051** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of BSKJ Development, Inc. for the approval of a preliminary plat for Lots 1-8, Block A, Carrier Drive Business Park Addition being a 17.0-acre portion of a larger 43.851-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within

the SH-276 Overlay (SH-276 OV) District, generally located east of the intersection of SH-276 and John King Boulevard, and take any action necessary.

3. **P2017-052** - Consider a request by Brian Kelly for the approval of a final plat for Lot 1, Block A, Kelly Ranch Addition being a 3.217-acre portion of a larger 9.195-acre tract of land identified as Tract 13-06 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 631 Hanby Lane, and take any action necessary.

4. **P2017-054** - Consider a request by Jim Douglas of Douglas Properties, Inc. on behalf of Isabel Garrett of the McClendon Company for the approval of a master plat for the Terracina Estates Subdivision consisting of 204 single-family lots on a 81.49-acre tract of land identified as Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) for Single-Family 10 (SF-10) District land uses, situated on the west side of Rochell Road south of SH-276, and take any action necessary.

5. **P2017-055** - Consider a request by Jim Douglas of Douglas Properties, Inc. on behalf of Isabel Garrett of the McClendon Company for the approval of a preliminary plat for Phase 1 of the Terracina Estates Subdivision consisting of 110 single-family lots on a 54.995-acre portion of a larger 81.49-acre tract of land identified as Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) for Single-Family 10 (SF-10) District land uses, situated on the west side of Rochell Road south of SH-276, and take any action necessary.

6. Consider a resolution requesting that the City of Dallas expand the take line lease area to add an additional 248.127 acres from the northern lease boundary line to the Collin County boundary line.

7. Consider awarding a bid to VideoTex and authorizing the City Manager to execute a purchase order for a new Audio Video system at the Center in the amount of $33,948 to be funded out of the Recreation Development Fund, and take any action necessary.

8. Consider authorizing the City Manager to approve the Buffalo Creek Parallel Interceptor Phase 1 engineering design with North Texas Municipal Water District in the amount of $777,982.22; to be funded by Sewer bond funds, and take any action necessary.

9. Consider approval of an emergency repair of the sanitary sewer line for the aluminum plant in the amount of $55,161 performed by Double R Utilities to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.

10. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City Manager to execute a Purchase Order for a new truck in the amount of $27,930 to be funded out of the General Fund, Police Administration Budget, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8, 9, and 10). Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Macalik).

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.

Johnny Lyons, 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 agenda. Mayor Pruitt engaged Mr. Lyons and Mr. Miller (Planning Director) in conversation pertaining to Z2017-055. At the request of Councilmember Daniels, Mr. Lyons explained his understanding pertaining to the dissenting votes (1 each) associated with Z2017-051 and Z2017-053 cases. The Council took no action as a result of Mr. Lyons' presentation.

2. Appointment with Chairman of the city's ART Commission to hear update from the Commission and to discuss and consider authorizing the City Manager to execute an artist agreement with Dan Colcer for the installation of a mural located on the west wall of 202 E. Rusk Street (Zanata), situated in the San Jacinto Plaza, downtown Rockwall in an amount not to exceed $6,200.00, and take any action necessary.

David Sweet, Rockwall County Judge and Chairman of the city's ART Commission, came forth and addressed the Council concerning this agenda item. He briefly explained that the Commission is recommending funding $6,200 for placement of a wall mural on the side of the building that is currently occupied by Zanata. Concerns were briefly expressed by Council regarding the existing trash receptacle currently located on the side of the building. Sweet acknowledged these concerns, indicating that the ART Commission has considered this, and it is his understanding that Zanata does plan to remedy the concerns associated with the current trash bin. Following the comments, Mayor Pruitt moved to approve the $6,200 funding request. Councilmember Fowler seconded the motion, which passed unanimously of those present (Macalik absent).

XI. PUBLIC HEARING ITEMS

1. **P2017-053** - Hold a public hearing to discuss and consider a request by Bart Carroll of Carroll Consulting Group, LLC for the approval of a replat for Lots 19, 20 & 21 of the Hidden Valley Estates No. 2 Addition being a 4.716-acre tract of land currently identified as Lot 11 of the Hidden Valley Estates No. 2 Addition, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 1 and 1A Wildbriar Street, and take any action necessary.

Mr. Miller provided brief background information concerning this agenda item, indicating that notices were sent out to residents located within 200' of the subject property. No notices were received back by staff.

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

Councilmember Lewis moved to approve P2017-053. Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of those present (Macalik absent).

2. **Z2017-043** - Hold a public hearing to discuss and consider a request by Austin Lewis of Lewis Real Estate Investments, Inc. on behalf of Stone Creek Balance, LTD for the approval of an **ordinance** amending Planned Development District 70 (PD-70) to incorporate a single-single family subdivision consisting of 19 single-family residential homes on a 5.28-acre tract of land identified as Tract 2-7 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses, located at the southeast corner of the intersection of Greenway Drive and FM-552, and take any action necessary **(1st Reading) [Postponed to December 4, 2017].**

Mayor Pruitt announced that the applicant has requested to postpone this item (again). So, it will be addressed at the December 4, 2017 meeting instead. No discussion or action took place at this time.

3. **Z2017-050** - Hold a public hearing to discuss and consider a request by Jim Albracht of Divine Peace Lutheran Church on behalf of Iris Smith of Rockwall Wedding Chapel for the approval of an **ordinance** for a Specific Use Permit (SUP) for a church in the Downtown (DT) District on a 0.804-acre tract of land identified as Lots 1-3, Block W and Lots 1-4, Block T, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 203 & 305 S. Fannin Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item, indicating that the applicant is seeking an SUP for a church. Notices were sent out to adjacent property owners and nearby homeowner's associations; however, no notices have been received back by staff to date. Brief discussion ensued pertaining to placing restrictions on the SUP to ensure the property wouldn't be utilized for retail or some other use not related to a church at some point in the future.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Mayor Pro Tem Hohenshelt moved to approve Z2017-050. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A CHURCH/HOUSE OF WORSHIP WITHIN A DOWNTOWN (DT) DISTRICT, ON A 0.804-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1-3, BLOCK W, AND LOTS 1-4, BLOCK T, ROCKWALL OT 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 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 (Macalik).

4. **Z2017-051** - Hold a public hearing to discuss and consider a request by Bart Tinsley of Rockwall SIL, LLC on behalf of the owner Don Cameron of Cameron & Cameron for the approval of an **ordinance** for a zoning change from an Agricultural (AG) and Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and memory care facility on a 12.40-acre tract of land identified as Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the west side of T. L. Townsend Drive south of Justin Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were mailed out to adjacent property owners and residents within 500' of the subject property. Eight notices were received back in favor of the applicant's request. The Planning & Zoning Commission has recommended approval of this item by a vote of 6 to 1 (Chodun dissenting).

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Mr. Mike Wallace
6271 Horizon Road
Rockwall, TX

Mr. Wallace came forth and indicated that he has known the Cameron family for years. He's known them to produce developments that are "first class" and are good for the community. He generally urged the Council to pass this item.

Mr. Don Cameron
4090 East FM 552
Rockwall, TX 75087

Mr. Cameron shared that he is a native of Rockwall and has lived here for many, many years. He has seen so many changes in Rockwall, and he has been proud of most of the changes. He indicated that he wants the "highest and best use" for this land because, obviously, he will receive the most money for it if it is truly a "highest/best use." He provided numerous positive comments associated with this request, strongly urging the Council to consider approving this item.

Tim Ohanlon
724 Dane Road
Van Alstyne, TX 75495

Mr. Ohanlon came forth and shared that he is the developer. He provided a brief presentation to the Council concerning this proposal / request. In short, the following is being proposed:

- **Private park with walking paths**
- **28 unit 87,000 square foot memory care facility with 32 beds**
- **144 units on the senior independent living side**

- 3 stories tall
- 62 years old and older
- Meandering walking trail

He generally spoke in favor of this request, asking the Council to approve it.

Dr. David McKeon
4104 Village Drive
Rockwall, TX

Dr. McKeon shared that he and his wife moved to Rockwall in 1982, and he has been a marriage and family counselor in the city for many, many years. He explained that half of his property line abuts this property, so he has a vested interest in what develops on the property. He expressed that this development would likely result in a wall being taken down in favor of a very nice green space instead. So, he and his wife are very much in favor of this development. He believes that the aesthetics of the property will be desirable, and safety related concerns would be negligible. He generally urged the Council to approve this request.

Dr. Bob Green
1732 Baywatch Drive
Rockwall, TX

Dr. Green came forth and shared that he is a business partner of Dr. McKeon, and he too is strongly in favor of this request. He has met with the developer and his representatives, and the interactions have been very positive. He believes this is the best use for this property, and he is in favor of it.

Mayor Pruitt then read brief comments from a local Boy Scout who previously attended a Council meeting and wrote a letter expressing support for Council's approval of this item.

Councilmember Lewis moved to approve Z2017-051. Mayor Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) AND COMMERCIAL (C) DISTRICTS TO A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) TO ALLOW AN AGE RESTRICTED MULTI-FAMILY APARTMENT COMPLEX AND MEMORY CARE FACILITY ON THE SUBJECT PROPERTY, BEING A 12.40-ACRE TRACT OF LAND IDENTIFIED AS TRACT 8 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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.

Councilmember Daniels asked what the average monthly rent may be for these units. Mr. Ohanlon indicated that it will likely be about $1,200-1,400 / month. Daniels expressed that

he has concerns that the multifamily portion would be built and something would happen to inhibit the memory care portion coming to fruition. Mr. Ohanlon shared that both aspects of the development will be built simultaneously.

After these brief comments, the motion to approve this request passed by a vote of 6 ayes with 1 absent (Macalik).

5. **Z2017-052** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from a Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading) [Postponed to December 4, 2017].**

Mayor Pruitt indicated that this item will be postponed until the Dec. 4, 2017 council meeting. No discussion or action took place at this time concerning this agenda item.

6. **Z2017-053** - Hold a public hearing to discuss and consider a request by Kelly Duncan for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 4.60-acre tract of land identified as Lot 3 of the Rolling Meadows Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 2705 Rolling Meadows Drive, and take any action necessary **(1st Reading).**

Mr. Miller provided background information concerning this agenda item. Kelly Duncan is requesting the approval of a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements stipulated Article VI, *Permissible Uses*, of the Unified Development Code (UDC). The subject property is a 4.60-acre tract of land zoned Single-Family Estate 4.0 (SFE-4.0) District. The applicant is proposing to construct an approximately 14-foot tall metal building that will be about 1,092 SF. The proposed accessory building will be located behind the main structure, about 120-feet from the side property line and about 140-feet from the rear property line, and it will have a roll-up door. The applicant has stated that the proposed accessory building will not be used for commercial uses [*i.e. will be used for the storage of personal vehicles and equipment*]. Since, the property does not have a solid fence, the proposed accessory building may be visible from Rolling Meadows Drive; however, other properties located within the subdivision [*i.e. the property adjacent to the subject property*] have a metal accessory. According to the UDC, properties within a Single-Family Estate 4.0 (SFE-4.0) District are permitted one (1) accessory buildings that is a maximum of 2,000 SF. In addition, the UDC states that an accessory building shall be clad with the same materials that are found on the primary structure. In this case, the proposed accessory building conforms to the city's size and height requirements. However, since the proposed accessory building will be constructed out of metal, the applicant is required to apply for a Specific Use Permit (SUP). Mr. Miller explained that the Planning & Zoning Commission has recommended approval of this item by a vote of 6 in favor with 1 against.

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

Following brief comments, Councilmember Lewis moved to approve Z2017-053. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 4.60-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT AND IDENTIFIED AS LOT 3, OF THE ROLLING MEADOWS SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

7. **Z2017-054** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of a text amendment to Article IX, Tree Preservation, of the Unified Development Code [Ordinance No. 04-38] for the purpose of making general corrections and clarifications to the code, and take any action necessary.

Mayor Pruitt indicated that this item will be going back to the Planning & Zoning Commission for it to consider changes that have recently occurred in State law. Therefore, neither discussion nor action took place concerning this agenda item at this time.

8. **Z2017-055** - Hold a public hearing and consider a request by Kevin Hickman of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of an **ordinance** for a PD Development Plan amending Ordinance 13-16 and in accordance with Ordinance No. 10-21, for a 7.344-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and take any action necessary **(1st Reading).**

Mayor Pruitt indicated that Mayor Pro Tem John Hohenshelt will be recusing himself from this agenda item (he has filed an affidavit of recusal with the city secretary).

Planning Director Ryan Miller provided background information concerning this agenda item. On June 17, 2013, the City Council approved a *PD Development Plan* (*Ordinance No. 13-16*) allocating 399 *urban residential* units (*i.e. condominiums*) to the subject property. These units were tied to a concept plan that showed two (2) condominium buildings being constructed on the subject property, one (1) adjacent to Lakefront Trail consisting of 349-units and one (1) adjacent to the Harbor Fountain consisting of 50-units. In addition, the plan indicated two (2) retail/restaurant strip centers would be

constructed adjacent to Lake Front Trail and Harbor Heights Drive. These areas were eventually developed with a hotel (*i.e. Spring Hill Suites*) in 2016. Currently, 928 of the 1,161 *urban residential* units have been allocated by the City Council. This means that there are a total of 233-units unallocated within the district.

The applicant has submitted an application requesting to amend the *PD Development Plan* approved under *Ordinance No. 13-16* for the purpose of allowing an additional 51-units to be allocated to the existing 399-units already entitled on the subject property. According to the applicant's letter, the current owner (*i.e. Rockwall Rental Properties, LP*) will be retaining the proposed building adjacent to the Harbor Fountain and 75 of the 399-units. The remainder of the land and the remaining 324-units are under contract by the applicant. The applicant is requesting that the City Council grant the additional 51-units to increase the overall unit count for the property (*i.e. adjacent to Lakefront Trail*) to 375-units. In addition, the applicant has submitted a concept plan showing that the building would be increased from a four (4) story building to a five (5) story building. The applicant has submitted an updated concept plan that staff has incorporated into the draft ordinance and conformance to this plan is considered to be a condition of approval. Staff should point out that the applicant is showing a parking garage will be added on the subject property that will be intended to serve the adjacent property. This property is currently occupied by a Cinemark Theater, and is owned by the applicant. After reviewing the applicant's case, staff has determined that the request is in conformance with all the requirements of Planned Development District 32 (PD-32) [*Ordinance No. 17-22*]; however, the allocation of any *urban residential* units within Planned Development District 32 (PD-32) is a discretionary decision for the City Council. If approved the total number of unallocated *urban residential* units would be decreased to 182-units.

Notices were mailed out to all property owners and residents within the entire PD as well as those located within 500' of the subject property. In addition, the Lakeside Village, Fox Chase and Chandler's Landing homeowners associations were also notified. The Planning & Zoning Commission has recommended approval of the item. One notice was received back by staff that appeared to be in opposition of the proposed development.

The applicant, Kevin Hickman, came forth to speak at this time. He went on to explain various aspects associated with this request. Mayor Pruitt expressed concern about a previous Council approving Ordinance 13-16 back in 2013, yet no development has occurred since that time. He generally expressed a desire for the developer to move forward with actual construction in a reasonable amount of time following any (potential) Council approval of the request this evening. Extensive conversation took place related to the numbers of allocated units and how approval of this request would affect those numbers. Density was also discussed. Mr. Hickman shared that if this item is approved by Council tonight, his company will make a full commitment to begin breaking ground and start construction in 2019.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time.

Brad Williams
2728 N. Harwood St.
Dallas, TX 75201

Mr. Williams indicated that he represents DRZW Holdings – property number 201, which is adjacent to this property. He shared that he is not opposed to this request, and he wants them to be successful with their project too. However, he did let the Council know that if

this request is approved, it is very likely that his client will be coming forward to seek approval for additional / more units as well.

Mr. Bob Wacker
806 Mirimar Drive
Rockwall, TX

Mr. Wacker came forth and provided generally positive comments concerning the development of this area in vicinity of The Harbor.

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

Mayor Pruitt moved to approve the amended PD Development Plan, allocating an additional 26 urban residential units to the existing concept plan (i.e. 425 urban residential units overall), and adding a provision stating that the ordinance could be reviewed on June 1, 2019 for revocation if a building permit had not been issued for the building adjacent to Lake Front Trail (i.e. the building allocated 375 urban residential units). Councilmember Townsend seconded the motion. Following brief comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 11-43 & ORDINANCE NO. 13-16*, PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 10-21*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 7.344-ACRES FOR PROPERTY IDENTIFIED AS LOT 9, BLOCK A, HARBOR-ROCKWALL ADDITION AND TRACT 16 OF THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11, 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 5 ayes, 1 abstention (Hohenshelt), and 1 absence (Macalik).

Mayor Pruitt called for a short break at 7:51 p.m. He reconvened the meeting at 8:05 p.m.

XII. ACTION ITEMS

1. Discuss and consider a request from Russell and Olivia Newsom for a special permit on a front yard fence to be located at 508 Whittle Way, and take any action necessary.

Building Official Jeffrey Widmer came forth and provided background information pertaining to this request. He explained that the applicant would like to build a 42" horizontal 2" wood rail fence within the front yard of the property to provide a safe place for their dogs and future children to play.

Olivia Newsom
508 Whittle Way
Rockwall, TX

Mrs. Newsom came forth and shared that they moved into the house in December of last year, and they have three dogs.

Councilmember Fowler expressed concern about approving this front yard fence because no other homes have one, and he questions what effect it would have on the property values of other homes located on the street.

Following additional, brief comments from Mrs. Newsom, Councilmember Fowler made a motion deny approval of the requested front yard fence. Councilmember Daniels seconded the motion, which passed by a vote of 6 in favor, 1 against (Pruitt) and 1 absent (Macalik).

2. **SP2017-032** - Discuss and consider a request by Deric Salser of Salser Development Group on behalf of Russ Porter of Rockwall School of Music for the approval of an exception to the general commercial minimum masonry requirements in conjunction with an approved site plan for a music studio on a 0.747-acre portion of a larger 2.49-acre parcel of land identified as Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and take any action necessary.

Mr. Miller provided background information concerning this agenda item. The applicant is requesting approval of an exception to the minimum masonry requirements in conjunction with an approved site plan for an approximately 4,000 SF music studio [Rockwall School of Music]. The proposed music studio is situated on a 0.747-acre portion of a larger 2.49-acre parcel of land [*i.e. Lot 9, Block A, Flagstone Corners Addition*], is zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses. It is addressed as 1830 and 1482 Mims Road. On September 5, 2017, the City Council approved a Specific Use Permit (SUP) [*Case No. Z2017-033*] (*SUP No. S-174*) to allow a *music* in Planned Development District 60 (PD-60). Per the approved Specific Use Permit (SUP), the applicant is proposing to construct a six (6)-foot masonry screening wall adjacent to the residential properties located along the eastern and southern property lines. According to the applicant, the building will be designed so that no sound will affect the adjacent residential properties. This is a condition of approval of the approved Specific Use Permit (SUP). The applicant is also required to provide a 20-foot landscape buffer strip adjacent to Mims Road. Exceptions to this requirement may be permitted on a case-by-case basis by the City Council upon submission and approval of elevation drawings of the structure and material samples. In this case, the applicant is proposing to utilize about 63% Hardy Plank on the North Elevation and 54% Hardy Plank on the West Elevation. Although this is considered a discretionary decision to the Planning and Zoning Commission and City Council, the applicant did provide a rendering of the structure with the Specific Use Permit (SUP) which was approved on September 5, 2017. Staff noted that as a condition of approval of the Specific Use Permit (SUP) the building was to generally conform to the elevations in the ordinance. Mr. Miller explained that approval of this request will require a simple majority vote of Council for approval. On October 24, 2017, the Architectural Review Board (ARB) reviewed the submitted building elevations and made recommendation to approve the building elevations with the condition that the stone wainscot be continued around the entire building. The applicant has agreed to this condition. On November 14, 2017, the Planning and Zoning Commission's motion to approve the site plan, deny the exception to the applicant's request for a pre-cast fence, and recommend approval of the exception to the masonry requirements passed by a vote of 7-0.

Councilmember Lewis moved to approve SP2017-032. Mayor Pro Tem Hohenshelt seconded the motion. Following brief comments, the motion passed by a vote of 5 ayes, 1 nay (Daniels) with 1 absence (Macalik).

3. **SP2017-035** - Discuss and consider a request by Johnathan Kerby of Kimley-Horn & Associates, Inc. on behalf of Harold E. Weinberger & Elana Kroll for the approval of a site plan for a retail/restaurant strip center on a 1.6123-acre parcel of land identified as Lot 2, Block A, Rockwall Market Center East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 819 E. IH-30, and take any action necessary.

The applicant is requesting approval of variances associated with an approved site plan for an approximately 10,250 SF retail/restaurant strip center [Rockwall Market Center East]. The proposed restaurant/retail strip center is situated on a 1.6123-acre parcel of land [i.e. Lot 2, Block A, Rockwall Market Center East Addition] and is zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, and is addressed as 819 E. IH-30. Currently, there is a restaurant [previously Johnny Carinos] situated on the subject property that will need to be demolished to develop the property. The proposed restaurant/retail strip center will consist of a retail suite that will be approximately 3,000 square feet (SF), a second retail suite that will be approximately 2,500 SF, and an approximately 4,750 SF restaurant with a drive-through. Mr. Miller went on to explain various aspects of the applicant's request, including variances that are being sought. The Planning & Zoning Commission has recommended approval of this request by a vote of 7-0.

Johnathan Kerby of Kimley-Horn and Associates came forth and shared that, although the applicant does not currently have a contract with anyone in particular, the drive-thru restaurant would likely be similar to a Jason's Deli or a Macalister's Deli. As far as the retail portion, he does not believe any contracts are in place with any retailers in particular.

Councilmember Lewis moved to approve the landscape 25' buffer and minimum stone requirement variances. Mayor Pro Tem Hohenshelt seconded the motion. After brief comments, the motion passed by a vote of 6 ayes with 1 absence (Macalik).

Councilmember Lewis moved to approve the variances associated with the vertical and horizontal articulation requirements. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

4. Discuss and consider directing staff to amend Section 6.2, Public Hearing Postponement, Recess, and Continuations, of Article II, Authority and Administrative Procedures, of the Unified Development Code for the purpose of changing the postponement procedures for public hearing cases, and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item. He generally explained that this is being brought forth at the request of Council. This affects procedures for public hearings, reducing down the amount of time an applicant can request postponement of a public hearing from 60 days to 30 days. This effectively means that they can only request postponement twice rather than four times. Following brief comments, Mayor Pruitt made a motion to direct staff to move forward with the process associated with approval of this draft ordinance. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

5. Discuss and consider directing staff to amend Section 2.1.11, Utilities, Communications, and Transportation, of Article IV, Permissible Uses, of the Unified Development Code for the purpose of changing the antenna standards to allow replacement telecommunications towers in excess of 125-feet by Specific Use Permit (SUP), and take any action necessary.

Mr. Miller explained that at the last council meeting, a representative from Rayburn Electric came forth asking for a replacement telecommunications tower that is taller than what is allowed by the city. This text amendment to the Code will allow for the Council to consider approving taller replacement towers through an SUP process in certain zoning districts within the city (in heavy commercial, light industrial and heavy industrial districts).

Councilmember Lewis moved to direct staff to direct staff to amend Section 2.1.11, Utilities, Communications, and Transportation, of Article IV, Permissible Uses, of the Unified Development Code for the purpose of changing the antenna standards to allow replacement telecommunications towers in excess of 125-feet by Specific Use Permit (SUP). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

6. Discuss and consider directing staff to amend Article IV, Permissible Uses, of the Unified Development Code for the purpose of allowing food trucks/trailers in various zoning districts with special provisions, and take any action necessary.

Mr. Miller shared that staff has taken into consideration the input given by Council at the last meeting. Staff is now looking for formal direction from the Council concerning potentially moving forward with making amendments to the UDC. Following brief comments, Mayor Pruitt moved to instruct staff to move forward with the process associated with making this ordinance amendment. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

7. Discuss and consider Construction Manager at Risk Contract with Dean Construction for the SH 66 boat ramp improvement project, and take any action necessary.

Councilmember Townsend authorized staff to move forward with executing a Construction Manager at Risk Contract with Dean Construction for the SH 66 boat ramp improvement project. Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

8. Discuss and consider appointment to the city's Park Board, and take any action necessary.

Councilmember Townsend moved to appoint Fran Webb to serve on the city's Park Board. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

(Note: this is to fill a vacancy that will be left by outgoing board member, Bob Lewis, who "termed out" in August 2017. Mrs. Webb's initial term will run through August of 2019.)

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 ballot voting associated with appointments to the Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)
2. Discussion regarding status report on the City's Municipal Court judges pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically, the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

The Council did not reconvene in Executive Session following the close of the public meeting. See noted action taken above at the start of the 6:00 p.m. meeting.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:33 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 4th day of December, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 04, 2017
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were Assistant City Managers Mary Smith and Brad Griggs, and the city's legal counsel, Patrick Lindner.

II. WORK SESSION

1. Hold work session to hear update regarding the following departmental strategic business plans: (1) Administration and (2) Finance.

City Manager Rick Crowley came forth and briefed the Council on the update pertaining to the Administration Department's strategic plan. Assistant City Manager Mary Smith updated the Council on the Finance Department's strategic plan. The Council took no action as a result of this work session item.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session (at 4:15 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding annexation procedures concerning possible annexation requests under SB006 pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).
3. ***Pulled from Public Meeting Agenda*** **- Public Hearing #3. Z2017-054** - Hold a public hearing to discuss and consider the approval of an ordinance for a City initiated zoning request for the approval of a text amendment to Article IX, Tree Preservation, of the Unified Development Code [Ordinance No. 04-38] for the purpose of making general corrections and clarifications to the code, and take any action necessary (1st Reading). (pursuant to Sec. 551.071, Consultation with Attorney).
4. ***Pulled from Public Meeting Agenda*** **- Action Item #1.** Z2017-055 - Discuss and consider a request by Kevin Hickman of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of an ordinance for a PD Development Plan amending Ordinance 13-16 and in accordance with Ordinance No. 10-21, for a 7.344-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District,

located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and take any action necessary (2nd Reading). (pursuant to Sec. 551.071, Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

The Mayor and Council adjourned from Executive Session at 5:50 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

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

VIII. PROCLAMATIONS / AWARDS

1. Our Lady of Guadalupe Week

Mayor Pruitt invited citizen Adan Tovar forth, as he requested this proclamation. Mayor Pruitt then read the proclamation and presented it to Mr. Tovar.

IX. OPEN FORUM

Mayor Pruitt announced that the city council meetings and some of the other boards/commission meetings are being video broadcasted live on the city's internet. He then explained how Open Forum is conducted and asked if anyone would like to come forth and speak. There being no one wishing to come forth, he then closed the Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the November 20, 2017 regular city council meeting, and take any action necessary.
2. **Z2017-050** - Consider a request by Jim Albracht of Divine Peace Lutheran Church on behalf of Iris Smith of Rockwall Wedding Chapel for the approval of an **ordinance** for a Specific Use Permit (SUP) for a church in the Downtown (DT) District on a 0.804-acre tract of land identified as Lots 1-3, Block W and Lots 1-4, Block T, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 203 & 305 S. Fannin Street, and take any action necessary **(2nd Reading)**.
3. **Z2017-051** - Consider a request by Bart Tinsley of Rockwall SIL, LLC on behalf of the owner Don Cameron of Cameron & Cameron for the approval of an **ordinance** for a zoning change from an Agricultural (AG) and Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and memory care facility on a

12.40-acre tract of land identified as Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the west side of T. L. Townsend Drive south of Justin Road, and take any action necessary **(2nd Reading)**.

4. **Z2017-053** - Consider a request by Kelly Duncan for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 4.60-acre tract of land identified as Lot 3 of the Rolling Meadows Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 2705 Rolling Meadows Drive, and take any action necessary **(2nd Reading)**.

5. Consider approval of Contract Amendment Number Six for the total additional contract amount of $25,220.00 with Freese and Nichols, Inc. for the County Line Road Reconstruction Project, and take any action necessary.

6. Consider authorizing the City Manager to execute a proposal with KORGROUP to perform right of way appraisal services for the County Line Road project, and take any action necessary.

7. Consider authorizing the City Manager to execute a median landscape maintenance agreement between the City of Rockwall and the Caruth Lakes Homeowners Association, and take any action necessary.

8. Consider approval of an interlocal agreement with Rockwall County pertaining to "No Refusal Weekends" for 2018 and associated municipal court judge services, and take any action necessary.

9. Consider approval of a resolution providing for the casting of votes and submission of the official voting ballot to the Rockwall Central Appraisal District (CAD) for the 2017-2018 appraisal district board of directors, and take any action necessary.

10. **P2017-060** - Consider a request by Clay Cristy of ClayMoore Engineering on behalf of Tim Thompson of CN Rockwall Investors, LLC for the approval of a replat for Lot 4, Block A, Briscoe/Hillcrest Addition being a 0.915-acre tract of land identified as Lot 3, Block A, Briscoe/Hillcrest Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32) situated within the IH-30 Overlay (IH-30 OV) District, located at the southwest corner of Horizon Road [FM-3097] and the IH-30 Frontage Road, and take any action necessary.

11. **P2017-061** - Consider a request by Gerald Monk of Monk Consulting on behalf of Kevin Smart of KSAM Properties for the approval of a replat for Lot 4, Block A, Wal-Mart Rockwall Addition being a one (1) acre parcel of land identified as Lot 2, Block A, Wal-Mart Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 49 (PD-49) for General Retail (GR) District land uses, situated within the SH-66 Corridor Overlay (SH-66 OV) District, addressed as 862 W. Rusk Street (SH-66), and take any action necessary.

12. **P2017-062** - Consider a request by Juan Vasquez of Vasquez Engineering, Inc. on behalf of Don Silverman of Rockwall 205-552, LLC for the approval of

a replat for Lots 4 & 5, Block A, Dalton Goliad Addition being a 5.683-acre tract of land identified as Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northwest corner of the intersection of SH-205 [N. Goliad Street] and FM-552, and take any action necessary.

13. **P2017-063** - Consider a request by David Naylor of Rayburn Country Electric Cooperative for the approval of a replat for Lots 4-7, Block A, Rayburn Country Addition being a 36.042-acre tract of land identified as Lots 1-3, Block A, Rayburn Country Addition and Tract 3-13 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG), Heavy Commercial (HC) and Commercial (C) Districts, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 950 & 980 Sids Road, and take any action necessary.

14. **P2017-064** - Consider a request by Jason and Anna Potts for the approval of a replat for Lot 27, Block C, Harbor Landing, Phase 2 Addition being a 0.69-acre tract of land identified as Lots 20 & 26, Block C, Harbor Landing, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single family detached land uses, addressed as 318, 320 & 322 Portview Place, and take any action necessary.

15. **P2017-050** - Consider a request by Russell Phillips on behalf of Sandra McMullen for the approval of a replat for Lots 22 & 23, Rainbo Acres Addition being an 8.733-acre tract of land identified as a portion of Lot 16 and all of Lot 14, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 Ranch Road, and take any action necessary.

16. Consider amendment of an existing 212 Development Agreement (to correct a missing exhibit) for a 4.264-acre tract of land identified as Lot 1, Block 1, Valk Rockwall Addition, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4028 N. SH-205, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (# 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16). Councilmember Townsend seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-61
SPECIFIC USE PERMIT NO. S-179

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A CHURCH/HOUSE OF WORSHIP WITHIN A DOWNTOWN (DT) DISTRICT, ON A 0.804-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1-3, BLOCK W, AND LOTS 1-4, BLOCK T, ROCKWALL OT 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 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. 17-62

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) AND COMMERCIAL (C) DISTRICTS TO A PLANNED DEVELOPMENT DISTRICT 86 (PD-86) TO ALLOW AN AGE RESTRICTED MULTI-FAMILY APARTMENT COMPLEX AND MEMORY CARE FACILITY ON THE SUBJECT PROPERTY, BEING A 12.40-ACRE TRACT OF LAND IDENTIFIED AS TRACT 8 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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. 17-63
SPECIFIC USE PERMIT NO. S-180

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 4.60-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT AND IDENTIFIED AS LOT 3, OF THE ROLLING MEADOWS SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. APPOINTMENTS

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

Johnny Lyons, Chairman of the Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to items on tonight's council meeting agenda. The Council took no action as a result of Mr. Lyons' presentation.

XII. PUBLIC HEARING ITEMS

1. **Z2017-043** - Hold a public hearing to discuss and consider a request by Austin Lewis of Lewis Real Estate Investments, Inc. on behalf of Stone Creek Balance, LTD for the approval of an **ordinance** amending Planned Development District 70 (PD-70) to incorporate a single-family subdivision consisting of 19 single-family residential homes on a 5.28-acre tract of land identified as Tract 2-7 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District land uses, located at the southeast corner of the intersection of Greenway Drive and FM-552, and take any action necessary **(1st Reading).**

Ryan Miller, Planning Director, briefed the Council on this agenda item, explaining that just prior to the start of the meeting, the applicant submitted a request to withdraw this case/request. However, since it has already been scheduled for a Public Hearing, he explained that he will still proceed with providing a briefing of the request(s).

Mr. Miller explained that the subject property, which was annexed into the City on May 19, 1986 by Ordinance No. 86-37, is located at the southeast corner of the intersection of Greenway Drive and FM-552. It is a 5.28-acre tract of land that is currently vacant, and is zoned Planned Development District 70 (PD-70). On September 6, 2017, the applicant submitted an application requesting to amend PD-70 [Ordinance No. 09-44] for the purpose of incorporating a single-family subdivision consisting of 19 single-family residential lots. If approved, the amended Concept Plan and development standards will incorporate a designation for the proposed 19 single-family homes as the Common Ground Subdivision and the proposed 19 lots will count against the total 918 single-family lots currently permitted by PD-70. The current Concept Plan designates the subject property for 11 of the Type 'E' lots (i.e. 70' x 120'), which means that the applicant's request will increase the number of lots on the subject property by eight (8) lots. He referred to this as a "micro subdivision" or a "pocket subdivision." The applicant is asking to use 100% cementous material, which is contrary to the city's requirements. The applicant is asking for a deviation on the (otherwise) required lot size (these would be smaller than "zero lots"). Also, all property is typically required to front a public roadway; however, these lots would front onto a private drive. These would be individually platted lots that would essentially 'float' within a larger, platted lot. The density would be 3.4 units per acre, which falls within a "high density residential" designation.

Notices were sent out to all homeowners and property owners located within the Stone Creek subdivision as well as to residents located within 500' of the neighborhood. In total, 888 notices were sent out. Several HOAs were also notified. Five notices were received back in favor, 15 were received back in opposition, and one notice was received back that indicated "neutrality" as far as support for this request. The Planning & Zoning Commission has recommended denial of this request. As such, its approval will require a ¾ majority vote of Council.

Mayor Pruitt moved to deny the applicant's request to allow the applicant to withdraw the request and to instead move forward with holding the public hearing. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pruitt then opened up the public hearing, asking if anyone would like to come forth and speak.

Bob Wacker
309 Featherstone

Mr. Wacker expressed that he understands the Planning & Zoning Commission's decision to recommend denial of this request. He provided brief comments pertaining to density. He complimented the Council and Planning & Zoning Commission for the great job they do on behalf of the community.

Shirley Smith
609 Amherst
Rockwall, TX

Mrs. Smith shared that she is concerned about this development because all of the homeowners would be sharing a common front yard. She shared that she would not buy a house without knowing what the other homes will look like if she were going to be sharing a front yard with them.

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

Councilmember Fowler moved to deny Z2017-043. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **Z2017-052** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading).** ***[Request to postpone to Dec. 18, 2017]***

Mayor Pruitt indicated that a traffic study is currently being conducted at the request of the Planning & Zoning Commission concerning this agenda item. As a result, this public hearing will be postponed until the December 18 regular city council meeting.

3. **Z2017-054** - Hold a public hearing to discuss and consider the approval of an **ordinance** for a City initiated zoning request for the approval of a text amendment to Article IX, Tree Preservation, of the Unified Development Code [Ordinance No. 04-38] for the purpose of making general corrections and clarifications to the code, and take any action necessary **(1st Reading).**

Mayor Pro Tem Hohenshelt moved to send this item back to staff for them to come up with the necessary language that was discussed with the city attorney earlier and that the item then be brought back to the Council for consideration at a later date. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIII. ACTION ITEMS

1. **Z2017-055** - Discuss and consider a request by Kevin Hickman of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval

of an ordinance for a PD Development Plan amending Ordinance 13-16 and in accordance with Ordinance No. 10-21, for a 7.344-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and take any action necessary (2nd Reading).

Mayor Pro Tem Hohenshelt recused himself from this agenda item and filed the appropriate affidavit of recusal with the city secretary.

Mr. Miller shared that this is second reading of the ordinance. He generally explained that staff has made appropriate changes to the ordinance as requested during discussions at the last council meeting. Following Mr. Miller's comments, Mayor Pruitt provided brief comments as well. Mayor Pruitt asked the applicant to come forth.

Kevin Hickman
9474 (indistinguishable street name spoken/given)
Dallas, TX

Russell Phillips
521 Moraine Way
Heath, TX

Mayor Pruitt explained that tonight, the Council will likely remand this ordinance back to the Planning & Zoning Commission for further review. He expressed that the desire of the Council is that the portion of this property located "up the hill" be substantially started and underway by June of 2019 and that the lakeside portion of this project get underway by June of 2020. Otherwise, the original PD numbers will be put back into place. He then moved to remand this item back to the Planning & Zoning Commission. Councilmember Fowler seconded the motion, which passed by a vote of 6 in favor with 1 abstention (Hohenshelt).

2. Discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of Doug Fox of Cornerstone Church for the approval of a variance to the Engineering Standards of Design and Construction to allow the construction of a vertical wall in an easement for the detention system of a church on a six (6) acre parcel of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the 205 By-Pass Overlay (205 BY-OV) District, addressed as 1565 Airport Road, and take any action necessary.

Mrs. Williams, City Engineer/Director of Public Works provided brief comments pertaining to this agenda item, generally indicating that Mr. Mershawn and Mr. Chris Lamb of Lamb Consulting and Engineering are in the audience this evening. Mayor Pruitt asked if either of them would like to speak.

Mr. Chris Lamb
6804 Wilomena
Sachse, TX

Mr. Lamb indicated that he is here to answer any technical questions that the Council may have. There being none, Councilmember Townsend moved to approve the variance request as presented. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
   Fire Department Monthly Report - October 2017
   Fire Marshal's Division Monthly Report - October 2017
   GIS Division Monthly Report - October 2017
   Harbor PD Monthly Report - October 2017
   Internal Operations Department Reports - October 2017
   Parks & Recreation Monthly Report - October 2017
   Police Department Monthly Report - October 2017
   Rockwall Animal Adoption Center - October 2017
   STAR Transit Monthly Report - October 2017
2. City Manager's Report

City Manager Rick Crowley indicated that a benefit run will be held this week by the Rockwall Police Dept. to benefit the Child Advocacy Center of Rockwall County. The Snowball Express will be back at Shenaniganz again on December 11th at 9:30 a.m. Also, the city employee Christmas party will take place the evening of December 11th. Departmental reports have been made available to the Council, and staff is happy to answer any questions that council members may have. There being no questions, Mayor Pruitt complemented the Parks & Recreation Department and all other staff members who were involved in the parade, tree lighting and other festivities that were held in Rockwall this past Saturday. He thanked Mrs. Smith for her assistance with the Kiwanis Christmas Parade. He offered high compliments and gratefulness for all those involved.

XV. EXECUTIVE SESSION

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

1. Discussion regarding annexation procedures concerning possible annexation requests under SB006 pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:38 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18th day of December, 2017.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 18, 2017
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Hohenshelt called the public meeting to order at 4:00 p.m. Present were Mayor Pro Tem John Hohenshelt, Councilmembers Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs and City Attorney Frank Garza. Mayor Jim Pruitt and Assistant City Manager Mary Smith were absent from the entirety of the meeting.

II. WORK SESSION

1. HOLD WORK SESSION TO CONSIDER POTENTIAL CAPITAL IMPROVEMENT PROJECTS ASSOCIATED WITH FUTURE BOND ELECTION

City Manager Rick Crowley came forth and briefed the Council on this work session item, generally indicating that projects for the 5-10 year street, alley and drainage Capital Improvement Program (CIP) need to be identified. He explained that a preliminary formula has been developed and applied to the condition assessment provided by the condition assessment study. We know from the output provided by applying the formula that some adjustments to the formula will need to be made, but at this point, Mr. Crowley explained that Council input is needed before the CIP may be finalized. He went on to indicate that if the Council would like to call a bond election, the February 5, 2018 regular city council meeting date would be a good opportunity to do so, as it falls within the state prescribed timeframe for calling a bond election to be held on May 5, 2018.

Director of Public Works/City Engineer, Amy Williams, came forth and continued briefing the Council on this work session item. She generally explained the results of the street, alley and drainage condition assessment that was recently performed.

At the request of Mr. Crowley, Mr. Garza briefed the Council on the legal parameters associated with that which both city staff members and city council members may share with the public. He generally explained that staff is only allowed to provide factual information. However, Council members are allowed to state their own personal support or non-support for individual bond-related propositions.

Discussion ensued generally related to what projects might be put forth for voter consideration in a bond election as well as the associated, estimated costs and the potential taxpayer and water/sewer rate implications. Generally indication was given that it is likely not viable to issue debt for projects that are more than 10 years 'out.' Mr. Crowley shared his opinion that five years is even more viable. Council generally indicated a desire for staff to research the tax rate of Rockwall's comparable cities. Mayor Pro Tem Hohenshelt shared that for the first meeting in January, he would like staff to bring back two options for the Council to evaluate – a $60 million option showing a 5 year vs. 10 year and a $120 million option with a 5 year vs. 10 year.

Mayor Pro Tem Hohenshelt read the below listed discussion items into the public record before recessing the meeting to go into Executive Session at 4:48 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding City Council's authority to waive state regulations pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

The Council adjourned from Executive Session at 5:14 p.m.

V. RECONVENE PUBLIC MEETING

Hohenshelt reconvened the public meeting at 6:00 p.m. with 6 of the 7 council members being present (Pruitt absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action 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. OPEN FORUM

Mayor Pro Tem Hohenshelt explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time.

Brad Bassett
1592 Sunset Hill
Rockwall, TX 75087

Mr. Bassett came forth and shared comments pertaining to the Council's recent discussion of a possible bond election. He generally expressed concern about the city council potentially not including any parks and recreation-related projects as part of a bond election. He shared that the Park Board (which he currently chairs) often hears from citizens during the Park Board's Open Forum that they would like to see more park-related amenities (such as sports fields, additional parks and parks-related amenities). He asked the Council to consider allowing the Park Board to come forth with some suggestions. Mr. Crowley, City Manager, agreed to work with Mr. Bassett and the Park Board to hold a work session with Council at the next, regular council meeting.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the December 04, 2017 regular city council meeting, and take any action necessary.
2. Consider a recommendation from the City Council Naming Subcommittee honoring Barbara Coleson, and take any action necessary.
3. Consider authorizing the City Manager to execute a contract with Cigna Health and 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 awarding a bid to Maverick Harley-Davidson and authorizing the City Manager to execute a Purchase Order for a new 2018 police pursuit motorcycle totaling $36,090.25 to be funded out of the General Fund, Police Patrol Operations Budget, and take any action necessary.
5. Consider awarding a bid to Waukesha-Pearce and authorizing the City Manager to execute a contract for the purchase and install of stand by power generators at three lift stations totaling $272,377 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.
6. Consider approval of a Facilities Agreement with SWBC Rockwall, LP for the pro-rata reimbursement of expenses associated with the over-sizing of the sanitary sewer line and lift station upgrade expenses associated with this development, and take any action necessary.
7. Consider approval of the Construction Materials Testing for Squabble Creek Lift Station Improvements and the Quail Run and Memorial Gravity Bypass Trunk Sewer Project and authorize the City Manager to execute a contract with Alliance Geotechnical Group for a total amount of $29,365.00 and to be to be funded by the Water / Sewer Bond Funds, and take any action necessary.
8. **P2017-059** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of Russell Hickey of Merritt Capital Partners for the approval of a preliminary plat for an age/restricted senior living community consisting of 47 single-family lots on a 13.031-acre tract of land identified as Lots 5 & 7, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 68 (PD-68), situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of S. Goliad Street [S. SH-205] north of the intersection of S. Goliad Street and Justin Road, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, and 8). Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

X. APPOINTMENTS

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

Chairman of the Planning & Zoning Commission, Johnny Lyons, 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 following Mr. Lyons' presentation.

Mayor Pro Tem Hohenshelt then reordered the agenda to address Z2017-062 (Public Hearing item #3) next.

XI. PUBLIC HEARING ITEMS

1. **Z2017-060** - Hold a public hearing to discuss and consider a request by David Naylor of Rayburn Country Electric Cooperative for the approval of an **ordinance** for a zoning change from Agricultural (AG) District to a Heavy Commercial (HC) District for a 3.227-acre parcel of land identified as Lot 3, Block A, Rayburn Country Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located northeast of the intersection of Mims Road and Sids Road, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information concerning this agenda item. Notices were sent out to 13 property owners and residents located within 500' of the subject property. In addition, a few nearby HOA's were also notified. Staff received one notice back in favor of the request and none in opposition. In addition, the Planning & Zoning Commission has recommended approval of this item.

Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Lewis moved to approve Z2017-060. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A HEAVY COMMERCIAL (HC) DISTRICT FOR A 3.227-ACRE TRACT OF LAND IDENTIFIED AS LOT 3, BLOCK A, RAYBURN COUNTRY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed unanimously of those present (6 ayes with Pruitt absent).

2. **Z2017-061** - Hold a public hearing to discuss and consider a request by Deric Salser of Salser Development Group on behalf of Russ Porter of Rockwall School of Music for the approval of an **ordinance** amending Specific Use Permit (SUP) No. 174 (S-174) [Ordinance No. 17-45] being a 0.747-acre portion of a larger 2.49-acre parcel of land identified as Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant would like the Council to consider granting a waiver to remove the masonry fence requirement and allow the existing landscape screening and wrought iron fence to remain instead. Notices were sent out to property owners and residents located within 500' of the subject property. Of the 92 notices sent, staff has received 3 notices back in favor of the request and 3 notices in opposition of the request. In addition, two nearby HOA's were notified (Lyndon Park and Flagstone Estates), and the city's Planning & Zoning Commission has voted to recommend approval of this item with the caveat that the applicant infill the existing landscaping to ensure that a couple of holes are filled in, and that the landscaping be maintained over time.

Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing.

Mr. Russ Porter, the owner of Rockwall School of Music, came forth and addressed the Council concerning this agenda item. He briefly spoke about the existing wrought iron fence and the row of landscaping shrubs. He expressed that the building has been sound proofed such that music is not even heard within the building from room to room. So, hearing sound coming from the building on the outside, he explained, will not be an issue. He generally requested approval of this request.

Councilmember Fowler brought up a letter written by some of the neighbors, in part, expressing concern that the screening be maintained over time, including if/when drought occurs and/or if and when the property ever sells / changes hands. Mr. Miller assured that the property owner will still be required to maintain the landscaping, including screening, if drought occurs. Also, the SUP would transfer to the new property owner if the use stays the same (a music school). Or, if, for example, it becomes an office building instead, the landscaping and associated buffer would become part of that new SUP as well.

Councilmember Townsend moved to approve Z2017-061. Councilmember Lewis seconded the motion, clarifying that the applicant will be required to fill in the existing bare spots within the shrubs. Councilmember Daniels asked how the shrubs would be maintained if drought occurs. Mr. Miller generally explained that the applicant/property owner could still utilize drip irrigation to water the landscaping and shrubs. In addition, if anything dies, the applicant would be required to replace any dead landscaping. It would become an enforcement issue should that occur.

Kevin Holmes, an individual present in the audience, asked if he may address the Council. Mayor Pro Tem Hohenshelt opened the public hearing back up again.

Kevin Holmes
2647 Waterstone Lane
Rockwall, TX

Mr. Holmes came forth and shared that his property shares a property line with the applicant/subject property. He indicated that as long as the stipulations are enforced (i.e. the landscaping and screening shrubs are maintained), then he is in support of Council approving this request.

Following Mr. Holmes' comments, Mayor Pro Tem Hohenshelt closed the public hearing (again). The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MUSIC STUDIO IN PLANNED DEVEOPMENT DISTRICT 60 (PD-60), ON A 0.747-ACRE PORTION OF A LARGER 2.49-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 9, BLOCK A, FLAGSTONE CORNERS 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 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 (6 ayes with 1 absent (Pruitt)).

Public Hearing item #4 was addressed next by Council.

3. **Z2017-062** - Hold a public hearing to discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Phillip McNeill, Jr. of McNeill Hotel Company for the approval of an **ordinance** for a Specific Use Permit (SUP) for a hotel on a 2.166-acre parcel of land identified as Lot 2A of the Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District, located southwest of the intersection of Summer Lee Drive and Horizon Road [FM-3097], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item, generally indicating that the applicant is proposing a 98 room, four story hotel under the Hilton "True" brand, and this requires approval and issuance of an SUP. He explained that residential and 'extended stay' hotel components would be prohibited. The applicant has indicated that they may, at some point, participate in a "land swap" with the property to the south. If so, they would like the SUP, if it is approved, to be transferred to that property. Thirty-nine notices were sent out to property owners and residents located within 500' of the subject property. In addition, the Lago Vista homeowners association was also notified. Staff received one notice in favor of this request (from the property owner) and no notices in opposition. In addition, the Planning & Zoning Commission has recommended approval of this request.

Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Fowler asked Mr. Cuny to come forth and answer what sort of demand exists for this new hotel.

Chris Cuny
FC Cuny Corporation
2 Horizon Court
Heath, TX

Mr. Cuny shared that three feasibility studies were required to be completed, and all three of them indicate that there is a reasonable demand for an additional hotel. In addition, this hotel will be geared toward millennials. The price point per night will not be

on the high end, nor will it be on the low end – instead, it will be moderately priced. Councilmember Fowler asked if Mr. Cuny anticipates that this will be a "variance heavy" project. Mr. Cuny shared that, no, he does not believe it will be. Councilmember Daniels asked how tall this hotel might be. Mr. Cuny shared that it will be a 98 bed hotel that is about 40-50' tall. Councilmember Daniels expressed concern about a hotel being 70 or 80' tall. He asked Mr. Miller if there is a limitation on how tall this hotel, if approved, can be. Mr. Miller shared that the Council will have a chance to approve a PD development plan, and, within that plan, the Council can place stipulations on height.

Councilmember Fowler moved to approve Z2017-062. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP AND PLANNED DEVELOPMENT DISTRICT 32 [*ORDINANCE NO. 17-22*] TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR A HOTEL WITHIN THE INTERIOR AND RESIDENTIAL SUBDISTRICTS OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) ON A 2.166-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2A OF THE ISSAC BROWN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Public Hearing item #1 was addressed next on the agenda.

4. **Z2017-063** - Hold a public hearing to discuss and consider a request by Jim Douglas of Douglas Properties, Inc. on behalf of Isabel Garrett of the McClendon Company for the approval of an **ordinance** amending Planned Development District 82 (PD-82) for the purpose incorporating an additional 98.341-acre tract of land into the existing single-family development being a 81.49-acre tract of land creating a 179.831-acre tract of land identified as a portion of Tract 8 and all of Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) and Agricultural (AG) District, situated on the west side of Rochell Road south of SH-276, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. He shared that the applicant is requesting to rezone the existing PD to incorporate additional land. The applicant has been able to decrease the overall density from 2.5 units per acre to 1.5 units per acre due to incorporating the area of land that contains the radio towers (98 acres will be dedicated as open space and will incorporate a trail). In addition, the applicant has removed the request for "flat front entry" garages. Instead, the applicant has indicated that 100% of the additional homes that will be constructed will be either recessed or j-swing garages/entries. In addition, the size of the lots nearest Sterling Farms has been increased. This particular proposal reflects an additional 148 single family homes with the existing PD-82, which will result in a total of 352 single-

family homes overall. There will be 69.43 acres of open space, which is about 40% of the total land area contained within the development. The open space will include a public park that contains certain amenities prior to it being dedicated to the city as well as a looped trail in the area of the radio towers. Notices were sent out to residents and property owners located within 500' of the property. A total of 111 notices were sent out, and four notices and one email in opposition to this request have been received by staff to date. In addition, three nearby HOA's were also notified.

Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time.

The applicant came forth to address the Council.

Jim Douglas
Douglas Properties
2309 Avenue K
Plano, TX

Mr. Douglas provided comments pertaining to the portion of the property on which the communication towers sit. He explained that buying the property will allow them to have more control over that area, including keeping it mowed and maintained and providing the potential for a hike/bike trail. Also, an additional playground pavilion will be added. He shared that his request does comply with the city's comp plan, and it does add a considerable amount of additional open space. He showed some visual examples of the proposed pavilion and playground areas as well as examples of what the homes (Bloomfield builders) will look like.

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

Councilmember Fowler asked what the price point of these homes will be. Mr. Douglas shared that the pricing will range from about $270,000 up to $400,000.

Councilmember Lewis moved to approve Z2017-063. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 82 (PD-82) [*ORDINANCE NO. 16-43*], AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE PLANNED DEVELOPMENT DISTRICT TO INCORPORATE A 98.341-ACRE TRACT OF LAND INTO THE EXISTING 81.49-ACRE TRACT OF LAND, CREATING A 179.831-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 82 (PD-82) AND BEING TRACT 3, TRACT 8 AND TRACT 16, OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes, 1 against (Townsend) and 1 absent (Pruitt).

5. **Z2017-064** - Hold a public hearing to discuss and consider a request by Robert Rash for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a detached garage that does not meeting the minimum masonry requirements on a 1.144-acre parcel of land identified as Lot 8, Block A, Grady Rash Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 4 Soapberry Lane, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller explained that this request is to enclose an existing 900 square foot carport with metal panels. He explained that the request had to go through the city's Board of Adjustments in order to have the use changed (to make it 'legally non-conforming'). Sixty-five notices were sent out to residents and property owners located within 500' of the property, and one nearby HOA was also notified. Staff has received four notices back in opposition and four notices back in favor of the request. In addition, the City's Planning & Zoning Commission has recommended approval of this request.

Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time.

Mr. Robert Rash (3 Soapberry Lane), the applicant, came forth and explained that this subdivision only has four homes, and there is no HOA. He shared that he and his neighbors work hard to maintain their little subdivision. He clarified that the building will be 15' tall (not 20' tall as Mr. Miller indicated). He went on to describe what this detached garage will be made out of and generally how it will look.

There being no one else indicating a desire to come forth and speak at this time, Hohenshelt then closed the public hearing.

Councilmember Fowler moved to approve Z2017-064. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 18-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 1.144-ACRE TRACT OF LAND ZONED SINGLE-FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS LOT 8, BLOCK A, GRADY RASH SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 in favor, 2 against (Daniels and Macalik) and 1 absent (Pruitt).

6. **Z2017-052** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)

District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading) [Postpone to January 15, 2017] .**

It was announced that the applicant has requested to postpone this item until the January 16th (not 15th) city council meeting.

7. **Z2017-054** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** amending Article IX, Tree Preservation, of the Unified Development Code [Ordinance No. 04-38] for the purpose of making general corrections and clarifications to the code, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided very brief comments pertaining to this agenda item. The Planning & Zoning Commission has recommended approval of this item. Councilmember Fowler moved to approve Z2017-054. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

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

It was pointed out by the city attorney that the public hearing still needed to be opened and held. Mayor Pro Tem Hohenshelt then opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing. The motion passed by a vote of 6 in favor with 1 absent (Pruitt).

8. **Z2017-056** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** amending Section 6.2, Public Hearing Postponement, Recess and Continuations, of Article II, Authority and Administrative Procedures, of the Unified Development Code [Ordinance No. 04-38] for the purpose of amending the time period for postponing or continuing a public hearing, and take any action necessary **(1st Reading).**

Mr. Miller provided very brief, introductory comments pertaining to this agenda item. Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing. Councilmember Lewis then moved to approve Z2017-056. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 6.2, *PUBLIC HEARING POSTPONEMENT,*

***RECESS AND CONTINUATIONS*, 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 6 ayes with 1 absent (Pruitt).

9. **Z2017-057** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** amending Section 2.1.11, Utilities, Communications and Transportation, of Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of changing the antenna standards to allow replacement telecommunications towers in excess of 125-feet by Specific Use Permit (SUP), and take any action necessary **(1st Reading)**.

Mr. Miller provided brief, introductory comments pertaining to this agenda item. Mayor Pro Tem Hohenshelt then opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing. Councilmember Townsend moved to approve Z2017-057. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 2.1.11, *UTILITIES, COMMUNICATIONS AND TRANSPORTATION*, OF SECTION 2, *USE STANDARDS*, OF ARTICLE IV, *PERMISSIBLE USES*; 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 (Pruitt).

10. **Z2017-058** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** amending Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of creating a land use and use standards for the Food Truck/Trailer land use, and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director, provided brief, introductory comments pertaining to this agenda item. Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time. There being no one indicating such, he then closed the public hearing. Councilmember Fowler then moved to approve Z2017-058. Councilmember Townsend seconded the motion. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 1, *LAND USE SCHEDULE*, AND SECTION 2, *USE STANDARDS*, OF ARTICLE IV, *PERMISSIBLE USES*; 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 (Pruitt).

11. **Z2017-059** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Ed Cavendish Homes/VPS Construction on behalf of Jal Kumar of Rockwall Marina Development, LLC for the approval of an **ordinance** amending Planned Development District 8 (PD-8) [Ordinance No. 92-39] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided introductory comments pertaining to this agenda item. The subject property was annexed into the City of Rockwall and zoned Agricultural (AG) District on October 29, 1973 (Ordinance No. 73-43). On November 12, 1973, the subject property was rezoned to Planned Development District 8 (PD-8) and designated for a Multi-Family Structure or Condominium by Ordinance No. 73-48. This designation was amended on October 19, 1992 by Ordinance No. 92-39 (Case No. PZ1992-008-01), which re-designated the subject property to allow 44 zero-lot-line, single-family homes. The subject property is an un-platted 6.88-acre tract of land located on Henry M. Chandler Drive, adjacent to the Chandler's Landing Marina and the Spyglass Condominiums, in the Chandler's Landing community.

On October 13, 2017, the applicant requested to reinstate the preliminary plat that was approved in 1992 in accordance with Ordinance No. 92-39. This preliminary plat depicted the proposed layout for the 44 zero-lot-line, single-family homes. The Planning and Zoning Commission approved the reinstatement request October 24, 2017; however, the applicant ultimately chose to submit an application on November 17, 2017 requesting to amend Ordinance No. 92-39 to allow for a 48-unit townhome development.

According to the concept plan provided by the applicant the proposed townhome development will consist of 48-single family attached lots that will be broken up into blocks of three (3) to five (5) homes. The development will incorporate approximately 42% open space, the majority of which will be used to create a buffer between the proposed development and Spyglass, Phase 3 (which is located directly east of the subject property). The concept plan also shows that about half of the proposed lots will have front entry garages. The remainder of the lots will incorporate rear entry garages (i.e. accessible from an alleyway). Staff should note that the applicant has requested that the streets be private and maintained by the Homeowner's Association (HOA). Staff has included this condition in the proposed draft ordinance with the stipulation that the applicant provide a 29-foot back-to-back concrete street built to the City's standards. A summary of the proposed density and dimensional requirements for the project were briefly mentioned.

Two-hundred and sixty-nine notices were sent out to residents and property owners within 500' of the property, and the Chandler's Landing and a few other HOAs were also notified. Nine notices and one email, including a letter from the Chandler's Landing HOA, have been received back in opposition of the request.

Mayor Pro Tem Hohenshelt opened the public hearing and asked if anyone would like to come forward and speak at this time.

Ross Ramsay
2235 Ridge Road
Rockwall, TX

Mr. Ramsay came forth and addressed the Council, indicating that he is the architect and is representing the applicant. He shared a drawing with the Council that depicted the lots and layout pertaining to the proposal. He explained that the properties would be individually platted. He also explained that the elevation drops as you head down the hill.

Ed Cavendish
Ed Cavendish Homes
1017 Native Trail
Heath, TX

Mr. Cavendish came forth and further explained some aspects of the proposal, generally explaining that the plan that was approved for zero lots in 1992 did not contain any open space. This current proposal, however, does include open space. He then showed the Council a visual, 3-D depiction of what was approved in 1992 versus what is being proposed today. He went on to speak about the elevations of the property as they pertain to where the first townhome will be placed, including how the view line of the property owners already located above the area will be affected. He went on to show visual renderings of what the proposed townhomes will look like. He also shared a letter of recommendation from an Ebby Halliday realtor as well as sample photos of past custom homes he has constructed in the past.

Scott Mason
275 Henry M. Chandler
Rockwall, TX

Mr. Mason came forth and shared that his property is directly adjacent to the proposed townhomes. He then provided comments pertaining to the proposal, generally expressing concern about the setbacks and the elevations associated with the tops of the rooflines. He shared that he is not absolutely against this request; however, he does have some concerns. He appreciates Mr. Ramsay and Mr. Cavendish working with him and the other existing homeowners located uphill from this proposed development.

Scott Self
319 Harborview Drive
Rockwall, TX

Mr. Self came forth and shared that he represents the Henry M. Chandler Homeowner's Association. He shared that the HOA recently expressed opposition to increasing the density of this particular area of (now) undeveloped land.

Gary Amerson
293 Harborview
Rockwall, TX

Mr. Amerson indicated that he is part of the Environmental Committee of the Henry M. Chandler HOA. He expressed that the environmental committee has also voted to

recommend that the city council not approve this request. They have concerns about the density and the elevations, and both he and the Environmental Committee would like to see this property remain "single-family." He expressed that he and others have concerns about the number of rental properties within the subdivision, which he said is about 30%. So, he would like to see this remain single-family.

Dennis Vierling
1121 Bayshore Drive
Rockwall, TX

Mr. Vierling shared that he owns the property on Bayshore, but he also owns several other properties. He believes that Mr. Ramsay and Mr. Cavendish will work to build something quality and will work to preserve the views. He generally spoke in favor of the request.

Mr. Cavendish came forward again to provide additional comments to Council. He shared details pertaining to about how large, square footage wise, that these homes will be and how much 'green space' will be included.

It was pointed out by Hohenshelt and Mr. Miller that the Planning & Zoning Commission received a case memo that contained a 'typo' which indicated that the number of units approved in 1992 was 44; however, it was really 36 units. Council also received the same 'typo' in its packet / meeting information. Mr. Miller shared that if the Council believes that this error is material enough, then it may wish to remand this back to the Planning & Zoning Commission for further consideration.

Mr. Ramsay again came forth and shared additional comments, generally encouraging the Council to consider moving forth with approval of this request tonight.

Councilmember Daniels shared that he believes the Council should remand this back to P&Z, especially since the information that was provided to the Commission was not accurate when it was initially discussed.

Hohenshelt asked if anyone else would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Daniels moved to remand this item (Z2017-059) back to the Planning & Zoning Commission for further consideration. Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes, 1 against (Lewis), and 1 absence (Pruitt). Councilmember Lewis expressed that he voted against the motion because he was ready to vote on this item tonight.

Mayor Pro Tem Hohenshelt called for a break at 8:03 p.m. Hohenshelt reconvened the council meeting at 8:13 p.m.

XII. ACTION ITEMS

1. **Z2017-055** – Discuss and consider a request by Kevin Hickman of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of an **ordinance** for a PD Development Plan amending Ordinance 13-16 and in accordance with Ordinance No. 10-21, for a 7.344-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development

District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and take any action necessary **(2nd Reading).**

Mayor Pro Tem Hohenshelt indicated that he will be recusing himself from this agenda item (and he has filed an affidavit of recusal with the city secretary). Councilmember Fowler then took over chairing the meeting for the duration of this agenda item.

Planning Director Ryan Miller briefly shared that at the last council meeting, staff was instructed to make certain changes to this item and then take those back to the Planning & Zoning Commission for an additional review. This is technically second reading of the ordinance.

Councilmember Lewis moved to approve Z2017-055. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 11-43 & ORDINANCE NO. 13-16*, PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 10-21*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 7.344-ACRES FOR PROPERTY IDENTIFIED AS LOT 9, BLOCK A, HARBOR-ROCKWALL ADDITION AND TRACT 16 OF THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11, 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 5 ayes, 1 recusal (Hohenshelt), and 1 absent (Pruitt).

2. Discuss and consider approval of a variance request from the Rockwall Housing Authority from the City's Standards of Design and Construction, Section 2.19 (Off-Street Parking) allowing for the asphalt overlay of an existing concrete parking lot, and take any action necessary.

Tony Rios
Executive Director of Rockwall Housing Authority
100 Lake Meadows
Rockwall, TX

Mr. Rios indicated that he is requesting a variance from the Council, explaining that the Housing Authority has taken steps to make several improvements to the property. He would like a variance to do an asphalt overlay to the existing parking lot in an effort to improve the parking lot. He showed photos of a lot of cracks in the existing concrete parking lot at the Housing Authority. He explained that he believes the apartment complex located next door did an asphalt overlay, and it greatly improved their parking lot. So, he is seeking approval of the asphalt overlay as well.

Councilmember Lewis shared that if the existing cracks on the concrete are not addressed before the asphalt is laid (if this even gets approved), then those cracks will eventually reappear within the asphalt. Mr. Rios shared that they plan to make improvements to the parking lot every 4 or 5 years.

Ms. Williams clarified that the property next door to the Housing Authority property did have some asphalt overlaid; however, the existing parking lot prior to the overlay was asphalt to begin with. That property, she said, does have concrete curbs and gutters; however, the existing surface that was overlaid was asphalt. Also, the parking lot where Planet Fitness is located did recently get an asphalt overlay; however, it was also 'existing asphalt.' Ms. Williams clarified that if a property already had asphalt, the property owner can do an asphalt overlay. However, if the parking lot is concrete, it has to be replaced / improved with concrete, per the city's standards.

Councilmember Daniels moved to deny the request to overlay the parking lot with asphalt. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

3. Discuss and consider height and size variance requests associated with the expansion of an existing monument sign located at 3018 Ridge Road, and take any action necessary.

Building Official Jeffrey Widmer came forth and explained that the applicant is requesting variances to both the height and size of a monument sign. The existing monument sign is 82 sq. ft. in size and 7' in height and is in compliance with all other sign ordinance regulations. The applicant desires to expand the sign to an overall size of 150 sq. ft. and height of 12'-10". The applicant states the increase in the size and height is necessary, because of the current limited visibility for Coldwell Banker. He explained that the sign ordinance allows a monument sign to be a maximum of 7' in height and a maximum of 98 sq. ft. in area. He also mentioned that this is a unique request in that he cannot recall any other past sign of this type being approved for this large of a size or height.

Councilmember Daniels shared that he visited the property, and he observed that this sign is actually one of the more visible signs. Some of the other signs are more obscure. He believes that approving this request would open up the floodgates to others coming forth to request larger signs.

The applicant came forth.

Jamie (no last name was stated)
Signature Signs and Graphics
880 E. Ralph Hall Parkway
Rockwall, TX

Jamie pointed out that it is his understanding that the name of the shopping center has to be included at the top of the sign. Mr. Widmer came forth and shared that this sign is not a retail center, but, rather, it is a stand-alone building that contains multiple tenants within the building. So, whether there are 4 or 6 tenants, they would all be required to share the space on the sign. He pointed out that the applicant is willing to remove the "castle" topper on the proposed sign as well as the name of the business center.

Mayor Pro Tem Hohenshelt asked if anyone would like to make a motion. Councilmember Daniels then moved to deny the height and size variance requests. Councilmember Townsend seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

4. **SP2017-039** - Discuss and consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of Russell Frank of Hacienda Car Wash for the approval of variances in conjunction with an approved site

plan for a carwash within the Scenic Overlay (SOV) District on a 2.008-acre tract of land being identified as Lots 1 & 2-01, Block A, the Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located south of the intersection of W. Yellow Jacket Lane and Ridge Road [FM-740], and take any action necessary.

Mr. Miller, Planning Director, provided background information concerning this agenda item. The applicant is requesting approval of variances to the Scenic Overlay (SOV) District standards to allow for not meeting the 20% stone requirement for the rear building elevation and to allow for stucco to exceed the 50% standard as outlined in staff's report and as depicted on the building elevations. The request is in conjunction with an approved site plan and will allow the construction of a single-story, 4,396 SF car wash facilities. The proposed car wash will be situated on a 2.008-acre tract of land identified as Lots 1 & 2-01, Block A, The Woods at Rockwall Addition that is located south of the intersection of W. Yellow Jacket Lane and Ridge Road [*FM-740*], is situated within the Scenic Overlay (*SOV*) District, and is zoned *Commercial* (C) *District*.

On February 6, 2017, the City Council approved a Specific Use Permit (*SUP No. S-162*) [*Ordinance No. 17-09*] to allow for a car wash facility within the Scenic Overlay (SOV) District. The SUP also established operational conditions requiring the car wash tunnel to be setback a minimum of 50-ft from Ridge Road and that the facility is required to provide screening adjacent to the southern boundary (*i.e. Lot 1, Block A, Lakewood Park Addition*) that consists of a wrought iron fence and landscaping. The applicant's site plan meets both of these conditions. Additionally, the SUP stipulates that the development shall generally be in conformance with the concept plan as established in the ordinance. The Architectural Review Board did ask the applicant to tone down the colors some; however, both the ARB and the Planning & Zoning Commission did ultimately recommend approval of this request.

The applicant then came forth:

Russell Frank
2400 S. Goliad
Rockwall, TX

Mr. Frank stood ready to answer any questions of Council; however, none were asked. Councilmember Lewis then moved to approve SP2017-039. Councilmember Townsend seconded the motion, which passed by a vote of 5 ayes, 1 against (Fowler), and 1 absent (Pruitt).

5. **MIS2017-015** - Discuss and consider a special request by Michael Hunter of the North East Texas Community Development Corporation for the approval of waivers to the requirements stipulated for the Southside Residential Neighborhood Overlay (SRO) District to allow the construction of a duplex on a 0.1120-acre tract of land identified as a portion of Lot 4B, Block H, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Multi Family 14 (MF-14) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, located at the northeast corner of Peters Colony and E. Bourn Street, and take any action necessary.

The applicant has submitted a special request for the approval of a deviation from the minimum front yard setback, minimum lot size, a masonry exception, and minimum lot depth for properties in the Southside Residential Neighborhood Overlay (SRO) District as stipulated by the Unified Development Code (UDC). The purpose of this request is to allow for the subject property to platted as shown the by the ownership lines

depicted on the Rockwall County Appraisal District (RCAD) website. The purpose for the replat is for the construction of a duplex. The property is situated at the northeast corner of Peters Colony and E. Bourn Street.

The concept plan submitted by the applicant shows that the subject property will have a duplex oriented toward Peters Colony. The applicant is requesting a special exception to the minimum front yard setback adjacent to Peters Colony to reduce it from 20-feet to 15-feet. The applicant is also requesting a special exception to the minimum lot size to allow a reduction from 5,000 SF to 4,896 SF. Additionally, the applicant is requesting a masonry exception to allow 60% Hardi Board (or other similar cementaceous material) instead of the 50% maximum allowed for properties located in the Southside Residential Overlay (SRO) District. Finally, the applicant is requesting a special exception to the minimum lot depth to reduce it from 100-feet to 70-feet. Staff should note that a duplex is allowed by-right in a Multi-Family 14 (MF-14) District.

The Southside Residential Overlay (SRO) District was created to provide flexibility necessary for allowing infill and redevelopment of the Southside Neighborhood. According to Subsection 6.4, *Southside Residential Neighborhood Overlay (SRO) District,* of Section 6, *Overlay Districts,* of Article V, *District Development Standards*, of the Unified Development Code (UDC), residential properties located within the Southside Residential Neighborhood Overlay (SRO) District are subject to certain development standards. The City's Planning & Zoning Commission did recommend approval of this request by a vote of 4 in favor with 2 against.

Following a few, brief questions, Councilmember Fowler moved to approve MIS2017-015. Councilmember Lewis seconded the motion, which passed by a vote of 5 in favor, 1 against (Macalik), and 1 absent (Pruitt).

6. Discuss and consider adoption of a resolution setting solid waste collection rates, and take any action necessary.

Mr. Crowley shared that the existing contract with Republic Waste allows for various opportunities to request rate increases during the contract length. The resolution reflects a 3% increase, which will result in an increase of about a .42 cents per month for residential customers.

Mr. Rick Bernas with Republic Services came forth and provided one, brief comment, generally indicating that his company is requesting the annual 3% increase, which can occur each January, per the contract terms. Councilmember Fowler then moved to approve the resolution. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

7. **MIS2017-016** - Discuss and consider a special request by Steven J. Goldberg of Cogent Realty Advisors, LLC for the approval of waivers to the requirements stipulated for the Southside Residential Neighborhood Overlay (SRO) District to allow the construction of two (2) single-family homes on a 0.310-acre tract of land identified as Lots 33 & 34, Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, located at the southeast corner of Emma Jane Road and Sam Houston Street, and take any action necessary.

Mr. Miller, Planning Director, provided background information concerning this agenda item. On November 28, 2017, the Planning and Zoning Commission recommended denial of a request for approval of a deviation from the minimum front yard setback, minimum lot depth, and minimum lot size for the purpose of constructing three (3)

single-family homes. After the Planning and Zoning Commission's recommendation, the applicant chose to withdraw the request. Since that time, the applicant has changed his request and is seeking approval of a deviation from the minimum front yard setback stipulated for properties in the Southside Residential Neighborhood Overlay (SRO) District as stipulated by the Unified Development Code (UDC). The purpose of this request is to allow for the subdivision of three (3) tracts of land into two (2) lots for the construction of two (2) single-family homes. According to the applicant, the lots were purchased after reviewing the ownership lines depicted by the Rockwall Central Appraisal District (RCAD), which makes the properties appear to be in three (3) parcels of land; however, two (2) of the properties were subdivided by metes and bounds, and these lots are not buildable in their current format (i.e. they do not meet the lot depth and lot size requirements). In addition, the lots are currently platted into two (2) lots. Staff should note that this property is located within the Southside Residential Neighborhood Overlay (SRO) District, which allows for less restrictive development standards than a typical single-family, residentially zoned property. Mr. Miller mentioned that the Planning & Zoning Commission has recommended approval of this request.

Councilmember Townsend moved to approve MIS2017-016. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

8. **SP2017-037** - Discuss and consider a request by Randy Eardley, P.E. of Wier & Associates, Inc. on behalf Getra Thomason-Saunders of Chick-Fil-A, Inc. for the approval of variances in conjunction with an approved site plan for a restaurant with drive-through on a 0.656-acre tract of land being identified as Lots 1 & 2, Block A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary.

Mr. Miller provided background information concerning this agenda item. The applicant is requesting variances associated with an approved site plan for a restaurant, 2,000 SF or more, w/ drive-through [i.e. Chick-Fil-A]. The proposed restaurant is ~2,200 SF and situated on a 0.656-acre parcel of land [i.e. Lots 1 & 2, Block A, Billy Peoples #1 Addition], is zoned General Retail (GR) District and is addressed as 1902 & 2000 S. Goliad Street [SH-205]. Currently, there is an existing vacant convenient store [i.e. E-Z Mart] and a vacant restaurant [i.e. Pizza Hut] that will need to be demolished in order to develop the site. According to Subsection 2.1.6, Retail and Personal Service Use Conditions, of Section 2, Use Standards, of Article IV, Permissible Uses, of the Unified Development Code (UDC) a restaurant with a drive- through shall not have access to local residential streets. Additionally, the UDC states that stacking lanes for drive-through service windows shall accommodate at least six (6) vehicles per lane. In this case, the submitted site plan shows stacking to accommodate ~19 vehicles with dual lanes. Based on the applicant's submittal, staff has identified the following variances:

A) *Four (4) Sided Architecture:* According to Section 6.7, *SH-205 Overlay (SH-205 OV) District*, of Article V, *District Development Standards*, of the UDC, commercial buildings shall be architecturally finished on all four (4) sides (i.e. incorporating the same materials detailing, and features).

B) Pitched roof and landscaping standards associated with the city's SH-205 Overlay (SH-205 OV) District Standards

Councilmember Daniels asked if it is necessary to act on the variances individually or IF it is ok to vote on them together. He went on to indicate that he is opposed to the variance requests associated with the vertical articulation (a proposed flat roof instead of the required pitched roof). He essentially views this as a preference of the applicant, and he does not believe this is reason enough to approve this particular variance request.

Robert Gunner
5613 Lindell Avenue

Dallas, TX

Robert came forth and shared that he is the architect on the project. He provided brief comments, explaining that the flat roof is proposed, in part, to allow for air conditioning units to be placed on top of the roof. After brief discussion, Councilmember Daniels generally indicated that he was now comfortable with approving the variance pertaining to a flat roof rather than a pitched roof.

Councilmember Townsend pointed out that all of the surrounding buildings all have flat roofs as well. At that, Councilmember Daniels shared that he is okay with the proposed flat roof.

Councilmember Lewis moved to approve SP2017-037, including all three variance requests. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

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 City Council's authority to waive state regulations pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

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

XV. ADJOURNMENT

The Council acknowledged students in the audience tonight who are from a local high school "government class." Mayor Pro Tem Hohenshelt adjourned the public meeting at 8:59 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 2nd DAY OF JANUARY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL