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MINUTES ROCKWALL CITY COUNCIL

Monday, January 07, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

10 Mayor Pro Tem David White called the public meeting to order at 4:00 p.m. Present were
11 Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Bennie
12 Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City
13 Managers Brad Griggs and Mary Smith, and City Attorney Patrick Lindner.
14 Councilmember Michelle Smith was absent from the meeting, and Mayor Sweet joined
15 Executive Session at 4:40 p.m.
16

17 Mayor Pro Tem White read the following Executive Session items into the public record
18 and then immediately recessed the public meeting into Executive Session.
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II. EXECUTIVE SESSION.

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

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41
1. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
 2. Discussions regarding the purchase and value of real property from Aqua Operations Inc. regarding the right to serve Lake Rockwall Estates, including acquisition of easements and the system pursuant to Section 551.072 (deliberations about real property) and Section 551.071 (consultation with attorney).
 3. Discussion regarding the deliberation of appointments of public officers to the Board of Adjustment and Building Standards Commission pursuant to Section 551.074 (personnel matters).
 4. Discussion regarding negotiations for amended Development Agreement with Harbor Heights Investors, L.P. within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
 5. Discussion regarding deliberation of appointment of City Attorney pursuant to Section 551.074 (personnel matters).

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III. ADJOURN EXECUTIVE SESSION

45 The Mayor and City Council members adjourned from Executive Session at 5:45 p.m.
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MINUTES
ROCKWALL CITY COUNCIL
Monday, January 07, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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53 **IV. RECONVENE PUBLIC MEETING AND TAKE ANY ACTION AS A RESULT OF EXECUTIVE**
54 **SESSION**

55
56 Mayor Sweet called the public meeting back to order at 6:00 p.m. Mayor Pro Tem White
57 made a motion to appoint as the City Attorney the law firm of Davidson, Troilo, Ream and
58 Garza on an interim basis. Councilmember Pruitt seconded the motion. Councilmember
59 Pruitt then explained that this law firm will be representing the city on an interim basis
60 and that the city has worked with this firm in various capacities in the past.
61 Councilmember Daniels also indicated that this law firm will not be representing the city
62 on a long term, permanent basis. It will only be temporary.

63
64 Mayor Sweet indicated that this law firm has assisted the city in the past, for example,
65 with its attempts to acquire the right to serve Lake Rockwall Estates. After these brief
66 comments, the motion to appoint this law firm on an interim basis passed by a vote of 6
67 ayes with 1 absent (Smith).

68
69 **V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

70
71 Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

72
73 **VI. PROCLAMATIONS / AWARDS**

74
75 **1. Citizens on Patrol Recognition**

76
77 Mayor Sweet called Mayor Pro Tem White and Councilmember Daniels forth to assist him
78 in delivering this proclamation to members of the Rockwall Police Department's Citizens
79 on Patrol organization. After brief introductions and background information related to
80 the organization, Mayor Sweet then read and presented the proclamation to this group of
81 volunteers to thank them for their service to our Police Department and community.

82
83 **VII. OPEN FORUM**

84
85 Mayor Sweet explained how Open Forum is conducted and asked if anyone in the
86 audience would like to come forth to address the council during this time.

87
88 **Debora Foutz**
89 **2210 Hillcroft Drive**
90 **Rockwall, TX**

91
92 Ms. Foutz came forth and expressed concern about plans for the Golf & Athletic / Tennis
93 Court at The Shores to place a tent over the tennis court. She explained that she lives
94 right next door to this tennis court, and she is concerned about how this potentially five-
95 story tent will look. She explained that it will be located on the main street and is
96 concerned about how this will affect the overall look of her neighborhood.

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Daniel Marley
Lives next door to Debora Foutz (no specific address given)
Rockwall, TX

Mr. Marley explained that he serves on the HOA board for The Shores; however, he is not speaking on behalf of the board. He is speaking as an independent resident. Mr. Marley explained that he has obtained some information from the city related to this Planned Development (PD), and he thinks the proposed tent may not comply with the city's regulations. He also believes that this structure may be considered an "accessory building," which he suspects may have restrictions applied to it through the city's code of ordinances. He expressed a suggestion that perhaps the city could revoke the developer's permit to stop this awning from going up until it can be further evaluated.

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

Assistant City Manager Brad Griggs indicated that city staff did meet this morning with Mr. Marley to discuss concerns related to this awning. He generally explained that it does meet the zoning and height requirements prescribed by the city, so a permit has been issued. Mr. Crowley, City Manager, indicated that he visited with representatives of the ownership of The Shores, and the owner has indicated a willingness to "be a good neighbor" and discuss this matter further. General indication was given that staff will work towards helping facilitate further discussions concerning this matter.

VIII. CONSENT AGENDA

- 1. Consider approval of the minutes from the December 17, 2012 regular city council meeting, and take any action necessary.**
- 2. Consider approval of a resolution endorsing the Texas Coalition for Affordable Power 2013 Legislative Agenda, and take any action necessary.**
- 3. Consider rescinding the bid award to Mishler Builders for the addition of bedrooms at Fire Station No. 2 and take any action necessary.**
- 4. Consider approval of a bid award for Harbor Fountain repairs to RNDI Companies Inc. in the amount of \$44,550 to be funded out of general fund reserves; giving the City Manager authority to negotiate and execute a time and materials contract for this work, and take any action necessary.**
- 5. Consider approval for the purchase of an EZ Breaker concrete breaking machine for the Streets Dept. in the amount of \$28,875 to be funded by contractual obligations; giving the City Manager authority to negotiate and execute a contract for this equipment, and take any action necessary.**
- 6. Consider approval of a bid award for Watson dispatch console furniture in the amount of \$48,146.13 to be funded as part of the Police Building remodel project; giving the City Manager authority to negotiate and execute a contract for this furniture, and take any action necessary.**

- 144 7. Consider approval of a bid award for two Harley Davidson Police Pursuit
145 Motorcycles in the amount of \$40,446.10 to be funded by contractual
146 obligations; giving the City Manager authority to negotiate and execute a
147 contract for this equipment, and take any action necessary.
- 148 8. **Z2012-018** - Consider approval of an ordinance for a request by Hallie
149 Fleming for the approval of a Specific Use Permit (SUP) to allow for a
150 retail use in conjunction with a photography studio within Planned
151 Development District 50 (PD-50), specifically at 507 North Goliad, being
152 Lot 1, Block A, Artventures Studio Addition, City of Rockwall, Texas, and
153 take any action necessary. (2nd Reading)

154 Mayor Pro Tem White pulled item #4. Councilmember Pruitt pulled items #2 and #3.
155 Mayor Pro Tem White then made a motion to approve the remainder of the Consent
156 Agenda (#s 1, 5, 6, 7, and 8). Councilmember Lewis seconded the motion. The ordinance
157 for #8 was then read as follows:

158
159 CITY OF ROCKWALL
160 ORDINANCE NO. 13-01
161 SPECIFIC USE PERMIT NO. S-101
162

163 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
164 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
165 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
166 SPECIFIC USE PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT 50
167 (PD-50) ALLOWING FOR A RETAIL USE IN CONJUNCTION WITH A
168 PHOTOGRAPHY STUDIO, THE SUBJECT PROPERTY IS LOCATED AT 507
169 N. GOLIAD STREET, BEING A TRACT OF LAND DESCRIBED AS LOT 1,
170 BLOCK A OF ARTVENTURES STUDIO ADDITION; PROVIDING FOR
171 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO
172 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
173 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
174 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
175

176 The motion to approve passed by a vote of 6 ayes with 1 absent (Smith).
177

178 Regarding Consent Agenda item #2, Councilmember Pruitt expressed concern regarding
179 Section 3 and Section 4 of the resolution before council tonight for consideration. He
180 generally expressed opposition to a city being in the business of providing electric
181 service. Regarding Section 4, he explained that this language seems to allow Oncor to
182 come back into the market and be a "monopoly," which is in opposition to the
183 legislature's recent deregulation of electric providers in Texas. He believes these two
184 aspects are not good for Texas, and for these reasons, he is generally not in favor of
185 passage of this resolution.
186

187 Councilmember Pruitt then made a motion to approve the resolution as presented except
188 that Sections 3 and 4 of the resolution would be omitted prior to the Mayor signing it and
189 it being forwarded on to any third party. Mayor Pro Tem White seconded the motion,
190 which passed by a vote of 6 ayes with 1 absent (Smith).
191

192 Regarding Consent Agenda item #3, Councilmember Pruitt sought clarification regarding
193 rescinding the bid. City Manager Rick Crowley explained the reasoning behind needing
194 to have this bid rescinded, explaining that it has nothing to do with Mr. Mishler or his

195 company at all. It is simply because it's been discovered that the plans will need to be
196 significantly redefined and expanded. Councilmember Pruitt expressed concern about
197 the disadvantage Mr. Mishler's company might have when the project is redefined and
198 rebid at a future date. Mr. Crowley generally expressed that he understands these
199 concerns but feels as though the redefining of the project will be significant enough that
200 it will not pose a large issue. After brief comments, Councilmember Daniels made a
201 motion to approve Consent Agenda item #3. Mayor Pro Tem White seconded the motion,
202 which passed by a vote of 6 ayes with 1 absent (Smith).
203

204 Mayor Pro Tem White made a motion to table Consent Agenda item #4 at the request of
205 staff who would like to provide some additional clarification. Councilmember Lewis
206 seconded the motion, which passed by a vote of 6 ayes with 1 absent (Smith).
207

208 IX. ACTION ITEMS

- 209
- 210 1. Discuss and consider authorizing the Mayor to execute a Certification
211 Agreement with the Texas Historical Commission to be forwarded to the
212 National Park Service for final approval of the City of Rockwall's
213 designation as a Certified Local Government, and take any action
214 necessary.

215 City Manager Rick Crowley explained that staff has been working on this certification for
216 a number of years now at the request of the city council. A couple of months ago, the
217 city council passed an ordinance making some appropriate changes to our zoning
218 regulations to allow for the city to move forward with pursuing its designation as a
219 Certified Local Government. He generally indicated that this agreement represents part
220 of that process and is the last step in having the federal government recognize our
221 designation..
222

223 Councilmember Pruitt made a motion to approve this item. Councilmember Townsend
224 seconded the motion, which passed by a vote of 5 ayes, 1 nay (White) and 1 absent
225 (Smith).
226

- 227 2. Discuss and consider approval of the Downtown Improvements Project
228 Review Committee recommendation for the Courthouse Plaza Concept
229 Plan and design options for the southeast corner of San Jacinto and
230 Kaufman Streets, and take any action necessary.

231 Planning Director Robert LaCroix provided background information related to this item.
232 He explained that the city council appointed citizen review committee met on December
233 10 to review the downtown improvement concept plan and make recommendations to the
234 council related to this plan and its components. He then offered more specific details
235 related to several aspects of this concept plan, including the committee's
236 recommendations related to maximizing the pedestrian plaza area in front of the
237 courthouse. If the council agrees with the committee's recommendations, Mr. LaCroix
238 explained that the next steps would be to have city staff move forward with speaking to
239 County representatives about these recommended aspects of the design plan. He then
240 described some aspects of the plan related to a canopy over the existing dry cleaning
241 business as well as its driveway. Staff would speak with the property owner and the dry
242 cleaning business owner (the tenant) regarding these suggested changes.
243

244 After brief clarifying questions and answers related to parking, trees and pedestrian
245 areas, Mayor Pro Tem White made a motion to authorize the City Manager to move
246 forward with discussing the committee's recommendations regarding layout options with
247 Rockwall County and the building owner. Mayor Sweet seconded the motion, which
248 passed by a vote of 6 ayes with 1 absent (Smith).
249

250 X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
251 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
252

- 253 1. Departmental Reports
254 Building Inspections monthly report - November 2012
255 Finance Department monthly report - November 2012
256 Fire Department monthly report - November 2012
257 Harbor PD Report - November 2012
258 Internal Operations monthly report - November 2012
259 Police Department Monthly Report - November 2012
260 Quarterly Report from Rockwall County Committee on Aging
261 Recreation Monthly Report - November 2012
262 Rockwall Animal Adoption Center Monthly Report - November 2012
263 STAR Transit Quarterly Report

264 2. City Manager's Report
265

266 City Manager Rick Crowley mentioned dates and times associated with an upcoming
267 ribbon cutting for FM-740, an upcoming Rockwall PAWS event and the upcoming
268 Rockwall Chamber awards banquet. He also indicated that the city will be receiving its
269 fire boat soon, reminding council that this fire boat is being provided by the Chandlers
270 Landing marina as part of maintaining compliance with the city's prescribed fire
271 regulations. He also let the council know that the city's sales tax has increased 15.5%
272 over the same three month period last year. He explained that February will show sales
273 tax receipts for November and won't reflect sales associated with the Christmas season.
274 After a brief question and reply related to revenue and expenditure figures provided in
275 the council packet, Mayor Sweet adjourned the meeting at 6:48 p.m. The council did not
276 go back into Executive Session following the conclusion of the public meeting.
277

278 XI. EXECUTIVE SESSION
279

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

- 283 1. Discussions regarding land acquisition in the downtown area for
284 municipal purposes pursuant to Section 551.072 (deliberations about real
285 property).
- 286 2. Discussions regarding the purchase and value of real property from Aqua
287 Operations Inc. regarding the right to serve Lake Rockwall Estates,
288 including acquisition of easements and the system pursuant to Section
289 551.072 (deliberations about real property) and Section 551.071
290 (consultation with attorney).

- 291 3. Discussion regarding the deliberation of appointments of public officers to
292 the Board of Adjustment and Building Standards Commission pursuant to
293 Section 551.074 (personnel matters).
- 294 4. Discussion regarding negotiations for amended Development Agreement
295 with Harbor Heights Investors, L.P. within the PD-32 area pursuant to
296 Section 551.071 (consultation with attorney) and Section 551.087
297 (Economic Development negotiations).
- 298 5. Discussion regarding deliberation of appointment of City Attorney
299 pursuant to Section 551.074 (personnel matters).

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

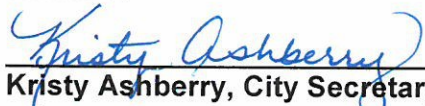
301
302 **See start of 6:00 p.m. public meeting above for action taken as a result of the first**
303 **Executive Session.**

304
305 **XIII. ADJOURNMENT**

306
307 **The meeting was adjourned at 6:48 p.m.**

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309
310 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
311 **TEXAS, this 22nd day of January, 2013.**

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314 **ATTEST:** 
315 **David Sweet, Mayor**

316 
317 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 22, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the public meeting to order at 4:00 p.m. and read the executive session items noted below into the public record. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith, and City Attorney Patrick Lindner. Mayor Sweet recessed the public meeting into executive session.

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II. HOLD EXECUTIVE SESSION

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

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36
1. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
 2. Discussions regarding the purchase and value of real property from Aqua Operations Inc. regarding the right to serve Lake Rockwall Estates, including acquisition of easements and the system pursuant to Section 551.072 (deliberations about real property) and Section 551.071 (consultation with attorney).
 3. Discussion regarding negotiations for amended Development Agreement with Harbor Heights Investors, L.P. within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
 4. Discussion regarding the assignment and duties of the Municipal Court Prosecutor pursuant to Section 551.074 (Personnel Matters)
 5. Discussion regarding deliberation of appointment of City Attorney pursuant to Section 551.074 (personnel matters).

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III. ADJOURNMENT

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Executive Session was adjourned at 5:50 p.m.

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 22, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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47 **IV. CALL PUBLIC MEETING BACK TO ORDER**

48
49 **Mayor Sweet called the public meeting back to order at 6:00 p.m. All seven council**
50 **members were present.**

51
52 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

53
54 **Mayor Pro Tem White made a motion to appoint Paul Liston as the City Attorney for**
55 **Municipal Court Prosecution pending final contract approval. Councilmember Smith**
56 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

57
58 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER PRUITT**

59
60 **Councilmember Pruitt delivered the invocation and led the Pledge of Allegiance.**

61
62 **VII. PROCLAMATIONS / AWARDS**

- 63
64 1. Citizen in Action Award - Jacob Purdue

65
66 **Mayor Sweet called forth Fire Chief Mark Poindexter and Fire Marshal Ariana Hargrove to**
67 **assist in recognizing Jacob Purdue, a young local resident, who recently called 9-1-1 to**
68 **report that his family's house was on fire and ensured everyone was safely out of the**
69 **house while the Fire Department was on its way to assist. Mayor Sweet read and**
70 **presented the proclamation to Jacob, and the Fire Department presented him with a**
71 **plaque awarding him the "Citizen in Action Award."**

72
73 **VIII. CONSENT AGENDA**

- 74
75 1. Consider approval of the minutes from the January 7, 2013 regular city
76 council meeting, and take any action necessary
- 77 2. Consider approval of a resolution calling the May 11, 2013 General
78 Election, and take any action necessary.
- 79 3. Consider approval of a joint election agreement between the City of
80 Rockwall, the Rockwall Independent School District and the Rockwall
81 County Elections Administrator for conducting the May 11, 2013 election
82 on behalf of the city, and take any action necessary.
- 83 4. Consider authorizing the City Manager to execute a contract with Wilson
84 Office Group for the purchase of new furniture for the Police Building
85 Remodel Project in the amount of \$87,850.58 with funding included in the
86 project budget and take any action necessary.

87 5. Consider authorizing the City Manager to execute a Release and Hold
88 Harmless Agreement with the Rockwall Golf and Athletic Club for waiver
89 of International Fire Code Requirements, and take any action necessary.

90 **Councilmember Smith pulled item #1 to abstain due to being absent from that council**
91 **member. Mayor Pro Tem White then made a motion to approve the remaining Consent**
92 **Agenda items (#s 2, 3, 4 and 5). Councilmember Townsend seconded the motion, which**
93 **passed by a vote of 7 ayes to 0 nays.**

94
95 **Councilmember Smith indicated she needs to abstain from Consent Agenda item #1 due**
96 **to being absent from that meeting.**

97
98 **Councilmember Townsend made a motion to approve Consent Agenda item #1. Mayor**
99 **Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 abstention**
100 **(Smith).**

101
102 **IX. SITE PLANS / PLATS**

103
104 1. **SP2012-031** - Discuss and consider a request by Rob Sanely of
105 McLeay/German Architects for the approval of a variance to the roof
106 design standards of the IH-30 Overlay (IH-30 OV) District, in conjunction
107 with a site plan for a branch bank facility on Lot 9, Block 1 of the Rockwall
108 Centre Corners Addition, being a 1.228-acre tract zoned Commercial (C)
109 District and situated at the southeast corner of IH-30 and SH 205, and
110 take any action necessary.

111 **Planning Director Robert LaCroix provided brief background information related to this**
112 **item, indicating that the Architectural Review Board and the Planning & Zoning**
113 **Commission have both recommended approval of this item. He also indicated that his**
114 **item requires a 2/3 majority vote of the Council in order to be approved.**

115
116 **Mayor Pro Tem White made a motion to approve SP2012-031. Councilmember Smith**
117 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

118
119 **X. ACTION ITEMS**

120
121 1. **MIS2012-013** - Discuss and consider a request by John Dudek for a
122 waiver to the masonry requirements set forth in Article V, Section 3.1,
123 General Residential District Standards, of the City of Rockwall Unified
124 Development Code, for a single family residence located at 432 Columbia
125 Drive, City of Rockwall, Texas, and take any action necessary.

126 **Mr. LaCroix provided background information related to this item, explaining that the**
127 **applicant would like to build a home in Chandler's Landing and would like to utilize more**
128 **than fifty-percent masonry, which requires review by the Planning & Zoning Commission**
129 **and approval by the City Council. He indicated that similar variances have been granted**
130 **by the council in the past in Chandler's Landing. He further indicated that the Planning &**
131 **Zoning Commission and staff both recommend approval of this item.**

132
133 **Mayor Pro Tem White made a motion to approve MIS2012-013. Councilmember Daniels**
134 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

135

136 2. Discuss and consider a request from Mr. Keith Young with Young
137 Hyundai for approval of a sign plan located at 1540 IH 30, and take any
138 action necessary.

139 **Building Official Jeffrey Widmer provided brief background information related to this**
140 **item, indicating that this request is related to signage that the applicant wishes to place**
141 **at this new Hyundai dealership along IH-30.**

142
143 **Mayor Pro Tem White made a motion to approve this sign plan as presented.**
144 **Councilmember Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

145
146 3. Discuss and consider a request from Mr. Jamison Mahler with Signature
147 Signs for a height variance for a monument sign located at 880 Ralph
148 Hall, and take any action necessary.

149 **Mr. Widmer provided information related to this request, explain that this is a request**
150 **related to raising an existing sign by one-foot due to it being obscured by adjacent**
151 **parking spaces.**

152
153 **Mayor Pro Tem White made a motion to approve the height variance request for the**
154 **monument sign as requested. Councilmember Lewis seconded the motion.**

155
156 **Jamison Mahler**
157 **2001 Trail Glen**

158
159 **Mr. Mahler came forth to explain the reasons behind his sign height variance request.**

160
161 **After brief comments, the motion to approve the variance request passed by a vote of 7**
162 **ayes to 0 nays.**

163
164 **Mayor Sweet recessed the public meeting at 6:24 p.m. and called for the city council to**
165 **reconvene back into Executive Session.**

166
167 **Mayor Sweet then read the following Executive Session discussion items into the public**
168 **record:**

169
170 **XI. HOLD EXECUTIVE SESSION**

171
172 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
173 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
174 **CODE:**

175
176 1. Discussions regarding land acquisition in the downtown area for
177 municipal purposes pursuant to Section 551.072 (deliberations about real
178 property).

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180 Operations Inc. regarding the right to serve Lake Rockwall Estates,
181 including acquisition of easements and the system pursuant to Section
182 551.072 (deliberations about real property) and Section 551.071
183 (consultation with attorney).

- 184 3. Discussion regarding negotiations for amended Development Agreement
185 with Harbor Heights Investors, L.P. within the PD-32 area pursuant to
186 Section 551.071 (consultation with attorney) and Section 551.087
187 (Economic Development negotiations).
- 188 4. Discussion regarding the assignment and duties of the Municipal Court
189 Prosecutor pursuant to Section 551.074 (Personnel Matters)
- 190 5. Discussion regarding deliberation of appointment of City Attorney
191 pursuant to Section 551.074 (personnel matters).

192
193 **XII. CALL PUBLIC MEETING BACK TO ORDER, AND TAKE ANY ACTION AS RESULT OF EXECUTIVE**
194 **SESSION**

195
196 **Mayor Sweet reconvened the public meeting at 6:50 p.m.**

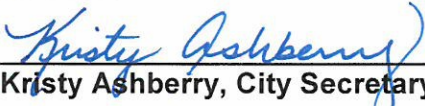
197
198 **Mayor Pro Tem David White made a motion to appoint Councilmembers Jim Pruitt,**
199 **Bennie Daniels, and Dennis Lewis to explore options for the city's legal services.**
200 **Councilmember Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

201
202 **XIII. ADJOURNMENT**

203
204 **The public meeting was adjourned at 6:51 p.m.**

205
206 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
207 **TEXAS, this 4th day of February, 2013.**

208
209
210 **ATTEST:** 
211 **David Sweet, Mayor**

212 
213 **Kristy Ashberry, City Secretary**



MINUTES
ROCKWALL CITY COUNCIL
Monday, February 04, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle Smith, 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. Kevin Fowler, board member on the Rockwall Economic Development Corporation was also present for a portion of Executive Session. Mayor Sweet read the Executive Session items below into the public record and then immediately recessed the public meeting into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussions regarding land acquisition in the downtown area and near or on Airport Road for municipal purposes pursuant to Section 551.072 (deliberations about real property).
2. Discussions regarding the purchase and value of real property from Aqua Operations Inc. regarding the right to serve Lake Rockwall Estates, including acquisition of easements and the system pursuant to Section 551.072 (deliberations about real property) and Section 551.071 (consultation with attorney).
3. Discussion regarding negotiations for amended Development Agreement with Harbor Heights Investors, L.P. within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
4. Discussion regarding the assignment and duties of the Municipal Court Prosecutor pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding deliberation of appointment of City Attorney pursuant to Section 551.074 (personnel matters).
6. Discussion regarding the deliberation of appointments of public officers to city boards & commission pursuant to Section 551.074 (personnel matters) and Section 551.071 (consultation with attorney).
7. Discussion regarding potential claims by landowners regarding alleged damages to property pursuant to Section 551.071 (consultation with attorney).

III. ADJOURN EXECUTIVE SESSION

The Council came out of Executive Session at 5:20 p.m.

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 04, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Sweet called the public meeting back to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle Smith, 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.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to authorize expenditure from general fund reserves for payment of the city's obligation rather than use of bond fund proceeds. Councilmember Townsend seconded the motion. Councilmember Pruitt asked for clarification regarding what left over bond monies will be utilized for if any funds remain. City Manager Rick Crowley generally indicated that, in accordance with the bond issuance documents when the bonds were sold, any leftover bond proceeds would be able to be utilized for public works-related projects such as roadway and drainage improvements. It was clarified that \$1,244,000.00 will be taken out of reserves to pay the city's obligation. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to authorize the execution of the Tri-Party Agreement contingent on the changes directed to the city attorney. Councilmember Townsend seconded the motion. Councilmember Pruitt asked the City Manager to explain details of the Tri-Party Agreement. City Manager Rick Crowley indicated that the agreement recognizes the bank as a party (the lender) to the previous agreements between the city and the developer of the Trend Tower located in PD-32. It also evidences the bank's willingness to fund the development. The motion then passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to authorize the execution of the fourth amendment to the development agreement. Councilmember Townsend seconded the motion. Councilmember Pruitt asked Mr. Crowley for a brief overview of this development agreement and this amendment. Mr. Crowley indicated that this amendment isolates the public infrastructure improvements from the improvements that are being made related to construction of the building and the parking garage structure. Mr. Crowley further clarified that this parking garage structure will be attached to and part of the Trend Tower, and members of the public will be able to utilize the parking garage when visiting The Harbor. Mr. Crowley indicated that discussion related to construction of this parking structure began about two years ago, and it began out of the city recognizing the need for additional public parking, especially during city-hosted special events taking place at The Harbor. Mr. Crowley further clarified that a previous council approved this development agreement, and the city did issue bonds related to construction of this parking structure, which will allow citizens access to about 311 parking spaces once the garage is complete. Mr. Crowley briefly explained the monetary penalties that the developer will be subject to if certain, specified deadlines are not met with regards to moving forward with and finalizing construction of the parking garage structure in accordance with dates specified in the

agreement. He indicated that the developer has already been subject to \$160,000.00 in penalties for not meeting certain construction-related deadlines, and they will have to pay an additional \$160,000.00 in January of 2014 should they not meet certain, additional deadlines by that time as well. There being no further discussion, the motion passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to authorize execution of the second amendment to the parking easement. Councilmember Townsend seconded the motion. Councilmember Daniels asked the city manager to clarify this parking easement amendment. Mr. Crowley indicated that this second amendment converts the city's interest in the garage to a fifty-year lease hold estate which allows the project to be funded in accordance with the bank's funding requirements, secures fifty years of parking and reduces the city's annual parking garage maintenance and operating costs. Mr. Crowley indicated that the public parking related to this structure will have no cost associated with it. Assistant City Manager Smith indicated that public parking will be available after 5:00 p.m. Monday through Friday and then from 5:00 p.m. on Friday until 7:00 a.m. on Monday mornings. After brief discussion regarding future directional signage pointing the public to the parking garage, the motion passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to authorize the execution of the parking lease contingent on the changes directed to the city attorney. Councilmember Lewis seconded the motion. Councilmember Pruitt asked for clarification regarding the city's obligations associated with its public use of the parking garage under this lease agreement. Mr. Crowley explained that the city's maintenance and operation was initially going to be fifty percent; however, the city's obligation will be reduced to 39.97 percent with this lease agreement, which will include shared costs for lighting, clean up and general maintenance of the garage. This lease agreement will be for a period of fifty years. Mr. Crowley indicated that if any security is needed during public use of the parking garage during a city-sponsored event, the city will cover these costs. However, if security is needed during daytime, weekday hours, the building owner will provide said security. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

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

VII. PROCLAMATIONS / AWARDS

1. Black History Month

Mayor Sweet read the proclamation and declared the month of February as Black History Month in the City of Rockwall.

VIII. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted, and asked if anyone would like to come forth to address the council at this time. There being no one to come forth, Mayor Sweet closed Open Forum.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 22, 2013 regular city council meeting, and take any action necessary.
2. Consider authorizing the City Manager to enter into a contract extension with Clean Harbors Inc. to manage Household Hazardous Waste Collection Day April 20, 2013 and take any action necessary.
3. Consider authorizing the City Manager to execute documents granting easements to Oncor Electric Delivery for service in Planned Development 32 and take any action necessary.
4. Consider approval of an interlocal agreement with Rockwall County for 2013 septic system inspection services, and take any action necessary.
5. Consider approval of change order #5 to the contract with Tiseo Paving Company for improvements to Airport Road to be funded by 2005 bonds, and take any action necessary.

Mayor Pro Tem White pulled item #2 for further discussion.

Mayor Pro Tem White then made a motion to approve the remaining Consent Agenda items (#1, 3, 4, and 5). Councilmember Smith seconded the motion.

Regarding Consent Item #3, Councilmember Pruitt pointed out that soon the city will be asking Oncor to make some easement-related concessions to the city related to land located near the municipal airport. After this brief input, the motion passed by a vote of 7 ayes to 0 nays.

Regarding Consent Agenda item #2, Mayor Pro Tem White asked for clarification regarding the cost associated with hosting this event. After said clarification was given by Assistant City Manager Mary Smith, Mayor Pro Tem White then made a motion to approve Consent Agenda item #3. Councilmember Pruitt seconded the motion. After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENTS

1. Appointment with Lakeside Civic Chorus to report on Fall 2012 events funded by Hotel Occupancy Tax revenues, and take any action necessary.

**Dee Ann Ginn
14168 Equestrian Trail
Lavon, Texas**

Ms. Ginn came forth and provided a briefing to the council related to the Civic Chorus' fall events, including several Christmas caroling and concert events that were held.

Mayor Pro Tem White asked for clarification regarding how many overnight hotel stays may have been associated with these events. Ms. Ginn generally indicated that there was one known overnight hotel stay. After brief discussion, the Council took no action related to this item.

2. Appointment with Jan Johnson, Historic Preservation Advisory Board Chairperson, to discuss the annual progress report of the Historic Board's initiatives and the proposed historic medallion program, and take any action necessary.

Planning Director Robert LaCroix indicated that Mrs. Johnson is ill and unable to attend tonight's meeting. Therefore, this item was not addressed by council, and no action was taken.

3. Appointment with Scott Self to discuss and consider authorizing the City Manager to amend the current franchise agreement between the City of Rockwall and "Sail With Scott, LLC." for the addition of a new, tourism related sailboat at The Harbor and other matters relating to the boat operations and take any action necessary.

**Scott Self
319 Harbor View Drive
Rockwall, Texas**

A little over 58,000 people have sailed. \$15,300 in revenue was generated for the city through the franchise agreement.

Mayor Pro Tem White made a motion to approve this item. Councilmember Smith seconded the motion.

Mr. Self indicated that he is working with the city to arrange for a possible fireworks show at the end of each Concert by the Lake beginning in May.

Mayor Sweet asked for clarification regarding the additional boat dock that Mr. Self seeks to have at The Harbor. Assistant City Manager Brad Griggs explained the details of the dock. Mr. Self indicated that the boat has been purchased from a seller in New York, and it should be in the water at The Harbor by March 1. He explained that this is a carbon fiber boat that goes twice the speed of the wind, and it will be a "thrill ride" type of boat. After discussion, the motion to approve passed by a vote of 7 ayes to 0 nays.

4. Appointment with Matt Weatherly of Public Sector Personnel Consultants (PSPC) to hear review of the city's historical criteria for selecting comparison cities and to discuss and consider adoption of new comparison market cities for the citywide compensation study as authorized by Council, and take any action as necessary.

Mr. Weatherly came forth and introduced himself, thanking the council for the opportunity to speak with them this evening regarding identification and selection of comparative market cities related to the employee compensation study.

Mayor Sweet asked the Director of Administrative Services, Cheryl Dunlop, for clarification regarding if any of the cities that have dropped off the list of comparable cities may need to be added back moving forward.

Mr. Weatherly explained that if the city council is comfortable with these eight cities, he would like to proceed with creating a custom survey database for as many specific job positions as possible in an attempt to do an analysis of entry and "top out" pay ranges for every position.

Mayor Pro Tem White asked how often a study like this is conducted, and Mr. Crowley indicated that the last year it was conducted was about 2005. He also asked for a synopsis of how much turn over the city experiences and its purpose. Mr. Crowley indicated that the city does not have tremendous turnover; however, some positions to 'turn over' pretty often. Mr. Weatherly explained that the study's purpose is to ensure internal equity and external competitiveness. Administrative Services Director, Cheryl Dunlop, indicated that the cost of the study is about \$22,000.00. Mr. Crowley indicated that the council previously requested that staff move forward with this compensation study, and it will be beneficial to both staff and the council. Brief discussion took place related to Frisco and its population and growth over recent years.

Mayor Pro Tem White made a motion to approve and move forward with the following eight, comparable cities as related to this compensation study: Allen, Coppell, Grapevine, Lewisville, Mansfield, Richardson, Rowlett and Wylie.

Councilmember Smith seconded the motion, which, after brief discussion, passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider a request from Mrs. Christy Jones for approval of a front yard fence to be located at 608 Washington, and take any action necessary.

Building Official Jeffrey Widmer provided background information related to this item, indicating that any front yard fence in a residential area requires city council approval.

Mayor Pro Tem White made a motion to approve the front yard fence. Councilmember Smith seconded the motion. After brief discussion, the motion to approve passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider an update related to the countywide traffic planning consortium, including associated road projects, and take any action necessary.

Mr. Crowley began discussion of this item, indicating that a countywide traffic planning consortium is in place, and it is made up of elected officials from throughout Rockwall County. Through this joint planning effort, a great deal of state funding has been received in Rockwall County to help fund state roadway projects within the county. Mr. Crowley then provided the council with a description of each of the roadway projects that are in the planning or construction phases as well as those projects currently being discussed and identified through the consortium for state funding. After a lengthy explanation, Mr. Crowley generally indicated that the planning consortium had asked for input from each city in the county with regards to two projects they would like the county to consider funding through the county's road bonds. The Rockwall City Council presented projects, and two of them - SH-205 South from Tubbs Road to FM-549 and East FM-3097 from Tubbs Road to FM-3549 - was placed on the county's plans as a Tier III project for planning and funding consideration. Mr. Crowley indicated that SH-66 public hearings will be held by TXDOT the end of this month, but there is no funding yet available for this very expensive project. Mr. Crowley discussed construction and funding options for SH-66. He also touched on future efforts to improve safety at intersections along SH-66 at John King Boulevard. He indicated that this intersection has just been approved by TXDOT for signalization. Mr. Crowley also spoke about the need for the city to consider modifying its thoroughfare plan related FM-

3549 north of the interstate to change it from a six lane, divided roadway to a four lane, divided roadway.

Additional discussion took place related to future reconstruction of SH-66.

Councilmember Smith made a motion to modify the city's thoroughfare plan to change future plans for FM-3549 from a six lane, divided roadway to a four lane, divided roadway. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Smith made a motion to direct Mayor Sweet to weigh in and formally provide input to the Countywide Traffic Planning Consortium regarding alternatives for SH-66, including the City of Rockwall's desire to have the SH-66 roadway resurfaced and stay within the existing right of way through a major maintenance program and to weigh in on desired safety improvements on SH-66 / John King Boulevard. Mayor Pro Tem White seconded the motion. The motion 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
 - Animal Adoption Center Report - December 2012
 - Building Inspections Monthly Report - December 2012
 - Finance Department Monthly Report - December 2012
 - Fire Department Annual Report 2012
 - Fire Dept. 2012 Annual Report - Points of Pride
 - Fire Dept. 2012 Annual Report - Manpower on structure calls
 - Harbor PD Report - December 2012
 - Internal Operations Department Monthly Report - December 2012
 - Police Department Monthly Report - December 2012
 - Recreation Monthly Report - December 2012
2. City Manager's Report

The City of Rockwall has received notice that it has been designated as a "Certified Local Government" by the Department of the Interior, which puts the city in a good position for possible, future grand funding. The court remodel is near completion (approximately three weeks away), and the remodel work taking place at the existing police building will take an estimated, additional ten weeks to complete. Work related to funding authorized by the city council related to Tuttle Park ball fields is almost complete. The City was recognized with the Gold Achievement Award by the American Heart Association as a "Fit Friendly Work Site." Engineering plans have been completed and submitted to TXDOT Aviation related to drainage improvements at the Rockwall Municipal Airport. In addition, the traffic study by the state related to SH-66 has shown that a traffic light at the intersection of SH-66 at John King Boulevard is warranted and will be included in TXDOT's plans, though we do not yet have a schedule for installation. "Rockwall County Days" in Austin is coming up soon as well.

Mayor Sweet recessed the public meeting and called for the Council to go back into Executive Session at 7:45 p.m. Mayor Sweet then read the following Executive Session discussion items into the public record.

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. Discussions regarding land acquisition in the downtown area and near or on Airport Road for municipal purposes pursuant to Section 551.072 (deliberations about real property).
2. Discussions regarding the purchase and value of real property from Aqua Operations Inc. regarding the right to serve Lake Rockwall Estates, including acquisition of easements and the system pursuant to Section 551.072 (deliberations about real property) and Section 551.071 (consultation with attorney).
3. Discussion regarding negotiations for amended Development Agreement with Harbor Heights Investors, L.P. within the PD-32 area pursuant to Section 551.071 (consultation with attorney) and Section 551.087 (Economic Development negotiations).
4. Discussion regarding the assignment and duties of the Municipal Court Prosecutor pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding deliberation of appointment of City Attorney pursuant to Section 551.074 (personnel matters).
6. Discussion regarding the deliberation of appointments of public officers to city boards & commission pursuant to Section 551.074 (personnel matters) and Section 551.071 (consultation with attorney).
7. Discussion regarding potential claims by landowners regarding alleged damages to property 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, and Mayor Sweet reconvened the public meeting at 8:23 p.m. Mayor Pro Tem White made a motion to approve the Municipal Court Prosecutor agreement. Councilmember Pruitt seconded the motion. Councilmember Pruitt asked for clarification regarding this agreement. Mr. Crowley indicated that the hourly rate will be set at \$115 an hour, which is similar to our past city attorney's rate. The motion passed by a vote of 7 ayes to 0 nays.

XV. Adjournment


The public meeting was adjourned at 8:26 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 4th day of February, 2013.

ATTEST:


Kristy Ashberry, City Secretary




David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 18, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. **CALL PUBLIC MEETING TO ORDER (4:00 P.M.)**

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle Smith, 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.

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II. **HOLD WORK SESSION TO HEAR UPDATE RELATED TO THE CITY'S DOWNTOWN IMPROVEMENT PLAN, AND TAKE ANY ACTION NECESSARY.**

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The city's consultant, Michael Black with La Terra Studio, came forth to provide brief, introductory remarks related to the downtown improvement plan. Planning Director Robert LaCroix then came forth and provided a lengthy description of various aspects of this plan. Mr. Black then came back before the council to brief them on the proposed parking spaces and the options associated with the existing dry cleaners building location. After additional discussion, Mayor Sweet asked if anyone in the audience, specifically any downtown business owner, would like to come forth and provide comments to the Council regarding the plan.

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Peggy Gray

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Mrs. Gray, owner of the dry cleaners building on San Jacinto, came forth to speak before the city council. Mrs. Gray generally expressed dissatisfaction with the manner in which she found out about the downtown improvement plans (read it in a local newspaper). She indicated she received a phone call from staff member, Bethany Golden, thereafter, and she subsequently met with Ms. Golden and Planning Director, Robert LaCroix. She indicated that her father owned the building prior to her ownership, and it has been a dry cleaners for over fifty years. It has been family owned for a very long time. She generally expressed concern about having changes made to her building (she mentioned the proposed awning / canopy). She expressed that the city placed a planter and a tree in an area nearby that was previously a walkway. She believes the drive up area outside of her business offers a convenience to her customers, and she is not in favor of losing it.

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City Manager Rick Crowley apologized to Mrs. Gray and expressed that no disrespect was intended regarding her finding out about the downtown plans in the manner in which she found out. He indicated that he had felt the need to let his city council (his bosses) know of staff's intent to speak with downtown land owners first, prior to staff actually doing so.

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Charlotte Laveron Falls

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Mrs. Falls came forth and indicated that she is the building owner of the old ice house building and the building on Kaufman where the Texas Sign Works business is currently

50 located. She expressed that both of her current tenants at these locations is in
51 opposition to the downtown plans because they are both concerned about the loading
52 docks, which they currently utilize heavily and frequently. She also expressed some
53 concern about nearby parking spaces potentially being lost. She also expressed
54 concerns about potential difficulties in renting these two spaces to other lessees, for
55 example a dress shop, should the existing tenants decide to move or no longer rent
56 because she believes the space is not conducive to a business of this type.

57
58 Mayor Sweet read the following discussion items into the public record and recessed the
59 public meeting to convene in Executive Session at 5:01 p.m.

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

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

- 67
68 1. Discussions regarding land acquisition in the downtown area for municipal
69 purposes pursuant to Section 551.072 (deliberations about real property).
70
71 2. Discussion regarding deliberation of appointment of City Attorney, including
72 update from council subcommittee, pursuant to Section 551.074 (personnel
73 matters).
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75 **IV. ADJOURN EXECUTIVE SESSION**

76 **The Mayor and Council came out of Executive Session at 5:35 p.m.**
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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 18, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

85 **V. RECONVENE PUBLIC MEETING**

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87 **Mayor Sweet reconvened the public meeting at 6:00 p.m.**
88

89 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**
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91 **Mayor Pro Tem White made a motion to approve a contract associated with the city's**
92 **legal services. Councilmember Jim Pruitt seconded the motion, which passed**
93 **unanimously of council.**
94

95 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM WHITE**
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97 **VIII. CONSENT AGENDA**
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1. Consider approval of the minutes from the February 4, 2013 regular city council meeting, and take any action necessary.
 2. Consider approval of a resolution regarding the cost per acre for mandatory neighborhood park land dedication, and take any action necessary.
 3. Consider approval of a resolution establishing the pro rata equipment fee related to the city's mandatory neighborhood park land dedication regulations, and take any action necessary.

107 **Mayor Pro Tem White made a motion to approve all consent agenda items (#s 1, 2 and 3).**
108 **Councilmember Townsend seconded the motion, which passed unanimously.**
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110 **Mayor Sweet then reordered the city council agenda to address Action Item #1 next**
111 **during the meeting.**
112

113 **IX. APPOINTMENTS**
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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.
 2. Appointment with John Mitchell of Concerned Citizens of Rockwall to hear matters raised by citizens related to the Rockwall Police Department, and take any action necessary.

121 **John Mitchell**
122 **4002 Mediterranean Drive**
123 **Rockwall, Texas**
124

125 Mr. Mitchell came forth to thank members of the city council for recently taking the time
126 to speak with him and hear his concerns (related to a recent police incident that occurred
127 in his neighborhood, Lakeside Village).

128
129 Councilmember Lewis thanked Mr. Mitchell for his courteous expression of
130 dissatisfaction related to our police department's actions during this recent event.
131 Councilmember Lewis then expressed that he is in support of Chief Moeller and
132 Assistant Chief Riggs' actions related to this recent event. Councilmember Smith,
133 Councilmember Daniels, Mayor Pro Tem White and Mayor Sweet all offered similar
134 comments, thanking Mr. Mitchell and expressing support for the Police Chief, City
135 Manager and their staff.

136
137 Mr. Mitchell expressed regret for not having an opportunity to speak with Councilmember
138 Townsend, but he thanked the council for their service and for an opportunity and venue
139 in which to express his concerns.

140
141 Councilmember Daniels expressed that there is a very, very active safety patrol in
142 Lakeside Village. It is a group of citizens within Lakeside Village who patrol and keep a
143 watch out within the neighborhood, very similar to the city's "Citizens on Patrol" group.
144 Councilmember Daniels encouraged any resident within Lakeside Village to sign up to be
145 a part of this safety patrol. Mayor Sweet generally encouraged residents to get involved
146 in these sorts of neighborhood watch and patrol programs throughout the city.

147
148 The Council took no action related to this item.

149
150 3. Appointment with Jan Johnson, Historic Preservation Advisory Board
151 (HPAB) Chairperson, to discuss the annual progress report of the Historic
152 Board's initiatives and the proposed historic medallion program, and take
153 any action necessary.

154 Mrs. Johnson came forth to address the council. She apologized for having been ill and
155 missing her appointment item with the council two weeks ago. Mrs. Johnson shared
156 details of annual accomplishments of the HPAB, including original goals which had been
157 set. She indicated that the city has recently been designated as a Certified Local
158 Government. Also, design of a historic medallion that will be unique to Rockwall and will
159 be utilized on historic homes that have received historical designation through the State
160 of Texas has been completed. Eight homes currently qualify to have this medallion
161 displayed for historical designation purposes. Mrs. Johnson indicated that all properties
162 located in the Historic Overlay District have been photographed, and those photos will be
163 displayed on the city's website in the future as a means of letting the public know about
164 the historical status of these properties. The HPAB board members have each been
165 assigned the task of speaking personally with each one of the owners of the historic
166 homes or buildings located in the overlay district. Approval by the property / home
167 owners will be obtained before any medallions are placed on qualifying properties.

168 Planning Director Robert LaCroix generally indicated that staff will be bringing forth
169 budget requests related to the historical designation landmark medallions in the
170 upcoming budget year discussions.

171 The Council took no action related to this item.

172 **After taking a moment to recognize local attorney, David Smith, for his work on behalf of**
173 **residents of Lake Rockwall Estates related to Aqua Texas, and County Judge Jerry**
174 **Hogan, Mayor Sweet moved on to address Appointment Item #4 with Chief Moeller.**

175

176 **4. Appointment with Rockwall Police Chief Mark Moeller to hear 2012 Racial**
177 **Profiling Report, Annual Crime Comparison Report and Holiday Initiative**
178 **results, and take any action necessary.**

179 **Chief Moeller indicated that no complaints related to racial profiling were received related**
180 **to the Rockwall Police Department this past year. He then went on to brief the council on**
181 **crime statistics, including a decrease the crime rate (10% less than last year). He also**
182 **provided brief comments related to the Police Department's "Holiday Crime Initiative"**
183 **which takes place during the Thanksgiving and Christmas shopping holiday season. He**
184 **indicated that the number of offenses during this timeframe decreased by a total of 35%**
185 **compared to the previous year.**

186
187 **Mayor Sweet indicated that this most recent holiday shopping season was a very, very**
188 **active one in the City of Rockwall. He thanked the Chief and his staff for their hard work.**

189

190 **The council took no action related to this item.**

191

192 **X. PUBLIC HEARING ITEMS**

193

194 **1. P2013-001 - Hold a public hearing, discuss and consider a request by**
195 **Donnie and Tammy Latimer for approval of a Residential Replat for**
196 **Chandlers Landing Phase 14, Lot 23, Block B, City and County of**
197 **Rockwall, Texas, being a replat of Lots 5-R and 7-R of Chandlers Landing**
198 **Phase 14, Block B, and take any action necessary.**

199 **Planning Director Robert LaCroix provided background information related to this item,**
200 **indicating that this is basically a technical procedure that will combine two lots into one**
201 **lot under one ownership. Notices were sent out to over thirty property owners located**
202 **adjacent to the property. Two notices were received back in favor.**

203 **Mayor Sweet opened the public hearing. There being no one wishing to come forth and**
204 **speak, Mayor Sweet then closed the public hearing.**

205 **Mayor Pro Tem White made a motion to approve P2013-001. Councilmember Lewis**
206 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

207 **2. Z2013-001 - Hold a public hearing, discuss and consider approval of an**
208 **ordinance for a request by Denise Webb and Shannon Allred for a**
209 **Specific Use Permit (SUP) to allow for a secondhand goods store located**
210 **on Lot S and a portion of Lot 3, Block L of Rockwall Old Towne, City and**
211 **County of Rockwall, Texas, being a 1,500-sf tract located at 103 South**
212 **San Jacinto, zoned (DT) Downtown district, and take any action**
213 **necessary. (1st Reading)**

214 **Planning Director Robert LaCroix provided information related to this item, indicating**
215 **that this was recently Bill Fox's business. Now, however, these ladies would like to open**
216 **a boutique type of resale or consignment shop in this location. He explained that this**
217 **will require approval of a Specific Use Permit by the council. Regarding outside sales**
218 **and display, Mr. LaCroix indicated that the shop would only be allowed to display goods**

219 outside when a city-sponsored event is taking place downtown. Over thirty notices were
220 sent out to adjacent property owners, but none have been received back by staff to date.
221

222 Mayor Sweet opened the public hearing.
223

224 **Debbie Deitelbaum**
225 **943 Midnight Pass**
226 **Rockwall, Texas**
227

228 Mrs. Deitelbaum expressed strong support for the business owner and the business she
229 is proposing to open, indicating she believes it will be an asset to the downtown area and
230 the city.
231

232 There being no one else expressing an interest in speaking, Mayor Sweet then closed the
233 public hearing.
234

235 Mayor Pro Tem White made a motion to approve Z2013-001. Mayor Sweet seconded the
236 motion.
237

238 Councilmember Pruitt asked for clarification related to outside display of goods during
239 city sponsored events and the definition of "second hand dealer." Councilmember Pruitt
240 expressed concern for not having a clear definition of "second hand goods."
241

242 Mayor Pro Tem White amended his motion to include a provision within the ordinance,
243 upon second reading, which will limit and better define "second hand goods" to
244 refurbished furniture and similar items. City Attorney Frank Garza advised that this
245 provision could be added between now and the second reading of the ordinance. Mayor
246 Sweet seconded the amended motion. The ordinance was read as follows:
247

248 CITY OF ROCKWALL

249
250 ORDINANCE NO. 13-XX

251
252 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
253 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
254 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT
255 ALLOWING FOR A SECONDHAND DEALER WITHIN THE (DT) DOWNTOWN
256 DISTRICT, ON A TRACT OF LAND KNOWN AS LOT S AND A PORTION OF LOT 3,
257 BLOCK L, ROCKWALL OT ADDITION AND LOCATED AT 103 SOUTH SAN
258 JACINTO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
259 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
260 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
261 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
262

263
264 The motion passed by a vote of 7 ayes to 0 nays.
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271 3. Z2013-002 - Hold a public hearing, discuss and consider approval of an
272 ordinance for a request by Cameron Slown for a change in zoning from
273 (AG) Agricultural district to (C) Commercial district on a 45.56-acre tract
274 situated in the W. W. Ford Survey, Tract 17-5, located at the southeast
275 corner of SH 205 and FM 549, City and County of Rockwall, Texas, and
276 take any action necessary. (1st Reading)

277 **Planning Director Robert LaCroix provided background information related to this item.**
278 **He explained that the applicant would like to request this zoning change so that it is**
279 **more marketable and potentially able to be sold for commercial uses. The city's land use**
280 **plans do already indicate that this acreage could potentially be zoned for 'commercial.'**
281 **He indicated, however, that utilities are not currently available on the property at this**
282 **time. Planning and Zoning commission did recommend approval by a vote of 6 to 0.**
283 **Notices were sent out to fourteen adjacent property owners. Two were received back in**
284 **favor, and one was received back in opposition.**

285
286 **Mayor Sweet opened the public hearing and called upon the applicant to come forth.**

287
288 **Cameron Slown**
289 **3120 Steve Drive**
290 **Hurst, Texas**

291
292 **Mr. Slown indicated that the owner would like to have it rezoned so that he can place it**
293 **up for sale.**

294
295 **Ed Collins**
296 **2922 McLendon Drive**
297 **Rockwall, Texas**

298
299 **Mr. Collins indicated that he lives just adjacent to this property. He does know that FM-**
300 **549 will someday be extended, and he has concerns about noise. He would like to see**
301 **the item tabled until the roadway is expanded and put in so that there is a more clear**
302 **understanding regarding what the traffic and noise will be like thereafter.**

303
304 **Mark Metcalf**
305 **17 Kenton Court**
306 **Heath, Texas**

307
308 **Mr. Metcalf indicated that he is the owner of this piece of property, and it has been in his**
309 **family for about twenty-five years. He stated that it will not be suitable for future**
310 **residential development, so he would like assistance in rezoning the property so that it**
311 **can be marketed well and sold.**

312
313 **After brief discussion, Mayor Pro Tem White made a motion to approve Z2013-002.**
314 **Councilmember Townsend seconded the motion. The ordinance was read as follows:**

315
316
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320

CITY OF ROCKWALL

ORDINANCE NO. 13-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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 45.56-ACRE TRACT OF LAND DESCRIBED AS TRACT 17-5 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

At 7:11 p.m., Mayor Sweet called for a short, ten minute break.

4. Z2013-003 - Hold a public hearing, discuss and consider approval of an ordinance for a request by Betsy Irvine for a change in zoning from (AG) Agricultural district to (HC) Heavy Commercial district on a 2.01-acre tract situated in the J. D. McFarland Survey, Tract 17, City and County of Rockwall, Texas, generally located on South Goliad Street, approximately 500-ft south of Ralph Hall Parkway, and take any action necessary. (1st Reading)

Planning Director Robert LaCroix indicated that the applicant has expressed a desire to withdraw this particular request and possibly resubmit at a later date.

Mayor Sweet made a motion to allow the applicant to withdraw Z2013-003. Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Z2013-004 - Hold a public hearing, discuss and consider approval of an ordinance for a request by Kevin Patel for a Specific Use Permit (SUP) to allow for a retail outlet where gasoline products are sold as an accessory to a retail use, as stipulated by the Scenic Overlay (SOV) District, on a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary. (1st Reading) (Applicant requests to continue to March 4, 2013)

Mayor Sweet made a motion to open the public hearing and continue it until the March 4, 2013 regular council meeting. Councilmember Townsend seconded the motion. A brief, procedural discussion took place regarding possibly sending this back to the Planning & Zoning Commission once the applicant submits additional information and regarding the possibility of having to re-advertising and hold additional public hearings. The motion to continue this item until the March 4 council meeting then passed by a vote of 7 ayes to 0 nays.

372 **XI. ACTION ITEMS**

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1. Discuss and consider approval of the contract with Aqua Texas Inc. regarding purchase of water and sewer systems in Lake Rockwall Estates subdivision and authorizing the city manager to complete the purchase; authorizing the staff to initiate the process to obtain financing to pay the purchase price for the systems; authorizing staff to file applications required to obtain regulatory approvals relating to the purchase of the systems; authorizing staff to cause the preparation and completion of the design and construction of the sewer interconnect required by the contract; authorizing staff to acquire easements, rights-of-way, and interests in land required to construct, maintain, and operate the interconnect, and take any action necessary.

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Mayor Sweet provided a past history of events throughout the years which have led up to annexation of the Lake Rockwall Estates (LRE) neighborhood and the city's right to serve this area (water and wastewater). City Manager Rick Crowley recognized various individuals, groups and organizations who were involved in a "task force" that was assigned in 2008 to focus on LRE. After Mayor Sweet's expression of historical details, Mr. Crowley briefed the council and audience on the highlights of the contract that is before the council for consideration (between the City of Rockwall and Aqua Texas, Inc.) this evening. Mayor Sweet introduced past council members present in the audience this evening. Former Councilmember Stephen Straughan came forth and offered thanks to the council and Enid Reyes of Lakepointe Church. Former Mayor Bill Cecil came forth and expressed thanks to the council as well.

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The City will acquire the water and wastewater systems for \$3,500,000. Revenues from system sales are sufficient to service approximately \$4,200,000 in debt. The City will seek approval for the purchase from the TCEQ, design an interconnect to the City's sanitary sewer system, and retain a contractor to complete the interconnect prior to the purchase closing.

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Mayor Sweet then introduced Enid Reyes from Lakepointe Church. Mrs. Reyes came forth and thanked the city council and the city for its work towards acquiring the right to serve the residents of Lake Rockwall Estates. She introduced several guests who were present in the audience to hear this item be addressed by Council this evening. Rockwall Attorney David Smith was recognized for his efforts to represent the residents of LRE against Aqua Texas at the TCEQ.

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Mayor Sweet made a motion to approve the contract with Aqua Texas and authorize the city manager to complete the purchase, initiate the process to obtain financing to pay for the system and to file applications required to obtain regulatory approvals. Mayor Pro Tem White seconded the motion. Mayor Pro Tem White offered brief comments related to residents in LRE traditionally paying, on average, about \$100 more.

417

418

419 2. Discuss and consider adoption of a resolution expressing official intent to
420 reimburse costs of project for Lake Rockwall Estates system acquisition
421 and take any action necessary.

422 **Assistant City Manager Mary Smith provided brief background information related to this**
423 **item. Councilmember Pruitt asked for clarification regarding how the flow of water and**
424 **purchase of such is related to the City of Heath. City Manager Rick Crowley indicated**
425 **that he has spoken with the city manager of Heath, and the purchase of water from Heath**
426 **will no longer be necessary.**

427 **Mayor Pro Tem White made a motion to adopt the resolution expressing official intent to**
428 **reimburse costs of project for LRE system acquisition. Councilmember Lewis seconded**
429 **the motion.**

430 3. Discuss and consider approval of a resolution regarding the 2nd
431 Amendment to protect and defend the constitutional right to keep and
432 bear arms, and take any action necessary.

433 **Councilmember Smith provided background information related to this item. Smith then**
434 **made a motion to table this resolution until the March 4, 2013 regular council meeting to**
435 **allow the city's attorney an opportunity to review the resolution. Mayor Sweet seconded**
436 **the motion.**

437 **Mayor Pro Tem White indicated that he was irritated when he saw over the weekend that**
438 **this item had been placed on the city council agenda for consideration. He asked that**
439 **the following comments be entered into the official minutes. He then stated the**
440 **following,**

441
442 ***I, _____, do solemnly swear (or affirm), that I will***
443 ***faithfully execute the duties of the office of _____ of the***
444 ***State of Texas, and will to the best of my ability preserve, protect, and***
445 ***defend the Constitution and laws of the United States and of this State,***
446 ***so help me God."***

447
448 ***That oath clearly states the position of he who swore it - not just***
449 ***regarding the second amendment, but fully for the state and federal***
450 ***constitutions. Voting for a resolution to restate what you already swore***
451 ***tells me you didn't mean it or didn't understand your oath the first time.***

452
453 ***This resolution is just grandstanding for media attention. This is a non-***
454 ***binding resolution pandering to Facebook friends and political cronies.***

455
456 ***Facebook will not determine my politics or positions.***

457
458 ***This resolution was copy and pasted word from League City and is not***
459 ***an original idea by any member of this council. Other cities will not***
460 ***determine my politics or positions.***

461
462 ***A promise in the form of a resolution from politicians who do so only to***
463 ***promote themselves is not worth the paper on which it is printed.***
464

465 *The purpose of the 2nd Amendment is not about hunting or protection*
466 *from criminals. It is the guarantee that we have the right to defend*
467 *ourselves with force against government tyranny. I have no doubts*
468 *about the oath and commitment my fellow council members made to*
469 *the laws and constitutions of the United States and the State of Texas.*
470 *Asking them to reaffirm their oath implies a level of mistrust to their*
471 *sworn duty.*

472
473 *We have a city manager we trust, and he understands his role and duty*
474 *to the City of Rockwall and the laws and Constitution of the United*
475 *States and State of Texas as well as his role and duty to hire a chief of*
476 *police and fire chief that do the same. I believe this resolution insults*
477 *our City Manager, Rick Crowley, Chief of Police, Mark Moeller, and Fire*
478 *Chief, Mark Poindexter and all staff by insinuating they won't fulfill their*
479 *duties and oath.*

480
481 *There is no resolution that will protect the rights of the citizens of*
482 *Rockwall. Actions speak louder than words. If we doubt that our staff*
483 *will do their duty, the action is not to pass a resolution. The action to*
484 *take would be to remove them from their positions.*

485
486 *Numbers 30:2 - Moses*

487 *When a man makes a vow to the LORD or takes an oath to obligate*
488 *himself by a pledge, he must not break his word but must do everything*
489 *he said.*

490
491 *Matthew 5:37 – Jesus*

492 *Let what you say be simply 'Yes' or 'No'; anything more than this*
493 *comes from evil.*

494
495 *For me to support this resolution, I am stating that my original word is*
496 *not to be trusted. I gave my word and pledged that oath 2 years ago*
497 *when I took office and nothing has changed since. If you cannot trust*
498 *this council to stand behind the oath we all took, it makes no sense that*
499 *some worthless piece of paper will make you trust us more.*

500
501 *A vote against this resolution is not a vote against the second*
502 *Amendment. It is a vote against selfish political self-promotion.*
503

504 **After a brief exchange of dialogue between Councilmember Smith and Mayor Pro Tem**
505 **White, Mr. Garza expressed a desire to further evaluate if the council has the authority to**
506 **adopt the resolution as it is written. He generally expressed concern about some of the**
507 **specific language contained therein.**

508 **Mayor Sweet withdrew his second to the original motion and recommended to**
509 **Councilmember Smith that she consider rewriting the resolution with Mr. Garza's**
510 **assistance (city attorney) and then consider placing it on a future council agenda if she**
511 **so desires. Councilmember Smith agreed to do so. Therefore, no formal action was**
512 **taken related to this agenda item.**

513 4. Discuss and consider hotel/motel tax subcommittee funding
514 recommendations regarding requests from RACE Advisory Council,
515 Rockwall Rubber Duck Regatta and Lakeside Civic Chorus and take any
516 action necessary.

517 **Assistant City Manager Mary Smith provided background information related to these**
518 **funding requests.**

519
520 **Mayor Pro Tem White offered brief comments and then made a motion to approve the**
521 **funding recommendations as presented. Mayor Sweet seconded the motion. After brief**
522 **discussion, the motion to approve the funding requests passed unanimously (7 ayes to 0**
523 **nays).**

524
525 **XII. EXECUTIVE SESSION**

526
527 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
528 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
529 **CODE:**

- 530
531 1. **Discussions regarding land acquisition in the downtown area for municipal**
532 **purposes pursuant to Section 551.072 (deliberations about real property).**
533 2. **Discussion regarding deliberation of appointment of City Attorney,**
534 **including update from council subcommittee, pursuant to Section 551.074**
535 **(personnel matters).**

536
537 **XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

538
539 **XIV. ADJOURNMENT**

540
541
542 **Mayor Sweet adjourned the meeting at 7:37 p.m. The City Council did not reconvene**
543 **back into Executive Session at the end of the public meeting / agenda. (See start of 6:00**
544 **p.m. meeting above for action taken as a result of the first Executive Session).**

545
546 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
547 **TEXAS, this 4th day of March, 2013.**

548

549

550 **ATTEST:**

551

552

553



Jacky Casey, Interim Deputy City Secretary





David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, March 04, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

8 I. CALL PUBLIC MEETING TO ORDER (4:00 P.M.)
9

10 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
11 Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle
12 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
13 Assistant City Managers Mary Smith, and City Attorney Frank Garza. Mayor Sweet read
14 the following Executive Session discussion items into the public record and then
15 recessed the public meeting into Executive Session.
16

17 II. EXECUTIVE SESSION.
18

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

- 22 1. Discussions regarding land acquisition in the downtown area for
23 municipal purposes pursuant to Section 551.072 (deliberations about real
24 property).
25 2. Discussion regarding deliberation of appointment of City Attorney,
26 including update from council subcommittee, pursuant to Section 551.074
27 (personnel matters).
28 3. Discussion regarding terms of agreement with municipal services provider
29 pursuant to section 551.071 (consultation with attorney).
30

31 II. ADJOURN EXECUTIVE SESSION
32

33 The Mayor and Council came out of Executive Session at 5:20 p.m.
34
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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, March 04, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

43 **IV. RECONVENE PUBLIC MEETING**

44
45 Mayor Sweet reconvened the public meeting at 6:00 p.m.

46
47 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

48
49 Mayor Pro Tem White made a motion to authorize the City Manager to complete
50 negotiations with Richard Snyder regarding land acquisitions. Councilwoman Smith
51 seconded the motion. Motion passed unanimously of the council.

52
53 Mayor Pro Tem White made a motion to authorize the City Manager to bring back a lease
54 agreement with Dwayne Cain for use of a parking lot. Councilmember Townsend
55 seconded the motion. The motion passed unanimously of council.

56
57 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET**

58
59 **VII. PROCLAMATIONS / AWARDS**

60
61 a. Colon Cancer Awareness Month

62
63 Mayor Sweet called forth Nicki Muchler and Jennifer Spencer, two staff members from
64 Rockwall Presbyterian Hospital, to accept this proclamation. After brief introductions
65 and background information related to the organization, Mayor Sweet then read and
66 presented the proclamation to the two representatives and thanked them for their
67 continued efforts to inform the community.

68
69 **VIII. OPEN FORUM**

70
71 Mayor Sweet explained how Open Forum is conducted and asked if anyone in the
72 audience would like to come forth to address the council at this time.

73
74 Many citizens came forth during Open Forum to express support for the 2nd Amendment
75 item. Gerald Barnes, Zack McGinnis, Gregg Turner, Tom Stanton, Kelly Woodward, Ron
76 Ice, Tina Millican, Constance Ferris and John White. John Wardell came forth to express
77 opposition regarding the NuRock housing development. There being no additional
78 citizens wishing to come forth and speak during this time, Mayor Sweet then closed
79 Open Forum.

80
81 **IX. CONSENT AGENDA**

- 82
83 1. Consider approval of the minutes from the February 18, 2013 regular City
84 Council meeting, and take any action necessary.
- 85 2. Z2013-001 - Consider approval of an ordinance for a request by Denise
86 Webb and Shannon Allred for a Specific Use Permit (SUP) to allow for a

- 87 secondhand goods store located on Lot S and a portion of Lot 3, Block L
88 of Rockwall Old Towne, City and County of Rockwall, Texas, being a
89 1,500-sf tract located at 103 South San Jacinto, zoned (DT) Downtown
90 district, and take any action necessary. (2nd Reading)
- 91 3. Z2013-002 - Consider approval of an ordinance for a request by Cameron
92 Slown for a change in zoning from (AG) Agricultural district to (C)
93 Commercial district on a 45.56-acre tract situated in the W. W. Ford
94 Survey, Tract 17-5, located at the southeast corner of SH 205 and FM
95 549, City and County of Rockwall, Texas, and take any action necessary.
96 (2nd Reading)
- 97 4. P2013-002 - Discuss and consider a request by Tina Rowe-Woodall,
98 representing Heavenly Hands Birthing Center, for approval of a final plat
99 of the Heavenly Hands Addition, Lot 1, Block A, being a replat of the W.D.
100 Austin Addition, Lot 2R, City and County of Rockwall, Texas, being a
101 0.45-acre tract of land located at 908 N. Goliad Street, north of Heath
102 Street, zoned Planned Development No. 50 (PD-50), and take any action
103 necessary.
- 104 5. P2013-003 - Discuss and consider a request by Tom Jones, representing
105 Binkley and Barfield, for approval of a final plat of the Columbia Park
106 Addition, Lot 4, Block A, being a 3.00-acre tract of land described as a
107 portion of a 16.558 acre tract in the N. Butler Abstract, Tract 4-01, City
108 and County of Rockwall, Texas, zoned Commercial (C) and generally
109 situated on the north side of Airport Road, east of Industrial Boulevard,
110 and take any action necessary.
- 111 6. Consider a policy amendment regarding the procurement of professional
112 services, and take any action necessary.
- 113 7. Consider authorizing the City Manager to execute a contract with Dee
114 Brown Inc. for the cast stone repairs at the Harbor in an amount not to
115 exceed \$110,000 funded with general fund reserves, and take any action
116 necessary.
- 117 8. Consider authorizing the City Manager to execute a contract with Kimark
118 for the purchase of SCADA equipment for system expansion to include
119 school zone traffic signal monitoring and control in the amount of \$56,213
120 funded with contractual obligations and Court Child Safety Fines, and
121 take any action necessary.
- 122 9. Consider bid from RNDI for the Harbor fountain leak repair in the amount
123 of \$36,283.50 non-responsive; rejecting bid, and take any action
124 necessary.
- 125 10. Consider the adoption of a resolution restating the city's financial
126 commitment to the Transportation Enhancement Grant Request, and take
127 any action necessary. (*pulled from approval motion by Councilmember*
128 *Pruitt*)
- 129 11. Consider adoption of a resolution authorizing the City Manager to execute
130 an agreement with Texas Department of Transportation to contribute right
131 of way funds for the FM3097 widening project with funding available from
132 the street assessment fund, and take any action necessary.

- 133 12. Consider authorizing the City Manager to execute an agreement with
134 Verdunity for design, construction management and other related
135 services for the Glenn Avenue utility rehabilitation project in the amount of
136 \$59,210 to be funded from 2008 utility revenue bonds, and take any
137 action necessary.
- 138 13. Consider approval of revision to Engineering Standards of Design due to
139 conflicts with the adopted 2009 Fire Code, and take any action
140 necessary.

141 **Councilmember Pruitt pulled item #10 for further discussion.**

142 **Councilwoman Smith then made a motion to approve the remaining Consent Agenda**
143 **items with the exception of item #10. Councilmember Lewis seconded the motion. The**
144 **ordinances for items #1 and #2 were read into the record as follows:**

145 ORDINANCE NO. 13-02

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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 ALLOWING FOR A SECONDHAND DEALER WITHIN THE (DT) DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN AS LOT S AND A PORTION OF LOT 3, BLOCK L, ROCKWALL OT ADDITION AND LOCATED AT 103 SOUTH SAN JACINTO; 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.

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ORDINANCE NO. 13-03

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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 45.56-ACRE TRACT OF LAND DESCRIBED AS TRACT 17-5 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve consent agenda with the exception of item #10 passed unanimously of council.

Regarding Consent Item #10, Councilmember Pruitt explained this item came before council originally in a prior meeting and further expressed his standing vote against this item as is. After this brief input, Councilmember Lewis made a motion to approve consent item #10. The Mayor seconded the motion, and the motion passed by a vote of 5 ayes to 2 nays (Smith and Pruitt).

At this time Mayor Sweet requested that action item #2 be moved up on the Agenda.

183 **Action Item**

- 184 2. Discuss and consider approval of a resolution regarding the 2nd
185 Amendment to protect and defend the constitutional right to keep and
186 bear arms, and take any action necessary.

187 Councilwoman Smith expressed her appreciation to the citizens for showing up this
188 evening in support of the 2nd Amendment. She then read a statement she prepared into
189 the record and made a motion to approve the 2nd Amendment resolution.
190 Councilmember Pruitt seconded the motion. Mayor Sweet opened the item for further
191 discussion.

192 Councilmember Pruitt expressed his gratitude to the citizens of Rockwall for being
193 present. He further reiterated to council the current bills filed in Austin right now directly
194 addressing the issue of enforceability of federal gun laws by state police agencies. He
195 stated that he believes these issues were decided when the 2nd amendment was passed
196 and any infringement on that right is unconstitutional and unenforceable. He also stated
197 that Councilwoman Smith has amended the original resolution presented today to
198 address some of the legal concerns that council had with the original presentation.
199 Councilmember Pruitt stated that the court case language she has referenced in her
200 current amended version should also be removed and asked Councilmember Smith her
201 opinion on what she thinks the limits are on our 2nd Amendment freedoms.

202 Councilmember Smith responded by saying that our rights are granted and decided on
203 by the constitution therefore she feels that it is not her role to say what the rights are.

204 After further comments on his views regarding state laws and other debatable issues,
205 Councilmember Pruitt stated that he believes we are a nation and a state of laws. That
206 these laws can be debated and amended as the people see fit as long as they do not
207 infringe upon our constitutional right. He agrees with Councilmember White's comment
208 from a previous meeting that he does not need to restate the obvious and he supports
209 the constitution that he took and oath to uphold. Pruitt stated he does not need to get a
210 resolution reaffirming what he has already taken an oath to defend. He further stated
211 that there are other debatable issues of language in other laws and that perhaps those
212 need to be amended by council as well and doesn't believe that the council should
213 single out just one of them.

214 Mayor Pro-Tem White restated Councilwoman Smith's earlier statement that she cannot
215 determine what is or is not constitutional, however, he feels that her request to pass this
216 current resolution does just that. White feels that the way the resolution reads, it is
217 assumed that council has the right to determine what laws are followed.

218 Councilwoman Smith stated the purpose of the resolution is to state opposition against
219 any changes that are unconstitutional. She commented that she is not saying that she
220 or council has the right to judge what is not constitutional by law.

221 Mayor Pro-Tem White went on to ask Smith if the 2nd Amendment were to be amended;
222 who would determine what parts of this new Amendment will be enforced in the City of
223 Rockwall? After quoting from some case law, Smith stated she believes council does
224 have the right to interpret the law and say or give an opinion when they feel something
225 is unconstitutional.

226 City Attorney, Frank Garza stated that the amended resolution being presented to
227 council on this day has been edited to remove the language asking council to determine
228 this right. Garza went on to say that the resolution is simply stating that the position and

229 opinion of the council is that any changes to the 2nd Amendment are unconstitutional by
230 opinion only and further expressed that only a court of law can deem something
231 unconstitutional. Therefore, this resolution is simply an affirmation urging law makers
232 not to amend the 2nd Amendment right to keep and bear arms. And that the local law
233 enforcement will follow all laws until a court deems them unconstitutional.

234 After further discussion, appreciation and urging of all citizens to continue to stay
235 involved by Councilmembers Townsend, Daniels, and Lewis; Mayor Pro-Tem White
236 restated his original position against the need to re-affirm the oath he has already taken
237 to uphold the constitution, and also wishes to reiterate his preceding questioning of
238 motives driving the request of this resolution.

239 Councilmembers Pruitt, Daniels, Townsend, and Lewis all expressed individual
240 concerns over the case law and other verbiage as presented. Councilwoman Smith
241 agreed she would remove mention of the current case law in the resolution.

242 Motion to approve resolution with said changes passed by a vote of 5 ayes and 2 nays
243 (White and Daniels).

244

245 Mayor Sweet called for a 10 minute break of the council.

246

247 X. APPOINTMENTS

248

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

252 Chairman Phillip Herbst gave a brief update to Council on the votes and discussion taken
253 on said P&Z items by the Planning and Zoning Commission.

254 2. Appointment with Mr. Brad Davidson of LifeTime Fitness to discuss and
255 consider approval of the race route and waiver of Harbor related rental
256 fees for the Toyota U.S. Open Triathlon to be held on October 6, 2013,
257 and take any action necessary.

258 Mr. Davidson gave brief update to council on the prior year's event and further explained
259 new changes and needs to the upcoming race.

260 Councilwoman Smith made a motion to approve the item. Councilmember Lewis
261 seconded the motion.

262 After stated support from Councilmember Daniels and Lewis to Mr. Davidson and to the
263 Chandlers Landing HOA for their support of the race route Mayor Sweet called for a vote.
264 Motion to approve passed unanimously of council.

265 3. Appointment with representatives of The NuRock Companies and the
266 Rockwall Housing Authority regarding the submittal of a grant application
267 to the Texas Department of Housing and Community Affairs, and take
268 any action necessary.

269 City Manager Rick Crowley gave a brief history of the Rockwall Housing Authority and
270 Mayor Sweet then listed all current members of the board.

271 Executive Director of RHA, Tony Rios gave an update of all the current properties
272 managed by the Rockwall Housing Authority. Mr. Rios went on to express that the

273 intention of the RHA is to bring a new multifamily property to the citizens of Rockwall. He
274 then went on to introduce Vice President Dan Allgeier of NuRock Companies.

275 Mr. Allgeier presented a proposed property site for a sixty until multifamily project in
276 Rockwall on the northwest corner of S.H. 66 and FM 1141 across the street from the
277 school administration building. Allgeier gave a presentation on the product, locations
278 and construction of NuRock Companies properties. He then expressed the desire to start
279 construction should he receive the necessary allocations. Construction would begin in
280 December 2013 or January 2014 and he anticipates opening in August of 2014. Allgeier
281 asked if there were any further questions from council.

282 In response to several questions from council, Allgeir stated that the current site location
283 came to be after he did not find any land on the south side of Hwy 30. He also stated that
284 he would refrain, if possible from asking for any future zoning changes. Allgeir also
285 stated that the quality of his properties superior to others due to the fact that NuRock
286 owns their own construction company. He further offered to give addresses of other
287 properties of NuRock should anyone be interested in touring. He stated that if for some
288 reason they did not receive the funding needed they would be seeking additional funding
289 at another time. Mr. Allgeier went on to explain that all of the maintenance and upkeep of
290 the property is done by the property management company onsite.

291 Allgeier answered questions of concern from council regarding location site and how it
292 may impact the safety of school students and bus zones, by saying they will do whatever
293 possible to gate the property and make necessary changes so that the safety of the
294 citizens and children are addressed.

295 Mayor Sweet called for RHA board member Bruce Patton to give insight into the RHA
296 board decision to approve or vote against the item at the meeting. Mr. Patton stated that
297 he did not vote for the item because he had several concerns about the project and
298 NuRock Companies. He further expressed that he felt rushed to make a decision and did
299 not feel comfortable about the things he found in researching NuRock Companies and its
300 properties.

301 After a few final questions from the City Manager to Mr. Allgeier, the Mayor called for a 15
302 minute break.

303

304 XI. PUBLIC HEARING ITEMS

305

- 306 1. Z2013-004 - Continue a public hearing, discuss and consider approval of
307 an ordinance for a request by Kevin Patel for a Specific Use Permit (SUP)
308 to allow for a retail outlet where gasoline products are sold as an
309 accessory to a retail use, as stipulated by the Scenic Overlay (SOV)
310 District, on a 2.46-acre tract of land described as Lots 1R and 2R of the
311 Woods at Rockwall Addition, City and County of Rockwall, Texas, located
312 at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C)
313 Commercial district and situated within the Scenic Overlay (SOV) District,
314 and take any action necessary. (1st Reading)

315 Planning Director, Robert LaCroix gave a brief history on the property. He explained that
316 the proposed development was a Race Track gas station and that because of the sale of
317 gasoline, the applicant had to file for a specific use permit. Mr. LaCroix further explained
318 that this item got denied at the Planning & Zoning meeting and because of that, the item
319 would require a super majority vote by council in order to pass. The P&Z board had

320 concerns such as traffic and the relative location of the site. LaCroix stated that notices
321 were sent out to 22 surrounding owners. He received only two total responses, both in
322 favor.

323 Mayor Sweet then called on the applicant to address council and present any materials
324 he may have.

325 Tommy Mann with Race Track then addressed council giving them a brief history of the
326 company and went on to give some details about the exterior and interiors of the
327 proposed structure. He then went on to explain the traffic analysis that was done on the
328 site. He explained that the increase in traffic to this site would only be raised to 4% and
329 should not be a concern. He stated that the City of Rockwall staff is recommending the
330 approval of this item and would be happy to answer any questions council may have.

331 Mayor called for anyone from the audience wishing to speak on this item.

332 Dr. Robert Mehl (adjacent property owner)
333 2237 Ridge Road
334 Rockwall, Texas

335 Mr. Mehl gave further clarification of the location of his property and its relation to the
336 site. He went on to express concerns about the character of the neighborhood changing.
337 He stated that currently there are several doctors and dentist offices in this area with
338 some light retail. He also had concerns about the number of gas pumps being proposed
339 and how large the infrastructure would be in comparison to the businesses around it and
340 further expressed some concerns of the increase in traffic due the size of the business.

341 Brad Lamberth
342 1839 S. FM 740
343 Heath, Texas

344 Brad Lamberth addressed council on behalf of his parents, the current owners of the
345 property. Mr. Lamberth stated that the property has been for sale for many years and the
346 only offers that have ever been made to the owners have been retail businesses with a
347 fuel component. He went on to explain that although the desire for a specific business
348 may be the pleasure of some, the market driven desire is that of interested parties. He
349 stated that his parents have not been able to sell this property to those interested and
350 therefore has brought a significant burden on them as they are continuing to pay taxes
351 on a property that they have not been able to sell for many years. Mr. Lamberth urged
352 council to also take the property owner's rights into consideration when making a
353 decision on this matter.

354 Nell Wellborn
355 810 Lake Meadows
356 Rockwall, Texas

357 Ms. Wellborn expressed concerns such as "taste" of the structure, environmental issues,
358 and traffic. She went on to give a description of the area known as the Scenic Overlay
359 District and its purpose for being zoned as such. She urged council to consider the
360 original standards of this district and if the proposed structure truly meets those
361 standards.

362 Tommy Mann of Race Track gave further comment in response to some of the concerns
363 from the public and assured council of the ongoing compliance of his company to follow
364 the standards of the city should he receive approval for the specific use permit.

365 There being no additional citizens wishing to come forth and speak during this time,
366 Mayor Sweet then closed the public hearing.

367
368 Councilmember Pruitt made a motion to return the item to the P&Z commission for
369 further review so that they may consider the new traffic study given by the applicant
370 before making a final decision. Councilmember Townsend seconded the motion. Council
371 approved the motion unanimously.

372 2. Z2013-005 - Hold a public hearing, discuss and consider approval of an
373 ordinance for a request by Chad and Whitney Davis for a Specific Use
374 Permit (SUP) to allow for a secondhand goods store located on Lots 1
375 and 4, Block X of Rockwall OT, City and County of Rockwall, Texas,
376 being a 0.21-acre tract located at 302 South Fannin Street, zoned (DT)
377 Downtown district, and take any action necessary. (1st Reading)

378 Planning Director, Robert LaCroix gave brief history on this property. He explained that
379 the specific use permit is needed for anything of a "secondhand" nature. LaCroix went
380 on to explain that parking for a retail store could prove to be a challenge for the owner
381 due to the fact that there is not a parking lot on the property. Notices were sent out to 17
382 property owners. He received 10 total back in opposition of this SUP.

383 Mayor Sweet opened the public hearing and asked if there were any citizens present that
384 wished to address council on this item.

385 Chad Davis (applicant)
386 515 Sausalito Drive
387 Rockwall, Texas

388 Mr. Davis is the applicant and addressed council giving them a brief explanation of the
389 products and type of retail items he would be selling. He explained that the site would be
390 used for boutique-type antique furniture as well as interior décor items.

391 Tom Hughes (adjacent home owner)
392 306 S. Fannin
393 Rockwall, Texas

394 Mr. Hughes addressed council expressing his concern for the items being sold in the
395 boutique and his concern for standard it could possibly place on the neighborhood,
396 should council approve the "secondhand" store. Mr. Hughes stated that he would like
397 council to consider the fact that his neighborhood has always been a single family
398 residential area, regardless of the zoning changes and he would like to keep it that way.

399 Michael Caffey (adjacent home owner)
400 311 S. Fannin
401 Rockwall, Texas

402 Mr. Caffey addressed council and stated he is also a homeowner in this area and stated
403 that because this street has already been zoned to allow for some retail he would be in
404 favor of the applicant's request.

405 There being no additional citizens wishing to come forth and speak during this time,
406 Mayor Sweet then closed the public hearing.

407 Councilmember Daniels, Councilmember Smith and Mayor Sweet all expressed concern
408 for more and more businesses moving into residential areas. Mayor Pro Tem White and

409 Councilmember Townsend disagreed stating that the current zoning allows for a retail
410 store and if not for the type of retail, they would not be there discussing the matter.

411 Mayor Sweet made a motion to deny the applicants request. Councilmember Pruitt
412 seconded, the motion failed by 3 ayes and 4 nays (White, Townsend, Daniels and Lewis).

413 Mayor Sweet called for a subsequent motion. Mayor Pro Tem White made a motion to
414 approve the applicant's request. Councilmember Townsend seconded the motion, which
415 failed by 3 ayes and 4 nays (Daniels, Smith, Mayor and Pruitt).

416 3. Z2013-006 - Hold a public hearing, discuss and consider approval of an
417 ordinance for a request by Billy Peoples and Mark Latham for a change in
418 zoning from (MF-14) Multi-Family Residential district to (DT) Downtown
419 district on a 0.23-acre tract and a 0.16-acre tract, situated in the Eppstein
420 Addition Lot W, Block H, Part of 1,2 and 3 and Lot E, Block H, Part of 1,2
421 and 3, City and County of Rockwall, Texas, located at 308 and 310 South
422 Fannin Street respectively, and take any action necessary. (1st Reading)

423 Planning Director, Robert LaCroix gave brief history on the properties up for discussion.
424 He explained that the properties were zoned as single family, however, in the year 2007
425 the properties were put forth to council to rezone them as multi-family and bring them
426 into the (DT) which would allow for some retail and office. At that time the council elected
427 not to include them in the (DT), which still stands today. LaCroix explained that the
428 properties have mainly been used as rental properties. The Historic Preservation Board
429 reviewed this request and voted to approve the requested zoning change. The Planning
430 and Zoning Commission voted to approve, but it failed by a vote of 3-3.

431 Mayor Sweet opened the public hearing and asked if there was anyone present that
432 would like to come forward to speak on this item.

433 Mark Latham (applicant)
434 41 Fireside Drive
435 Rockwall, Texas

436 Mr. Latham explained that he purchased the home a couple of months prior and had
437 been searching for a home in the downtown area for rental home or office space for his
438 business, Firehouse Roofing. He expressed that, in his opinion, he feels an owner that
439 actually lives in one of the homes and uses the other for office space would keep the
440 property better maintained rather than a regular renter.

441 Mark Russo
442 418 S. Fannin Street
443 Rockwall, Texas

444 Mr. Russo explained that he was originally on the Historic Preservation Board when
445 these properties were first proposed to bring into the (DT) zoning. Mr. Russo gave his
446 opinion to not to support the applicant's request.

447 Tom Hughes (adjacent property owner)
448 306 S. Fannin
449 Rockwall, Texas

450 Mr. Hughes expressed that he felt the surrounding homeowners were not asked or sent a
451 notice originally about changing the two properties from single family to multi-family. Mr.
452 Hughes expressed signage concerns, should commercial and retail businesses be
453 allowed. He stated that they would eventually put up large signs to advertise their
454 business out in the front yard.

455 **Michael Caffey (adjacent property owner)**
456 **311 S. Fannin**
457 **Rockwall, Texas**

458 **Mr. Caffey expressed concern for his property values, should the majority of the street be**
459 **rezoned for other uses. However, he expressed that there have been several renters over**
460 **the years in and out of these homes and perhaps a commercial or retail owner would be**
461 **able to keep them up a little better than in years past. He feels that the business currently**
462 **located around that area have all done very good and kept their properties in really good**
463 **condition.**

464 **Ben Weible**
465 **215 Trout Rd.**
466 **Rockwall, Texas**

467
468 **Mr. Weible explained that he agreed with the earlier comment made by Mr. Lamerth, who**
469 **spoke on the earlier public hearing item Z2013-004, when he mentioned rights of the**
470 **property owner. Mr. Weible commented that he felt council should allow the owner to use**
471 **the property as they so wish due to the character of the neighborhood, which was**
472 **changed when City Hall was put in.**

473
474 **There being no additional citizens wishing to come forth and speak during this time,**
475 **Mayor Sweet then closed the public hearing.**

476
477 **Mayor Sweet and Councilmember Lewis expressed comments as to why they did not feel**
478 **approving this item was good for the neighborhood. Mayor Sweet made a motion to deny**
479 **the request. Councilmember Pruitt seconded the motion. Motion passed by 6 ayes and 1**
480 **nay (White).**

481
482
483 **XII. ACTION ITEMS**

- 484
485 **1. Discuss and consider a request from Mr. Corey Brecht with Turner**
486 **Construction representing Allen Foods for a setback variance for a**
487 **monument sign located at 3055 Discovery Blvd, and take any action**
488 **necessary.**

489 **Mayor Sweet excused himself from further deliberation on this item and filed a conflict of**
490 **interest affidavit with the City Secretary's office, as Allen Foods is his employer.**

491 **Building Official, Jeffrey Widmer gave some brief details and explained that the applicant**
492 **is requesting the variance due to the fact that the current sign measures 5 feet, however,**
493 **the requirement is a 10 foot setback. The applicant would like council permission to**
494 **leave it as is so they do not incur further cost in moving the structure.**

495 **Representative from Turner Construction spoke on behalf of Allen Foods and explained**
496 **that the issue was a minor oversight in the original drawings and that the current sign is**
497 **not in the major ROW.**

498 **Councilmember Smith made a motion to approve the variance. Councilmember Lewis**
499 **seconded. Motion to approve passed by 6 ayes with an abstention from Mayor Sweet.**

500

501 3. Discuss and consider authorizing the City Manager to enter into
502 negotiations with Oncor regarding power lines at the Municipal Airport.
503

504 **Councilmember Pruitt explained his request to place this item on the agenda stating that**
505 **because of the safety zone and the placement of power lines installed by Oncor, there**
506 **are parts of a runway at the airport that cannot currently be used. Mr. Pruitt expressed**
507 **that he could not find any permits that Oncor got when they were originally installed and**
508 **believes abatement of the power lines is necessary to ensure that proper procedure was**
509 **followed.**

510 **Councilmember Pruitt made a motion to move forward with negotiations. Mayor Pro Tem**
511 **White seconded the motion, which passed unanimously of council.**

512
513 4. Discuss and consider approval of a resolution and full service trustee
514 agreement to retain American National Bank of Texas Trust to provide
515 oversight of the City's 457 Plan and other related employee discretionary
516 plans qualified under Section 401(a) of the Internal Revenue Code, to be
517 held in a trust intended to be tax exempt under Section 501(a) of the
518 Code, and take any action necessary.

519 **Assistant City Manager, Mary Smith gave brief description and update to council. Mayor**
520 **Sweet asked her to speak to why a change was needed. Mrs. Smith responded that the**
521 **city had been dissatisfied with the current provider. She further explained that ANB**
522 **would be helping the city set up an RFP process for broker services.**

523 **Mayor Sweet made a motion to approve. Mayor Pro Tem seconded. Motion passed**
524 **unanimously of council.**

525 5. Discuss and consider authorizing the City Manager to execute the third
526 amendment to the Presbyterian Hospital of Rockwall agreement, and take
527 any action necessary.

528 **Assistant City Manager, Mary Smith gave brief history on the current location site,**
529 **explaining that the amendment would remove the surrounding parcels from the**
530 **agreement, and to only include the hospital site.**

531 **Mayor Pro Tem White made a motion to approve. Councilmember Smith seconded.**
532 **Councilmember Pruitt expressed that he would not be supporting the motion as he felt**
533 **that it was another example of parties requesting to change things once the deal has**
534 **already been made and agreed upon. Mayor Sweet called for a vote. Motion passed by 5**
535 **ayes and 2 nays (Pruitt and Daniels).**

536

537 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING**
538 **MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
539

540 1. Departmental Reports
541 Animal Adoption Center Report - January 2013
542 Building Inspections Monthly Report - January 2013
543 Finance Department Monthly Report - January 2013
544 Fire Dept. Monthly Reports - January 2013
545 Internal Operations Department Monthly Report - January 2013
546 Police Department Monthly Report

547 Harbor PD Report - January 2013
548 Recreation Monthly Report - January 2013

549 2. City Manager's Report

550 Mr. Crowley gave notification that the Aqua Texas contract is ahead of schedule and he
551 has received indication from TCEQ staff that they plan to expedite their consideration
552 and approval fairly soon. Mr. Crowley also stated that the engineering design is
553 underway for current sewer line project. He also gave notification that the financing for
554 Trend Tower was approved. Finally, he informed council that Fire Chief Poindexter
555 received official notification from the Texas State Fire Marshall's office that the cities ISO
556 rating has been improved from a 3 to a 2. This rating will go into effect on July 1st.

557
558 **XIV. EXECUTIVE SESSION**

559
560 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
561 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
562 **CODE:**

- 563 1. Discussions regarding land acquisition in the downtown area for
564 municipal purposes pursuant to Section 551.072 (deliberations about real
565 property).
- 566 2. Discussion regarding deliberation of appointment of City Attorney,
567 including update from council subcommittee, pursuant to Section 551.074
568 (personnel matters).
- 569 3. Discussion regarding terms of agreement with municipal services provider
570 pursuant to section 551.071 (consultation with attorney).

571
572 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

573
574 **XVI. ADJOURNMENT**

575
576 Mayor Sweet adjourned the meeting at 10:45 p.m. The City Council did not reconvene
577 back into Executive Session at the end of the public meeting / agenda. (See start of 6:00
578 p.m. public meeting above for action taken as a result of the first Executive Session).

579
580 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
581 **TEXAS, this 18th day of March, 2013.**

582
583
584 **ATTEST:**

585 *Kristy Ashberry*
586
587 **Kristy Ashberry, City Secretary**

David Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, March 18, 2013
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 David White called the meeting to order at 4:00 p.m. Present were Mayor Pro Tem White and Council Members Jim Pruitt, Bennie Daniels, Mike Townsend, and Dennis Lewis. Also present were Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza. Councilmember Michelle Smith was absent from the Executive Session discussion. Mayor David Sweet, City Manager Rick Crowley and Planning Director Robert LaCroix joined Executive Session partway through the below listed discussion items.

Mayor Pro Tem White read the following Executive Session discussion items into the public record and then immediately recessed the public meeting into Executive Session.

II. EXECUTIVE SESSION

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

1. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
2. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).

III. ADJOURN EXECUTIVE SESSION

Mayor Sweet and City Council Members came out of Executive Session at 4:50 p.m.

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MINUTES
ROCKWALL CITY COUNCIL
Monday, March 18, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

41 **IV. RECONVENE PUBLIC MEETING**

42
43 **Mayor Sweet reconvened the public meeting at 6:00 p.m. All city council members were**
44 **present for the 6:00 p.m. meeting, including Councilmember Michelle Smith.**

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

47
48 **Mayor Pro Tem White made a motion to authorize the city manager to enter into a rental**
49 **agreement with the Cain Family Revocable Trust for parking. Councilmember Townsend**
50 **seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Smith (due to**
51 **being absent from Executive Session discussion above)).**

52
53 **Mayor Pro Tem White made a motion to authorize the City Manager to enter into a**
54 **purchase agreement with Richard Slaughter in the amount of \$110,000 for land**
55 **acquisition. Councilmember Daniels seconded the motion, which passed by a vote of 6**
56 **ayes with 1 abstention (Smith).**

57
58 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH**

59
60 **Councilmember Smith delivered the invocation and led the Pledge of Allegiance.**

61
62 **VII. PROCLAMATIONS / AWARDS**

- 63
64 1. **Poison Prevention Week - March 17-23, 2013**

65
66 **Mayor Sweet offered brief comments and read the proclamation recognizing Poison**
67 **Prevention Week.**

68
69 **VIII. CONSENT AGENDA**

- 70
71 1. **Consider approval of the minutes from the March 4, 2013 regular City**
72 **Council meeting, and take any action necessary.**
- 73 2. **P2013-004 - Consider a request by Ricki Rose for approval of a final plat**
74 **of the Parks of Rockwall Addition, Lot 1, Block 1, City and County of**
75 **Rockwall, Texas, being a 2.00-acre tract of land located on State**
76 **Highway 66, west of the Rockwall City Cemetery, zoned General Retail**
77 **(GR) and situated within the SH 66 Overlay (SH 66 OV) District, and take**
78 **any action necessary**
- 79 3. **P2013-005 - Consider a request by Daniel Dewey, representing JBI**
80 **Partners, for approval of a replat of Caruth Lakes, Phase 7B, City and**
81 **County of Rockwall, Texas, for the purpose of creating utility easements**
82 **for franchise utility companies; being a 17.182-acre tract of land out of the**
83 **Samual S. McCurry Survey containing 66 residential lots, and generally**

84 located north of FM 1141 on the west side of John King Boulevard, zoned
85 Planned Development No. 5 (PD-5), and take any action necessary.

86 4. Consider approval of a contract with Kimley Horn for engineering services
87 for utility projects to be funded from 2008 utility revenue bonds, and take
88 any action necessary.

89 **Councilmember Pruitt pulled item #1 for further discussion.**

90
91 **Mayor Pro Tem White then made a motion to approve the remaining Consent Agenda**
92 **items (#2, 3, and 4). Councilmember Daniels seconded the motion, which passed by a**
93 **vote of 7 ayes to 0 nays.**

94
95 **Regarding Consent Agenda item #1, Councilmember Pruitt requested that one, minor**
96 **wording change be made in the minutes. Mayor Pro Tem White then made a motion to**
97 **approve Consent #1 as amended. Councilmember Pruitt seconded the motion, which**
98 **passed by a vote of 7 ayes to 0 nays.**

99
100 **IX. APPOINTMENTS**

101
102 1. Appointment with the Planning and Zoning Chairman to discuss and
103 answer any questions regarding cases on the agenda and related issues,
104 and take any action necessary.

105 **Phillip Herbst, Planning & Zoning Commission Chairman, came forth to brief the council**
106 **on recommendations of the Commission relative to planning related items on tonight's**
107 **council agenda. The council took no action related to this item.**

108
109 2. Appointment with Don Smith of Lakes Regional MHMR Center to request
110 a waiver of water and sewer impact fees and tap fees, and take any
111 action necessary.

112 **Mr. Don Smith came forth and introduced himself as the Chief Financial Officer of Lakes**
113 **Regional MHMR. He explained that he would like to request that the council consider**
114 **waiving these impact fees. He indicated that Lakes Regional is a not-for-profit**
115 **organization, so they do not make any money. After brief comments, he respectfully**
116 **asked for waiver of these fees.**

117
118 **Councilmember Daniels asked City Manager Rick Crowley to speak about the effects that**
119 **the city would experience if these fees were to be waived. Mr. Crowley generally**
120 **indicated that waiving these fees is not something the council has typically done and**
121 **that doing so will have the result of there being "that much less money" within the city's**
122 **overall fund. Assistant City Manager Smith interjected that a portion of the fees charged**
123 **do tie back to actual expenses, such as the cost of the actual meter itself.**

124
125 **Councilmember Pruitt asked for specifics on past waiver of impact fees. Mr. Crowley**
126 **indicated that the city has waived these fees for Habitat for Humanity in the past, and the**
127 **city has waived road impact fees in the past for Rockwall County; however, the instances**
128 **have been very few.**

129
130 **Councilmember Daniels asked for clarification on actual cost that the city would be out-**
131 **of-pocket if these fees were waived. Assistant City Manager Mary Smith explained that**

132 out of the \$16,000 in fees, \$1,309.00 is the actual cost that the city would have to directly
133 absorb.

134
135 Councilmember Daniels made a motion to grant waiver of the impact fees only (not the
136 tap fees). There being no second to the motion, the motion failed.

137
138 There being no further motions offered by members of council, the council took no
139 action related to this item.

140
141 3. Appointment with Molly Peterson from the Collin County Humane Society
142 at Rockwall to present a six month report regarding operations of the
143 Rockwall Animal Adoption Center.

144 Mrs. Petterson came forth and provided the council with a detailed update on the
145 operations at the Animal Adoption Center, including intake numbers, adoption rates,
146 existing conditions, recent improvements and future improvement and expansion plans.

147
148 Councilmember Smith thanked Mrs. Petterson for her work in taking care of Rockwall's
149 pets.

150
151 Mayor Sweet offered brief comments, thanking Mrs. Petterson for her work and
152 expressing his belief that the decision to allow her and her organization to run the shelter
153 was a good decision.

154
155 The Council took no formal action related to this item.

156
157 X. PUBLIC HEARING ITEMS

158
159 1. Z2013-007 - Hold a public hearing, discuss and consider approval of an
160 ordinance for a request by Scott Huizenga, representing Campers 4 Rent,
161 LLC, for approval of a change in zoning from Agricultural (AG) District to
162 Heavy Commercial (HC) District on a 1.50-acre tract situated in the J.D.
163 McFarland Survey, Tract 8-3, City and County of Rockwall, Texas,
164 located at 955 Sids Road, northeast of Mims Road, and take any action
165 necessary. (1st reading)

166 Planning Director Robert LaCroix provided brief background information related to this
167 item. He explained that this company rents RVs to individuals who would rather rent one
168 than own one, indicating that they currently operate a location in Lewisville that is very
169 successful. He stated that six notices were sent out to adjacent property owners located
170 within 200 feet of the property. At this time, no notices have been received back. The
171 P&Z Commission did recommend approval of this item by a vote of 5 to 0.

172
173 Mayor Sweet opened the public hearing.

174
175 The applicant, Scott Huizenga, came forth and indicated that he and his wife own this
176 company. He explained that, while a couple of previous rental businesses in Rockwall
177 shut down during the recession, his Lewisville business actually grew during the
178 recession.

179
180 There being no one else to come forth and speak, Mayor Sweet then closed the public
181 hearing.

182
183 Councilmember Smith made a motion to approve Z2013-007. Mayor Sweet seconded the
184 motion.

185
186 Councilmember Pruitt asked for clarification regarding the adjacent buffer area, asking if
187 any future development might take place in this area. Mr. LaCroix indicated that no
188 development is possible in this buffer area because it is a wetland that has been
189 designated to the city and is owned by the city.

190
191 The ordinance was read as follows:

192
193 CITY OF ROCKWALL
194 ORDINANCE NO. 13-

195
196 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
197 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
198 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
199 HERETOFORE AMENDED SO AS TO FURTHER AMEND THE
200 ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN
201 AGRICULTURAL (AG) DISTRICT TO A HEAVY COMMERCIAL (HC)
202 DISTRICT FOR A 1.504-ACRE TRACT OF LAND DESCRIBED AS
203 TRACT 8-3 OF THE J. D. McFARLAND SURVEY, ABSTRACT NO.
204 145, ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE
205 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;
206 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
207 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
208 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
209 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
210 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

211
212 The motion passed unanimously of council (7 ayes to 0 nays).

213
214 2. Z2013-008 - Hold a public hearing, discuss and consider approval of an
215 ordinance for a request by Keith Taylor, representing T.A. Land Holdings,
216 for approval of a change in zoning from Agricultural (AG) District to
217 Commercial (C) District on a 1.51-acre tract situated in Zion Hill Estates
218 Addition, Lot 3 and part of Lot 6, Block B, City and County of Rockwall,
219 Texas, located at 2185 Williams Street, at the northwest corner of SH 66
220 and Stodghill Road (FM 3549), and take any action necessary. (1st
221 reading)

222 Planning Director Robert LaCroix provided background information related to this item.
223 Nine notices were sent out to property owners located within two hundred feet of the
224 property. No notices have been received back. The P&Z Commission has recommended
225 approval of this item.

226
227 Mayor Sweet opened the public hearing. There being no one wishing to come forth and
228 speak, Mayor Sweet then closed the public hearing.

229
230 Councilmember Smith made a motion to approve Z2013-008. Councilmember Lewis
231 seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-

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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 1.51-ACRE TRACT OF LAND SITUATED IN ZION HILL ESTATES ADDITION, LOT 2 AND PART OF LOT 6, BLOCK B, CITY AND COUNTY OF ROCKWALL, TEXAS MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. Z2013-009 - Hold a public hearing, discuss and consider approval of an ordinance for a request by John Kimmer, representing Tuff Shed, Inc., for approval of a Specific Use Permit (SUP) to allow for outside storage on a 3.20-acre tract of land described as Tract 7-01 of the J. Lockhart Abstract, City and County of Rockwall, Texas, located at 1780 E IH-30, zoned Light Industrial (LI) district and situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary. (1st reading)

Planning Director Robert LaCroix provided background information related to this item. He indicated that the size of the structures will mainly be limited to no more than 400 square feet. Also, staff recommends that a time limitation be placed on this for a period of three years, a time period that could be requested to be extended by the applicant after that initial period ends. Notices were mailed out to property owners located within 200 feet, but none were received back.

Mayor Sweet opened the public hearing.

A lady in the audience came forth to the podium but did not identify herself. She asked for clarification on Public Hearing item #2 regarding development in a flood plain. Since her question was not associated with this public hearing item, Mayor Sweet invited her to get with either the city attorney or planning director after the meeting to ask and have her questions answered.

There being no one wishing to come forth and speak about this item, Mayor Sweet then closed the public hearing.

Councilmember Daniels made a motion to approve Z2013-009. Councilmember Lewis seconded the motion. The ordinance was read as follows:

282 CITY OF ROCKWALL
283 ORDINANCE NO. 13-
284 SUP NO. S-
285

286 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
287 ROCKWALL, TEXAS, AMENDING THE UNIFIED
288 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY
289 OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO
290 AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A
291 SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE AND
292 DISPLAY ON A 3.20-ACRE TRACT OF LAND ZONED LIGHT
293 INDUSTRIAL (LI) DISTRICT AND LOCATED WITHIN THE IH-30
294 (IH-30 OV) OVERLAY DISTRICT, THE SUBJECT PROPERTY IS
295 LOCATED AT 1780 E. IH-30, BEING DESCRIBED AS TRACT 7-
296 01 OF J. LOCKHART SURVEY, ABSTRACT NO. 134;
297 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
298 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO
299 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
300 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
301 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
302 DATE.
303

304 The motion passed by a vote of 6 ayes with 1 against (Pruitt).
305

306 XI. ACTION ITEMS
307

- 308 1. Discuss and consider approval of an ordinance declaring unopposed
309 candidates and cancelling the 2013 General Election, and take any action
310 necessary. (1st reading)

311 Councilmember Smith made a motion to approve the ordinance. Councilmember Daniels
312 seconded the motion. The ordinance was read as follows:
313

314 CITY OF ROCKWALL, TEXAS
315 ORDINANCE NO. 13-
316

317 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
318 ROCKWALL, TEXAS DECLARING THE UNOPPOSED
319 CANDIDATES FOR THE OFFICES OF MAYOR, CITY
320 COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE
321 2, CITY COUNCILMEMBER PLACE 3, AND CITY
322 COUNCILMEMBER PLACE 5 AS ELECTED; PROVIDING THAT
323 THE MAY 11, 2013, GENERAL MUNICIPAL ELECTION SHALL
324 NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS
325 OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A
326 SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE;
327 FINDING AND DETERMINDING THAT THE MEETING AT
328 WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE
329 PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN
330 EFFECTIVE DATE.
331

332 The motion passed unanimously of council.

333

334 XII. EXECUTIVE SESSION

335

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

339

340 1. Discussions regarding land acquisition in the downtown area for
341 municipal purposes pursuant to Section 551.072 (deliberations about real
342 property).

343 2. Discussion regarding deliberation of appointment of City Attorney,
344 including update from council subcommittee, pursuant to Section 551.074
345 (personnel matters).

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

347

348 The Mayor and Council did not reconvene back into Executive Session at the close of the
349 6:00 p.m. public meeting, which ended at 7:00 p.m. See start of 6:00 meeting above for
350 actions taken as a result of the first Executive Session.

351

352 XIV. ADJOURNMENT

353

354 Mayor Sweet adjourned the public meeting at 7:00 p.m.

355

356

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

358 THIS 1st day of April, 2013.

359

360



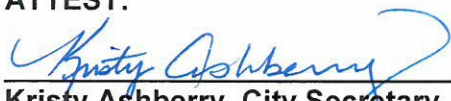
David Sweet, Mayor

361 ATTEST:

362

363

364



Kristy Ashberry, City Secretary

MINUTES ROCKWALL CITY COUNCIL

Monday, April 01, 2013

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

I. CALL PUBLIC MEETING TO ORDER

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

II. (4:00 P.M.) HOLD WORK SESSION TO DISCUSS FUNDING ALTERNATIVES FOR FIRE SERVICES IN UNINCORPORATED ROCKWALL COUNTY, AND TAKE ANY ACTION NECESSARY.

City Manager Rick Crowley provided background information to the council related to this item. He indicated that fire service in unincorporated portions of the county has traditionally been provided by the various fire departments within Rockwall County with the county paying each of those entities for services provided. Funds paid by the county to the City of Rockwall have traditionally gone towards a fire equipment fund rather than the general fund. Mr. Crowley shared with the Council a proposed funding methodology prepared by Rockwall County Commissioner David Magness, the goal of which is to provide a fair means of determining how much funding each of the fire departments in the county will receive from Rockwall County for providing fire service in the future. Mr. Crowley further explained that with this proposed, new funding methodology, the City of Rockwall Fire Department may receive about thirty-six percent less funding than it has in past years; however, the City of Rockwall believes this amount may be more in line with actual services provided. The council took no action related to this work session agenda item.

III. (4:15 P.M.) 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. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
2. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
3. Discussion of legal claim letter regarding Emerald Bay Park and playground equipment pursuant to Section 551.071 (Consultation with Attorney).

At 4:37 p.m. Mayor Sweet read the above noted discussion items into the public record. He also read the language for Public Hearing agenda item #1 into the public record as part of the Executive Session discussions as follows:

Z2013-004 - Hold a public hearing and consider approval of an **ordinance** for a request by Kevin Patel for a Specific Use Permit (SUP) to allow for a retail outlet where gasoline products are sold as an accessory to a retail use, as stipulated by the Scenic Overlay (SOV) District, for a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary. **(1st reading)**

He then recessed the public meeting into Executive Session.

IV. ADJOURN EXECUTIVE SESSION

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

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

At 6:00 p.m., Mayor Sweet reconvened the public meeting. All council members were present. Mayor Sweet recognized County Commissioner Cliff Sevier and County District Attorney Kenda Culpepper, guests in the audience at tonight's city council meeting. He offered condolences to the family of the Kaufman County District Attorney and his wife who were killed in their home over the weekend. Mary Smith, Assistant City Manager, introduced Tim Tumulty, the city's new Public Works Director, who will begin work soon.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Sweet announced that no action would be taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VIII. PROCLAMATIONS / AWARDS

a. Mary Claire Weible Memory Masters Day

Mayor Sweet and Mayor Pro Tem White recognized Mary Claire for her accomplishments. Mary Claire recited all of the Presidents of the United States from George Washington to present. Mayor Sweet then read and presented a proclamation to Miss Weible for her accomplishments in this school program.

IX. OPEN FORUM

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

**Art Hendon
1909 S. Lakeshore Drive
Rockwall, Texas**

Mr. Hendon came forth and indicated he would like to speak about the proposed RaceTrac on Yellowjacket. Mayor Sweet explained that that particular item is scheduled for a public hearing later on in tonight's meeting, and he is welcome to speak when it comes up later on in the agenda.

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the March 18, 2013 regular City Council meeting, and take any action necessary.
2. Consider approval of a change order to a contract with XIT Paving in the amount of \$38,000 for the construction of the sanitary sewer interconnect to enable the city to provide service to Lake Rockwall Estates, and take any action necessary.
3. Consider authorizing the City Manager to enter into a contract with Binkley & Barfield consulting engineers for water line replacement projects in the amount of \$106,540 to be funded from 2008 utility bonds, and take any action necessary.
4. **Z2013-007** - Consider approval of an ordinance for a request by Scott Huizenga, representing Campers 4 Rent, LLC, for approval of a change in zoning from Agricultural (AG) District to Heavy Commercial (HC) District on a 1.50-acre tract situated in the J.D. McFarland Survey, Tract 8-3, City and County of Rockwall, Texas, located at 955 Sids Road, northeast of Mims Road, and take any action necessary. **(2nd reading)**
5. **Z2013-008** - Consider approval of an ordinance for a request by Keith Taylor, representing T.A. Land Holdings, for approval of a change in zoning from Agricultural (AG) District to Commercial (C) District on a 1.51-acre tract situated in Zion Hill Estates Addition, Lot 3 and part of Lot 6, Block B, City and County of Rockwall, Texas, located at 2185 Williams Street, at the northwest corner of SH 66 and Stodghill Road (FM 3549), and take any action necessary. **(2nd reading)**
6. **Z2013-009** - Consider approval of an ordinance for a request by John Kimmel, representing Tuff Shed, Inc., for approval of a Specific Use Permit (SUP) to allow for outside storage on a 3.20-acre tract of land described as Tract 7-01 of the J. Lockhart Abstract, City and County of Rockwall, Texas, located at 1780 E IH-30, zoned Light Industrial (LI) district and situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary. **(2nd reading)**
7. Consider approval of an ordinance declaring unopposed candidates and cancelling the 2013 General Election, and take any action necessary. **(2nd reading)**
8. Consider approval of an ordinance amending the Code of Ordinances, Chapter 16, Motor Vehicles by altering the prima facie speed limit on FM549 from SH205 west to the city limits and take any action necessary. **(1st reading)**
9. P2013-009 - Discuss and consider a request by Charles Smith of Ascot Investors LLC for approval of a final plat of Lots 4-7, Block A, Integrity Addition Phase 2, being a 1.25-acre tract zoned (ZL-5) Zero Lot Line

District and situated in the B.F. Boydston Survey, Abstract No. 14, located along Boydston west of Clark Street, and take any action necessary.

10. P2013-011 - Discuss and consider a request by Rhett Dollins of Pogue Engineering for approval of a replat of Lot 4, Block A, Stone Creek Retail Addition, being 1.1890-acres zoned (PD-70) Planned Development No. 70 district and located at the southeast corner of SH 205 and FM 552, and take any action necessary.

Councilmember Pruitt pulled Consent Agenda item #6. Mayor Pro Tem White made a motion to approve the remaining Consent Agenda items (#1, 2, 3, 4, 5, 7, 8, 9, and 10). Councilmember Smith seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 13-07**

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 1.504-ACRE TRACT OF LAND DESCRIBED AS TRACT 8-3 OF THE J. D. McFARLAND SURVEY, ABSTRACT NO. 145, 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. 13-06**

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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 1.51-ACRE TRACT OF LAND SITUATED IN ZION HILL ESTATES ADDITION, LOT 2 AND PART OF LOT 6, BLOCK B, CITY AND COUNTY OF ROCKWALL, TEXAS 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. 13-04**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING THE UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR, CITY COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 3, AND CITY COUNCILMEMBER PLACE 5 AS ELECTED; PROVIDING THAT THE MAY 11, 2013, GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT

WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTION CODE, SECTION 545.356, UPON FM 549, SH 205 and FM 549 INTERSECTION, WEST, TO ROCKWALL/HEATH CITY LIMIT LINE, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Councilmember Pruitt indicated he pulled Consent Agenda Item #6 because he voted against this item at the last council meeting. Councilmember Townsend made a motion to approve Consent Agenda item #6. Mayor Pro Tem White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-05
SUP NO. S-103

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 OUTSIDE STORAGE AND DISPLAY ON A 3.20-ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT AND LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT, THE SUBJECT PROPERTY IS LOCATED AT 1780 E. IH-30, BEING DESCRIBED AS TRACT 7-01 OF J. LOCKHART SURVEY, ABSTRACT NO. 134; 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 to 1 nay (Pruitt).

Mayor Sweet then indicated that he will be exiting the council chambers in order to abstain from any discussion and voting related to Appointment Item #1, Public Hearing Item #1 and Action Item #1 due to a potential conflict of interest associated with the proposed RaceTrac and his personal employment. A Conflict of Interest Affidavit is on file with the City Secretary.

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 Pro Tem White read this agenda item and called forth Phillip Herbst, Planning & Zoning Commission Chair, to brief the council on recommendations of the Planning & Zoning Commission relative to items on tonight's city council meeting agenda. Mr. Herbst offered comments related to the Z2013-004 Public Hearing Item regarding the RaceTrac SUP request, indicating that the city council had sent this item back to the P&Z Commission for further review after a traffic impact analysis had been conducted and submitted by the applicant. He indicated that at a recent March Planning & Zoning Commission meeting, a public hearing was held, and a motion to approve the requested SUP failed by a vote of 2 in favor and 3 against. Councilmember Pruitt asked for clarification regarding votes of the Commissioners related to this item. Mr. Herbst generally indicated that two commissioners did change their votes between the first time this item came before them and the second time it came before them; however, he was not able to speak as to specific reasons why. Mr. Herbst indicated that some level of discussion took place among commissioners regarding issues such as 24/7 hours of operation, if it is truly needed, potential turn lane impacts, safety at the intersection, and traffic impacts. The council took no action related to this appointment item.

XII. PUBLIC HEARING ITEMS

- 1. Z2013-004 - Hold a public hearing and consider approval of an ordinance for a request by Kevin Patel for a Specific Use Permit (SUP) to allow for a retail outlet where gasoline products are sold as an accessory to a retail use, as stipulated by the Scenic Overlay (SOV) District, for a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, zoned (C) Commercial district and situated within the Scenic Overlay (SOV) District, and take any action necessary. (1st reading)**

Robert LaCroix, the city's Planning Director, provided background information related to this agenda item, indicating that this SUP is associated with a proposed 6,100 square foot footprint for a RaceTrac convenience store and fuel center. He explained that this piece of property is located within the Scenic Overlay District and is zoned Commercial. He explained that certain types of businesses proposed to be located in this Scenic Overlay District require a Specific Use Permit (SUP) to be granted by the city council, and a business with fuel sales is one of those types of businesses. He indicated that staff has reviewed the traffic impact analysis submitted by the applicant and has found that it will have a very minimal impact of about a four percent increase. He explained that notices were sent out, in accordance with law, to property owners located within two hundred feet of the subject property. Three notices were received back in favor, and one notice was received back in opposition. However, he pointed out that additional, written comments have been received by staff and council from members of the public not located within the two-hundred feet notification area. These written comments have been both in favor and in opposition of the proposed development.

Mr. LaCroix then indicated that staff recommended approval of this development with several limitations and conditions. He then explained those suggested conditions, including that the site plan be strictly adhered to, that the application for a replat be submitted for approval prior to issuance of any building permit, that there be no outside storage or display of merchandise (with the exception of perhaps a Red Box or other movie rental kiosk), and that all city fire and engineering standards be adhered to. Mr.

LaCroix further explained that all of the design standards of the Scenic Overlay District are being met by the applicant and no variances to those standards are being requested at this time. The traffic impact analysis does not reflect a significant increase in traffic since it is not a 'destination' type of business but rather a 'passing thru' type of business. Drainage concerns and tree mitigation pose challenges associated with developing this property. A substantial buffer does exist between the subject property and the nearest residential development. In addition, the city's current lighting regulations are even more restrictive now than they were five years ago, as are the city's building standards.

Councilmember Smith asked if any of the existing trees can be retained. Mr. LaCroix generally explained that some grading challenges exist, and the applicant can further explain this when he comes forth to speak. Mr. LaCroix expressed that the applicant recently reduced the number of proposed dispensers to nine (with eighteen pumps) instead of the originally proposed ten dispensers (with twenty pumps).

Councilmember Pruitt asked about the property across the street to the West of this location. He asked if another fuel station could be placed there in the future. Mr. LaCroix indicated that the council would have the ability to review any such proposed application through the SUP process should a developer want to build a similar business across the street at that location.

Tommy Mann
500 Winstead Building

Mr. Mann came forth and indicated that he is representing Race Trac this evening. Mr. Mann explained that Race Trac is not franchised but is owned and maintained by the Corporation. The result is a higher level of quality in terms of site development and operation and maintenance of locations. He explained that this is an SUP request, not a rezoning request. Mr. Mann pointed out that this location is already zoned "C," "Commercial." He stated that a request for a gas station at this particular location was made years ago, and it was denied because at the time it was believed that a 7-11 was possibly going to be developed just across the street. He explained that restrictions in this Scenic Overlay District were likely put in place in order to prevent a prevalence of fuel type convenience stores within this district. Mr. Mann indicated that he is a "zoning land use attorney," and that this piece of property is currently zoned "C" commercial. He commented about the various types of businesses that could possibly be built on this commercially zoned property today, uses that are allowed by right, without an SUP. He pointed out businesses like a children's daycare, a drive thru bank, a laundromat, a psychic business, a second hand dealer, a fast food restaurant, a night club / disco, etc. He handed out the following document to the City Council related to these possible commercial zoning uses:

C-COMMERCIAL ZONING DISTRICT vs. PROPOSED RACETRAC

Uses Allowed By Right

- Children's daycare
- Drive-through bank
- Astronomist/hypnotist/psychic art and science
- Banquet facility
- Laundromat
- Massage therapist
- Night club, discotheque, or dance hall
- Drive-through restaurant greater than 2,000 square feet
- Commercial parking lot
- Secondhand dealer
- Cemetery/mausoleum
- Mortuary

<u>Regulation Type</u>	<u>C District Maximum</u>	<u>Proposed Racetrac</u>
Maximum Floor Area Ratio	4 to 1	0.5 to 1
Maximum Building Coverage	60%	15% (including canopy)
Maximum Impervious Coverage	85-90%	73%
Maximum Height	36 feet	27 feet

Mr. Mann generally spoke about how other types of business that are currently allowed by right could affect the site, including the number of trees taken out, the appearance of the corner, and traffic. He indicated that this proposed Race Trac development not only meets required city regulations, but it exceeds many of the regulations for this Scenic Overlay District. He explained that the number of fuel dispensers originally proposed have been reduced from ten to nine, resulting in twenty-seven linear feet less of canopy on the site. He then discussed drainage problems currently in existence on the property. He generally indicated that the excess water is being generated by storm water runoff from the existing Walmart located uphill from this site. If his proposed development is approved, Race Trac's engineers will put in an underground pipe in order to address these drainage and runoff issues. A separate system will be put in place to address Race Trac's drainage and storm water runoff. Mr. Mann indicated that a number of trees will need to be removed in order to develop this property, which will result in a significant contribution to the city's park fund for tree mitigation. He expressed that this piece of property is currently valued at over \$800,000, and after the Race Trac is built, it is anticipated to be valued at \$1.3 million. He explained these numbers are significant because they meet the needed 'loan to value ratio' required by a bank for financing, a ratio that could not be met if the proposed development were, for example, an office building. Mr. Mann pointed out that up to 200,000 square feet of commercial development rights currently exist on this property today, but the Race Trac would be a 6,100 square foot development. Regarding the Traffic Impact Analysis, Mr. Mann expressed that an estimated four percent increase in traffic may occur with the Race Trac development. He further spoke about turn lanes, drive approach access and vehicle maneuverability for ingress and egress at the site location. Mr. Mann concluded by stating that he agrees with the city staff's indication that this request is 'reasonable,' and he respectfully asked the Council to approve the SUP.

Councilmember Lewis asked if this were to be approved, are there plans to leave an existing tree buffer between the fuel center and the existing surgery center located up Yellow Jacket Drive. Mr. Mann indicated that, yes, a buffer would be left, but there will be a shared drive with the surgery center.

Councilmember Pruitt pointed out several aspects associated with language contained in the Scenic Overlay District regulations, including three items - views of the lake, existing natural topography and existing, natural landscaping. Mr. Mann indicated that the Scenic Overlay District regulations are contained in an "aspirational document" that applies to a broad range of development which may occur in the district. He explained that since this property is zoned commercial, any commercial development will result in changes being made to the property because of grading challenges and an inability to build something on the side of a hill. Trees will have to be removed with any commercial development at this location. He expressed that every effort is being made to save existing trees and to plant new ones at the location.

Councilmember Pruitt asked several questions regarding what percentage of existing trees would be saved and the number of trees that would be removed if this Race Trac were to be built. Kevin Wiles with Race Trac Petroleum came forth and indicated that while he does not have an exact percentage or numbers of trees that will be removed, he offered assurance that every effort is being made to mitigate tree removal and preserve every tree possible. Mr. Wiles expressed that details of the trees to be removed were evaluated early on with preparation of an initial site plan.

Councilmember Smith asked if the business anticipates attracting patrons who drive IH-30. Mr. Mann indicated that, no, they will not be attracting drivers off IH-30 or drivers heading towards IH-30 (southbound on Ridge).

Councilmember Daniels indicated that any business at this location will increase traffic to some degree. He then asked if a 10,000 square foot convenience store without gas pumps could be built at this location today without having an SUP granted. Mr. LaCroix indicated that, yes, it could be built. Discussion took place regarding a potential fuel spill and its effects on the lake with Mr. LaCroix indicating that regulations and protections are put in place to mitigate any fuel spills and their effects.

After additional, brief discussion, Mayor Pro Tem White called for a short break.

Mayor Pro Tem White reconvened the meeting at 7:27 p.m.

Nell Welborn
810 Lake Meadows Circle
Rockwall, Texas

Mrs. Wellborn came forth and provided comments related to the Scenic Overlay District guidelines, indicating that she placed a discussion about formulating these guidelines on a council work session agenda in the late 1980s / early 1990s when she served on the city council. She offered clarifying comments related to the Scenic Overlay District, indicating that the three things Councilmember Pruitt pointed out (re: lake views, existing, natural topography and existing, natural landscaping) merely represented a description of what the district covers. She indicating that additional development criteria were put in place to better define the area in order to encourage development that would protect and enhance the existing views, topography and landscaping. She further explained that the area was designed to be primarily a retail and commercial shopping area with uses that are normally found along a major thoroughfare. She pointed out that the regulations do not talk about keeping all the trees or not changing the topography. Rather, the desire is that development would be compatible with existing uses and the visual environment in the Scenic Overlay District. She rhetorically asked the council if the intensity of the use associated with an eighteen pump gas station is what is wanted in the Scenic Overlay District. She pointed out that the Lakewood Office Park is an ideal, good example of a development that is compatible with desired aspects contained in the Scenic Overlay District regulations. She generally indicated that approval of this use is discretionary on the part of the council members.

Elizabeth Cowan
1907 S. Lakeshore Drive
Rockwall, TX 75087

Mrs. Cowan indicated that she forwarded a letter the members of the council earlier this afternoon. She stated she is speaking on behalf of neighbors who are unable to attend this evening. She and they are concerned about the potential increased traffic. She expressed the belief that this proposed Race Trac is not compatible with what is already located nearby. She suggested that the developer consider building elsewhere at a different site location, perhaps on the north end on SH-205, where it would be more cost effective and not affect so many trees.

**Art Hendon
1909 S. Lakeshore Drive
Rockwall, TX**

Mr. Hendon generally indicated opposition to the proposed RaceTrac, expressing the belief that a sufficient number of gas stations already exist, for example, the nearby Walmart.

**Jerry Scroggins
1904 S. Lakeshore
Rockwall, TX**

Mr. Scroggins generally indicated that he is opposed to this proposed establishment due to potential negative effects on the nearby residents, including lighting and traffic concerns.

**Richard Langley
2401 Sandstone Court
Rockwall, TX 75087**

Mr. Langley expressed opposition for this proposed Race Trac. He mentioned the fuel trucks and increased traffic as well as potential fuel spills, all of which he believes would have a negative effect.

**Terri Nevitt
201 Becky Lane
Rockwall, TX 75087**

Mrs. Nevitt indicated opposition to the proposed Race Trac development. She expressed that dangers associated with the increased traffic are concerning. She also pointed out her belief that the proposed canopy is quite large, especially if / when compared to the size of a football field. Mrs. Nevitt indicated that she believes Walmart is having issues in this economy; therefore, she does not believe placing a competitor fuel center nearby is desirable. She expressed concern about beer and wine being sold out of this location since it is located so near the high school. She is generally concerned about the trees that will be removed, and she believes the proposed Race Trac will contribute to undesirable noise pollution, air pollution and water run off concerns. She expressed that more traffic accidents will likely occur, and this will have an adverse affect on all residents in the form of paying higher auto insurance rates. She acknowledged that this piece of property is obviously a difficult piece of property to develop.

**Dr. Robert Mehl
2237 Ridge Road, Ste. 101 and 102
Rockwall, TX 75087**

Mr. Mehl expressed that he owns a doctor's office located nearby this proposed development. He generally expressed the belief that this gas station would not be a compatible use with other, existing, nearby businesses. He expressed that peak traffic times associated with school start and end times were not included as part of the traffic impact analysis. He explained that he is concerned about the proposed turn lanes, which will not truly meet TXDOT standards. He believes that traffic will not be able to be

adequately handled at this location. He urged the city council to deny the request with prejudice.

**Melba Jeffus
1903 S. FM-549
Rockwall, TX 75032**

Mrs. Jeffus indicated that she previously appealed to the city council to not approve the Race Trac that was proposed to be built and is now built at FM-205 and FM-276 because it would increase traffic. She indicated that she has sat at the traffic light at this intersection for over thirty minutes in the past because of the increased traffic created by the Race Trac that was placed at that intersection. She indicated that there has been a very large, negative impact on traffic since the Race Trac at SH-276 and SH-205 was built. She urgently urged the council to please think about and consider the traffic impacts and not approve a Race Trac at this location.

**Craig Renfro
1556 Parkside Circle
Rockwall TX 75032**

Mr. Renfro generally indicated that he is in support of this development and the SUP. He expressed that sometimes progress and change are difficult. He pointed out that this is zoned commercial; therefore, no home or park will be built at this location. He stated that a private land owner has an interested developer in this instance. He suggested that if this were disapproved, the government may be overreaching its parameters and impeding a property owner's right to decide what to do with his property and build on his property. He urged the council to approve or disapprove things for the right reasons.

**Elma Ponder
1850 Ashborne Drive
Rockwall, TX**

Ms. Ponder read a letter that she had previously written to Mayor Sweet. She did not attend the last meeting. She was upset to hear that the request was denied previously because of potential increased traffic and tree removal. She pointed out that this is private property and will not be utilized as a public park, for example. She has been a resident for about eight to nine years. She indicated that she welcomes this proposed development. She stated that Rockwall's population is growing, and, although we have a lot of gas stations, we also have a lot of cars in our city.

**Jim Cervine
Gateway America Properties
P.O. Box 1295
Rockwall, TX 75087**

Mr. Cervine indicated he has been in Rockwall since 1982. He expressed that four residents who could not be present tonight asked him to come and bring forth comments on their behalf since they could not be present to do so themselves. The general comments he expressed on behalf of these individuals are as follows:

Lori Arnold

President and Owner of Coldwell Banker Apex Realty – Lorie believes this would be a good use of the land in question, and she is in favor of this Race Trac item. She would like to see more development North of IH-30.

Shelly Dietrich, Owner of Statefarm Insurance Agency located at 2308 Ridge Road, Suite A – Shelly is highly in support of this proposed Race Trac development at this location. She believes a quality convenience store North of IH-30 is needed.

Richard Daiker – owns several buildings along Ridge Road, North of IH-30, including K&S Insurance Agency. Mr. Daiker's letter expressed full support for this proposed high-quality Race Trac development at this location. He believes this convenience store, North of IH-30, will benefit the area.

Kim Hanna – Second Evolution Apparel (2455 Ridge Road #129) – highly supports this development at this location. The design is high quality and much needed at this location.

Mr. Cervine indicated he personally represents the Ridge Road Towne Center as the leasing agent, and he is highly supportive of this development.

**Marilyn King
511 Sunset Hill Lane
Rockwall, TX**

Mrs. King came forth to urge the council to not approve this proposed development. She pointed out a couple of local gas stations that were approved in past years but are no longer in business and/or are no longer pumping gas.

**Bob Cotti
405 Driftwood
Rockwall, TX 75087**

Mr. Cotti came forth and generally expressed non-support for this proposed gas station. He pointed out that within one mile of this location, there are at least eight other locations who sell fuel. This gas station would increase the number of pumps by about forty percent. He expressed concern about increased traffic. He urged the council to deny this request because it would be a mistake that would have to be lived with for a very, very long time.

**John White
1929 S. Lakeshore Drive
Rockwall, TX 75087**

Mr. White indicated that he is an almost twenty-seven year resident of Rockwall. He generally pointed out that the market decides and drives what types of businesses are and are not truly needed. Mr. White spoke strongly in favor of property rights. Regarding alcohol sales, he pointed out that Walmart is a lot closer to the high school, and they stock and sell a lot of alcohol. Mr. White pointed out that an oil change depot is

located very, very close to this proposed Race Trac, and that business is a very compatible use with this proposed development. He generally expressed that sometimes trees have to be cut down when development occurs. He is very much in support of this proposed Race Trac. He stated that lighting plans ensure that light pollution is limited. He strongly urged the council to approve this request.

Ben Weible
215 Trout Road
Rockwall, TX 75032

Mr. Weible generally spoke strongly in favor of the property owner's rights. He expressed he hopes the preferences of the few do not overshadow the rights of the property owner. He urged the council to allow this profitable business transaction to take place without unnecessary interference and to create a friendly business environment characterized by growth and a better quality of life for the residents. Mr. Weible and Councilmember Pruitt exchanged dialogue related to the council's need to enforce the ordinance associated with the Scenic Overlay District, including preserving natural landscaping and topography. General discussion again took place related to tree removal versus tree preservation. Mr. Weible urged the council to approve this request unless some inherent danger exists.

Cliff Sevier
975 Mont Cascade
Rockwall, TX 75087

Mr. Sevier pointed out that this item is on the agenda for approval of an SUP. No matter what the ordinance says, an SUP can be granted by the council. It is up to the council's discretion what will be decided on this request.

Brad Lamberth
1010 W. Ralph Hall
Rockwall, TX 75032

Mr. Lamberth pointed out that he understands council has to balance their decisions while considering trees, traffic property owner rights and proximity to the nearby school, neighborhoods and other developments. Mr. Lamberth indicated that his mom and dad have owned this piece of property for over fifty years. He generally urged the council to approve this request.

Marion Duhamel
656 Turtle Cove Boulevard
Rockwall, TX 75087

Mrs. Duhamel generally expressed opposition to this proposed development because of its close proximity to her subdivision, Turtle Cove. She is generally concerned about traffic and does not believe it belongs at this location. She believes the canopy appears to be extremely large.

Mr. Mann with Race Trac came forth again and indicated that their business is not a destination business. It is a business that draws from the existing traffic that is already present and already passing by. He indicated that he believes the proposed

development is in compliance with the city's regulations, and he urged the council to support the city staff's recommendations associated with approving the SUP for this business. He believes that what is being proposed is "reasonable."

Terri Nevitt
201 Becky Lane
Rockwall, TX

Mrs. Nevitt indicated that she is not in opposition to this property being developed. She is just in opposition of it being so many pumps and such a large canopy. She would be okay with three pumps that would allow six cars being able to fuel at one time. She expressed that a certain town in Georgia has a lot of development where existing trees have been kept on developed sites. She has concerns about the number of cars and speed in and out of the gas station. She believes that a doctor's office, for example, would be much more feasible.

Melba Jeffus, previous speaker, came forth again and expressed very strong concern about the traffic that was created near the location where the Race Trac South of IH-30 was placed.

Mr. Mann with Race Trac came forth and expressed that the Race Trac will create more traffic than the existing trees do today at this site location; however, he generally indicated that it will be "passerby traffic."

Mayor Pro Tem White closed the public hearing (8:52 p.m.).

Councilmember Townsend indicated that he understands there is a lot of traffic in Rockwall already. He offered comments related to this development sharing a drive with the neighboring development. He is concerned about a developer's ability to build on this site location, but he is encouraged that Race Trac indicates they will work to fix the water and drainage run off problems generated by Walmart. He does not believe a medical practice could afford to develop on this site.

Councilmember Townsend made a motion to approve this SUP request. Councilmember Smith seconded the motion.

Councilmember Townsend indicated that he is in favor of approving the SUP for this item.

Councilmember Smith asked when the Scenic Overlay District was developed. Mr. LaCroix indicated that it was developed in 1987. Smith generally indicated she is in favor of approving this item because she does believe it comes down to a question of property rights in this particular case.

Councilmember Pruitt indicated that he is the council member who suggested that this item be referred back to the Planning & Zoning Commission when the traffic study emerged and was being presented to the Council without the P&Z having first reviewed it. Pruitt generally commented that he is not concerned that this or any other business will illegally sell alcohol to minors; however, he did point out that this location is just barely beyond the distance requirement prescribed by the state to sell alcohol (it is very

near Rockwall High School). Councilmember Pruitt generally indicated that he is against this development.

Councilmember Daniels indicated that he is a resident and is affected by traffic and other concerns too. Some folks will be happy about the council's decision, and some will be unhappy.

The ordinance was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-
SUP NO. ____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL OUTLET WHERE GASOLINE PRODUCTS ARE SOLD AS AN ACCESSORY TO A RETAIL USE, AS STIPULATED BY THE UNIFIED DEVELOPMENT CODE (UDC), SEC. 6.8 SCENIC OVERLAY (SOV) DISTRICT AND ZONED (C) COMMERCIAL DISTRICT, ON A 2.46-ACRE TRACT OF LAND SITUATED IN THE WOODS AT ROCKWALL ADDITION AND MORE SPECIFICALLY SHOWN IN EXHIBIT "B"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 5 in favor, 1 against (Pruitt) and 1 abstention (Sweet).

XIII. ACTION ITEMS

1. Discuss and consider a request by Kevin Wiles with RaceTrac to adopt an alternative method for creating tree credits and a method of distribution of trees or funds for purchasing trees in association with an associated tree plan and related site plan on a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, and take any action necessary.

City Attorney Frank Garza recommended that this issue be brought forth at a future date at the same time that a site plan is brought forth for consideration.

Mayor Pro Tem White made a motion to remove this item from tonight's agenda with the understanding it will be placed on a future council agenda when the site plan comes forth. Councilmember Smith seconded the motion.

After brief clarification from city attorney Frank Garza regarding the process moving forward, the motion passed by a vote of 6 ayes with 1 abstention (Sweet).

2. Discuss and consider hotel/motel subcommittee funding recommendations regarding request for the State High School Gymnastics Meet to be held in Rockwall, and take any action necessary.

Assistant City Manager Mary Smith provided brief background information related to this item.

Councilmember Lewis made a motion to allocate the requested \$10,000. Councilmember Daniels 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
 - Animal Adoption Center Report - February 2013
 - Building Inspections Report - February 2013
 - Finance Department Monthly Report - February 2013
 - Fire Dept. Monthly Report - February 2013
 - Harbor PD Report - February 2013
 - Internal Operations Department Monthly Report for February 2013
 - Police Department - February 2013 Monthly Report
 - Recreation Monthly Report - February 2013
 - STAR Transit Quarterly Report
2. City Manager's Report

City Manager Crowley indicated that lake levels at Lake Lavon are very low and quite concerning related to our water supply. Sufficient rainfall and associated run off into the lake has not occurred. Therefore, we will remain in Stage 2 drought restrictions, which could change moving forward.

A new fire truck is being delivered later this week. April 20 is Household Hazardous Waste Day for the city. \$30,000 in sponsorships have been committed to our Concerts By the Lake series, which is more than in previous years.

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. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
2. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
3. Discussion of legal claim letter regarding Emerald Bay Park and playground equipment pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding RaceTrac Zoning Case # Z2013-004 pursuant to Section 551.071(1), (2) (Consultation with Attorney).

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

XVII. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS 15th day of April, 2013.



David Sweet, Mayor

ATTEST:


Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 15, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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

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Mayor Sweet read the following Executive Session discussion items into the public record and then recessed the public meeting into Executive Session.

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II. EXECUTIVE SESSION.

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

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1. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
 2. Discussions regarding land acquisition associated with easements for the Aqua interconnect for municipal purposes pursuant to Section 551.072 (deliberations about real property).
 3. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
 4. Discussion of legal claim letter regarding incident at Rockwall Animal Adoption Center pursuant to Section 551.071 (Consultation with Attorney).
 5. Discussion of legal claim letter regarding litigation styled, Turner v. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney).
 6. Discussion of Economic Development incentives and procedures pursuant to Section 551.087 (Economic Development).

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III. ADJOURN EXECUTIVE SESSION

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Executive Session was adjourned at 4:40 p.m.

MINUTES
ROCKWALL CITY COUNCIL
Monday, April 15, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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54 **IV. RECONVENE PUBLIC MEETING**

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

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

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60 No action was taken as a result of Executive Session.

61
62 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE –COUNCILMEMBER DANIELS**

63
64 Councilmember Daniels called for a moment of silence to pray for those affected by
65 today's bombings at the Boston Marathon. He then delivered the invocation and led the
66 Pledge of Allegiance.

67
68 **VII. PROCLAMATIONS / AWARDS**

- 69
70 1. National Day of Prayer

71
72 Mayor Sweet offered brief comments related to events that will take place on May 2 and
73 will be hosted by the mayors throughout Rockwall County. He then read the
74 proclamation for the National Day of Prayer.

- 75
76 2. Motorcycle Safety & Awareness Month

77
78 Mayor Sweet called forth several motorcyclists who were in attendance at the council
79 meeting. He then read and presented the proclamation for Motorcycle Safety &
80 Awareness Month. One of the guests encouraged drivers to watch out for motorcyclists
81 on the road. One mentioned a fellow motorcyclist who was killed last year on SH-205
82 because of someone making a U-turn and not looking first. Another one of the guests
83 encouraged drivers to stay off their cell phones and not engage in text messaging while
84 driving because it can be dangerous and fatal.

85
86 **VIII. CONSENT AGENDA**

- 87
88 1. Consider approval of the minutes from the April 1, 2013 regular City
89 Council meeting, and take any action necessary.
90 2. Consider authorizing the City Manager to enter into a contract with
91 Teague, Nall and Perkins for engineering design services in the amount
92 of \$200,000 for water and sewer rehabilitation projects funded from 2008
93 utility bonds and take any action necessary.
94 3. Consider approval of a resolution to be sent to the Commissioner, State
95 Board of Insurance, opposing adoption of the Insurance Services Office

96 (ISO) Fire Suppression Rating Schedule as proposed on January 24,
97 2013, and take any action necessary.

98 4. Consider approval of an **ordinance** amending the Code of Ordinances,
99 Chapter 16, Motor Vehicles by altering the prima facie speed limit on
100 FM549 from SH205 west to the city limits and take any action necessary.
101 **(2nd reading)**

102 5. **P2013-010** - Consider a request by Bobby Samuel of Skorburg Company
103 for approval of a preliminary plat of Breezy Hill Phase 2A and 2B, out of
104 the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, being
105 35.812 acres of land, zoned (PD-74) Planned Development No. 74 district
106 and generally situated along the east side of John King Boulevard, north
107 of FM 552, and take any action necessary.

108 6. **P2013-006** - Consider a request by Bobby Samuel, representing
109 Skorburg Company, for approval of a final plat of Stone Creek, Phase IV,
110 City and County of Rockwall, Texas, being a 27.311-acre tract of land out
111 of the S. King Survey, Abstract No. 131 containing 59 residential lots, and
112 generally located north of Quail Run Road on the east side of SH 205,
113 zoned Planned Development No. 70 (PD-70), and take any action
114 necessary.

115 7. **Z2013-004** - Consider approval of an **ordinance** for a request by Kevin
116 Patel for a Specific Use Permit (SUP) to allow for a retail outlet where
117 gasoline products are sold as an accessory to a retail use, as stipulated
118 by the Scenic Overlay (SOV) District, for a 2.46-acre tract of land
119 described as Lots 1R and 2R of the Woods at Rockwall Addition, City and
120 County of Rockwall, Texas, located at the southeast corner of Ridge
121 Road and Yellow Jacket Lane, zoned (C) Commercial district and situated
122 within the Scenic Overlay (SOV) District, and take any action necessary.
123 **(2nd reading)**

124 **Mayor Sweet pulled Consent Agenda item #7. Councilmember Daniels made a motion to**
125 **approve Consent Agenda items #1-6. Councilmember Smith seconded the motion. The**
126 **ordinance for #4 was read as follows:**

127
128 **CITY OF ROCKWALL, TEXAS**
129 **ORDINANCE NO. 13-08**

130
131 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
132 **TEXAS, AMENDING CHAPTER 16 MOTOR VEHICLES, ARTICLE VI**
133 **OPERATION, DIVISION 7 BY ALTERING THE PRIMA FACIE SPEED LIMITS**
134 **ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE**
135 **TRANSPORTATION CODE, SECTION 545.356, UPON FM 549, SH 205 and FM**
136 **549 INTERSECTION, WEST, TO ROCKWALL/HEATH CITY LIMIT LINE,**
137 **WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS;**
138 **PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO**
139 **HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE;**
140 **PROVIDING AN EFFECTIVE DATE.**

141
142 **Regarding Consent Agenda Item #7, Mayor Sweet recused himself from any discussion**
143 **and vote pertaining to this item.**
144

145 Councilmember Smith made a motion to approve Consent Agenda item #7.
146 Councilmember Townsend seconded the motion. Councilmember Pruitt indicated that
147 the ordinance being presented for second reading tonight is different from what the
148 council approved at the last city council meeting upon first reading. Planning Director
149 Robert LaCroix pointed out that two changes were made – 1) to reflect nine (instead of
150 ten) pumps in the wording of the ordinance and 2) the exhibit was changed to reflect nine
151 (instead of ten) pumps as well. City Attorney Frank Garza reviewed the ordinance and
152 indicated that today’s ordinance incorporates the developer’s amended plan of nine
153 instead of ten pumps. Mr. Garza indicated that it is unclear what the intent of the council
154 was at the last meeting regarding whether or not the council was going to accept the
155 change from ten to nine pumps. Councilmember Smith amended her motion to approve
156 Z2013-004 on second reading with the understanding that nine pumps would be included
157 in the plan (rather than ten pumps). Mayor Pro Tem White and Councilmembers Michelle
158 Smith, Bennie Daniels, Dennis Lewis and Mike Townsend all spoke and indicated that it
159 was their understanding that the proposal was for nine gas pumps rather than ten. City
160 Attorney Frank Garza then indicated that council members could move forward with
161 voting to approve this ordinance have the second reading this evening. Councilmember
162 Townsend then seconded Smith’s amended motion.

163
164 Councilmember Pruitt asked that the two page document related to the developer’s
165 submitted tree plan, which was sent out to council members following the last council
166 meeting, be included in the record. It is attached to these minutes and included as
167 “Exhibit A.” Councilmember Pruitt offered an additional comment, indicating his
168 understanding that the developer is going to be removing 460 trees and saving 19.

169
170 The ordinance was then read as follows:

171
172 CITY OF ROCKWALL, TEXAS
173 ORDINANCE NO. 13-09
174 SUP NO. 104
175

176 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
177 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
178 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
179 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL OUTLET WHERE
180 GASOLINE PRODUCTS ARE SOLD AS AN ACCESSORY TO A RETAIL
181 USE, AS STIPULATED BY THE UNIFIED DEVELOPMENT CODE (UDC),
182 SEC. 6.8 SCENIC OVERLAY (SOV) DISTRICT AND ZONED (C)
183 COMMERCIAL DISTRICT, ON A 2.46-ACRE TRACT OF LAND SITUATED
184 IN THE WOODS AT ROCKWALL ADDITION AND MORE SPECIFICALLY
185 SHOWN IN EXHIBIT “B”; PROVIDING FOR SPECIAL CONDITIONS;
186 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
187 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
188 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
189 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

190
191 The motion passed by a vote of 5 in favor, 1 abstention (Sweet) and 1 against (Pruitt).
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197 **IX. APPOINTMENTS**

- 198
199 1. Appointment with the Planning and Zoning Chairman to discuss and
200 answer any questions regarding cases on the agenda and related issues
201 and take any action necessary.

202 **Chairman Phillip Herbst came forth and briefed the council on recommendations of the**
203 **Planning & Zoning Commission relative to items on tonight's city council agenda. The**
204 **Council took no action related to this agenda item.**

- 205 2. Appointment with Lisa Campbell, new Executive Director of the Rockwall
206 Alliance for the Arts, to seek council support related to the Alliance's
207 cooperative, coordinated effort to unify local artistic endeavors and
208 activities in the schools, through the cities, across the county, and take
209 any action necessary.

210 **Ms. Campbell came forth and indicated that she is the newly appointed Executive**
211 **Director for the Rockwall County Alliance for the Arts (RCAA). She explained the**
212 **mission of the RCAA and indicated that she is seeking the council's support related to**
213 **the Alliance's endeavors to bring together various art groups in Rockwall County to work**
214 **together under one, umbrella organization. Ms. Campbell then went on to describe the**
215 **various arts-related groups currently associated with the RCAA as well as some of their**
216 **public events, including recent concerts, plays and fundraisers held.**

217 **Councilmember Lewis pointed out that only seven arts organizations are mentioned in**
218 **Ms. Campbell's memo. He indicated a lot more than seven arts-related organizations**
219 **exist in Rockwall. Ms. Campbell agreed that, yes, there are at least forty arts-related**
220 **organizations in Rockwall. She mentioned that a representative from each of these**
221 **seven groups will be attending her board meeting tomorrow to discuss coming under**
222 **one, unified umbrella moving forward. She mentioned future efforts related to speaking**
223 **with additional arts organizations in Rockwall regarding interest in joining the Alliance.**

224 **Mayor Pro Tem White asked for clarification regarding the seven, current arts groups that**
225 **are a part of the RCAA. He asked if all of them are City of Rockwall-based organizations.**
226 **Ms. Campbell clarified that all of the organizations are based in Rockwall, and she is**
227 **working with some of the organizations to help them obtain their 501-c3 status. She**
228 **explained that she has plans to meet with the cities of Royse City, Heath and Fate to ask**
229 **for their support of the Alliance as well.**

230 **Mayor Sweet urged Ms. Campbell to help these organizations ensure that when**
231 **requesting hotel/motel tax related funding from the city, the events for which they spend**
232 **funds received actually result in "putting heads in beds" in local hotels/motels.**

233 **Ms. Campbell indicated that there will be a "Spring into the Arts" Reception held next**
234 **week. She encouraged the council to attend as it will be an opportunity to speak more to**
235 **her and her board members.**

236 **The Council took no action related to this item.**

- 237 3. Appointment with Lewis Crain of Rutledge, Crain & Company, PC to
238 present the city's Fiscal Year 2012 Comprehensive Annual Financial
239 Report, and take any action necessary.

240 **Mr. Crain came forth to brief the council on the FY2012 audit of the City of Rockwall. He**
241 **spoke about the city's reserves, indicating that the city did much better on its increases**
242 **in revenues versus its expenditures. Sales taxes were substantially "up" over what was**

243 expected, which is a great indicator of its economic health. Sales tax numbers in 2013
244 are also coming in higher than expected and than in years past.

245
246 Assistant City Manager Mary Smith and City Manager Rick Crowley offered general
247 comments of gratitude related to the positive working relationship the city staff has had
248 with Mr. Crain and his partner while working through the city's audit.

249
250 Mayor Sweet offered brief, positive comments on the day-to-day financial security and
251 economic health of the city.

252
253 Mr. Crain indicated that he has watched the City of Rockwall grow over the years, and he
254 is quite pleased with its financial and economic progress throughout the years.

255
256 Mayor Pro Tem White made a motion to approve the audit as presented. Councilmember
257 Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.

258
259 **X. PUBLIC HEARING ITEMS**

260
261 1. **Z2013-010** - Hold a public hearing and consider approval of an
262 ordinance for a request by Andrew Whitehead of Axium Solar for
263 approval of a Specific Use Permit (SUP) to allow for a "Utility Installation,
264 Other Than Listed," specifically the installation of solar panels on the roof
265 of a home located at 606 Shoreview Drive, being Lot 2, Block D,
266 Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family
267 Residential district, and take any action necessary. **(1st Reading)**

268 Planning Director Robert LaCroix offered background information related to this item,
269 indicating that this SUP will attempt to address screening of the solar panels that the
270 applicant would like to install on the rear of his home. Mr. LaCroix expressed that staff
271 believes enough screening will be present. He also indicated that twenty-one notices
272 were sent out to adjacent property owners, but no responses were received back by
273 staff.

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

275 Andrew Whitehead
276 Axium Solar

277
278 Mr. Whitehead came forth and briefed the council on the tilt of the solar panels once
279 installed and the energy that is proposed to be saved.

280
281 Mayor Sweet asked if anyone in the audience would like to come forth and speak. There
282 being non one to come forth and speak, Mayor Sweet then closed the public hearing.

283
284 Councilmember Pruitt asked to see the list of residents who were included on the
285 notification mail out regarding these proposed solar panels. Planning staff member
286 David Gonzales came forth and provided a printed list to Councilmember Pruitt for his
287 review.

288
289 Mayor Pro Tem White made a motion to approve Z2013-010. Councilmember Pruitt
290 seconded the motion. The ordinance was read as follows:

291

CITY OF ROCKWALL
ORDINANCE NO. 13-
SUP NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "UTILITY INSTALLATION, OTHER THAN LISTED" WITHIN THE (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT 606 SHOREVIEW, BEING LOT 2, BLOCK D, STONEBRIDGE MEADOWS #1 ADDITION; 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. **Z2013-011** - Hold a public hearing and consider approval of an ordinance for a request by Russell Phillips on behalf Rockwall Rental Properties for the approval of a PD Development Plan amending Ordinance 11-43 and in accordance with Ordinance No. 10-21, for property identified as 16 & 16-1 out of the M. J. Barksdale Survey, Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall Addition; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza Addition, being a 12.72-acre tract of land, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, and generally located south of Interstate Highway 30 and west of Shoreline Drive, and take any action necessary. (1st Reading)

City Manager Rick Crowley indicated that due to some technical or administrative errors, the council did not receive some pieces of information related to this item. As a result of the council not receiving said information until today, he suggested the council consider proceeding with holding the public hearing today yet delaying action on the ordinance until the next, regularly scheduled council meeting.

Planning Director Robert LaCroix then provided background information related to this item. He indicated that it is related to another amendment to the PD which was most recently amended back in 2011. He then went on to describe the changes that are proposed to be made to the PD this evening, pointing out that the most notable change is related to the road / street configurations.

Mr. LaCroix indicated that eight notices were sent out to adjacent property owners within 200 feet; however, staff has received no responses back at this item.

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

Russell Phillips
Sterling One Development
2 Horizon Court
Heath, Texas 75032

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Mr. Phillips came forth and briefed the council on the changes that are proposed to be made to this PD and the reasons why these changes are being proposed. Mr. Phillips generally spoke about desired lines of sight, courtyard areas, walkability and drivability within the PD.

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

Councilmember Smith made a motion to table this item until the next regular council meeting in three weeks. Councilmember Lewis seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

- 3. Z2013-012 - Hold a public hearing and consider approval of an ordinance for a request by Scott Webb representing Eastridge Church of Christ for approval of a Specific Use Permit (SUP) to allow for a church on a 1.70-acre tract of land situated in the E.M. Elliott Survey, Abstract No. 77, City and County of Rockwall, Texas, and being a part of a 10.733-tract of land as described in a warranty deed from Texas Utilities Electric Company to Cal Gary, as recorded in Volume 957, Page 88 of the Real Property Records of Rockwall County, Texas, located at 588 Stodghill Road, and take any action necessary. (1st Reading)**

Mayor Pro Tem White indicated that this church is a customer of his business/employer, so he will be recusing himself from the discussion and vote. An affidavit is on file with the city secretary.

Planning Director Robert LaCroix then provided background information related to this item, indicating that the Planning & Zoning Commission recommended approval of this item by a vote of 6 to 0.

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

**Scott Webb
Rockwall, TX**

Mr. Webb indicated that this area will strictly be used for offices.

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

Councilmember Smith made a motion to approve Z2013-012. Councilmember Lewis seconded the motion. Councilmember Pruitt asked if any responses have been received back by staff since Friday's council packet was sent out. Mr. LaCroix indicated that still, no notices have been returned to staff. Mr. LaCroix clarified that only property owners located within the City of Rockwall received notices. Those across the street living in the City of Fate were not mailed notices.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-
SUP NO - _____

394
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398 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING
399 THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
400 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC
401 USE PERMIT TO ALLOW FOR A CHURCH LOCATED AT 588
402 STODGHILL ROAD, BEING A 1.70-ACRE TRACT OF LAND
403 SITUATED IN THE E.M. ELLIOTT SURVEY, ABSTRACT NO. 77;
404 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
405 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
406 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
407 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
408 PROVIDING FOR AN EFFECTIVE DATE.
409

410 The motion passed by a vote of 6 in favor with 1 abstention (White).
411

- 412 4. P2013-007 - Hold a public hearing and consider a request by Luisihno
413 Tovar for approval of a residential replat for Lot 1, Block D, Lake Rockwall
414 Estates West Addition, City and County of Rockwall, Texas, being a
415 replat of Lot 665 and a portion of Lot 666 of Rockwall Lake Subdivision,
416 and take any action necessary.

417 Mr. LaCroix, Planning Director, provided background information related to this item.
418 Staff is recommending that the applicant adhere to a twenty foot setback on the Althea
419 Street side and a fifteen foot setback on the Perch side. Notices were mailed out to
420 property owners located within two hundred feet of the property, but none have been
421 received back to date. The Planning & Zoning Commission has recommended approval
422 of this item.

423 Mayor Sweet opened the public hearing and called the applicant forth. Mr. Tovar came
424 forth and indicated he has nothing to add to what Mr. LaCroix has already stated. Mayor
425 Sweet asked if anyone else would like to speak. There being no one else to come forth,
426 Mayor Sweet then closed the public hearing.

427 Councilmember Smith made a motion to approve P2013-007. Mayor Sweet seconded the
428 motion.

429 Councilmember Pruitt asked for clarification regarding if the adjacent property owner,
430 Billy Peoples, would be able to build on that adjacent lot that he owns. Mr. LaCroix
431 indicated that no, he will not be able to build on it because he previously sold off a
432 portion of that lot. General discussion took place regarding future combining of lots and
433 what may or may not be able to be built on adjacent lots.

434 Mayor Pro Tem White offered comments related to the fact that many lots in Lake
435 Rockwall Estates are uneven and split in strange ways because the neighborhood was
436 not originally intended for the building of residential homes.

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

- 438 5. P2013-008 - Hold a public hearing and consider a request by Keith and
439 Rosemary Tonoli for approval of a residential replat for Lot 33, Block A,
440 Chandlers Landing Phase 18 Section 2, City and County of Rockwall,
441 Texas, being a replat of Lots 2 and 3, and take any action necessary.

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Planning Director Robert LaCroix provided background information related to this item, indicating that this homeowner would like to purchase the lot next door and combine the two lots into one, larger lot. The Planning & Zoning Commission recommended approval. Notices were sent out to adjacent property owners in accordance with the law, and one response was received back in favor.

Mayor Sweet opened the public hearing and called the applicant forth. Mrs. Rosemary Tonoli came forward and indicated that they are renovating the existing property and would like to add on, which is why they want to combine the two lots together as one. She indicated that the HOA Board at Chandlers Landing has already reviewed and approved this issue.

There being no one else wishing to come forth and speak to the council regarding this item, Mayor Sweet then closed the public hearing.

Councilmember Lewis made a motion to approve P2013-008. Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider a request from Mr. Bob Baron with Suntech Industries representing American National Bank for a setback variance for a monument sign located at 1305 Ridge Rd, and take any action necessary.

Jeffrey Widmer, Building Official, came forth and offered brief background information related to this item. Councilmember Smith made a motion to approve this setback variance request. Councilmember Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider the Planning & Zoning notification process regarding signage associated with proposed zoning changes, and take any action necessary.

Councilmember Daniels indicated that he placed this item on tonight's agenda. He then made a motion to instruct staff to develop signage to be placed on properties involved in zoning cases, signage which will appropriately indicate if the subject property is slated for rezoning or for an SUP. Mayor Pro Tem White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

3. **MIS2013-003** - Discuss and consider a request by Humberto Zavala for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord 09-37), specifically to the setback requirements stating that a carport shall be located at least 20 feet behind the front building façade of the primary structure as set forth by Article VI, Permissible Uses, of the Unified Development Code, and that encroaches into the minimum side yard setback, for a property located at 160 Yvonne Drive (Lake Rockwall Estates), and take any action necessary.

Mr. LaCroix indicated that the applicant would like to reconstruct the carport portion of his home structure. Also, the existing carport is situated just about on the property line

489 of the adjacent neighbor. The Planning & Zoning Commission recommends moving the
490 rebuilt carport to two feet away from the property line.

491
492 Mrs. Zavala came forth and spoke, asking permission to place a new carport and
493 associated roof so that the house and community look better. Mrs. Zavala indicated that
494 the carport is leaking, and it is leaking where the existing carport meets the existing
495 roofline of the manufactured home. Therefore, a new roof and new carport are needed.
496 Mrs. Zavala indicated that she would like permission for the carport to be moved one foot
497 rather than two feet from the existing property line, otherwise, it will be really tight to fit a
498 car under the carport.

499
500 General discussion took place related to the one foot versus two foot adjustment to the
501 carport width.

502
503 Mayor Pro Tem White indicated that since it will have gutters on the carport, there is
504 really no reason to adjust it by two feet.

505
506 Mayor Pro Tem White made a motion to approve this request with the understanding that
507 the carport setback from the property line will only need to be adjusted by one foot
508 (instead of two feet) and that it will be guttered with a down spout. Councilmember Pruitt
509 seconded the motion. The motion passed unanimously by a vote of 7 ayes to 0 nays.

510
511 Mayor Sweet adjourned the meeting at 8:07 p.m., indicating the council will not be
512 reconvening for Executive Session this evening.

513
514 **XII. EXECUTIVE SESSION**

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

- 519 1. Discussions regarding land acquisition in the downtown area for municipal purposes
520 pursuant to Section 551.072 (deliberations about real property).
521
522 2. Discussions regarding land acquisition associated with easements for the Aqua
523 interconnect for municipal purposes pursuant to Section 551.072 (deliberations about
524 real property).
525
526 3. Discussion regarding deliberation of appointment of City Attorney, including update
527 from council subcommittee, pursuant to Section 551.074 (personnel matters).
528
529 4. Discussion of legal claim letter regarding incident at Rockwall Animal Adoption
530 Center pursuant to Section 551.071 (Consultation with Attorney).
531
532 5. Discussion of legal claim letter regarding litigation styled, Turner v. City of Rockwall
533 pursuant to Section 551.071 (Consultation with Attorney).
534
535 6. Discussion of Economic Development incentives and procedures pursuant to Section
536 551.087 (Economic Development).
537

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

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The Council did not reconvene Executive Session following the 8:07 p.m. close of the public meeting.

XIV. ADJOURNMENT

Mayor Sweet adjourned the public meeting at 8:07 p.m.

548 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
549 THIS 5th day of May, 2013.

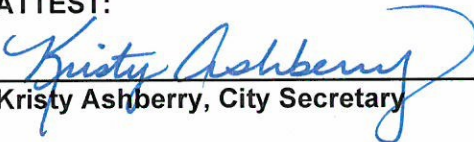
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David Sweet, Mayor

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ATTEST:



Kristy Ashberry, City Secretary



MINUTES

ROCKWALL CITY COUNCIL

Monday, May 06, 2013

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

I. CALL PUBLIC MEETING TO ORDER

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

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

1. Hold Work Session, including appointment with Michael Black, representing La Terra studio, to hear an update of the Downtown Improvement Project and discuss certain design issues associated with the project, and take any action necessary.

Brad Moulton came forth and indicated that Michael Black could not make it to the meeting, so he would be speaking instead. He is the project manager and would like to update the council on the downtown improvements project and about some of the issues they are currently working through. Mr. Moulton stated that the consultants and staff have met regularly with the "Downtown Design Committee." This committee was formed to provide oversight and recommendations regarding the project. He shared some of the construction documents and design renderings to explain some of the planned changes. Mr. Crowley interjected that the city has been coordinating the improvements in and around the historic courthouse with the county commissioner's court since it is the county's property. Mr. Moulton explained that programming and designing the space along San Jacinto will have some issues that will need to be worked out. He stated that 316 parking spaces currently exist downtown. The plan will result in 376 parking spaces with the majority being located South of Washington and several additional spaces being created elsewhere downtown through reconfigurations. The planters and clay pavers to be included in the improvements were also briefly discussed. Planning Director Robert LaCroix and Mr. Moulton spoke at length about pedestrian walkways and several connectivity challenges associated with the planned improvements.

After lengthy discussions regarding various aspects of the plan and certain guidance needed from the city council, Mayor Sweet made a motion to move forward with "Option 2," which will allow the drivethru to remain at the building where the cleaner's is currently located. Councilmember Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

At 4:55 p.m. Mayor Sweet then recessed the public meeting and read the following Executive Session discussion items into the public record. Council convened in Executive Session beginning at 5:00 p.m.

III. (4:30 P.M.) - 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 of Economic Development incentives and procedures pursuant to Section 551.087 (Economic Development)
2. Discuss EEOC claim filed by City Employee pursuant to Tex. Gov't. Code, § 551.071 (Consultation with Attorney) and Tex. Gov't Code § 551.074 (Personnel Matters).
3. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
4. Discussions regarding land acquisition associated with easements for the Aqua interconnect for municipal purposes pursuant to Section 551.072 (deliberations about real property).
5. Discussion regarding deliberation of appointment of public officer to North TX Municipal Water District Board, pursuant to Section 551.074 (personnel matters).
6. Discussion regarding City Manager performance evaluation, pursuant to Section 551.074 (personnel matters).
7. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:50 p.m.

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 06, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of the above noted Executive Session. (See end of public meeting below for action taken as a result of the second Executive Session.)

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

VIII. PROCLAMATIONS / AWARDS

1. Safe Boating Week

Local representatives of the U.S. Coast Guard Auxiliary came forth and shared a few words about the importance of safety on our area lakes. Mayor Sweet then read and presented the proclamation for Safe Boating Week.

2. Recognition of Rockwall Police Department Award Recipients

Mayor Sweet called Chief Moeller forth to say a few, introductory words. Mayor Sweet then called each award recipient down to the front be recognized.

3. Police Appreciation Week

Mayor Sweet called Police Chief Mark Moeller and Assistant Police Chief Kirk Riggs forth, then read and presented this proclamation to the city's Police Department.

4. Recognition of Rockwall Youth Advisory Council (YAC) students

Mayor Sweet called Mayor Pro Tem David White and City Secretary Kristy Ashberry forward to assist with recognition of the city's Youth Advisory Council students and to thank them for their participation in the program this school year.

5. Recognition of Councilmember Michelle Smith

Mayor Sweet called Council Member Michelle Smith down to the front and presented her with some recognition gifts to thank her for her time served on the city council. Mrs. Smith expressed gratitude for having been given the opportunity to serve for the last two years.

IX. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted, then asked if anyone in the audience would like to come forth and speak.

Kenda Culpepper
111 E. Yellowjacket Lane
Rockwall, TX 75087

Rockwall County District Attorney Kenda Culpepper came forth and offered words of gratitude to the Rockwall Police Department and Chief Mark Moeller for their hard work and dedication in keeping her and members of her staff safe, especially following the recent murders of public officials in Kaufman County.

Ruth Peck
108 Lakedale
Rockwall, TX

Mrs. Peck came forth and offered thanks to the Rockwall City Council for its continued support of Music Fest and of the Rockwall Philharmonic Orchestra. She mentioned that Mayor Sweet will soon be “roasted” at the end of May during a Music Fest fundraiser. She also mentioned that on August 31, a program entitled “Americana” will be put on by local musicians.

Councilmember Pruitt offered positive words of gratitude to the Rockwall Police Department for all they do to keep us safe. He then shared a story about a recent event where a bench outside of his law office on the downtown square went missing, and one of the police officers worked hard to track it down and ensure it got returned.

Nell Wellborn
810 Lake Meadows Circle
Rockwall, TX 75087

Mrs. Wellborn came forth to speak to the Council about the Race Trac tree mitigation plan that is on tonight’s council agenda for consideration later on in the meeting. She generally pointed out that she does not believe what Race Trac is proposing meets the city’s current Tree Mitigation Ordinance or its intent. She then went on to offer some alternative suggestions for consideration by the Council as related to tree credits and Race Trac paying for appropriate tree mitigation. Mrs. Wellborn generally encouraged the Council to not allow concessions for Race Trac regarding the city’s Tree Ordinance and associated mitigation regulations.

Mr. Ric Smith
“TF Harbor”
777 E. Campbell Road, Suite 650
Richardson, TX 75081

Mr. Smith stated that he has provided a letter to each council member to express concern about the proposed development at The Harbor (associated with Z2013-011 on

tonight's agenda), including the impact it may have on the existing shopping center, Cinemark movie theater and traffic.

Randall Noe
Rockwall Rental Properties

Mr. Noe came forth and indicated that he recently met with Mr. Ric Smith for more than two hours in an attempt to answer all of his questions. Mr. Noe indicated that the investments that will be made at the hillside above the existing Harbor development will be a good, positive thing for that area and for Rockwall, and it will result in people living at The Harbor. He stated that the high end condos and people who will eventually come to live and work there will bring much needed foot traffic and spending at The Harbor. Mr. Noe generally indicated that Mr. Smith and the TF Harbor representatives are unhappy about the development because they would like to have a piece of the property in order to expand the existing Cinemark movie theater, but Mr. Noe and the developers have not agreed to do so because it is not the kind of development they would like to see built. He reiterated that the condominiums will be very high end and the development will put over \$50,000,000.00 on the books.

There being no one else wishing to come forth and address the council at this time, Mayor Sweet then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the April 15, 2013 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution regarding the abandonment of an existing utility easement to Excel Rockwall LLC c/o Woodmont Company for the Plaza Phase two project, and take any action necessary.
3. Consider authorizing the City Manager to execute a Facilities Agreement with BH Phase IIB SF, Ltd. for the Breezy Hill Estates water line installation, and take any action necessary.
4. Consider authorizing the City Manager to enter into an agreement to lease unimproved real estate for temporary parking and take any action necessary.
5. **Z2013-010** - Consider approval of an **ordinance** for a request by Andrew Whitehead of Axium Solar for approval of a Specific Use Permit (SUP) to allow for a "Utility Installation, Other Than Listed," specifically the installation of solar panels on the roof of a home located at 606 Shoreview Drive, being Lot 2, Block D, Stonebridge Meadows #1 Addition and zoned (SF-10) Single Family Residential district, and take any action necessary. **(2nd Reading)**
6. **P2013-012** - Discuss and consider a request by Mike Whittle of Caruth Lake Development for approval of a replat for the Alliance Addition Ph. 2, being a 1.694-acre tract zoned Planned Development No. 57 (PD-57) District and located at the northeast corner of FM 3097 and FM 549, City of Rockwall, Texas, and take any action necessary.

7. **P2013-015** - Consider approval of a request by Scott Riley for the approval of a replat for Lots 11 & 12, Block 1, Rockwall Centre Corners Addition containing two (2) non-residential lots, zoned Commercial (C) District, on 4.894-acres, currently identified as Lots 7 & 10, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Texas, generally located at the southeast corner of SH-205 and IH-30, situated within the SH-205 Corridor Overlay (SH-205) District and IH-30 Corridor Overlay (IH-30 OV) District, and take any action necessary.
8. Consider authorizing an increase to the local match for drainage improvements at the Ralph M. Hall / Rockwall Municipal Airport and the City's 10% local match of up to \$27,530.00 to be paid from the Airport fund balance and take any action necessary.
9. Consider awarding an annual contract for tractor mowing services to 3-D Mowing, authorizing the City Manager to negotiate and execute said contract in the amount of \$75,000 as budgeted in the General Fund Parks Ground Maintenance budget, and take any action necessary.

Mayor Pro Tem White asked for clarification regarding the final cost associated with Consent Agenda item #4.

Mayor Pro Tem White then made a motion to approve the entire Consent Agenda. Councilmember Smith seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-10
SUP NO. 105

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 "UTILITY INSTALLATION, OTHER THAN LISTED" WITHIN THE (SF-10) SINGLE FAMILY RESIDENTIAL DISTRICT, SPECIFICALLY THE INSTALLATION OF SOLAR PANELS ON THE ROOF OF A HOME LOCATED AT 606 SHOREVIEW, BEING LOT 2, BLOCK D, STONEBRIDGE MEADOWS #1 ADDITION; 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 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 Sweet indicated that there is no need for this item to be addressed this evening.

2. Appointment with members of the City of Rockwall Youth Advisory Council (YAC) to hear report regarding the group's Planning-related photography project and a year-end recap of activities, and take any action necessary.

Members of the Rockwall YAC, including Andrea Alvarez (Rockwall Heath High School (RHHS)), Jennifer Stubbs (RRHS), CJ Chidozie (RHHS) and Eric Jones (Rockwall High School), came forth to deliver a presentation to the City Council related to activities the group has participated in throughout the school year. Jennifer Stubbs then briefed the city council on a "visual preference survey" that the YAC worked on in conjunction with the Planning Department. This survey, she explained, will allow the Council an opportunity to learn about the perspective and preferences of local youth regarding various types of commercial and residential developments.

Eric Jones then came forth and spoke about YAC attending the statewide YAC Summit this past February in Port Arthur, TX.

After the presentation, members of the Council thanked the YAC for their work this year.

3. Appointment with Larry Baty to discuss the temporary closing of a public road for the CASA Car Show on Sunday, May 19, and take any action necessary.

Mr. Baty came forth and provided brief background information to the council, requesting they consider granting this road closure to help with an upcoming car show fundraiser for CASA.

Assistant City Manager Brad Griggs indicated that the applicant plans to take care of their own traffic control and that staff has no objections related to this road closure request.

Mayor Pro Tem White made a motion to approve the temporary closing of the public road as requested. Councilmember Pruitt seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

4. Appointment with Kevin Folsom regarding the Takeline, and take any action necessary.

Kevin Folsom
1115 Bayshore Drive
Rockwall, TX

Mr. Folsom came forth and indicated to Council that he is a fairly new resident of Rockwall and has lived here for only a couple of years. He offered some comments related to the city's Comprehensive Plan and the lease agreement between the City of Rockwall and the City of Dallas regarding the "takeline," which is the Lake Ray Hubbard shoreline. Mr. Folsom shared with the council details related to the many reasons why he chose to move to Rockwall.

He then explained that he previously contacted the city's Parks Department to ask if they could mow and clear fallen trees, overgrown vegetation, trash and associated debris behind his home. He explained that staff agreed to remove some of the fallen trees, but that was about all. He indicated that he and his neighbors then began clearing and cleaning out the fallen trees, trash and debris along the shoreline, within the takeline located behind his and his neighbor's homes. He and some of his neighbors engaged in

these clean up efforts in the winter of 2012 and the winter of 2013. Later on, he was contacted by city Parks Department staff who explained that he and his neighbors should not have cleared out said vegetation, trees and debris. Mr. Folsom indicated that some of his neighbors have expressed apprehension about contacting city staff to discuss these matters.

City Manager Rick Crowley stated that he would like to personally contact Mr. Folsom and any of his neighbors who have concerns related to apprehension about speaking to and interacting with members of city staff. He further explained that the area that Mr. Folsom and his neighbors are concerned about is neither City of Rockwall property nor the property of Mr. Folsom and his neighbors. It is City of Dallas property, and the City of Rockwall has to seek permission from Dallas before any modifications are made within this area of the takeline.

Mr. Brad Griggs, Assistant City Manager, provided additional background information related to this area of the takeline, including actions taken by Mr. Folsom with regards to removal of some of the trees in this area despite staff having given him previous indication that the trees would not be removed. He stated that Code Enforcement originally received a call from a resident in the area who reported that the trees had been removed by Mr. Folsom. City staff then contacted Mr. Folsom and arranged for restitution of the trees that had been removed without permission. This restitution was recently concluded. Mr. Griggs went on to explain various aspects of the city's takeline lease agreement with the City of Dallas. He explained that this area of the takeline has never been considered for development of a neighborhood park. A portion of this area has always only been considered by the City of Rockwall for public use as a boat dock and boat launching area but never as a city or public lakeside park.

Councilmember Pruitt expressed that he would like clarification on what takeline cleanup efforts, if any, have been pursued in the last fifteen years or so since Rockwall signed its takeline lease agreement with the City of Dallas. He went on to express concerns regarding takeline leases and maintenance of this area. He stated that if a resident has a takeline sublease with the City of Rockwall and a tree falls down, it is the sublesser's responsibility to remove the tree or pay to have it removed. However, if a resident does not have a sublease, the city will come and remove a downed tree in this takeline area.

Dennis Vierling
1121 Bayshore Drive
Rockwall, TX

Mr. Vierling came forth and indicated that he has lived on Bayshore for a number of years, and he has general concerns about the West Nile Virus. He pointed out a couple of recent newspaper articles indicating that areas of trash and uncleared vegetation create concerns related to the West Nile Virus. He generally expressed that he would like this area cleaned up and cleared.

Martha Gates
1107 Bayshore Drive
Rockwall, TX

Ms. Gates indicated that she still maintains her residency at the Bayshore Drive home, but she is in the process of moving to Fort Worth. She expressed concerns related to

this area, including its uncleared vegetation. She believes this area is located too close to nearby residential homes and the boat dock to leave it uncleared moving forward. She is concerned about snakes, dead trees, and trees that are in danger of falling over and hurting people who are down on the lakeshore. She also has concerns about teenagers and other people hanging out along the lakeshore, partying till late hours into the night and leaving behind their beer cans. Ms. Gates has further concerns about coyotes that are known to live and prowl in this area. She expressed concerns about city staff not being responsive to her reports of chickens running loose in this area as well as coyotes. Mr. Griggs explained that city staff typically does not trap or attempt to address coyotes unless they become a nuisance. Ms. Gates is also concerned about snakes in this area. Mayor Pro Tem White expressed that there will always be wild animals in this area, and the city, by lease agreement with Dallas, is forbidden from removing items and trees in the takeline area.

After brief discussion, Mayor Pro Tem White made a motion to direct staff to (1) contact the City of Dallas to inquire about possibly altering the City of Rockwall's lease / interlocal agreement with Dallas to allow future removal of vegetation; (2) speak with adjacent neighbors to find out which of them would like to participate in possible future clean ups as part of our Volunteers in Parks (VIP) program; (3) find out if Animal Control has failed to respond to complaints about wild animal in this area in the past; and (4) respond to the list of six requests that Mr. Folsom submitted to the City of Rockwall this evening for consideration (document handed out and entitled "Request to City of Rockwall City Council from Bayshore Dr. Residents: May 6, 2013"). Councilmember Pruitt seconded the motion. Councilmember Daniels interjected that the city will need to keep cost in mind when considering taking on future cleanups in the takeline area.

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

Mr. Crowley then stated a needed clarification indicating that staff and volunteers have in fact participated in cleanup efforts in years past in the takeline area; however, those efforts have maybe not been as frequent as he would have liked them to be.

The council recessed the meeting at this point to take a ten minute break.

XII. ACTION ITEMS

1. Discuss and consider a request by Kevin Wiles with RaceTrac, to adopt an alternative method of distribution of trees or funds for purchasing trees with an associated tree plan and related site plan on a 2.46-acre tract of land described as Lots 1R and 2R of the Woods at Rockwall Addition, City and County of Rockwall, Texas, located at the southeast corner of Ridge Road and Yellow Jacket Lane, and take any action necessary.

Tommy Mann
(representing RaceTrac)
2728 Harwood
Dallas, TX

Mr. Mann explained that the city's ordinance requires an inch for inch mitigation of trees removed. The preferred replacement location for trees is on the same site from where they are removed; however, replacement trees can also be given to the city's Park's

Department. Or, an applicant can take the total mitigation due and purchase away 20% of it at \$125 per inch. Mr. Mann then presented a proposal regarding an alternate tree mitigation plan.

He expressed that 3,512 caliber inches or 414 trees are to be removed in order to develop this site. Sixty-five to seventy trees will be planted on site, and 3,288 caliber inches of mitigation would then be due. He suggested that RaceTrac could enter into an agreement with the City whereby RaceTrac would make plans to drop off a few hundred trees a year for several years to the City until it "repaid" its caliber inches due in association with the needed tree mitigation. He then indicated that he obtained quotes from several different tree farms to determine how much it would cost RaceTrac to purchase this many trees. He suggested that the city council consider allowing RaceTrac to essentially write a check to the City in order to pay for the amount that this many trees would ultimately cost. The city can then put this money into its tree fund and draw from the funds to plant trees wherever and as needed. He indicated this arrangement could be made through a Facilities Agreement, and he feels this is a better, more manageable alternative for the tree mitigation.

Mr. Mann then indicated that the tree farm bidding the lowest on the 1,100 needed trees came in at about \$180,000 plus \$7,000 for delivery. He proposed writing a check to the city to pay \$187,000 towards the city's tree fund for the required tree mitigation.

Mr. Crowley answered some brief questions of council and then indicated that he had a few minutes to visit with Nell Welborn to share with her some additional information that she had not had available to her prior to her Open Forum speech early on in tonight's meeting. He explained that Mrs. Wellborn understands that now would not be a good time for the city to take delivery of 1,100 trees, especially in light of the current drought conditions and associated water restrictions and staff limitations associated with accepting that many trees. Mr. Crowley explained that both Mrs. Welborn and city staff are in agreement that accepting the cash payment would be the best option. He clarified that the \$187,000 is based on purchase of Cedar Elm trees; however, the city does not have to use the money to actually purchase that particular type of tree.

Mayor Pro Tem White indicated that from his perspective, Mr. Mann's company has already purchased the trees once (through the purchase of the land on which they sit), and now he will be purchasing the trees again, a second time.

Councilmember Pruitt expressed concern about what is essentially a contingency that would cover costs associated with trees the city may purchase out of this fund that may not end up surviving. He then made a motion to approve a tree mitigation plan that would call for RaceTrac paying \$225,000. Councilmember Daniels seconded the motion. After brief discussion about the numbers, the motion passed by a vote of 6 in favor with 1 abstention (Sweet).

2. **Z2013-011** - Discuss and consider approval of an **ordinance** for a request by Russell Phillips on behalf Rockwall Rental Properties for the approval of a PD Development Plan amending Ordinance 11-43 and in accordance with Ordinance No. 10-21, for property identified as 16 & 16-1 out of the M. J. Barksdale Survey, Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall Addition; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza Addition, being a 12.72-acre tract of

land, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, and generally located south of Interstate Highway 30 and west of Shoreline Drive, and take any action necessary.
(1st Reading)

Mayor Sweet made a motion to table this item for a period of thirty days as a result of a nine page letter received by the City (from "TF Harbor"), advice to the council from the city's attorney, and to allow for the council to have time to consider input received regarding this plan tonight. As part of the motion, Mayor Sweet stated that a Public Hearing will be rescheduled to take place again in thirty days as well. Mayor Pro Tem White seconded the motion. Mr. Garza clarified that the city will need to (re)publish the Public Hearing in the newspaper. In addition, the city does not have to re-notify adjacent property owners, but this can be done if desired.

Russell Phillips
2 Horizon Court
Heath, TX

Mr. Phillips came forth and expressed concerns regarding having to re-hold a public hearing. He indicated that the gentlemen who represent The Harbor were given notice of the previous public hearing and had an opportunity at that time to express concerns. Mayor Sweet interjected to clarify that the council wishing to table this item and hold another public hearing in thirty days has nothing to do with Mr. Smith whatsoever. He stated that the city's legal counsel has given them advice to table it, and the council has received some feedback from residents who have the perception that the council is trying to "shot gun" this issue through. For these reasons, the council may wish to table this for a period of thirty days.

Councilmember Pruitt expressed concerns generally related to the portions of the current plan proposal that he believes may inhibit public access and impede pedestrian walkway areas. He believes it may inhibit pedestrian access for all of the citizens of Rockwall, especially down to the fountain area. He is also concerned about the loss of the "line of sight" view from the circular road area down to the lake area. He is also concerned about the condos that are next to the fountain near the lake, which previous had a road and pedestrian access through this area.

Phillips indicated that there will be pedestrian access all the way down to the fountain area. He expressed that security of the residents living in the condos is a large concern but they do still want to accommodate pedestrian access for the general public, not just the condo residents. He expressed that condo residents will have parking made available in the parking garage area.

Councilmember Daniels asked if any changes will be required to be made to PD-32 in order to accommodate these plan changes. Mr. LaCroix indicated that, no, the underlying zoning will not change. Councilmember Daniels also expressed concern about a modification to the previous plan which results in the "line of sight" from the "roundabout" near Culpeppers down to the fountain and lake being taken away with this modified proposal. He indicated that he does not necessarily have a problem with the street down to the fountain being taken out. He is more so concerned about the loss of the previous line of sight views.

Councilmember Townsend expressed concern about the parking garages associated with the condo portion of the proposed development being pushed out to the corners

and outer edges of the development such that drivers coming into Rockwall on IH-30 look that way and see a lot of parking garages. Councilman Townsend also expressed concerns about the amount of proposed retail space included in the plan, especially considering that the existing Harbor development is not completely full as far as retail tenant space is concerned, and if this plan is approved, even more space will be added. Councilman Townsend also pointed out that with this revised plan, one of the entrances is being closed off, resulting in the loss of a fire lane that was present on the previous plan. He is also concerned about drivers coming into Rockwall on IH-30 possibly no longer being able to have a clear view of the fountain at The Harbor.

Mr. Phillips indicated that the parking garages were moved outward to try and keep the parking very close to the retail areas and to buffer noise. He stated he will bring full elevations to the next council meeting. Mr. Phillips also clarified that fire lanes are not going to be closed off or eliminated.

Councilmember Lewis stated that he echoes all of the concerns already expressed by council members. In addition, he is also concerned about the existing, surface level parking that will be lost once this development is built (north or northeast of the Cinemark). He asked for clarification regarding where the public will be able to park instead once that surface parking is lost. Lewis asked for clarification regarding if the general public will be able to have access to the parking garages. Mr. Phillips indicated that the one nearest the Cinemark will be available for general parking; however, the one on the other side will be more for patrons of the new, retail areas. Resident parking for those living in the condos will also be in the parking garages. Councilmember Lewis also has concerns regarding condo owners possibly complaining if public access is allowed through the area down to the fountain. He also would like to know if these condos will be individually "owned" by their occupants.

Mr. Phillips indicated that all of the condos will be owned by him, the developer. No banks are currently willing finance truly "owner occupied," individual condominium unit developments, but the units will be separately metered. They will likely be leased at \$1.60 / square foot.

City Attorney Frank Garza provided clarification regarding the definitions of "condominiums" and "apartments." He stated that each condo has to have a "fee simple title" that can be conveyed. With an apartment complex, the entire complex has to be conveyed. With condos, however, each individual unit has to be "fee simple titled." In addition, once built, the property owner must be trying to actively sell the individual units; however, if he is not able to do so, he could lease them instead.

Additional discussion and clarification took place regarding parking. Councilmember Michelle Smith asked if a police 'substation' will be able to be included in this plan. Mr. Phillips replied that they will be happy to provide said police substation. Mr. LaCroix indicated that about 390-399 units are currently being proposed by Mr. Russell at this time, but there will be room for a possible, additional 150 units.

The motion Mayor Sweet originally made was amended to state that the date certain for rescheduling the public hearing will be Monday, June 3, 2013. Mayor Pro Tem White seconded the amended motion, which passed unanimously of Council (7 ayes to 0 nays).

3. Discuss and consider authorizing the City Manager to enter into a contract with BRW Architects, Inc. in the amount of \$15,000 with out of pocket expenses not to exceed \$2,000, to be paid out of Fire Equipment Fund for architectural services at Fire Station #2, and take any action necessary.

Fire Chief Mark Poindexter provided brief background information related to this item. Councilmember Smith then made a motion to authorize the City Manager to enter into the contract with BRW Architects. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider approval of an **Ordinance** of Necessity associated with a sewer line easement from LEJ Partners Ltd. generally located on the north side of FM 3097, west of County Line Road and take any action necessary **(1st reading)**.

City Manager Rick Crowley explained that this item is related to the city taking necessary steps in order to put in needed infrastructure to begin serving the Lake Rockwall Estates area. Mayor Pro Tem White then made a motion to approve the Ordinance of Necessity as stated in the agenda item wording. Councilmember Lewis seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 13-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, DECLARING A PUBLIC PURPOSE FINDING THAT A NECESSITY EXISTS TO ACQUIRE REAL PROPERTY, FOR A SEWER LINE CONNECTION, SAID PARCEL(S) BEING OUT OF AND A PART OF THOSE CERTAIN TRACT LOCATED IN THE GLOVER WELLS SURVEY ABSTRACT NO. 219, ROCKWALL COUNTY, TEXAS BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED RECORDED IN VOLUME 6174, PAGE 131 AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AUTHORIZING THE CITY ATTORNEY TO ATTEMPT FINAL NEGOTIATIONS WITH PRIVATE LANDOWNER FOR REAL ESTATE ASSOCIATED WITH THE SEWER LINE AND FAILING SUCH ATTEMPT AT NEGOTIATION, TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF AN EASEMENT ACROSS CERTAIN HEREINAFTER DESCRIBED TRACT OF LAND FOR THE SEWER LINE CONNECTION; AUTHORIZING THE CITY TO RETAIN THE PROFESSIONAL SERVICES OF AN APPRAISER, TO VALUE THE LAND; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS PERFORMED OR INITIATED BY EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY; DECLARING A PUBLIC PURPOSE AND NECESSITY; PROVIDING FOR A FINAL OFFER; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

5. Discuss and consider Take Line leases as they relate to building of boat docks and the removal of soil to a depth that will allow boat docks to be functional, and take any action necessary.

Councilmember Pruitt indicated that he requested this agenda item be discussed this evening. He then proceeded to show some photographs of the lakeshore taken from the takeline area. He has concerns related to the city's current regulations associated with takeline subleases. He understands that Dallas has concerns about erosion of the shore area. However, the lake shore is very shallow, and a lot of vegetation is growing up because it is so shallow. He has concerns about the city's regulations regarding the distance requirements associated with how far a boat house must be built out from the shoreline. The shallow areas of the shoreline contain overgrown vegetation, and in order to have a boat dock built off the shoreline, the area either needs to be dredged out to remove the built up, overgrown areas, or the distance associated with how far from the shore a boat dock can be built needs to be extended.

Councilmember Pruitt made a motion to authorize the city manager to speak with the City of Dallas to find out if the area can be dredged out and the vegetation removed, or if the distance requirements associated with building a boat dock off the shoreline can be extended out further. Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider directing staff to draft a policy regarding information provided to the City Council on Planning and Zoning cases, and take any action necessary.

Councilmember Pruitt made a motion to table this item until the next regularly scheduled council meeting. Mayor Sweet seconded the motion, which passed unanimously of council.

7. Discuss and consider implementation of stage 3 of the City's drought plan and take any action necessary.

Assistant City Manager Mary Smith provided background information related to this agenda item. She indicated that the North TX Municipal Water District (NTMWD) board has voted to move to Stage 3 of the drought contingency plan. This will mean once per week watering, as needed, beginning June 1 with no watering between 10:00 a.m. and 6:00 p.m. Hand held watering and soaker hose watering will still be allowed for foundations and new plantings up to two hours per day. The city will be educating residents on the drought and associated restrictions.

Mr. Crowley provided brief comments as well, indicating that the city's existing ordinance allows the city manager to move the city to Stage 3. He pointed out that moving to Stage 4 later on is very, very possible, and it will have very large impacts.

After brief discussion, no formal action was taken by the city council related to this item.

8. Discuss and consider authorizing the City of Rockwall to serve as the host city for the 2014 TML Youth Advisory Council (YAC) Summit, including possible use of hotel/motel tax funding, and take any action necessary.

Mayor Pro Tem White indicated that staff has been in contact with the TX Municipal League regarding being a host city for the 2014 Summit. He suspects that some of the needed funding could possibly be provided through hotel/motel tax funds. He then made a motion to authorize staff to move forward with coordinating with TML regarding hosting this event.

Councilmember Townsend seconded the motion, which passed unanimously (7 ayes to 0 nays).

Mayor Sweet then indicated that a supplemental agenda item was added late to tonight's posted meeting, and it will now be addressed by the Council. Mayor Pro Tem White exited to abstain from the discussion and associated vote on this supplemental agenda item because the church that is seeking the SUP approval is a customer of his company.

Mayor Sweet then read the agenda item as follows:

SUPPLEMENT AGENDA ITEM:

(9:10 p.m.) - Z2013-012 - Consider approval of an **ordinance** for a request by Scott Webb representing Eastridge Church of Christ for approval of a Specific Use Permit (SUP) to allow for a church on a 1.70-acre tract of land situated in the E.M. Elliott Survey, Abstract No. 77, City and County of Rockwall, Texas, and being a part of a 10.733-tract of land as described in a warranty deed from Texas Utilities Electric Company to Cal Gary, as recorded in Volume 957, Page 88 of the Real Property Records of Rockwall County, Texas, located at 588 Stodghill Road, and take any action necessary. **(2nd Reading)**

City Manager Rick Crowley indicated that this item was added to the agenda late, and that is the only thing that is unique about this item. Staff recommends council approval of second reading at this time. Councilmember Pruitt made a motion to approve the ordinance for second reading. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-11
SUP NO - 106

AN ORDINANCE 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 TO ALLOW FOR A CHURCH LOCATED AT 588 STODGHILL ROAD, BEING A 1.70-ACRE TRACT OF LAND SITUATED IN THE E.M. ELLIOTT SURVEY, ABSTRACT NO. 77; 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 abstention (White).

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

1. Departmental Reports
 - Animal Adoption Center Report - March
 - Building Inspections Monthly Report - March
 - Finance Department Monthly Report - March
 - Fire Dept. Monthly Report - March

Harbor PD Monthly Report - March
Internal Operations Department Monthly Report - March
Police Department Monthly (March) & Quarterly Reports
Recreation Monthly Report - March
Rockwall County Committee on Aging Quarterly Report

2. City Manager's Report

City Manager Rick Crowley briefly spoke to the council about the city having three retired fire trucks - an 1996 ladder truck for which a company may be interested in buying at 80,000.00, a 1985 E-One pumper truck and a 1988 E-One pumper truck which no one has expressed an interest in purchasing. One pumper may be worth \$7,000-\$10,000 and the other \$3,000-\$5,000. Fire Chief Mark Poindexter indicated that the City of Rockwall has let the TX Forest Service know that these two pumper trucks may possibly be available if the City of West, Texas (recently experienced a fertilizer plant explosion and may have lost some fire trucks in the disaster) may have a need or interest in two of these trucks. Mr. Crowley asked if the council is comfortable with the sale of the ladder truck and possibly making the two pumper trucks available to West or another jurisdiction. Council gave general indication that they are ok with this.

Mr. Crowley reminded the council of a dinner tomorrow night being hosted by the residents of Lake Rockwall Estates.

At 9:48 p.m., the Council concluded the public portion of its meeting agenda. Mayor Sweet then recessed the public meeting and called for the City Council to go back into Executive Session. Mayor Sweet read the Executive Session discussion items notated below into the record.

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 of Economic Development incentives and procedures pursuant to Section 551.087 (Economic Development).
2. Discuss EEOC claim filed by City Employee pursuant to Tex. Gov't. Code, § 551.071 (Consultation with Attorney) and Tex.Gov't Code § 551.074 (Personnel Matters).
3. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section 551.072 (deliberations about real property).
4. Discussion regarding deliberation of appointment of public officer to North TX Municipal Water District Board, pursuant to Section 551.074 (personnel matters).
5. Discussions regarding land acquisition associated with easements for the Aqua interconnect for municipal purposes pursuant to Section 551.072 (deliberations about real property).
6. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).

7. Discussion regarding City Manager performance evaluation, pursuant to Section 551.074 (personnel matters).

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

Council came out of Executive Session, and Mayor Sweet reconvened the public meeting at 10:13 p.m. Mayor Pro Tem White then made a motion to pursue purchase of property for municipal purposes as discussed in Executive Session. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White also made a motion to authorize the purchase of property for municipal purposes as discussed in Executive Session. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XVI. ADJOURNMENT

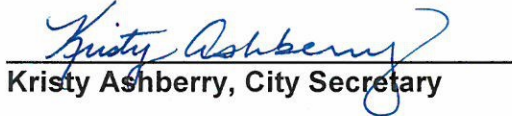
The meeting was adjourned at 10:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of May, 2013.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 20, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs and Interim City Attorney Patrick Lindner.

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

- 16
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1. HOLD WORK SESSION TO DISCUSS TRANSMITTAL OF PLANNING & ZONING CASES TO THE CITY COUNCIL, AND TAKE ANY ACTION NECESSARY.

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Mayor Sweet read the above noted work session language into the public record. The council then convened in the conference room located adjacent to the council chambers area to conduct its work session.

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General discussion took place between the city council and staff regarding the level of detail the council desires to be transmitted to it by staff regarding Planning & Zoning cases and related agenda items. Assistant City Manager Mary Smith joined the meeting at 4:15 p.m. At 4:35 p.m. the city council concluded its work session discussion taking no formal action related to this item.

29
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Mayor Sweet and Councilmembers Daniels, Townsend and Milder came out into the council chambers, and Mayor Sweet read each of the below noted discussion items into the public record before recessing the public meeting into Executive Session.

33
34

III. (4:30 P.M.) EXECUTIVE SESSION.

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37

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:

- 38
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47
1. Discussion regarding status of the selection process for Municipal Court Judge Appointment pursuant to Section, § 551.071 (Consultation with Attorney) and Section, § 551.074 (Personnel Matters)
 2. Discussion regarding appointment of Mayor Pro-Tem, County of Rockwall Emergency Services Corporation board members (2), and city council subcommittees pursuant to Section, § 551.074 (Personnel Matters).
 3. Discussion regarding City Manager performance evaluation, pursuant to Section, § 551.074 (Personnel Matters).
 4. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section, § 551.072 (Real Property).

48 5. Discussions regarding land acquisition associated with easements for the
49 Aqua interconnect for municipal purposes pursuant to Section, § 551.072
50 (Real Property).

51 6. Discussion regarding legal claim letters: litigation styled, Turner v. City of
52 Rockwall and Young v. City of Rockwall, as well as sewage back up claim
53 pursuant Section § 551.071 (Consultation with Attorney).

54 **IV. ADJOURN EXECUTIVE SESSION.**

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56 **Council came out of Executive Session at 5:50 p.m.**

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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 20, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven members of council were present as well as City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and interim City Attorney Patrick Lindner.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

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

VII. SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS (JUDGE BRIAN WILLIAMS)

Judge Brian Williams of Rockwall County came forth and administered the Oath of Office to Councilmembers Jim Pruitt, David White, Scott Milder, and Bennie Daniels and Mayor David Sweet. Each newly elected members of council introduced their family members, and Mayor Sweet thanked Judge Williams for administering their Oaths.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Daniels made a motion to name David White as Mayor Pro Tem. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to make the following council liaison and subcommittee appointments:

- Bennie Daniels - Rockwall Economic Development Corporation (REDC) council liaison;
- Dennis Lewis and David Sweet - County of Rockwall Emergency Services Corporation (ESC);
- Dennis Lewis, Mike Townsend and David White - Hotel/Motel Tax Subcommittee;
- David White, David Sweet and Scott Milder - Finance/Audit Subcommittee;
- Mike Townsend, Jim Pruitt and David White - Airport subcommittee;
- Mike Townsend, Scott Milder and Dennis Lewis - Youth Sports Subcommittee;
- Bennie Daniels - Fire Pension Board liaison; and
- David White - Youth Advisory Council liaison.

Councilmember Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. PROCLAMATIONS / AWARDS

1. Children's Medical Center 100th year Centennial Celebration

106 **Mr. Moore with Children's Medical Center came forth and provided a few, brief words**
107 **about Children's Medical Center and this milestone. Mayor Sweet then read and**
108 **presented the proclamation for the 100th year Centennial Celebration.**

109
110 2. National Public Works Week

111
112 **Tim Tumulty, City Engineer and Director of Public Works, came forth with several city**
113 **staff members and introduced each of them. Mayor Sweet then read and presented staff**
114 **members with the proclamation for National Public Works Week.**

115
116 **X. CONSENT AGENDA**

- 117
118 1. Consider approval of the minutes from the May 6, 2013 regular city
119 council meeting, and take any action necessary.
- 120 2. **P2013-013** - Discuss and consider a request by Steve Lenart with Lenart
121 Development Co., LLC for the approval of a final plat of Townsend
122 Village, City of Rockwall, Texas, being a 27.689-acre tract of land out of
123 the Joseph Cadle Survey, Abstract No. 65 and the N.M. Ballard Survey,
124 Abstract No. 48 containing 77 residential lots, and generally located at the
125 northwest corner of the intersection of SH-276 and T.L. Townsend Drive,
126 zoned Planned Development No. 10 (PD-10) District, and take any action
127 necessary.
- 128 3. Consider adoption of a resolution appointing a Municipal Court Judge;
129 appointing an Associate Municipal Court Judge, and take any action
130 necessary.
- 131 4. Consider approval of an **Ordinance** of Necessity associated with a sewer
132 line easement from LEJ Partners Ltd. generally located on the north side
133 of FM 3097, west of County Line Road and take any action necessary
134 **(2nd reading)**

135 **Mayor Sweet asked if any member of council would like to pull any Consent Agenda**
136 **items for further discussion. There being no one wishing to pull any items, Mayor Pro**
137 **Tem White made a motion to approve all items on the Consent Agenda (1, 2, 3 and 4).**
138 **Councilmember Townsend seconded the motion. The ordinance was read as follows:**

139
140 CITY OF ROCKWALL
141 ORDINANCE NO. 13-12

142
143 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, DECLARING
144 A PUBLIC PURPOSE FINDING THAT A NECESSITY EXISTS TO ACQUIRE REAL PROPERTY,
145 FOR A SEWER LINE CONNECTION, SAID PARCEL(S) BEING OUT OF AND A PART OF
146 THOSE CERTAIN TRACT LOCATED IN THE GLOVER WELLS SURVEY ABSTRACT NO. 219,
147 ROCKWALL COUNTY, TEXAS BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A
148 DEED RECORDED IN VOLUME 6174, PAGE 131 AND BEING MORE PARTICULARLY
149 DESCRIBED IN EXHIBIT "A"; AUTHORIZING THE CITY ATTORNEY TO ATTEMPT FINAL
150 NEGOTIATIONS WITH PRIVATE LANDOWNER FOR REAL ESTATE ASSOCIATED WITH THE
151 SEWER LINE AND FAILING SUCH ATTEMPT AT NEGOTIATION, TO INSTITUTE EMINENT
152 DOMAIN PROCEEDINGS FOR THE ACQUISITION OF AN EASEMENT ACROSS CERTAIN
153 HEREINAFTER DESCRIBED TRACT OF LAND FOR THE SEWER LINE CONNECTION;
154 AUTHORIZING THE CITY TO RETAIN THE PROFESSIONAL SERVICES OF AN APPRAISER,
155 TO VALUE THE LAND; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS
156 PERFORMED OR INITIATED BY EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY;

157 DECLARING A PUBLIC PURPOSE AND NECESSITY; PROVIDING FOR A FINAL OFFER;
158 PROVING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
159

160 The motion passed by a vote of 7 ayes to 0 nays.
161

162 **XI. APPOINTMENTS**
163

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

167 **Phillip Herbst, Chairman of the Planning & Zoning Commission, came forth and offered**
168 **brief comments to the council relative to the recommendations of the Commission**
169 **regarding items on tonight's city council meeting agenda. The council took no action**
170 **related to this item.**
171

- 172 2. Appointment with Judge Cathy Penn to receive the annual municipal
173 court report and take any action necessary.

174 **Judge Penn came forth and offered brief comments related to her annual municipal court**
175 **report. She then explained that she works as an independent contractor for the city's**
176 **municipal court. She spoke briefly about the types of cases that come through the court**
177 **and generally when those cases are heard on the docket. Judge Penn indicated that she**
178 **has been hearing municipal court cases for the city for several years now. Mayor Sweet**
179 **thanked Judge Penn for her service. The council took no action related to this agenda**
180 **item.**
181

- 182 3. Appointment with J.J. Smith to discuss and consider approval of a
183 resolution for a road closure to facilitate the July 4th parade, and take any
184 action necessary.

185 **Mayor Sweet stated that Assistant City Manager Mary Smith has taken care of this issue**
186 **already, so there is no need for it to be addressed by the city council this evening. The**
187 **council neither discussed nor took any action related to this agenda item.**
188

189 **XII. PUBLIC HEARING ITEMS**
190

- 191 1. **Z2013-013** - Hold a public hearing and consider approval of an
192 **ordinance** for a request by Zack Amick of Gordon Rockwall Investments,
193 LLC for a Specific Use Permit (SUP) to allow for outside storage of new
194 vehicles in conjunction with an adjacent new car dealership (located at
195 1540 E. IH-30); the subject property is zoned Light Industrial (LI) District
196 and situated within the IH-30 Corridor Overlay (IH-30 OV) District, on a
197 4.922-acres tract of land and specifically located at 1530 E. IH-30, City of
198 Rockwall, Texas, and take any action necessary. **(1st Reading)**

199 **Planning Director Robert LaCroix provided background information related to this item.**
200 **Eight notices were sent out to adjacent property owners in accordance with the law;**
201 **however, no notices have been received back by staff at this time.**
202

203 **Mayor Sweet opened the public hearing and called forth the applicant to speak.**
204

205 Zack Amick
206 1957 Stevens Road
207 Heath, Texas
208

209 Mr. Amick came forth and offered brief comments, indicating that he would like to be able
210 to store new cars at this location to work in conjunction with the new car Hyundai
211 dealership located next door.
212

213 There being no one else wishing to come forth and speak, Mayor Sweet then closed the
214 public hearing.
215

216 Councilmember Lewis made a motion to approve Z2013-013. Mayor Pro Tem White
217 seconded the motion.
218

219 Councilmember Pruitt asked for clarification related to how the storage of new vehicles
220 and the associated restrictions will be enforced. Mr. LaCroix stated that the text of the
221 ordinance defines these conditions/restrictions. The cars here would be stored;
222 however, there will not be actual car sale transactions taking place at this location
223 because doing so would require a lot of site improvements per the city's development
224 standards (such as the existing gravel lot needing to be upgraded to actual concrete
225 pavement).
226

227 The applicant came forth and clarified that state law prohibits the dealership from
228 actually transacting a sale at the neighboring location (a location other than the sales
229 dealership itself).
230

231 The ordinance was read as follows:
232

233 CITY OF ROCKWALL
234 ORDINANCE NO. 13-13
235

236 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
237 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
238 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE
239 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A
240 SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE AND DISPLAY ON
241 A 4.922-ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT
242 AND LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT, THE
243 SUBJECT PROPERTY IS LOCATED AT 1530 E. IH-30, BEING DESCRIBED
244 AS TRACT 4-02 OF N.M. BALLARD SURVEY, ABSTRACT NO. 24 AND THE
245 A. HANNA SURVEY, ABSTRACT NO. 99; PROVIDING FOR SPECIAL
246 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
247 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
248 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
249 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
250

251 The motion passed by a vote of 7 ayes to 0 nays.
252

253 The Mayor then called for a short break (at 6:49 p.m.).
254

255 2. Z2013-014 - Hold a public hearing to discuss and consider approval of an
256 ordinance for a request by Jake Petras, on behalf of QuikTrip, for an

257 amendment to Specific Use Permit (SUP) No. S-100 [Ordinance No. 12-
258 30] to allow for a 75-foot pole sign in conjunction with a retail store with
259 more than two (2) gasoline dispensers within a General Retail (GR)
260 District as specified by the Unified Development Code (UDC), for a
261 1.8169 acre tract of land zoned Commercial (C) District and General
262 Retail (GR) District, and described as part of the Joseph Cadle Survey,
263 Abstract No. 65, being all of Lot 1R, Block A of the Montego Addition, and
264 a portion of Lot 2, Block A of the Rockwall Shopping Center, Rockwall
265 County, Texas, and being generally located at the northwest corner of the
266 intersection of SH-205 and the IH-30 frontage road, within the IH-30
267 Corridor Overlay (IH-30 OV) District and the SH-205 Corridor Overlay
268 (SH-205 OV) District, and take any action necessary. **(1st Reading)**

269 **Mayor Pro Tem David White called the meeting back to order at 6:56 p.m. He noted that**
270 **Mayor David Sweet is recusing himself from this agenda item and the associated vote**
271 **because Quick Trip is a business associate for the company for which he is employed.**
272 **An affidavit has been filed with the City Secretary as required by law.**
273

274 **Ryan Miller, Senior Planner with the city's Planning Department, came forth and provided**
275 **background information related to this item. He indicated that nine notices were mailed**
276 **out to adjacent property owners located within two hundred feet of the subject property**
277 **with one response being received back in favor.**
278

279 **Mayor Pro Tem White called the applicant forth to speak.**
280

281 **Jake Petras**
282 **Quick Trip**
283 **1120 N. Industrial Blvd.**
284 **Eules, Texas**
285

286 **Mr. Petras spoke about the need for a larger sign due to visibility limitations associated**
287 **with what would otherwise be a forty foot sign. He briefly spoke about anticipated,**
288 **competitive gasoline prices with other, nearby gasoline providers. He explained that the**
289 **sign needs to be higher in order to allow for IH-30 drivers to see the sign in plenty of time**
290 **to safely exit and visit his store.**
291

292 **Mayor Pro Tem White then opened the public hearing.**
293

294 **Mr. John White**
295 **1929 S. Lakeshore**
296 **Rockwall, TX**
297

298 **Mr. White came forth and strongly recommended that the council grant this sign height**
299 **variance. He briefly spoke about the elevation change and associated challenges that**
300 **factor into visibility issues if their sign is placed lower than seventy-five feet. He made a**
301 **comparison of the In and Out Burger sign that received a variance request because of a**
302 **similar "line of sight" elevation issue when compared to the nearby Toyota dealership off**
303 **of IH-30.**
304

305 Mayor Pro Tem White asked if anyone else would like to come forth and speak. There
306 being no one else wishing to come forth and address the council, he then closed the
307 public hearing.

308
309 Councilmember Pruitt asked for clarification related to the In & Out Burger's sign height
310 variance request.

311
312 Councilmember Daniels made a motion to move forward with approval of the sign height
313 at seventy-five feet. Mayor Pro Tem White seconded the motion. The ordinance was
314 read as follows:

315
316 CITY OF ROCKWALL
317 ORDINANCE NO. 13-14
318 SPECIFIC USE PERMIT NO. S-107
319

320 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
321 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
322 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND
323 SPECIFIC USE PERMIT (SUP) NO. S-100 [ORDINANCE NO. 12-30] TO
324 ALLOW FOR A 75-FOOT POLE SIGN IN CONJUNCTION WITH A RETAIL
325 STORE WITH MORE THAN TWO (2) GASOLINE DISPENSERS WITHIN A
326 GENERAL RETAIL (GR) DISTRICT AS SPECIFIED IN ARTICLE IV,
327 PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A
328 1.8169 ACRE TRACT OF LAND ZONED COMMERCIAL (C) DISTRICT AND
329 GENERAL RETAIL (GR) DISTRICT, AND DESCRIBED AS PART OF THE
330 JOSEPH CADLE SURVEY, ABSTRACT NO. 65, BEING ALL OF LOT 1R,
331 BLOCK A OF THE MONTEGO ADDITION, AND A PORTION OF LOT 2,
332 BLOCK A OF THE ROCKWALL SHOPPING CENTER, ROCKWALL
333 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
334 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO
335 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
336 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
337 PROVIDING FOR AN EFFECTIVE DATE.

338
339 Brief, additional discussion took place related to the sign height. Councilmember Milder
340 asked if approval of this sign height variance will begin setting some sort of precedence
341 for other business owners located along the IH-30 corridor. Mr. LaCroix explained that
342 each sign variance can be looked at and evaluated on a case-by-case basis, individually.
343 Mr. Milder is also concerned about sign height as it relates to various elevation changes
344 and how that correlates to line of sight views of said signs.

345
346 The motion to approve resulted in Interim City Attorney, Patrick Lindner requesting that
347 the council take a brief break in order to allow him time to evaluate the city's regulations
348 and determine whether or not a 'super majority' vote of the council is or is not required
349 for approval of this particular sign variance request. Mayor Pro Tem White called for a
350 brief break at 7:19 p.m.

351
352 At 7:30 p.m. Mayor Pro Tem White called the meeting back to order. Mr. LaCroix
353 generally indicated that after reviewing the city ordinances, a super majority vote of the
354 council is not actually required in this instance.

355
356 Therefore, the motion for approval of the sign at seventy-five feet did pass by a vote of 4
357 ayes, 2 nays (Townsend and Pruitt) and 1 abstention (Sweet).

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3. **Z2013-015** - Hold a public hearing and consider approval of an ordinance for a request by Stephen Seitz of Seitz Architects, Inc. for approval of a Specific Use Permit (SUP) to allow for the expansion of the existing "Vault Self Storage" mini-warehouse facility located on Lot 1, Block C, Rockwall Business Park East, being 6.06-acres overall, and zoned Commercial (C) District, located at 1280 E. Ralph Hall Parkway, and take any action necessary. **(1st Reading)**

366 Ryan Miller, Senior Planner with the city, came forth and provided background
367 information to the council related to this agenda item. He generally explained that the
368 applicant is seeking variance approvals so that the addition he is constructing / adding
369 on will match the existing facility. He stated that nine notices were mailed out to
370 property owners located within two hundred feet of the subject property; however, no
371 notices were received back by staff. The Planning & Zoning Commission has
372 recommended approval of this item, including staff recommendations.

373
374 Mayor Sweet then opened the public hearing and called the applicant forth to speak.

375
376 Stephen Seitz
377 Seitz Architects

378
379 Mr. Seitz came forth and indicated that he would like these variances granted so that the
380 expansion / addition he plans to build will aesthetically match the existing facility.

381
382 There being no one else wishing to come forth and speak, Mayor Sweet then closed the
383 public hearing.

384
385 Councilmember Pruitt made a motion to approve Z2013-015. Mayor Pro Tem White
386 seconded the motion. The ordinance was read as follows:

387
388 CITY OF ROCKWALL
389 ORDINANCE NO. 13-15
390 SPECIFIC USE PERMIT NO. S-108

391
392 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
393 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
394 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A
395 SPECIFIC USE PERMIT (SUP) TO ALLOW THE EXPANSION OF AN
396 EXISTING MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C)
397 DISTRICT AS SPECIFIED WITHIN ARTICLE IV, PERMISSIBLE USES, OF
398 THE UNIFIED DEVELOPMENT CODE, FOR A 6.06-ACRE PARCEL OF
399 LAND ZONED COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1,
400 BLOCK C OF THE ROCKWALL BUSINESS PARK EAST ADDITION, CITY
401 OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
402 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO
403 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
404 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
405 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

406
407 The motion to approve passed unanimously of council (7 ayes to 0 nays).

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XIII. SITE PLANS / PLATS

1. **SP2013-005** - Discuss and consider a request by John Spiars of Spiars Engineering for the approval of variances to the architectural standards for the IH-30 Overlay (IH-30 OV) District, specifically to the roof design standards and to the masonry standards to allow for stucco on the first four (4) feet above grade, and to the sign standards to allow for wall signage and graphics as an artistic feature, for a Site Plan for Raising Cane's on a 2.951 acre tract of land zoned Commercial (C) District and Light Industrial (LI) District, being described as Lot 3, Block 1 of the Centre Corners Addition in the City of Rockwall, Texas, generally located at the southeast corner of IH-30 and SH 205, and situated within the IH-30 Corridor Overlay (IH-30 OV) District, and take any action necessary.

424 **Planning Director Robert LaCroix provided background information related to this**
425 **agenda item. He stated that the variance does require a ¾ vote of the council in order to**
426 **be approved. The site plan has been approved already by the Planning & Zoning**
427 **Commission.**

428
429 **After brief discussion, Councilmember Lewis made a motion to approve SP2013-005.**
430 **Mayor Pro Tem White seconded the motion. The motion to approve passed by a vote of**
431 **7 ayes to 0 nays.**

2. **SP2013-006** - Discuss and consider a request by Jim Aubuchon of Rockwall Mushroom, LLC for approval of variances to the architectural standards and the signage, specifically to allow for wall signage and graphics as an artistic feature and elevations not meeting the 20% natural or quarried stone requirement for a Site Plan for Mellow Mushroom, being a 10,525-sf restaurant proposed on Lot 15, Block A, La Jolla Pointe Addition Phase 2, being 1.364-acres zoned Commercial (C) District and situated within the IH-30 Corridor Overlay (IH-30 OV) District, located at 568 E IH-30, City of Rockwall, Texas, and take any action necessary.

442 **Planning Director Robert LaCroix indicated that this is a new, conceptual restaurant**
443 **starting up in the Dallas / Fort Worth area. A few, outstanding variances will need to be**
444 **approved by council. He then went on to describe the sign the restaurant would like to**
445 **utilize, which is proposed to be built into the side of the building. He also described a**
446 **variance request associated with the amount of stone that is typically required. They**
447 **would prefer to not put stone on the back side of the building because it will not be very**
448 **visible. If the council approves these variances, a ¾ majority vote of the council will be**
449 **required since this is located within an Overlay District.**

450 **The applicant came forth, and Councilmember Daniels asked for clarification regarding if**
451 **there will be rooftop dining. The applicant clarified that no rooftop dining will take place;**
452 **however, second floor dining will occur, and when the weather is nice, the upper story**
453 **“garage doors” and lower story doors will be opened to allow an open air dining**
454 **experience.**

455 **City Manager Rick Crowley asked the applicant if he has looked into the city's noise**
456 **ordinance regulations. Mr. Aubuchon indicated that, yes, he has reviewed the**
457 **regulations and does not believe there will be a problem complying since his restaurant**
458 **will be a family-oriented environment.**

459 After additional discussion, Mayor Pro Tem White made a motion to approve SP2013-006.
460 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

461
462 3. SP2013-007 - Discuss and consider a request by Duane Meyers of
463 Duane Meyers Architect for approval of a variance to the exterior material
464 requirements in conjunction with a Site Plan for Texas Star Express,
465 specifically for a 3,525-sf new structure to replace an existing
466 manufactured building, situated on a 4.06-acre tract being Lot 1R, Block
467 1, Texas Star Addition and located at 2890 S. Goliad Street, City of
468 Rockwall, Texas, zoned Heavy Commercial (HC) District and situated
469 within the SH 205 Corridor Overlay (SH 205 OV) District, and take any
470 action necessary.

471 Councilmember Lewis explained that he will be recusing himself from the discussion and
472 vote related to this agenda item since the applicant is a relative of his daughter.

473
474 Planning Director Robert LaCroix provided background information related to this
475 agenda item. The applicant would like to replace an old, manufacture home that is
476 currently utilized as an employ area with a "stick built" structure instead. He spoke
477 about an existing, six foot fence and a proposed, new six foot fence which will be
478 utilized, along with some trees, to screen the new, proposed building. The building is
479 proposed to be built 100% out of hardiplank, which is a masonry product and does meet
480 the city's material requirements. However, the applicant would like a variance regarding
481 placing stone on the façade, as it will be screened and not seen anyway. The applicant
482 would like approval to deviate from the city's stone or brick requirements. This will
483 require a ¾ majority vote of council since it is located in an Overlay District.

484
485 Duane Meyers
486 560 PR 2422
487 Uncertain, Texas

488
489 Mr. Meyers came forth and indicated that he would like to replace a dilapidated mobile
490 home with a new building. He explained his reasons for asking for a variance on the
491 stone/brick requirements since it will not be visible. After a brief exchange and
492 clarification regarding masonry fencing versus wood fencing, Councilmember Townsend
493 made a motion to approve SP2013-007 with staff recommendations. Mayor Pro Tem
494 White seconded the motion, which passed by a vote of 6 ayes with one abstention
495 (Lewis).

496
497 **XIV. ACTION ITEMS**

498
499 1. Discuss and consider adoption of a resolution directing publication of
500 notice of intention to issue certificates of obligation; resolving other
501 matters relating to the subject and take any action necessary.

502 Assistant City Manager Mary Smith indicated that these COs are related to short term
503 debt for fire trucks, police cars (approved in the budget), water and sewer utility bonds
504 for the Aqua System acquisition, and REDC expenses (which they will reimburse to the
505 city) related to improving and expanding the Tech Park. Mayor Pro Tem White made a
506 motion to adopt the resolution directing publication of notice of intention to issue

507 certificates of obligation as presented. Councilmember Townsend seconded the motion.
508 After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.
509

- 510 2. Discuss and consider approval of a development agreement that has
511 been offered by the City, in accordance with Chapter 212 of the Texas
512 Local Government Code, and accepted by the property owner of a 4.273-
513 acre tract of land known as Tract 25-09, Abstract 187, J. Strickland
514 Survey, Rockwall County, Texas and within the City's Extraterritorial
515 Jurisdiction (ETJ), and take any action necessary.

516 Planning Director Robert LaCroix provided background information related to this
517 agenda item. He indicated that this agreement has been discussed with the city council
518 over the last eighteen months or so. The applicant would like to build a storage facility
519 located near FM-552 and SH-205. The applicant and is agreeing to several standards that
520 the city would like the applicant to adhere to, including fire protection, drainage
521 retention, exterior building materials, landscaping and signage requirements. The
522 agreement is for a period of two years from the effective date. At its termination, the
523 applicant/owner will be deemed to have filed a "petition for voluntary annexation," and
524 annexation procedures will commence. After annexation, the owner will be required to
525 connect to the city's water supply to allow for adequate fire protection. Mr. LaCroix
526 generally went on to explain that the applicant may petition for voluntary annexation at
527 an earlier date if he so desires.
528

529 Mayor Pro Tem White made a motion to approve the 212 Development Agreement.
530 Councilmember Milder seconded the motion. The motion passed by a vote of 7 ayes to 0
531 nays.
532

- 533 3. Discuss and consider process for appointment of future board and
534 commission members, and take any action necessary.

535 Mayor Sweet indicated that he placed this discussion item on the agenda. He would like
536 the council to discuss how it will conduct future appointments to the various non-
537 regulatory, advisory committees of the city. Mayor Sweet described that he would like
538 each council member to act as a "liaison" of sorts for each of the non-regulatory,
539 advisory boards of the city. Each liaison would then review applications and make
540 recommendations to the full council regarding appointments.
541

542 After brief discussion, Mayor Sweet made a motion for the following "liaison" oversight
543 regarding review of applications associated with each of the following
544 boards/commissions:
545

546 Pruitt – Animal Shelter Advisory Committee
547 Milder – Architectural Review Board
548 Daniels – Historic Preservation Advisory Board
549 Sweet – Main Street Advisory Board
550 Townsend - Park Board
551 Lewis – Construction Advisory
552 White - Youth Advisory Board (YAC)
553

554 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.
555
556

557 At 8:18 p.m., Mayor Sweet recessed the public meeting and asked the council to convene
558 in Executive Session to discuss Executive Session discussion item numbers three, four
559 and six as noted below. He then read each of these discussion items into the public
560 record (#s 3, 4 and 6 below).

561
562 **XV. EXECUTIVE SESSION**

563
564 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
565 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
566 **CODE:**

- 567
568 1. Discussion regarding status of the selection process for Municipal Court
569 Judge Appointment pursuant to Section, § 551.071 (Consultation with
570 Attorney) and Section § 551.074 (Personnel Matters)
- 571 2. Discussion regarding appointment of Mayor Pro-Tem, County of Rockwall
572 Emergency Services Corporation board members (2), and city council
573 subcommittees pursuant to Section, § 551.074 (Personnel Matters).
- 574 3. Discussion regarding City Manager performance evaluation, pursuant to
575 Section § 551.074 (Personnel Matters).
- 576 4. Discussions regarding land acquisition in the downtown area for
577 municipal purposes pursuant to Section § 551.072 (Real Property).
- 578 5. Discussions regarding land acquisition associated with easements for the
579 Aqua interconnect for municipal purposes pursuant to Section § 551.072
580 (Real Property).
- 581 6. Discussion regarding legal claim letters: litigation styled, Turner v. City of
582 Rockwall and Young v. City of Rockwall, as well as sewage back up
583 claim, Section § 551.071 (Consultation with Attorney).

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

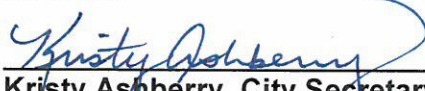
585
586 **Mayor Sweet reconvened the public meeting at 9:02 p.m. and announced that no action**
587 **would be taken as a result of the Executive Session just held.**



588
589 **XVII. ADJOURNMENT**

590
591 **Mayor Sweet adjourned the meeting at 9:02 p.m.**

592
593 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
594 **this 3rd day of June, 2013.**

595
596
597 **ATTEST:**

598
599 
600 **Kristy Ashberry, City Secretary**


 **David Sweet, Mayor**

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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 03, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley and Interim City Attorney Frank Garza. Mayor Sweet read the posted Executive Session discussion items listed below into the public record, also indicating that Executive Session discussion would be held regarding the following public agenda items:

Public Hearing 1. Z2013-011 - Hold a public hearing to discuss and consider approval of an ordinance for a request by Russell Phillips on behalf Rockwall Rental Properties for the approval of a PD Development Plan amending Ordinance 11-43 and in accordance with Ordinance No. 10-21, for property identified as 16 & 16-1 out of the M. J. Barksdale Survey, Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall Addition; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza Addition, being a 12.72-acre tract of land, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, and generally located south of Interstate Highway 30 and west of Shoreline Drive, and take any action necessary. **(1st Reading)**

Action Item 3. Discuss and consider appointments to the city's Historic Preservation Advisory Board, Park Board and Architectural Review Board, and take any action necessary.

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 City Manager performance evaluation, pursuant to Section § 551.074 (Personnel Matters).
2. Discussion regarding legal claim letter related to Emerald Bay Park and playground equipment pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding legal claim letter related to sewage back up claim pursuant Section § 551.071 (Consultation with Attorney).
4. Discussion regarding possible changes to Bylaws and appointments to the Economic Development Corporation pursuant to § 551.071 (Consultation with Attorney) and § 551.074 (Personnel Matters).
5. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).

49 6. Discussions regarding land acquisition associated with easements from
50 LEJ Partners for the Aqua interconnect for municipal purposes pursuant
51 to Section § 551.072 (Real Property).

52 **After reading these items into the record, Mayor Sweet recessed the public meeting to**
53 **convene in Executive Session.**

54
55 **III. ADJOURN EXECUTIVE SESSION**

56
57 **The Mayor and Council adjourned out of Executive Session at 5:53 p.m.**
58

59
60
61
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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 03, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

65 **IV. RECONVENE PUBLIC MEETING**

66
67 Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members
68 were present as well as City Manager Rick Crowley, Assistant City Manager Brad Griggs
69 and Interim City Attorney Frank Garza. Assistant City Manager Mary Smith was absent
70 from the meeting.

71
72 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

73
74 Mayor Pro Tem White indicated that no action is needed at this time as a result of
75 Executive Session.

76
77 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

78
79 Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

80
81 **VII. PROCLAMATIONS / AWARDS**

- 82
83 1. ISO Rating Award: Jesse William, Deputy State Fire Marshal - Texas
84 Dept. of Insurance

85
86 Fire Chief Mark Poindexter came forth and provided background information related to
87 what the "Insurance Services Office" (ISO) Fire Suppression Rating Schedule is and
88 Rockwall's history related to its ISO rating. He then called forth several members of city
89 staff to be recognized for their role in improving and maintaining the city's ISO rating. He
90 also recognized and thanked the mayor and city council for its support over the years in
91 helping improve the city's ISO rating. Jesse Williams with the State Fire Marshall's Office
92 came forth and congratulated the city for achieving a Class 2 rating, which is improved
93 from the Class 3 rating awarded in 2003. After brief comments, Mr. Williams read and
94 presented a plaque to Mayor Sweet and the City of Rockwall to recognize the city for its
95 new, Class 2 rating. Mayor Sweet thanked the city staff and Chief Poindexter for their
96 hard work.

97
98 **VIII. OPEN FORUM**

99
100 Mayor Sweet explained how Open Forum is conducted and asked if there are members in
101 the audience who would like to address the Council at this time.

102
103 **Mike McRae**
104 **Owner of Dodie's Restaurant at The Harbor**
105 **2211 N. Lamar, Suite 100**
106 **Dallas, TX 75202**

109 Kristy Smith
110 2932 Lago Vista Lane
111 Rockwall, Texas 75032
112

113 Mrs. Smith came forth and indicated that she has concerns about recent parking and
114 associated striping that was installed near the entrance of the Lago Vista neighborhood.
115 She expressed that she serves on the Home Owners Association (HOA) board for the
116 neighborhood. She and other residents have safety-related concerns about the parking,
117 as it creates a visibility issue and hazard for those turning out of the alleyway and/or
118 Lago Vista. She read some comments from concerned citizens who would like the
119 parking and associated striping removed due to the dangers it creates.
120

121 Assistant City Manager Brad Griggs indicated that the City Engineer is currently involved
122 in working on a traffic study related to this parking area, and it is possible that an
123 ordinance may be brought forth to the council for consideration at the next regular city
124 council meeting if everything stays on schedule.
125

126 Linda King
127 2912 Lago Vista Lane
128 Rockwall, TX 75032
129

130 Mrs. King came forth and indicated that she serves as the Secretary of the Lago Vista
131 HOA and also has concerns regarding parking in this area. She expressed that she
132 believes it creates a visibility concern and is hazardous for both drivers and pedestrians.
133 She then read several comments she has received from residents who are also
134 concerned about this parking and would generally like the recently striped parking areas
135 removed. She commented that she and others also have concerns related to "No
136 Parking" signs that were installed in front of the business areas.
137

138 IX. CONSENT AGENDA
139

- 140 1. Consider approval of the minutes from the May 20, 2013 regular city
141 council meeting, and take any action necessary.
- 142 2. Consider a recommendation from the Atmos Cities Steering Committee
143 regarding approval of an **ordinance** adopting a rate review mechanism
144 process and take any necessary action (**1st reading**).
- 145 3. **P2013-016** - Consider a request by Jacob Sumpter of Mycoskie, McInnis
146 and Associates for the approval of a final plat of Lot 1, Block 1, Rockwall
147 Bypass Addition, being a 6.775-acre tract of land situated within the W. H.
148 Baird Survey, Abstract No. 25, Rockwall, Texas, zoned Planned
149 Development District 10 (PD-10), located within the SH-276 Overlay (SH-
150 276 OV) District, and located southwest of the intersection of John King
151 Boulevard and SH-276, and take any action necessary.
- 152 4. **P2013-018** - Consider a request by Daniel Dewey of JBI Partners for the
153 approval of a replat for 63 single family lots for the purpose of creating
154 utility easements for franchise utility companies and within Caruth Lakes,
155 Phase 8A, being a 22.654-acre tract of land situated within the Samuel S.
156 McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned

157 Development District 5 (PD-5), and generally located south of E. Quail
158 Run and west of John King Boulevard, and take any action necessary.

- 159 5. **Z2013-013** - Consider approval of an **ordinance** for a request by Zack
160 Amick of Gordon Rockwall Investments, LLC for a Specific Use Permit
161 (SUP) to allow for outside storage of new vehicles in conjunction with an
162 adjacent new car dealership (located at 1540 E. IH-30); the subject
163 property is zoned Light Industrial (LI) District and situated within the IH-30
164 Corridor Overlay (IH-30 OV) District, on a 4.922-acres tract of land and
165 specifically located at 1530 E. IH-30, City of Rockwall, Texas, and take
166 any action necessary. **(2nd Reading)**

- 167 6. **Z2013-014** - Consider approval of an **ordinance** for a request by Jake
168 Petras, on behalf of QuikTrip, for an amendment to Specific Use Permit
169 (SUP) No. S-100 [Ordinance No. 12-30] to allow for a 75-foot pole sign in
170 conjunction with a retail store with more than two (2) gasoline dispensers
171 within a General Retail (GR) District as specified by the Unified
172 Development Code (UDC), for a 1.8169 acre tract of land zoned
173 Commercial (C) District and General Retail (GR) District, and described
174 as part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R,
175 Block A of the Montego Addition, and a portion of Lot 2, Block A of the
176 Rockwall Shopping Center, Rockwall County, Texas, and being generally
177 located at the northwest corner of the intersection of SH-205 and the IH-
178 30 frontage road, within the IH-30 Corridor Overlay (IH-30 OV) District
179 and the SH-205 Corridor Overlay (SH-205 OV) District, and take any
180 action necessary. **(2nd Reading)**

- 181 7. **Z2013-015** - Consider approval of an **ordinance** for a request by Stephen
182 Seitz of Seitz Architects, Inc. for approval of a Specific Use Permit (SUP)
183 to allow for the expansion of the existing "Vault Self Storage" mini-
184 warehouse facility located on Lot 1, Block C, Rockwall Business Park
185 East, being 6.06-acres overall, and zoned Commercial (C) District,
186 located at 1280 E. Ralph Hall Parkway, and take any action necessary.
187 **(2nd Reading)**

188 **Mayor Sweet pulled item #6 for further discussion. Mayor Pro Tem White made a motion**
189 **to approve all of the Consent Agenda except for item #6 (#1, 2, 3, 4, 5, and 7).**
190 **Councilmember Pruitt seconded the motion.**

191
192 **The ordinances were read as follows:**

193
194 **CITY OF ROCKWALL**
195 **ORDINANCE NO. 13-13**
196 **SPECIFIC USE PERMIT NO. S-107**

197
198 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
199 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
200 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE**
201 **AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A**
202 **SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE AND DISPLAY ON**
203 **A 4.922-ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT**
204 **AND LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT, THE**
205 **SUBJECT PROPERTY IS LOCATED AT 1530 E. IH-30, BEING DESCRIBED**
206 **AS TRACT 4-02 OF N.M. BALLARD SURVEY, ABSTRACT NO. 24 AND THE**

207 A. HANNA SURVEY, ABSTRACT NO. 99; PROVIDING FOR SPECIAL
208 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
209 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
210 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
211 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
212

213 CITY OF ROCKWALL
214 ORDINANCE NO. 13-15
215 SPECIFIC USE PERMIT NO. S-109
216

217 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
218 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
219 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A
220 SPECIFIC USE PERMIT (SUP) TO ALLOW THE EXPANSION OF AN
221 EXISTING MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C)
222 DISTRICT AS SPECIFIED WITHIN ARTICLE IV, PERMISSIBLE USES, OF
223 THE UNIFIED DEVELOPMENT CODE, FOR A 6.06-ACRE PARCEL OF
224 LAND ZONED COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1,
225 BLOCK C OF THE ROCKWALL BUSINESS PARK EAST ADDITION, CITY
226 OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
227 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO
228 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
229 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
230 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
231

232 The motion passed by a vote of 7 ayes to 0 nays.
233

234 Mayor Sweet recused himself from Consent Agenda item #6 due to a potential business
235 relationship conflict. He filed an affidavit with the City Secretary. Mayor Pro Tem White
236 then made a motion to approve Consent Agenda item #6. Councilmember Daniels
237 seconded the motion.
238

239 Councilmember Townsend offered comments related to the elevations associated with
240 the exit ramp near this store and the various, possible sign elevations associated with
241 this Quick Trip sign. He then asked the council to reconsider moving forward with
242 approval of this sign at the proposed 75' height.
243

244 Jake Petras, the applicant representing Quick Trip, came forth to ask for clarification
245 regarding what happens if the requested SUP is denied. After brief discussion, the
246 ordinance was read as follows:
247

248 CITY OF ROCKWALL
249 ORDINANCE NO. 13-14
250 SPECIFIC USE PERMIT NO. S-108
251

252 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
253 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
254 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND
255 SPECIFIC USE PERMIT (SUP) NO. S-100 [ORDINANCE NO. 12-30] TO
256 ALLOW FOR A 75-FOOT POLE SIGN IN CONJUNCTION WITH A RETAIL
257 STORE WITH MORE THAN TWO (2) GASOLINE DISPENSERS WITHIN A
258 GENERAL RETAIL (GR) DISTRICT AS SPECIFIED IN ARTICLE IV,
259 PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A
260 1.8169 ACRE TRACT OF LAND ZONED COMMERCIAL (C) DISTRICT AND

261 GENERAL RETAIL (GR) DISTRICT, AND DESCRIBED AS PART OF THE
262 JOSEPH CADLE SURVEY, ABSTRACT NO. 65, BEING ALL OF LOT 1R,
263 BLOCK A OF THE MONTEGO ADDITION, AND A PORTION OF LOT 2,
264 BLOCK A OF THE ROCKWALL SHOPPING CENTER, ROCKWALL
265 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
266 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO
267 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
268 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
269 PROVIDING FOR AN EFFECTIVE DATE.
270

271 **The motion to approve Consent Agenda item #6 (Z2013-014) passed by a vote of 4 ayes, 2**
272 **nays (Pruitt and Townsend) and 1 abstention (Sweet).**
273

274 **X. APPOINTMENTS**
275

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

279 **Planning Director Robert LaCroix indicated that the Chair has no new information to**
280 **report this evening. The council took no action related to this item.**

- 281 2. Appointment with Dana Macalik of the Rockwall Area Chamber of
282 Commerce to hear report regarding Hotel/Motel Occupancy Tax funding
283 granted by the city and utilized for the Chamber's "Visit Rockwall"
284 brochure, Community Wide Directory (magazine and maps) and
285 "Visitrockwall.com" website, and take any action necessary.

286 **Mrs. Macalik came forth and briefed the city council on a brochure, directory and website**
287 **that were created utilizing hotel/motel tax funding granted by the city and utilized by the**
288 **Chamber for these projects. The council thanked Mrs. Macalik for her report and took no**
289 **action related to this agenda item.**
290

291 **XI. PUBLIC HEARING ITEMS**
292

- 293 1. **Z2013-011** - Hold a public hearing to discuss and consider approval of an
294 **ordinance** for a request by Russell Phillips on behalf Rockwall Rental
295 Properties for the approval of a PD Development Plan amending
296 Ordinance 11-43 and in accordance with Ordinance No. 10-21, for
297 property identified as 16 & 16-1 out of the M. J. Barksdale Survey,
298 Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall Addition; Lot 1-1,
299 Block A, Henry Africa Subdivision; and Lot 3A, Block A, Shoreline Plaza
300 Addition, being a 12.72-acre tract of land, zoned Planned Development
301 District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, and
302 generally located south of Interstate Highway 30 and west of Shoreline
303 Drive, and take any action necessary. **(1st Reading)**

304 **Mr. LaCroix indicated that the applicant has submitted a new, revised plan based on**
305 **comments provided the last time this item came before the city council. Mayor Sweet**
306 **then opened the public hearing and called the applicant forth to speak.**
307

308 **Mr. Phillips came forth and briefed the council on the revisions that he has made to the**
309 **plan based on concerns and comments expressed by members of the council at a**

310 previous council meeting. He indicated, in part, that some revisions were made to allow
311 for closer and additional parking spaces near the movie theater.

312
313 **Jimmy McClintock**
314 **166 Yorkshire Drive**
315 **Heath, TX**

316
317 **Mr. McClintock came forth and stated that he is a business owner in the Harbor area, and**
318 **he generally supports development in and around the Harbor area; however, he does**
319 **have some concerns. He has solicited assistance from Mr. Ross Ramsay to come forth**
320 **and speak on his behalf.**

321
322 **Ross Ramsay (architect)**
323 **2235 Ridge Road**
324 **Rockwall, TX**

325
326 **Mr. Ramsay came forth and shared renderings of Mr. McClintock's existing building and**
327 **an overlay of where the adjacent road is proposed to be shifted. Mr. Ramsay asked the**
328 **council to consider excluding the roadway and area around Mr. McClintock's building**
329 **and property from any approval action the council may decide to take this evening. He**
330 **generally expressed a belief that the plans need to be reworked because they may be**
331 **flawed and will encroach upon Mr. McClintock's property of the road is shifted in the**
332 **manner in which the plan currently proposes.**

333
334 **Robert Kleeman**
335 **TF Harbor, LLC.**
336 **900 Congress Ave., Suite 300**
337 **Austin, TX 78701**

338
339 **Mr. Kleeman came forth and thanked city staff and the applicant for time invested in a**
340 **recent meeting to hear the concerns of Mr. Ric Smith and himself related to the plan. Mr.**
341 **Kleeman acknowledged that the applicant has made some revisions to the plan to**
342 **address some of these concerns.**

343
344 **Mr. Kleeman indicated that he has concerns about the high-end residential condos not**
345 **having any parking available in the building and that the only parking that would be**
346 **available would be in the northern parking garage. He believes this could pose**
347 **challenges, especially in terms of marketing the condos. Mr. Kleeman also gave**
348 **indication that he and his client have concerns about private agreements that are in**
349 **existence and their belief that this plan does not comply with those agreements.**

350
351 **Councilmember Pruitt and Mr. Phillips exchanged dialogue related to where the condos**
352 **will be placed and where and how the parking will be built (at grade vs. below ground).**
353 **Mr. Phillips clarified that there will be parking beneath the condo units located nearest**
354 **the fountain area. Councilmember Pruitt and Mr. Phillips also clarified that, along where**
355 **the planters are located, there will be public access for people to walk down the street**
356 **towards the fountain area and continue on down to access the lake area.**

357
358 **Mr. Phillips indicated that some of the flex space was taken out in order to add more**
359 **units so as to bring more people to the Harbor to eat in the restaurants and patron the**
360 **retail stores. He also spoke about the concerns of Mr. McClintock regarding Shoreline**

361 Trail (future Shoreline Circle). He indicated that he wants to address Mr. McClintock's
362 concerns; however, that particular area (in and around the McClintock property) is not
363 part of what is being considered at this particular point in time. That area will be
364 addressed in the future.

365
366 Planning Director Robert LaCroix explained that Mr. Phillips will likely phase the
367 construction of Harbor Heights Drive. Therefore, a detailed site plan will be brought forth
368 at a future date, and the alignment will have to be assessed from an Engineering
369 standpoint in order to determine the grading and what affect it may have on Mr.
370 McClintock's property.

371
372 Councilmember Pruitt, Mr. LaCroix and Mr. Phillips exchanged dialogue related to the
373 current and potential future alignment of Shoreline Trail. Mr. LaCroix explained that the
374 idea related to the plan was to increase the width between Lakefront Trail for
375 development reasons (trying to get more land out of it) and to allow for more on street
376 parking opportunities. Mr. Crowley explained that the roundabout was moved on the
377 plan in order to allow for development on either side of it; however, if the council would
378 like to make a change to PD-32 in the future, it is able to do so. After brief discussion,
379 Mr. Ramsay came forth and indicated that the shifting of Shoreline Trail will not
380 adversely affect Mr. McClintock's property as long as the roadway does not shift so
381 much that it encroaches on his property.

382
383 Councilmember Milder asked for clarification regarding shifting of the roundabout and
384 how that may affect the "line of sight." Mr. Phillips indicated that if the roundabout is
385 shifted, the line of sight will shift with it. Councilmember Milder also asked if Mr. Phillips'
386 plan allows for future expansion of the Cinemark movie theater, and Mr. Phillips
387 indicated that he is not asking the council to arbitrate between him and the other land
388 owner. He and the other landowner will work things about between themselves.

389
390 Councilmember Daniels thanked Mr. Phillips for working to accommodate the council's
391 concerns. He received positive clarification that if this portion of the plan is approved
392 this evening, the council will still have the right and an opportunity to address the
393 possible shifts in the road and roundabout at a later time.

394
395 **Kristy Smith**
396 **2932 Lago Vista**
397 **Rockwall, TX**

398
399 Mrs. Smith came forward to ask for clarification regarding if the proposed plan calls for
400 Shoreline Trail to continue on and hit Summer Lee. Mr. LaCroix indicated that, yes, it will
401 hit Summer Lee. Shoreline Circle will have angled parking so as people exit IH-30, you
402 will have drivers backing up. Mr. LaCroix indicated that the roadway will be substantially
403 wider at that point, but, yes, people may be backing out. Mrs. Smith expressed that she
404 has concerns about that parking aspect of the plan. She also asked for clarification
405 regarding if the residential component will be condos or apartments.

406
407 Mr. Phillips responded, indicating they will be condominiums that would still be able to
408 be leased.

409
410 Mayor Sweet then closed the public hearing.
411

412 Mayor Pro Tem White made a motion to approve Z2013-011. Councilmember Daniels
413 seconded the motion.

414
415 Councilmember Pruitt clarified for Mrs. Smith (speaker) that the name of the company
416 asking for this change is called "Rockwall Rental Properties."

417
418 Randall Noe
419 132 Shepherds Glen
420 Rockwall Rental Properties
421

422 Mr. Noe came forth and indicated that his holding company's name is called "Rockwall
423 Rental Properties," which was formed years ago. It was just a name that someone came
424 up with, and has nothing specifically to do with properties being rental properties.

425
426 Mr. Crowley clarified that they will be developed and constructed as condominiums;
427 however, they can be leased. Mayor Pro Tem White clarified that the plan that was
428 approved several years ago by the previous city council already grants the developer
429 permission to develop this piece of property with rentals/leased out condos. White
430 clarified that the council is not now approving the condos or rental properties – that
431 aspect of the plan was already put in place years ago. Mayor Sweet asked Interim City
432 Attorney Frank Garza to clarify what a "condo" is as far as the definition.

433
434 Mr. Garza clarified that each unit must have an individual lease hold estate separate and
435 apart, unlike an apartment where there is one lease hold for the entire property. In this
436 instance, each dwelling unit must have a separate lease hold estate with individual
437 utilities assigned to each dwelling unit. There cannot be one utility for the entire
438 property. The individual lease holds can still be owned by one person, but they must be
439 separate.

440
441 The ordinance was read as follows:

442 CITY OF ROCKWALL
443 ORDINANCE NO. 13-___

444
445 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
446 TEXAS, AMENDING ORDINANCE NO. 11-43, PLANNED DEVELOPMENT
447 DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21] AND THE UNIFIED
448 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
449 ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A
450 DEVELOPMENT PLAN ON APPROXIMATELY 12.72-ACRES FOR
451 PROPERTY IDENTIFIED AS TRACTS 16 & 16-1, M. J. BARKSDALE
452 SURVEY, ABSTRACT NO. 11; LOT 7, BLOCK A, THE HARBOR-
453 ROCKWALL ADDITION; LOT 1-1, BLOCK A, HENRY AFRICA SUBDIVISION
454 ADDITION; AND LOT 3A, BLOCK A, SHORELINE PLAZA ADDITION, CITY
455 OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE FULLY
456 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
457 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
458 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
459 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
460 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

461
462
463 The motion to approve passed unanimously of council (7 ayes to 0 nays).

464
465 **The Mayor then recessed the meeting for a short break.**
466

467 **After the break, Mayor Sweet called the meeting back to order and indicated that he**
468 **would like to reorder the remaining agenda to address Action Item #4 next.**
469

470 **XII. ACTION ITEMS**
471

472 **1. Discuss and consider approval of a request from Mr. Bernie Babendure**
473 **with Babendure Design Group representing Baylor Medical Group**
474 **regarding a sign plan associated with a sign to be located at 1975 Alpha**
475 **Drive, and take any action necessary.**

476 **Building Official Jeffrey Widmer came forth and provided background information to**
477 **council regarding this sign plan request. Mr. Widmer indicated that they are asking for**
478 **one, additional free standing monument sign. They are also seeking a wall sign in**
479 **excess of six feet. They are also putting some on premise traffic directional signs on**
480 **which they would like to include the name of the business. The applicant, Mr. Bernie**
481 **Babendure, came forth and offered brief comments, indicating they are a branding and**
482 **signage design consultant for Baylor Health Care. Two vehicular entrances exist at this**
483 **location, so they are asking for some directional signage and a second monument sign**
484 **to be placed at the entrance nearest the IH-30 service road.**

485 **After Mr. Babendure's comments, Mayor Pro Tem White made a motion to approve the**
486 **sign plan. Councilmember Townsend seconded the motion. Councilmember Daniels**
487 **clarified that there will be about seven directional signs. The motion then passed by a**
488 **vote of 7 ayes to 0 nays.**
489

490 **2. P2013-014 - Discuss and consider a request by Todd D. Wintters of**
491 **Engineering Concepts, for approval of a preliminary plat for Rayburn**
492 **Country Addition, being three (3) lots on an 11.403-acre tract zoned**
493 **Agricultural District (Ag) and Heavy Commercial District (HC) generally**
494 **located on the south side of Sids Road east of Mims Road, City of**
495 **Rockwall, Texas, and take any action necessary.**

496 **Planning Director Robert LaCroix provided background information related to this item.**
497 **It includes three lots, and part is currently zoned AG but a portion is zoned Heavy**
498 **Commercial. They will potentially build another office facility in the future, and they may**
499 **subdivide the property at that time. He indicated the applicant is meeting all technical**
500 **requirements for the plat.**

501 **Mayor Pro Tem White made a motion to approve P2013-014. Councilmember Milder**
502 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**
503

504 **3. Discuss and consider appointments to the city's Historic Preservation**
505 **Advisory Board, Park Board and Architectural Review Board, and take**
506 **any action necessary.**

507 **Councilmember Daniels made a motion calling for the following appointments to the**
508 **city's Historic Preservation Advisory Board:**

- 509 • First, Tina Rowe to serve in the role of “property owner,” for the unexpired term
510 of Herb Moltzan, expiring in August of 2014.
511 • Patti Canup to serve in the role of “Historic Foundation Member” for the
512 unexpired term of Janice Johnson, expiring in August of 2013. Since that is just
513 two months away, Councilmember Daniels included in his motion a
514 reappointment of Mrs. Canup for a full, two-year term which will expire in
515 August of 2015.
516 • He also moved to change existing board member Dick Clark’s role from
517 “property owner” to “interested citizen.”
518

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

520 **Councilmember Milder made a motion to appoint Jimmy Strohmeier to the City’s**
521 **Architectural Review Board to serve in the role of Building Designer/Architect for the**
522 **unexpired term of Fred Lively, expiring in August of 2013. Since that is just two months**
523 **away, Councilmember Milder included in his motion a reappointment of Mr. Strohmeier**
524 **for a full, two-year term which will expire in August of 2015. Mayor Pro Tem White**
525 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

526 4. Discuss and consider takeline leases and boat docks, and take any action
527 necessary.

528 **Mr. Sweet indicated that he would like to allow for some citizen input at this time,**
529 **specifically as it relates to this action item.**

530

531 **Mr. Randy Greenlee**
532 **1290 Coastal Drive**
533 **Rockwall, Texas**

534

535 **Mr. Greenlee indicated that he owns property where he has leased the takeline area**
536 **behind his home. He has concerns about the possibility that a recent modification to the**
537 **way in which the value of lakefront properties is assessed is resulting in property owners**
538 **being “double taxed” by both Rockwall and Dallas. He also has concerns about**
539 **residents who have built sea walls to help Dallas with lakefront erosion control, are**
540 **having to maintain those sea walls, and are now being taxed for those and boat dock**
541 **improvements. He is asking for help in getting the Rockwall Central Appraisal District to**
542 **stop taxing residents on these improvements. He is also concerned about the City of**
543 **Dallas getting tax dollars instead of the City of Rockwall. He asked for clarification on**
544 **how the city informs residents of discussions at a council meeting which may affect**
545 **them. Mayor Pro Tem White encouraged him to sign up to receive ENews, which will**
546 **include all city council and public meeting agendas. Councilmember Pruitt indicated he**
547 **plans to obtain the names and addresses of those who have takeline leases so that he**
548 **can inform them by e-mail if and when issues affecting the takeline arise.**

549

550 **Dan Traxler**
551 **1400 Coastal Drive**
552 **Rockwall, Texas**

553

554 **Mr. Traxler indicated that he echoes Mr. Greenlee’s concerns. He is also concerned**
555 **because the takeline lease was originally \$350, but now with it costing \$1,150, it is not**
556 **worth the price because he is not even able to use it. He is not able to get his boat in the**
557 **water or store it there, so it is now being stored in his garage. If he would have known**

558 this would be the situation, he would have never constructed his boat dock. He indicated
559 that the takeline lease clearly states that anything built in the takeline is not the property
560 of the homeowner. Instead, it is the property of the City of Dallas, so he doesn't
561 understand how he can be taxed on it.

562
563 **Mike Couvillion**
564 **935 Sunset Hill**
565 **Rockwall, TX**
566

567 **Mr. Couvillion agrees with the comments made by the two previous speakers. He**
568 **believes that being taxed represents a change to the takeline lease contract, and a**
569 **change to the contract would need to be agreeable to both parties. Mayor Pro Tem White**
570 **and Mr. Crowley clarified that the City of Rockwall is not assessing or collecting any**
571 **property taxes with regards to boat docks of homeowners living on the lakefront who**
572 **have takeline leases. Mayor Pro Tem White indicated that the city is not initiating the**
573 **taxation or benefitting from it in any way; however, the council may pass a resolution to**
574 **express that they are opposed to these assessments and collections. Mr. Couvillion is**
575 **also concerned about the City of Dallas selling so much water that the lake levels drop**
576 **and residents along the lakefront are not even able to use their boat docks on the**
577 **lakefront. Therefore, from a cost approach standpoint, his boat dock for which he is**
578 **being taxed, is basically worth nothing because it is not useable.**
579

580 **Councilmember Pruitt provided comments related to the lease that the City of Rockwall**
581 **holds with the City of Dallas and the sub-leases that the City of Rockwall holds with**
582 **various lakefront homeowners. After his comments, Councilmember Pruitt made a**
583 **motion to approve a resolution expressing opposition to these assessments and**
584 **associated taxation. Mayor Pro Tem White seconded the motion.**
585

586 **Mayor Sweet then read the entire, proposed resolution into the public record as follows:**
587

588
589 **CITY OF ROCKWALL, TEXAS**

590
591 **RESOLUTION NO. 13-13**

592
593 **A RESOLUTION OF THE CITY OF ROCKWALL, TEXAS OPPOSING**
594 **THE DECISION OF ROCKWALL CENTRAL APPRAISAL DISTRICT'S**
595 **(RCAD) DECISION TO ASSESS THE VALUE OF BOAT DOCKS;**
596 **INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY;**
597 **AND SETTING AN EFFECTIVE DATE.**
598

599 **WHEREAS, the City of Rockwall has been notified that the**
600 **Rockwall Central Appraisal District's ("RCAD") has decided to assess the**
601 **value of boat docks located on Lake Ray Hubbard beginning taxable**
602 **year 2013; and**
603

604 **WHEREAS, there are over one hundred (100) boat docks in**
605 **Rockwall County and these boat docks are not located on property**
606 **owned by the resident nor on property leased by the resident; and**
607

608 **WHEREAS, a permit by the City of Rockwall is required to build**
609 **a boat dock per the Interlocal Agreement with the City of Dallas, and**

610 such permits are revocable by the City of Rockwall and therefore such
611 boat docks are not real property improvements that are taxable; and
612

613 **WHEREAS**, due to the City's authority to revoke permits, and no
614 existence of any leases for the building or use of these boat docks, the
615 assessment of value for these boat docks is improper and without legal
616 authority;
617

618 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY**
619 **COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AS FOLLOWS:**
620

621 **SECTION 1. FINDINGS.** The above recitals are hereby found to
622 be true and correct and are hereby adopted by the City Council and made a
623 part hereof for all purposes as findings of fact.
624

625 **SECTION 2. AUTHORIZATION.** The City Manager is
626 authorized to notify the Rockwall Central Appraisal District that the City
627 of Rockwall is opposed to RCAD's decision to assess the value of boat
628 docks located on Lake Ray Hubbard and to provide them a copy of this
629 executed Resolution.
630

631 **SECTION 3. SEVERABILITY.** If any provision of this
632 Resolution or the application thereof to any circumstance shall be held to
633 be invalid, the remainder of this Resolution and the application thereof to
634 other circumstances shall nevertheless be valid, and this governing body
635 hereby declares that this Resolution would have been enacted without
636 such invalid provision.
637

638 **SECTION 4. EFFECTIVE DATE.** This Resolution shall become
639 effective immediately following its passage.
640
641

642 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF**
643 **ROCKWALL, TEXAS THIS 3rd day of JUNE, 2013.**

644 _____
645 _____
646 **David Sweet, Mayor**

647 **ATTEST:**

648 _____
649 _____
650 _____
651 **Kristy Ashberry, City Secretary**
652

653 **The motion to approve the resolution passed unanimously.**

654 **Action Item #1 was addressed next, followed by the remainder agenda items in order.**

- 655
- 656
 - 657 5. Discuss and consider status of various legislation, and take any action
658 necessary.

659 **City Manager Rick Crowley provided background information related to this item,**
660 **indicating that the state legislature recently passed a piece of legislation that will**
661 **possibly hinder the city's ability to take a position on applications that involve tax credits**

662 for residential housing projects. This legislation did pass and is awaiting the governor's
663 signature.

664 Assistant City Manager Brad Griggs expressed that the concern has been related to the
665 amount of public input that could be received associated with one of these proposed
666 projects. Bill #3361 has clarified how community input would be sought. A public
667 hearing must take place. The bill took away the requirement that objections must be in
668 writing and come from neighborhoods immediately surrounding the proposed project.
669 Also, the governing body (either the municipality or county (if located in an
670 unincorporated area)) will have the ability to forward a resolution expressing any
671 objection along with the project application that the developer submits. The public
672 hearing and ability for the municipality (or county) to weigh in must take place before the
673 applicant can submit the project for approval.

674 City Manager Rick Crowley suggested that staff can provide the council with a copy of
675 the bill, highlighting the changes that are proposed to be put in place, and allow each
676 individual council member an opportunity to write the State (governor) with any thoughts
677 they may have regarding the bill. Interim City Attorney Frank Garza clarified that said
678 council member input may be written and delivered to the governor on City of Rockwall
679 letterhead and can be crafted so as to come from council members in their role as
680 elected officials rather than as individual citizens.

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

682
683 XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
684 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 685
686 1. Departmental Reports
687 Building Inspections Monthly Report - April
688 Fire Department Monthly Reports - April
689 Harbor PD Monthly Report - April
690 Internal Operations Department Monthly Report - April
691 Recreation Monthly Report - April
692 RAAC Monthly Report - April

693 2. City Manager's Report

694 City Manager Rick Crowley indicated that residents have been notified of the city moving
695 into Stage 3 Water Restrictions. He offered brief comments related to State 3, including
696 the limitation of watering only once per week. He also indicated that the city's
697 spraygrounds will need to be discontinued after this weekend due to Stage 3 restrictions.
698 Assistant City Manager Brad Griggs indicated that city staff will be utilizing multiple
699 forms of communication to convey sprayground closures to the public and offer refunds
700 to anyone who has already paid to reserve pavilions near the spraygrounds.

701 Councilmember Lewis complimented staff on a recent postcard that was mailed out to
702 residents informing them of Stage 3 water restrictions and explaining why it is necessary
703 to implement. Councilmembers encouraged staff to get a press release out in the next
704 day or two to inform the public of the spraygrounds being shut down. Councilmember
705 Daniels asked if private, decorative/ornamental fountains are affected by the Stage 3
706 restrictions. Mr. Crowley indicated that no, Stage 3 will not affect such fountains as they
707 are not large water users.

708 Councilmember Pruitt asked for clarification on once versus twice per week watering. He
709 also asked if the city's spraygrounds could be modified to utilize chlorinated,
710 recirculated water in order to keep them open yet still achieve conservation.

711 Mr. Crowley indicated that the city was recently designated as a "silver level" Scenic
712 City. Staff will appeal this designation to see if consideration can be given to upgrading
713 Rockwall to a "gold level" Scenic City instead. Mayor Sweet asked if staff can look into
714 other similar designations for our city such as "Keep Texas Beautiful," "Tree City USA,"
715 and other similar designations.

716 Mayor Sweet then called for a short break (8:37 p.m.) He indicated that the Council will
717 reconvene into Executive Session following the break in order to address Executive
718 Session items #5 and #6 listed below. He then read each of those items into the public
719 record before recessing the public meeting.

720
721 **XIV. EXECUTIVE SESSION**

722
723 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
724 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
725 **CODE:**

- 726 1. Discussion regarding City Manager performance evaluation, pursuant to
727 Section § 551.074 (Personnel Matters).
- 728 2. Discussion regarding legal claim letter related to Emerald Bay Park and
729 playground equipment pursuant to Section 551.071 (Consultation with
730 Attorney).
- 731 3. Discussion regarding legal claim letter related to sewage back up claim
732 pursuant Section § 551.071 (Consultation with Attorney).
- 733 4. Discussion regarding possible changes to Bylaws and appointments to
734 the Economic Development Corporation pursuant to § 551.071
735 (Consultation with Attorney) and § 551.074 (Personnel Matters).
- 736 5. Discussions regarding land acquisition in the downtown area for
737 municipal purposes pursuant to Section § 551.072 (Real Property).
- 738 6. Discussions regarding land acquisition associated with easements from
739 LEJ Partners for the Aqua interconnect for municipal purposes pursuant
740 to Section § 551.072 (Real Property).

741
742 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
743

744 Council came out of Executive Session and called the public meeting back to order at
745 9:04 p.m. Mayor Pro Tem White made a motion to authorize a contract to acquire land
746 from LEJ Partners for municipal purposes. Councilmember Daniels seconded the
747 motion, which passed by a vote of 7 ayes to 0 nays.

748
749 **XVI. ADJOURNMENT**
750

751 The Mayor adjourned the meeting at 9:05 p.m.
752

753 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
754 TEXAS, this 17th day of June, 2013.

755

756



David Sweet, Mayor

757 ATTEST:

758

759

760



Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 17, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

8
9 **Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mike Townsend, Scott Milder, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick Crowley and Assistant City Manager Mary Smith. Mayor Sweet read the below listed Executive Session items and Action Item 2 (re: expiration of 212 agreement) into the public record before recessing into Executive Session for said discussions.**

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11
12
13
14
15
16 **Councilmember Jim Pruitt joined the meeting at 4:02 p.m. just prior to the start of the Executive Session discussion.**

17
18
19 **II. EXECUTIVE SESSION.**

20
21 **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:**

- 22
23
24
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36
1. Discussion regarding City Manager performance evaluation, pursuant to Section 551.074 (personnel matters).
 2. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
 3. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
 4. Discussion regarding possible changes to Bylaws and appointments to the Economic Development Corporation pursuant to § 551.071 (Consultation with Attorney) and § 551.074 (Personnel Matters).
 5. Discussion regarding appointment of city council subcommittees pursuant to Section, § 551.074 (Personnel Matters).

37 **Action Item 2.** Discuss and consider the expiration of an existing 212 Agreement for two (2) areas contiguous with the City of Rockwall's city limits and being identified as (1) approximately 177.47-acres of land located west of SH205, south of FM549 and northeast of Hanby Lane; and (2) approximately 45.00-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

38
39
40
41
42
43 **III. ADJOURN EXECUTIVE SESSION**

44
45 **Executive Session adjourned at 5:10 p.m.**

47
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53

MINUTES
ROCKWALL CITY COUNCIL
Monday, June 17, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

54 **IV. RECONVENE PUBLIC MEETING**

55
56 Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven members of council
57 were present as well as City Manager Rick Crowley, Assistant City Mangers Brad Griggs
58 and Mary Smith, and Interim City Attorney Frank Garza.

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

61
62 Mayor Pro Tem White made a motion to authorize the city manager to enter into a sales
63 agreement with Rockwall County. Councilmember Townsend seconded the motion,
64 which passed by a vote of 7 ayes to 0 nays.

65
66 Mayor Pro Tem White made a motion to appoint Mayor Sweet to the Youth Sports sub-
67 committee and Councilmember Lewis to the Finance/Audit Subcommittee (switched
68 Sweet and Lewis on these two sub-committees). Councilmember Townsend seconded
69 the motion, which passed by a vote of 7 ayes to 0 nays.

70
71 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER PRUITT**

72
73 Councilmember Pruitt delivered the invocation and led the Pledge of Allegiance.

74
75 **VII. PROCLAMATIONS / AWARDS**

- 76
77 1. America's Prize Winning Musical, 1776

78
79 Mayor Sweet called Barb Coleson, Rockwall resident, forward to say a few words about
80 Rockwall Summer Musicals, indicating that this particular one was developed to
81 recognize and honor American patriots who have served our country throughout time.
82 Mayor Sweet thanked Mrs. Coleson and offered recognition and thanks to all those who
83 have served our military and who are involved in the arts. He then read and presented
84 the proclamation to Mrs. Coleson.

- 85
86 2. Juneteenth

87
88 Pastor Joe Robbins (church on Peters Colony) came forth to thank Rockwall for
89 recognizing this occasion. Mayor Sweet then read the proclamation declaring June 19 as
90 Juneteenth in the City of Rockwall.

91
92 **VIII. CONSENT AGENDA**

- 93
94 1. Consider approval of the minutes from the June 3, 2013 regular city
95 council meeting, and take any action necessary.

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142
2. Consider approval of amended minutes for the May 6, 2013 regular city council meeting, and take any action necessary.
 3. Consider approval of an **ordinance** amending Chapter 4, Alcoholic Beverages, Article II. Permits, Sec. 4-23 and Sec. 4-25 to provide for an updated fee schedule in accordance with current fees prescribed by the Texas Alcoholic Beverage Commission and to provide for local/city permits to be issued on a biennial (every two years) basis in conjunction with state issued alcoholic beverage permits, and take any action necessary. **(1st reading)**
 4. **P2013-017** - Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 31 single family lots within Caruth Lakes, Phase 7C, being a 8.173-acre tract of land situated within the Mial B. Jones Survey, Abstract No. 122 and the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.
 5. **P2013-019** - Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 37 single family lots within Caruth Lakes, Phase 7D, being a 9.617-acre tract of land situated within the Samuel S. McCurry Survey, Abstract No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.
 6. **P2013-020** - Discuss and consider a request by Daniel Dewey of JBI Partners for the approval of a final plat for 69 single family lots within Caruth Lakes, Phase 8B, being a 25.192-acre tract of land situated within the Mial B. Jones Survey, Abstract No. 122 and the Samuel S. McCurrey Abstract, Survey No. 146, Rockwall, Texas, zoned Planned Development District 5 (PD-5), and generally located south of E. Quail Run and west of John King Boulevard, and take any action necessary.
 7. **P2013-021** - Discuss and consider a request by Gerald Monk of Monk Consulting Engineers, Inc. for the approval of a preliminary plat of Lot 1, Block A, Corrigan Law Office Addition, being a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, and take any action necessary.
 8. Consider approval of a resolution authorizing the closing of the purchase from Aqua Utilities, Inc./Aqua Development, Inc. (DBA Aqua Texas, Inc.) of the utility assets serving the Lake Rockwall Estates Subdivision, and take any action necessary.
 9. Consider a recommendation from the Atmos Cities Steering Committee regarding approval of an **ordinance** adopting a rate review mechanism process and take any necessary action **(2nd reading)**.
 10. **Z2013-011** - Consider approval of an **ordinance** for a request by Russell Phillips on behalf Rockwall Rental Properties for the approval of a PD Development Plan amending Ordinance 11-43 and in accordance with Ordinance No. 10-21, for property identified as 16 & 16-1 out of the M. J.

143 Barksdale Survey, Abstract No. 11; Lot 7, Block A of the Harbor-Rockwall
144 Addition; Lot 1-1, Block A, Henry Africa Subdivision; and Lot 3A, Block A,
145 Shoreline Plaza Addition, being a 12.72-acre tract of land, zoned Planned
146 Development District 32 (PD-32), situated within the IH-30 (IH-30)
147 Overlay District, and generally located south of Interstate Highway 30 and
148 west of Shoreline Drive, and take any action necessary. (2nd Reading)

149 Councilmember Pruitt pulled item #1 for discussion. Mayor Pro Tem White then made a
150 motion to approve the entire Consent Agenda except for item #1 (#2, 3, 4, 5, 6, 7, 8, 9, and
151 10). Councilmember Lewis seconded the motion. The ordinances were read as follows:

152
153 CITY OF ROCKWALL, TEXAS

154 ORDINANCE #13-___

155 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
156 ROCKWALL, TEXAS, AMENDING CHAPTER 4, ALCOHOLIC
157 BEVERAGES, ARTICLE II. PERMITS, SEC. 4-23 AND SEC. 4-25 TO
158 PROVIDE FOR AN UPDATED FEE SCHEDULE IN ACCORDANCE
159 WITH CURRENT FEES PRESCRIBED BY THE TEXAS ALCOHOLIC
160 BEVERAGE COMMISSION AND TO PROVIDE FOR LOCAL/CITY
161 PERMITS TO BE ISSUED ON A BIENNIAL (EVERY TWO YEARS)
162 BASIS IN CONJUNCTION WITH STATE ISSUED ALCOHOLIC
163 BEVERAGE PERMITS; PROVIDING FOR A PENALTY OR FINE NOT
164 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
165 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
166 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
167 EFFECTIVE DATE.

168
169 CITY OF ROCKWALL

170 ORDINANCE NO. 13-17

171
172 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
173 ROCKWALL, TEXAS, ("CITY") APPROVING AND ADOPTING RATE
174 SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS
175 ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN
176 THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE
177 SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING
178 THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH
179 THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT;
180 DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY
181 OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL
182 COUNSEL.

183 CITY OF ROCKWALL

184 ORDINANCE NO. 13-16

185
186 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
187 TEXAS, AMENDING ORDINANCE NO. 11-43, PLANNED DEVELOPMENT
188 DISTRICT 32 (PD-32) [ORDINANCE NO. 10-21] AND THE UNIFIED
189 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
190 ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A
191 DEVELOPMENT PLAN ON APPROXIMATELY 12.72-ACRES FOR
192 PROPERTY IDENTIFIED AS TRACTS 16 & 16-1, M. J. BARKSDALE
193 SURVEY, ABSTRACT NO. 11; LOT 7, BLOCK A, THE HARBOR-
194 ROCKWALL ADDITION; LOT 1-1, BLOCK A, HENRY AFRICA SUBDIVISION
195 ADDITION; AND LOT 3A, BLOCK A, SHORELINE PLAZA ADDITION, CITY

196 OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE FULLY
197 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
198 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
199 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
200 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
201 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
202

203 Councilmember Pruitt spoke about one, minor amendment he wishes to make to the draft
204 minutes. He indicated that on Line 355 where it says "the planters are to be located," the
205 words "to be" should be deleted because the planters are already located there.
206 Councilmember Pruitt then made a motion to approve the minutes as described above
207 and amended. Mayor Pro Tem White seconded the motion, which passed unanimously.
208

209 **IX. APPOINTMENTS**

- 210
- 211 1. Appointment with the Planning and Zoning Chairman to discuss and
212 answer any questions regarding cases on the agenda and related issues
213 and take any action necessary.

214 Chair of the Planning & Zoning Commission, Phillip Herbst, came forth to offer brief
215 background information to the council regarding recommendations of the Commission
216 relative to SP2013-008 below. Mr. Herbst indicated that the Architectural Review Board
217 and the P&Z Commission both recommended approval of the variances. The council
218 took no action related to this item.

- 219
- 220 2. Appointment with Bill Bricker representing Rockwall Breakfast Rotary to
221 discuss and consider waiver of Harbor related fees associated with Dallas
222 Race Week 2013 "Family Fun Night" to be held June 21, 2013 and take
any action necessary.

223 Mr. Bill Bricker, representing the Rockwall Breakfast Rotary, came forth and briefed the
224 council on details of this event and the associated fee waiver request.
225

226 Mayor Pro Tem White made a motion to waive the Harbor related fees associated with
227 Dallas Race Week for the Rockwall Breakfast Rotary. Councilmember Daniels seconded
228 the motion, which passed by a vote of 7 ayes to 0 nays.
229

230 **X. SITE PLANS / PLATS**

- 231
- 232 1. **SP2013-008** - Discuss and consider a request by Gerald Monk of Monk
233 Consulting Engineers, Inc. for the approval of variances to the exterior
234 materials requirements in conjunction with a site plan for a law office on a
235 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No.
236 29, Rockwall, Texas, zoned Light Industrial (LI) District, located on the
237 east side of T. L. Townsend Drive north of IH-30, and take any action
238 necessary.

239 Planning Director Robert LaCroix provided background information related to this item.
240 He indicated that this will be a law office located next to an existing law office complex.
241 The applicant will be meeting the ninety percent masonry requirement. City code
242 specifies an inability to use more than fifty percent stucco, but the applicant would like to
243 utilize about seventy-six percent stucco. Also, the applicant would like approval to lower

244 the amount of stone used. The Planning & Zoning Commission recommended approval
245 of both variance requests by a unanimous vote.
246

247 Mayor Sweet asked if the applicant was present, and the applicant chose not to come
248 forth, indicating from the audience that staff has adequately described the variance
249 request. After brief discussion, Mayor Pro Tem White then made a motion to approve
250 SP2013-008. Councilmember Pruitt seconded the motion, which passed by a vote of 7
251 ayes to 0 nays.
252

253 **XI. ACTION ITEMS**
254

- 255 1. Discuss and consider approval of an **ordinance** amending the Code of
256 Ordinances in Chapter 26 - Motor Vehicles and Traffic, Article VII -
257 Stopping, Standing or Parking, Section 26-505 – Prohibited in Specified
258 Places, to add an additional provision restricting parking along the North
259 and South side of Summer Lee Drive from FM 740 to Bourbon Street
260 Circle, and taken any action necessary (1st reading).

261 City Engineer, Tim Tumulty, provided brief background information related to this item,
262 explaining that a request was received by staff from the Lago Vista Homeowners
263 Association. They had visibility and safety related concerns. He explained that a nearby
264 business does not have sufficient parking and they have been asking their employees to
265 park along Summer Lee. Mr. Tumulty explained that the curvature of the road does result
266 in safety concerns. Staff has met with the nearby business to discuss no parking on
267 Summer Lee and to encourage them to seek alternative parking elsewhere.

268 Mayor Pro Tem White made a motion to instruct staff to bring back an ordinance
269 prohibiting parking along the North and South side of Summer Lee Drive from FM 740 to
270 Bourbon Street Circle. Councilmember Milder seconded the motion. City Manager Rick
271 Crowley indicated that staff has included a draft ordinance in the council members'
272 packets for consideration, and it can be approved for first reading this evening if the
273 council so desires.

274 Mayor Pro Tem White withdrew his original motion and made a replacement motion to
275 approve the ordinance on first reading as presented. Councilmember Milder seconded
276 the amended motion. The ordinance was read as follows:

277 CITY OF ROCKWALL, TEXAS
278 ORDINANCE NO. _____
279

280 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
281 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
282 CHAPTER 26 - MOTOR VEHICLES AND TRAFFIC, ARTICLE VII -
283 STOPPING, STANDING OR PARKING, SECTION 26-505 –
284 PROHIBITED IN SPECIFIED PLACES, TO ADD AN ADDITIONAL
285 PROVISION RESTRICTING PARKING ALONG THE NORTH AND
286 SOUTH SIDE OF SUMMER LEE DRIVE FROM FM 740 TO BOURBON
287 STREET CIRCLE; PROVIDING FOR A PENALTY OF A FINE NOT TO
288 EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR
289 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
290 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
291 EFFECTIVE DATE.
292

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

294

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2. Discuss and consider the expiration of an existing 212 Agreement for two (2) areas contiguous with the City of Rockwall's city limits and being identified as (1) approximately 177.47-acres of land located west of SH205, south of FM549 and northeast of Hanby Lane; and (2) approximately 45.00-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

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Planning Director Robert LaCroix provided brief background information related to this item, indicating that the city council took action in 2010 to begin the process of annexing these two areas. Under those annexations, the city is required to offer 212 agreements if the land is agricultural. At this time, the existing 212 agreements will expire on October 18, and the city is required by the Local Government Code to start the process approximately six months prior to their expiration. Staff sent a letter to the property owners, allowing a certain period of time for response, asking whether or not they would like consideration for continuation of the 212 agreements. Staff sent letters (for area 1 near FM549) to thirteen property owners with eight replies having been received back requesting an extension of their 212 agreements. Staff did not hear back from several of the remaining property owners; however, staff spoke verbally with one of the initially non-responsive property owners last week who indicated that he does not care whether or not his property is annexed at this point. For area 4, one response was received back requesting an extension of the 212, one wanted to be annexed, and staff has not received anything back from one of the other property owners. Mr. LaCroix explained that the city council must now make a decision to extend the 212 agreements at the request of the property owners who have responded back asking for an extension. The council may extend them for up to fifteen years; however, the city has traditionally entered into three year 212 agreements in the past. The council also has the option to proceed with voluntary annexation upon termination of the term of the existing 212 agreements for property owners who have thus far been unresponsive (after October 18). The council must send a notice to the property owners by July 20 (90 days prior to the term expiration) letting them know if the council plans to extend the 212 agreements for those who have requested an extension or proceed with annexation of properties for which the owners have been non-responsive. Mr. LaCroix explained that the last council meeting date by which a decision on the part of the council must be made is July 15.

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332

Mayor Pro Tem White asked staff to bring back to the council further information related to "Exhibit C" in the council packet. He would like to see on the map whether each property owner has indicated they desire an extension of the 212 agreement, they do not have a preference regarding annexation, or they have not responded back (and may thus be voluntarily annexed).

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Brief discussion took place related to timeframes associated with possible annexations and associated required public hearings. City Manager Rick Crowley and Mr. LaCroix indicated that staff will continue to attempt to make contact with the property owners from whom they have not yet heard back. Mr. LaCroix indicated that annexation takes a minimum of forty-five days, but it typically runs about seventy days in Rockwall due to scheduling associated with council meetings.

339

340

341

Councilmember Daniels made a motion to defer action on the expiration of the existing 212 Agreements for the two areas in question until the July 1 city council meeting. At that time, he would like council to have further discussion on any new information,

342 including the additional information Mayor Pro Tem White requested of staff.
343 Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0
344 nays.

345 3. Discuss and consider a request from Mr. Dennis Baars with Hightech
346 Signs representing Burkes Outlet for a height variance for two wall signs
347 located at 2717 Market Center Dr, and take any action necessary.

348 **Building Official, Jeffrey Widmer, came forth and provided brief background information**
349 **related to this item. Mayor Pro Tem White made a motion to approve this height variance**
350 **request. Councilmember Lewis seconded the motion, which passed unanimously of**
351 **council (7 ayes to 0 nays).**

352 4. Discuss and consider authorizing the City Manager to enter into a
353 concessionaire agreement with All Harbors Water Taxi and take any
354 action necessary.

355 **Mayor Sweet indicated that the gentleman associated with this agenda item has asked**
356 **that it be removed from the agenda at this time because he is out of town. Council did**
357 **not discuss this item and took no action.**

358 5. Hold a Show Cause Hearing to discuss and consider demolition of a
359 dangerous building located at 214 Diana, and take any action necessary.

360 **Mr. Widmer, Building Official, came forth and provided background information related to**
361 **this item, indicating that the structure is in poor condition. Staff researched and**
362 **discovered that the property owner is deceased, and staff has been unable to locate**
363 **heirs or anyone else who may have an interest in this property. Staff's title search led to**
364 **a Deed of Trust through Mid-State Finance for a couple hundred dollars. No liens have**
365 **been in place on the property other than those the city has placed on it for past mowing.**

366 **Mayor Pro Tem White made a motion to instruct staff to move forward with demolition of**
367 **the dangerous building located at 214 Diana. Councilmember Lewis seconded the**
368 **motion. The motion then passed by a vote of 7 ayes to 0 nays.**

369

370 6. Hold a Show Cause Hearing to discuss and consider demolition of a
371 dangerous building located at 305 Blanche Drive, and take any action
372 necessary.

373 **Mr. Widmer indicated that the structure is in very poor condition. Staff went inside the**
374 **structure with the police department who had secured a warrant at that time. Staff's**
375 **report summarizes that several police-related activities have taken place at this location.**
376 **The property owner has indicated she is not willing to put any money into the structure**
377 **to repair it. Mr. Widmer indicated that putting money into it would likely not be viable**
378 **since it needs extensive repair, so it is likely best that it is demolished. The property**
379 **owner's son had been living in the structure; however, he is not occupying the structure**
380 **at this time, and it is unclear if he will come back to attempt to occupy it in the future.**

381 **Councilmember Pruitt provided brief comments related to the procedures associated**
382 **with a 'show cause hearing,' including the council's need to call out during the public**
383 **meeting to determine if the property owner or someone else with an interest in the**
384 **property is present in the audience or not. Interim City Attorney Frank Garza indicated**
385 **that staff has followed all the legal procedures associated with the show cause hearings**
386 **and potential demolitions.**

387 After brief discussion, Sandy Tapp, (2009 Fairway Lane Royse City) the property owner,
388 came forth and asked the Council to consider delaying demolition of the structure until
389 her son is able to get into the structure and collect his personal belongings, which will
390 not be until sometime after October because he is currently incarcerated. Ms. Tapp
391 indicated that there is no water or electricity and the City had a truck (junk vehicle)
392 removed from the property not long ago. Mayor Sweet asked if anyone else can collect
393 the occupant's belongings (her son's) on his behalf. Ms. Tapp indicated that, no, there is
394 no one else who is able to do so. Mayor Pro Tem White asked for clarification regarding
395 potential collapse of the structure and its dangers. Mr. Widmer generally indicated that it
396 is dangerous, has no electricity and no water, and a squatter has been living in it. He
397 explained that once the council orders a structure demolished, staff has to wait for a
398 period of at least ninety days before it can actually demolish it. Ms. Tapp indicated that
399 some aspects of the property have recently been cleaned up.

400 Councilmember Daniels generally expressed concern about delaying demolition of this
401 dangerous structure, especially in light of Ms. Tapp expressing unwillingness to go in
402 and remove her son's belongings on his behalf.

403 Councilmember Milder made a motion to move forward with demolition of the structure
404 at 305 Blanche. Councilmember Townsend seconded the motion, which passed by a
405 vote of 7 ayes to 0 nays.

406 7. Hold a Show Cause Hearing to discuss and consider demolition of a
407 dangerous building located at 314 Wayne Drive, and take any action
408 necessary.

409 Mr. Widmer indicated that staff has conducted an extensive search for about the last six
410 months to attempt to locate the property owner; however, staff has been unable to locate
411 the owner or anyone else who might represent the property. Staff has published notice
412 in the local newspaper, sent a notice to the last known owner's address and has placed
413 notice at the actual structure (314 Wayne Drive). However, staff has been unable to
414 locate the owner of record or anyone with an interest in this property. The property is
415 vacant and has been vacant for some time. Mr. Widmer and Mayor Sweet indicated that
416 the city has placed \$3,104 in liens as a result of forced mowing. Mr. Widmer indicated
417 that staff probably charges about \$150 in liens each time a property is mowed. Staff
418 began attempting to locate the property owner some time ago.

419
420 Mayor Sweet asked if anyone in the audience would like to come forth and speak related
421 to this show cause hearing. No one in the audience indicated a desire to do so.
422

423 Brief dialogue took place regarding the storage structure, which staff is asking be
424 included in any demolition the council may move forward with at this time.
425

426 Councilmember Townsend made a motion to proceed with demolition of the structures at
427 314 Wayne Drive. Councilmember Pruitt seconded the motion.
428

429 Councilmember Milder asked if the city will continue to maintain the property, as far as
430 mowing is concerned, after the demolition occurs. Mr. Widmer indicated that the city will
431 continue to mow the property and place liens on the property if the property owner
432 continues to not be found or until the bank or another owner takes over the property.
433 Councilmember Milder asked if at any point in time the city would acquire the property.
434 Mr. Crowley explained in response that if the property becomes delinquent on taxes, the
435 local taxing entity may pursue acquiring the property due to failure to pay property taxes.

436
437 Mayor Sweet asked staff for clarification regarding any properties that the city has
438 ordered demolished that the city is still maintaining through mowing. Mr. Widmer
439 indicated that, yes, some such properties do exist. Mayor Sweet would like to see a list
440 of such properties.

441
442 Councilmember Pruitt indicated that some structures that have been demolished from
443 the city may not ever be eligible to have anything else built on them due to, for example,
444 the properties being located in a flood plain.

445
446 The motion to move forward with demolition passed by a vote of 7 ayes to 0 nays.

447
448 8. Discuss and consider appointment(s) to the city's Architectural Review
449 Board, and take any action necessary.

450 Councilmember Milder made a motion to table this item. Mayor Pro Tem White seconded
451 the motion, which passed by a vote of 6 in favor and 1 against (Pruitt).

452
453 9. Discuss and consider approval of an ordinance authorizing the issuance
454 of City of Rockwall, Texas, General Obligation Refunding and
455 Improvement Bonds, Series 2013; establishing procedures and
456 delegating authority for the sale and delivery of the Bonds; providing an
457 effective date; and enacting other provisions relating to the subject.
458 (1st reading) - No action will be taken

459 Assistant City Manager Mary Smith provided brief background information related to this
460 item, indicating that debt issuance, if approved by council, will move forward in July.
461 Some of the items included in this debt issuance will be related to the downtown
462 improvements and a portion of the IH-30 ramp project, and some of the 2005 debt
463 issuance will be reissued to achieve some savings. Mrs. Smith explained that no action
464 is needed this evening; however, council will need to take action to approve the
465 ordinance at its July 1 meeting.

466 The ordinance was read into the record as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

467 ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS, GENERAL
468 OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013 ESTABLISHING
469 PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE BONDS;
470 PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE
471 SUBJECT

472
473 No action was taken by council regarding this agenda item.

474 10. Discuss and consider approval of an ordinance authorizing the issuance
of City of Rockwall, Texas, Combination Tax and Limited Surplus
Revenue Certificates of Obligation, Series 2013; establishing procedures
and delegating authority for the sale and delivery of the Certificates;
providing an effective date; enacting other provisions relating to the

475 subject and take any action necessary. (1st reading) - No action will be
476 taken.

477 **Mrs. Smith indicated that certificates of obligation will be issued for a number of**
478 **projects, including a fire truck and police vehicles approved in this year's budget and**
479 **\$3.5 million for the acquisition of the Aqua Texas water and sewer system, which will**
480 **close on June 28. Bonds will also be issued on behalf of the REDC, and the REDC will**
481 **reimburse the city for this debt issuance. The ordinance was read into the record as**
482 **follows:**

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS,
COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION,
SERIES 2013; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE
AND DELIVERY OF THE CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING
OTHER PROVISIONS RELATING TO THE SUBJECT

483
484

485 **The council took no action related to this agenda item.**

486

487 **Mayor Sweet indicated that council will not go back into Executive Session.**

488

489 **XII. EXECUTIVE SESSION**

490

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

494

495 1. Discussion regarding City Manager performance evaluation, pursuant to
496 Section 551.074 (personnel matters).

497 2. Discussion regarding deliberation of appointment of City Attorney,
498 including update from council subcommittee, pursuant to Section 551.074
499 (personnel matters).

500 3. Discussions regarding land acquisition in the downtown area for
501 municipal purposes pursuant to Section § 551.072 (Real Property).

502 4. Discussion regarding possible changes to Bylaws and appointments to
503 the Economic Development Corporation pursuant to § 551.071
504 (Consultation with Attorney) and § 551.074 (Personnel Matters).

505 5. Discussion regarding appointment of city council subcommittees pursuant
506 to Section, § 551.074 (Personnel Matters).

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

508

509 **Council did not reconvene into Executive Session at the close of the public meeting.**

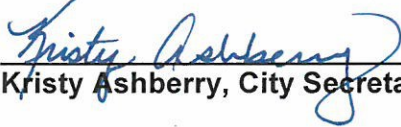
510

511 **XIV. ADJOURNMENT**

512
513 Mayor Sweet adjourned the public meeting at 7:07 p.m.

514
515
516 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
517 TEXAS, this 1st day of July, 2013.

518
519
520 ATTEST: 
521 David Sweet, Mayor

522 
523 Kristy Ashberry, City Secretary



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MINUTES ROCKWALL CITY COUNCIL

Monday, July 01, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

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

14
15 Mayor Sweet then read the below listed discussion item into the public record before
16 recessing the public meeting into Executive Session.

17
18 II. (4:00 P.M.) EXECUTIVE SESSION.

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

- 23
24 1. Discussion regarding the criteria and qualifications for City Attorney and to conduct
25 interviews for the position of City Attorney pursuant to Section 551.071 (Consultation
26 with Attorney) and 551.074 (Personnel Matters)

27
28 III. (4:30 P.M.) WORK SESSION

- 29
30 1. Appointment with Brad Moulton, representing la terra studio, to give an update of the
31 Downtown Improvement Project and discuss certain design issues associated with
32 the project, and take any action necessary.

33
34 Mayor Sweet called the public meeting back to order at 4:56 p.m. to address this work
35 session agenda item. Present were Mayor Sweet, Mayor Pro Tem White and
36 Councilmembers Jim Pruitt, Mike Townsend, Bennie Daniels and Dennis Lewis.
37 Councilmember Milder was absent.

38
39 Planning Director Robert LaCroix briefly came forth to say a few words and introduce
40 Brad Moulton with La Terra Studio. Mr. LaCroix indicated that sidewalks and streets will
41 be discussed, including possible resolution options associated with some of the more
42 challenging aspects of the plan. Once construction plans are finalized, hopefully some
43 of the parking lot construction can begin.

44
45 Mr. Moulton then briefed the council on the current status of the downtown
46 improvements project. Mr. Moulton spoke at length about the corner of San Jacinto and
47 Kaufman, including the associated pedestrian plaza as well as sidewalks, the road plan
48 and parking options. Mr. Moulton indicated that they have had some preliminary
49 meetings with TXDOT and additional meetings will be held in order to ensure TXDOT is
50 aware of what is planned. He indicated that approximately 142 parking spaces are

51 included in the design plans, which is a net gain of about 130 spaces. Mr. Crowley
52 pointed out that, regarding the area on Goliad between Washington and SH66, he has
53 asked the consultants to ensure the new sections of roadway and sidewalks do not look
54 drastically aesthetically different than the other portions of the project. Regarding “next
55 steps,” Mr. Crowley indicated that the consultant will finish finalizing the design, and
56 then Hill Wilkinson, who has been selected as the construction management firm, will
57 move forward with the construction phase of the project. Mr. Rob Dickson with Hill
58 Wilkinson then came forth to introduce himself. The council took no action regarding
59 this agenda item.

60
61 **Mayor Sweet then read the below listed discussion items into the record before**
62 **recessing into Executive Session.**

63
64 **IV. (5:00 P.M.) EXECUTIVE SESSION.**

65
66 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
67 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
68 **CODE:**

- 69
70 1. Discussion regarding City Manager performance evaluation, pursuant to
71 Section 551.074 (personnel matters).
72 2. Discussions regarding land acquisition in the downtown area for municipal
73 purposes pursuant to Section § 551.072 (Real Property).
74 3. Discussion regarding deliberation of appointment of City Attorney, including
75 update from council subcommittee, pursuant to Section 551.074 (personnel
76 matters).

77 **V. ADJOURN EXECUTIVE SESSION**

78
79 **The council adjourned Executive Session at 5:35 p.m.**
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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, July 01, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

91 **VI. RECONVENE PUBLIC MEETING**

92
93 **Mayor Sweet reconvened the public meeting at 6:00 p.m.**

94
95 **VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

96
97 **The Council took no action as a result of Executive Session.**

98
99 **VIII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

100
101 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

102
103 **IX. OPEN FORUM**

104
105 **Bob Carroll**
106 **2065 Lake Forest Drive**
107 **Rockwall, TX 75087-3368**

108
109 **Mr. Carroll came forth and expressed that he has questions regarding Action Item #1**
110 **related to speed control devices on Lake Forest Drive. He is concerned about how the**
111 **city verified receipt of a petition showing seventy-five (75%) approval from residents**
112 **along Lake Forest Drive because none of the neighbors with whom he spoke expressed**
113 **they signed off on such petition. City Manager Rick Crowley indicated that city staff**
114 **verified those who signed off on the petition by comparing the names on the petition**
115 **against the city's current utility billing records. Staff may be able to provide additional**
116 **information regarding verification of the petition later on in tonight's meeting.**

117
118 **Jason Ross**
119 **2203 Kings Pass**
120 **Heath, TX 75032**

121
122 **Mr. Ross came forth to express thanks to the city for the "Share the Road" signs which**
123 **benefit bicyclers along John King Boulevard, Lakeshore and elsewhere within the city.**
124 **City Manager Rick Crowley indicated that he worked with the Police Department to**
125 **identify the roadways where high amounts of bicycling traffic occur, and that is why**
126 **signs have been placed along John King and a portion of North Lakeshore.**

127
128 **Mr. Kerry Prisock**
129 **1720 Lake Forest Drive**
130 **Rockwall, TX 75087**

132 Mr. Prisock came forth and indicated that he is one of the residents who signed the
133 petition in favor of the road humps on Lake Forest Drive, and his wife and another
134 resident went around and gathered signatures which were submitted to the city on the
135 petition. He expressed that he was in favor of the road humps and does believe they
136 have a positive impact with regards to slowing down drivers.

137
138 Mr. Jayson Killough
139 1770 Lake Forest Drive
140 Rockwall, TX 75087

141
142 Mr. Killough indicated that he helped attain the seventy-five percent of resident
143 signatures on the submitted petition. He is in favor of it and does believe it has a
144 positive impact on increasing safety along Lake Forest.

145
146 Mr. John White
147 1929 S. Lakeshore Drive
148 Rockwall, TX 75087

149
150 Mr. White came forth and expressed that he has some concerns along Ridge Road, and
151 he has put his concerns in writing and submitted it to the city manager and members of
152 council. The southbound left turn lane on Ridge Road onto the I-30 frontage road is
153 concerning because it is so short that it causes a back-up resulting in sitting through as
154 many as four traffic light cycles before being able to get through this intersection. The
155 southbound traffic at times backs all the way north up to Laguna Drive. He suggested
156 that the left turn lane and adjacent median might be modified in some way in order to
157 extend the length of that turn lane, which may help to some extent.

158
159 His second concern is related to the entrance into his neighborhood. Sometime back,
160 TXDOT came through and made improvements related to ADA accessibility of sidewalks
161 and driveways. Some of the modifications made were causing cars, especially small
162 ones, to bottom out as they were coming through. So TXDOT came back in and restored
163 the entrance side, but they just dropped in asphalt on the exit side to solve the problem
164 of cars bottoming out. Drivers who are coming out of the neighborhood will eventually
165 have trouble with this over time because the asphalt will settle and the dip there will
166 become lower, resulting in cars having trouble making it through there safely. He asked
167 the city to look into these two matters and thanked staff and council for their attention.

168
169 There being no one else wishing to come forth and speak, Mayor Sweet then closed
170 Open Forum.

171
172 X. CONSENT AGENDA

- 173
174 1. Consider approval of the minutes from the June 17, 2013 regular city
175 council meeting, and take any action necessary.
- 176 2. Consider adoption of a resolution approving and authorizing the execution
177 and delivery of a project agreement with the Rockwall Economic
178 Development Corporation for the payment of costs of infrastructure
179 improvements for the Rockwall Technology Park and take any action
180 necessary.

- 181 3. Consider adoption of a resolution approving a resolution of the Rockwall
182 Economic Development Corporation authorizing the issuance of the
183 Corporation's sales tax revenue bonds; confirming a sales tax collection
184 resolution; and enacting other provisions relating to the subject, and take
185 any action necessary.
- 186 4. Consider approval of a proposal from Gifford Electric in the amount of
187 \$49,900.00 for two new outdoor emergency warning sirens to be funded
188 from budgeted general fund reserves, and take any necessary action.
- 189 5. Consider approval of a contract amendment with AT&T for equipment
190 upgrades on the water tower located at 730 E. Interstate 30 (Southside
191 Water Yard facility), authorizing the City Manager to execute the contract
192 amendment on behalf of the City, and take any necessary action.
- 193 6. Consider approval of a contract amendment with AT&T for equipment
194 upgrades on the water tower located at 305 E. Boydstun Avenue (Fire
195 Station #1), authorizing the City Manager to execute the contract
196 amendment on behalf of the City, and take any necessary action.
- 197 7. Consider approval of an **ordinance** amending Chapter 4, Alcoholic
198 Beverages, Article II. Permits, Sec. 4-23 and Sec. 4-25 to provide for an
199 updated fee schedule in accordance with current fees prescribed by the
200 Texas Alcoholic Beverage Commission and to provide for local/city
201 permits to be issued on a biennial (every two years) basis in conjunction
202 with state issued alcoholic beverage permits, and take any action
203 necessary. **(2nd reading)**
- 204 8. Discuss and consider approval of an **ordinance** amending the Code of
205 Ordinances in Chapter 26 - Motor Vehicles and Traffic, Article VII -
206 Stopping, Standing or Parking, Section 26-505 – Prohibited in Specified
207 Places, to add an additional provision restricting parking along the North
208 and South side of Summer Lee Drive from FM 740 TO Bourbon Street
209 Circle, and taken any action necessary **(2nd reading)**.

210 **Mayor Pro Tem White made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**
211 **6, 7, and 8). Councilmember Daniels seconded the motion. The ordinances were read as**
212 **follows:**

213 CITY OF ROCKWALL, TEXAS
214 ORDINANCE #13-18

215 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
216 AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, ARTICLE II. PERMITS, SEC. 4-
217 23 AND SEC. 4-25 TO PROVIDE FOR AN UPDATED FEE SCHEDULE IN
218 ACCORDANCE WITH CURRENT FEES PRESCRIBED BY THE TEXAS ALCOHOLIC
219 BEVERAGE COMMISSION AND TO PROVIDE FOR LOCAL/CITY PERMITS TO BE
220 ISSUED ON A BIENNIAL (EVERY TWO YEARS) BASIS IN CONJUNCTION WITH
221 STATE ISSUED ALCOHOLIC BEVERAGE PERMITS; PROVIDING FOR A PENALTY
222 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
223 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
224 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

225
226 CITY OF ROCKWALL, TEXAS
227 ORDINANCE NO. 13-19
228

229 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
230 AMENDING THE CODE OF ORDINANCES IN CHAPTER 26 - MOTOR VEHICLES
231 AND TRAFFIC, ARTICLE VII - STOPPING, STANDING OR PARKING, SECTION 26-
232 505 – PROHIBITED IN SPECIFIED PLACES, TO ADD AN ADDITIONAL PROVISION
233 RESTRICTING PARKING ALONG THE NORTH AND SOUTH SIDE OF SUMMER LEE
234 DRIVE FROM FM 740 TO BOURBON STREET CIRCLE; PROVIDING FOR A
235 PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00)
236 DOLLARS FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
237 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
238

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

240 XI. APPOINTMENTS

241
242 1. Appointment with Dana Macalik of the Rockwall Area Chamber of
243 Commerce to request a waiver of Harbor related fees for a Chamber
244 event to be held in the fall (September 28-29, 2013), and take any action
245 necessary.

246 Mrs. Macalik from the Chamber came forth and provided information about this event,
247 which she explained will be a wooden boat show. She shared information regarding
248 planned marketing and promotions which will take place to get the word out about this
249 event. This event is related to a request the Chamber has made for Hotel Occupancy Tax
250 Funding.

251 Councilmember Lewis made a motion to approve the waiver of Harbor related fees as
252 requested. Mayor Pro Tem White seconded the motion.

253 General, brief discussion took place regarding this planned event, with council generally
254 indicating they like the idea of a boat show and believe there will be a very good turnout
255 as far as numbers of attendees. The motion then passed by a vote of 6 ayes with 1
256 absent (Milder).

257 2. Appointment with Mr. Richard Taylor to hear fire department related
258 concerns, and take any action necessary.

259 Mr. Richard Taylor
260 2559 Abbey Court
261 Rockwall, TX 75032
262

263 Mr. Taylor came forth and provided brief background information related to his work
264 history, explaining that he retired from the Houston Fire Department with a rank of
265 Captain after nearly twenty-three years of service.
266

267 Mr. Taylor shared a story about his neighbor's house being hit by lightning and catching
268 fire. As he watched, the flames spread and overtook the second story of the home, and
269 he learned that only two firefighters were on duty in city fire stations that night. He
270 commented that bad weather that night seemed to be delaying response of the city's
271 volunteer firefighters. He generally expressed concern regarding the City of Rockwall
272 not having a fully paid fire department and not having first responders who, for example,
273 could administer some level of life saving care should a resident have a heart attack or
274 stroke. He appealed to the city council and city leaders to get a plan in place to begin
275 establishing an equipped, well staffed, fully paid fire department at least comparable to
276 our surrounding cities.

277
278 Councilmember Lewis thanked Mr. Taylor for his comments and for coming to speak to
279 the city council. Councilmember Lewis asked if Mr. Taylor worked his whole career with
280 the Houston Fire Department and if he had any experience working for a volunteer
281 department. Mr. Taylor indicated that he did work for Houston his whole career and
282 worked on a limited basis with Clear Lake Volunteer Fire Department, for example, when
283 Houston annexed that area. Councilmember Lewis then addressed a portion of Mr.
284 Taylor's letter to the council where he stated that property values and associated
285 revenue have skyrocketed, indicating that the value of his own, personal home went
286 down this year, resulting in him paying less taxes. Councilmember Lewis pointed out
287 that the city receiving its new ISO Rating was a big enough event for the State Fire
288 Marshal's Office to come in person to deliver the award. He then indicated that he
289 conducted a very quick "Google search" for volunteer fire departments and found that
290 there are several volunteer departments in the state and country in cities where the
291 population is comparable to Rockwall's. Also, some cities, like Pasadena, have a
292 population that far exceeds Rockwall's (100,000+ and 300,000+ population), and they
293 have volunteer fire departments that work. He indicated that having a full time fire
294 department will cost the citizens of Rockwall somewhere between .25 - .30 cents per one
295 hundred dollars of valuation, and the feedback he has received from citizens has led him
296 to believe they are not willing to pay that at this time. He did, however, acknowledge that
297 the city can begin making plans to move in that direction over time. He generally
298 expressed that he believes Mr. Taylor may have been overly selective in choosing to
299 mention and submit certain fully paid fire departments as examples in the letter he wrote
300 to city council members. He again pointed out that he was able to find several examples
301 on the internet of cities with volunteer departments that function just fine. He thanked
302 Mr. Taylor again for coming and expressing his comments to the council.
303

304 Mr. Taylor replied that he would really like Rockwall to implement a first responder
305 program while working towards a full time fire department. He expressed that he
306 believes the city needs a fully paid department and may need to cut other city services in
307 order to have one.
308

309 Mayor Sweet expressed that one of the biggest things that the city council focuses on is
310 public safety, as evident by the city recently building Fires Station #3 and #4 and the
311 addition of some fully paid, full-time staff that were added in the budget this year. Also,
312 renovations were done at Fire Station #1 in order to house some fully-paid firefighters at
313 that location. Mayor Sweet further expressed that the city already has a plan in place,
314 and council is constantly focusing on public safety, including the Fire Department. He
315 shared that the city averages 2.5 structure fires annually and has a 98% success rate of
316 saving structures when they are engaged in fire. He too pointed out that there are
317 examples of cities that are much, much larger than Rockwall around the country who
318 function with a "part-time" / volunteer department and do so just fine. Mayor Sweet
319 expressed that as Rockwall continues to grow, the council will continue to add more,
320 fully-paid fire department staff just as it has been doing already. He thanked Mr. Taylor
321 for his comments, but he expressed that he does not want to send the wrong message to
322 Rockwall citizens. He does not want them to be scared or feel unsafe. The city has
323 about twenty-seven volunteers who are certified firefighters through the State of Texas,
324 so they are not untrained volunteers. They are very capable; however, council and staff
325 continue to evaluate the success of the fire department and will continue to add and
326 make adjustments as needed as the city grows.
327

328 The Council took no action related to this agenda item.
329
330

331

332

XII. ACTION ITEMS

333

334

1. Discuss and consider installation of speed control devices along Lake Forest Drive in the Hillcrest Shores subdivision, and take any action necessary.

335

336

337

City Engineer Tim Tumulty indicated that this item is related to installation of a speed hump on Lake Forest Drive. He briefed the council on steps the city staff and the city's Speed Control Committee have taken over time related to getting drivers to slow down their speed, including placing a radar trailer showing drivers the speed they are traveling. A consultant was also hired by the city to do a speed study. Warning signs have been placed with flags on the speed limit signs. The city also evaluated adding a stop sign as a potential solution. Police enforcement has also been vamped up, and "speed buttons" have been placed on the roadway; however, speeding continued. The city did receive a petition from residents along Lake Forest with seventy-six out of 102 homeowners/residents signing said petition, and a city staff member did verify names on the petition. This roadway does meet all the city's criteria for placement of speed control devices such as speed humps. If approved by council, the homeowner's association would be paying the full \$4,000 dollars associated with construction and installation of this speed hump. The hump will not affect fire apparatus or drainage; however, it is about 3" in height and will slow drivers down. Advanced signage will be placed to notify drivers that they are approaching a speed hump.

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Councilmember Townsend clarified that the "road buttons" will be removed and replaced with the road hump. He then made a motion to approve installation of the speed hump. Mayor Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

355

356

357

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359

Mr. Tumulty indicated that staff will continue to monitor installation of this speed hump to see what affects the speed hump installation has on slowing drivers down.

360

361

362

2. Discuss and consider a request from Mr. Jim Meara representing Schuler Development for a sign plan to allow an additional sign to be located at the corner of Horizon Road (FM 3097) and Medical Drive, and take any action necessary.

363

364

365

366

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

367

368

369

Mr. Jim Meara
2116 N. Haskell
Dallas, TX 75204

370

371

372

373

Mr. Meara, the applicant, came forth and indicated he represents Schueler Development and is happy to answer any questions the council may have regarding this sign plan.

374

375

376 **There being no questions of council, Mayor Pro Tem White made a motion to approve**
377 **this sign plan. Councilmember Townsend seconded the motion, which passed by a vote**
378 **of 6 ayes with 1 absent (Milder).**

379
380 **3. Discuss and consider the expiration of an existing 212 Agreement for two**
381 **(2) areas contiguous with the City of Rockwall's city limits and being**
382 **identified as (1) approximately 177.47-acres of land located west of**
383 **SH205, south of FM549 and northeast of Hanby Lane; and (2)**
384 **approximately 45.00-acres of land located along the southeast side of**
385 **FM550, south of SH276; and take any action necessary.**

386 **Mr. LaCroix provided background information related to this item, explaining that any**
387 **annexation process would not begin until October, which is when the existing 212**
388 **agreements are set to expire. Staff will have to send notification letters out via certified**
389 **mail by July 20 on any future planned annexations, so council will need to either take**
390 **action regarding these expiring agreements this evening or at its July 15 council meeting**
391 **at the very latest.**

392
393 **Councilmember Lewis made a motion to move forward with annexation of the four**
394 **properties (three owners) who have indicated they would like to be annexed into the city**
395 **and to enter into 212 agreements with the remaining property owners, including the one**
396 **who expressed he does not care whether or not he is annexed, for a period of three**
397 **years. Mayor Pro Tem White seconded the motion, asking if Councilmember Lewis will**
398 **consider setting the term length at five years rather than three. Councilmember Lewis**
399 **amended his motion to stipulate a five year term on the 212 agreements. Mayor Pro Tem**
400 **White seconded the amended motion, which passed by a vote of 6 ayes with 1 absent**
401 **(Milder).**

402
403 **4. Discuss and consider an ordinance authorizing the issuance of City of**
404 **Rockwall, Texas, General Obligation Refunding and Improvement Bonds,**
405 **Series 2013; establishing procedures and delegating authority for the sale**
406 **and delivery of the Bonds; providing an effective date; enacting other**
407 **provisions relating to the subject and take any action necessary.**
408 **(2nd reading)**

409 **Assistant City Manager Mary Smith indicated that this item represents second reading of**
410 **this ordinance. There being no questions of council, Councilmember Daniels made a**
411 **motion to approve the ordinance authorizing issuance of General Obligation Refunding**
412 **and Improvement Bonds, Series 2013. Councilmember Townsend seconded the motion.**
413 **The ordinance was read as follows:**

CITY OF ROCKWALL

ORDINANCE NO. 13-20

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS, GENERAL
OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013; ESTABLISHING
PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE BONDS;
PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE
SUBJECT

414

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

416 5. Discuss and consider an **ordinance** authorizing the issuance of City of
417 Rockwall, Texas, Combination Tax and Limited Surplus Revenue
418 Certificates of Obligation, Series 2013; establishing procedures and
419 delegating authority for the sale and delivery of the Certificates; providing
420 an effective date; enacting other provisions relating to the subject and
421 take any action necessary. (2nd reading)

422 **Assistant City Manager Mary Smith indicated that this item represents second reading of**
423 **this ordinance. There being no questions of council, Mayor Pro Tem White made a**
424 **motion to approve the ordinance authorizing issuance of Combination Tax and Limited**
425 **Surplus Revenue Certificates of Obligation. Councilmember Lewis seconded the motion.**
426 **The ordinance was read as follows:**
427

CITY OF ROCKWALL

ORDINANCE NO. 13-21

428 AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS,
429 COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION,
430 SERIES 2013; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE
431 AND DELIVERY OF THE CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING
432 OTHER PROVISIONS RELATING TO THE SUBJECT

428
429

430 **The motion passed by a vote of six ayes with 1 absent (Milder).**

431

432 6. Discuss and consider re-appointments to the city's Historic Preservation
433 Advisory Board (HPAB) and an appointment to the city's Park Board, and
434 take any action necessary.

435 **Councilmember Daniels made a motion to reappoint Michael Keegan and David Waller to**
436 **the city's Historic Preservation Advisory Board, each for a two year term to run from**
437 **August 2013 through August 2015. Councilmember Pruitt seconded the motion.**
438 **Councilmember Daniels pointed out that Sharon Lewis, who was eligible for**
439 **reappointment to the HPAB, just submitted information stating that she would prefer not**
440 **to be reappointed due to other commitments and obligations she currently has right now.**

441 **Councilmember Townsend then made a motion to appoint Charles Johnson to the Park**
442 **Board to replace Clint Brooks for an unexpired term to run through August of 2014.**

443 **Mayor Sweet stated on the record that Mr. Jim White just submitted a resignation from**
444 **the Rockwall Housing Authority (RHA) due to his recent election to the school board.**
445 **Mayor Sweet pointed out that he is the sole member of council who makes appointments**
446 **to the RHA, and he has appointed Mr. John White to fill Mr. Jim White's vacated seat.**

447

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

450

451 1. Departmental Reports
452 Building Inspections Report - May 2013
453 Finance Department Monthly Report - May 2013
454 Fire Department Monthly Reports - May 2013
455 Harbor PD Monthly Report - May 2013
456 Police Department Monthly Report - May 2013

457 RAAC Monthly Report - May 2013
458 Recreation Monthly Report - May 2013
459 STAR Transit Quarterly Report

460 2. City Manager's Report

461
462 City Manager Rick Crowley pointed out that there are a number of July 4th related
463 activities coming up. He also indicated that the state is in the process of completing the
464 transition of signalization of the SH-66 / John King Boulevard intersection. Also, this
465 Friday, the city will close on its acquisition of the water / wastewater system in the Lake
466 Rockwall Estates subdivision. Regarding citywide water conservation, the city's water
467 consumption was down by about thirteen percent this past month. Councilmember
468 Lewis commented about the city's management of false alarms and recoupment of said
469 cost. Mayor Sweet then welcomed city manager Rick Crowley to Rockwall, announcing
470 him as one of the city's newest residents.

471
472 Mayor Sweet indicated that the council does not have a need to recess into Executive
473 Session at this time. So the items shown below were not addressed, and the public
474 meeting adjourned at 7:11 p.m.

475
476 XIV. EXECUTIVE SESSION

477
478 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
479 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
480 CODE:

- 481
482 1. Discussion regarding City Manager performance evaluation, pursuant to
483 Section 551.074 (personnel matters).
484 2. Discussions regarding land acquisition in the downtown area for municipal
485 purposes pursuant to Section § 551.072 (Real Property).
486 3. Discussion regarding deliberation of appointment of City Attorney, including
487 update from council subcommittee, pursuant to Section 551.074 (personnel
488 matters).

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

490
491 XVI. ADJOURNMENT

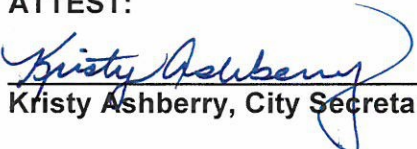
492
493 The public meeting adjourned at 7:11 pm.

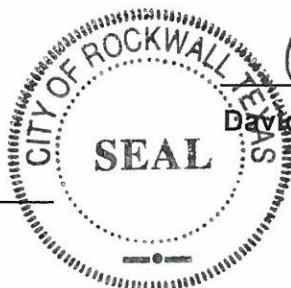
494
495 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
496 TEXAS, this 15th day of July, 2013.

497

498

499 ATTEST:

500 
501 Kristy Ashberry, City Secretary
502




David Sweet, Mayor

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6

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 15, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

8
9 Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David
10 Sweet, Mayor Pro Tem David White and Council Members Mike Townsend and Bennie
11 Daniels. City Manager Rick Crowley was also present. Councilmember Dennis Lewis
12 arrived at 4:10 p.m. Councilmember Scott Milder and Councilmember Jim Pruitt were both
13 absent from the meeting. Interim City Attorney Frank Garza was also present.

14
15 Mayor Sweet read the below listed discussion items into the public record and then
16 recessed the public meeting into Executive Session.

17
18 **II. EXECUTIVE SESSION.**

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

- 23 1. Discussion regarding deliberation of appointment of City Attorney, including
24 the criteria and qualifications for City Attorney, and to conduct interviews for
25 the position of City Attorney pursuant to Section 551.071 (Consultation with
26 Attorney) and 551.074 (Personnel Matters)
- 27 2. Discussion regarding appointments to city regulatory boards, commissions,
28 and committees including the Building and Standards Commission, Board of
29 Adjustments, Planning & Zoning Commission and Rockwall Economic
30 Development Corporation pursuant to Section 551.074 (personnel matters)
- 31 3. Discussion regarding City Manager performance evaluation, pursuant to
32 Section 551.074 (personnel matters).

33
34 **III. ADJOURN EXECUTIVE SESSION**

35
36 The city council came out of Executive Session at 5:50 p.m.

37

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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, July 15, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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46

IV. RECONVENE PUBLIC MEETING

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Mayor Sweet reconvened the public meeting at 6:00 p.m. Mayor Sweet, Mayor Pro Tem White and City Council Members Mike Townsend, Bennie Daniels and Dennis Lewis were present. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and Interim City Attorney Frank Garza.

52
53

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

54
55
56

The Council took no action related to the above listed Executive Session. See end-of-meeting Executive Session for actions taken at that time.

57
58

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

59
60

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

61
62

VII. PROCLAMATIONS / AWARDS

63
64

1. Erica Kuntz Proclamation

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67
68

Mayor Sweet called Erica Kuntz forward. He then read and presented her with a proclamation to recognize her for her accomplishments in baton twirling, including her upcoming competition at the National Championships at Notre Dame later this month.

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VIII. CONSENT AGENDA

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86
1. Consider approval of the minutes from the July 1, 2013 regular city council meeting, and take any action necessary.
 2. Consider approval of a resolution and purchasing agreement for participation in a cooperative purchasing program with the City of Grand Prairie, Texas for goods, materials and services, and take any action necessary.
 3. Consider approval of a contract with Reynolds Asphalt & Construction Company to reconstruct existing asphalt streets in various locations in the amount of \$432,000.00 utilizing the Interlocal Purchasing Agreement with the City of Grand Prairie, and take any action necessary.
 4. Consider approval of an **ordinance** amending the Code of Ordinances in Part III. Unified Development Code, Article IX. Tree Preservation, Section 8. Tree Transplanting, to provide for an amended diagram associated with tree transplanting, and take any action necessary. **(1st reading)**
 5. **P2013-023** - Consider a request by Bobby Samuels on behalf of the Skorburg Company for the approval of a final plat of Phase I of the Breezy Hill Addition, which is identified as a 21.845-acre tract of land situated within

87 the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, zoned
88 Planned Development District 74 (PD-74), and generally located along the
89 east side of John King Boulevard, north of FM-552, and take any action
90 necessary.

- 91 6. **P2013-024** - Consider a request by Bobby Samuels on behalf of the
92 Skorburg Company for the approval of a final plat of Phases IIA & IIB of the
93 Breezy Hill Addition, which is identified as a 35.812-acre tract of land
94 situated within the J. Strickland Survey, Abstract No. 187, City of Rockwall,
95 Texas, zoned Planned Development District 74 (PD-74), and generally
96 located along the east side of John King Boulevard, north of FM 552, and
97 take any action necessary.

98 **Mayor Sweet pulled item #3 for further discussion. Mayor Pro Tem White then made a**
99 **motion to approve the remaining items on Consent (#1, 2, 4, 5, and 6). Councilmember**
100 **Townsend seconded the motion. The ordinance was read as follows:**

101
102 **CITY OF ROCKWALL, TEXAS**
103 **ORDINANCE NO. 13-24**

104
105 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
106 **TEXAS, AMENDING THE CODE OF ORDINANCES IN PART III. UNIFIED**
107 **DEVELOPMENT CODE, ARTICLE IX. TREE PRESERVATION, SECTION 8. TREE**
108 **TRANSPLANTING, TO PROVIDE FOR AN AMENDED DIAGRAM ASSOCIATED**
109 **WITH TREE TRANSPLANTING; PROVIDING FOR A PENALTY OF A FINE NOT**
110 **TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH**
111 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
112 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

113
114 **The motion passed by a vote of 5 in favor with two absent (Milder and Pruitt).**

115
116 **Regarding Consent Agenda item #3, City Engineer Tim Tumulty indicated that these street**
117 **repairs are associated with those areas in the city that are of highest priority. This is the**
118 **first year that staff will be undertaking a prioritized list of repairs; however, this will be an**
119 **ongoing process in the future should council approve moving forward with these repairs**
120 **and the associated funding.**

121
122 **Mayor Pro Tem White then moved to approve Consent Agenda item #3. Councilmember**
123 **Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Milder and**
124 **Pruitt).**

125
126 **IX. APPOINTMENTS**

- 127
128 1. Appointment with the Planning and Zoning Chairman to discuss and answer
129 any questions regarding cases on the agenda and related issues and take
130 any action necessary.

131 **Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and briefed the**
132 **council regarding recommendations of the Commission relative to items on tonight's**
133 **meeting agenda. The council took no action related to this agenda item.**

135 2. Appointment with Scott Self of Sail with Scott, LLC to consider a request for
36 an amendment to the existing Concession Agreement, and take any action
37 necessary.

38 **Scott Self**
139 **319 Harbor View Drive**
140 **Rockwall, TX**
141

142 **Mr. Self came forth and indicated that his brother would like to add a fourth boat to the Sail**
143 **with Scott fleet. He shared brief details about this proposed “twenty-five person jet ski”**
144 **boat, indicating that it is fast (28 mph) but not very loud. It will be driven by a US Coast**
145 **Guard Captain and will be safely operated. He is seeking initial direction from Council to**
146 **see if permission will be granted regarding modifications to the existing Concessions**
147 **Agreement so that he and his brother may move forward. He will then seek to obtain**
148 **insurance, order and purchase the boat, etc. Mr. Self indicated that his company is**
149 **currently constructing its own boat dock in order to help alleviate traffic on the lake.**
150 **Councilmember Daniels asked for clarification regarding the safety associated with this**
151 **twenty-eight mile per hour boat. Mr. Self indicated that the boat would not pick up speed**
152 **until after it is out of the “no wake” zone and then would head south towards the power**
153 **plant.**

154 **Councilmember Lewis made a motion to approve the request to amend the city’s current**
155 **Concession Agreement with Sail With Scott. Mayor Pro Tem White seconded the motion.**
156 **After brief comments, the motion passed by a vote of 5 ayes with 2 absent (Milder and**
157 **Pruitt).**

58 **Mr. Self urged the council to consider appointing a committee to help gather stakeholders**
59 **at The Harbor to brainstorm how attendance can be leveled out so that a good,**
60 **manageable crowd is present at The Harbor seven days a week. He is generally concerned**
161 **about the very large crowds on Thursday, Friday and Saturday and the very small crowd**
162 **numbers on Monday, Tuesday and Wednesdays.**

163 3. Appointment with David Medanich of First Southwest Company to hear
164 report regarding the municipal bond market, and take any action necessary.

165 **Mr. Medanich came forth to brief the council on current interest rates and how current rates**
166 **have slightly fluctuated upward, which is having an effect on the issuance of recently**
167 **approved bonds. He asked the council on consider (in Action Items #1, 2, and 3 below)**
168 **authorizing increases from 3.75 to 4.5% on the general obligation bonds and the certificates**
169 **of obligation and from 5% to 6.50% the taxable portion of the Rockwall EDC bonds. If**
170 **approved, these increases will allow plenty of ‘cushion’ for when the closing actually occurs.**
171 **He indicated he believes the actual rates will end up being somewhere around 3.9% and**
172 **5.5% respectively. The council took no action related to this agenda item at this time.**

173 **Mayor Sweet the reordered the agenda to address Action Items number 1, 2 and 3 next.**

174 **X. PUBLIC HEARING ITEMS**
175

176 1. **Z2013-017 - Hold a public hearing to discuss and consider a request by**
177 **Stacy McVey on behalf of Double Eagle Properties, LLC for the approval of a**
178 **Specific Use Permit to allow for a restaurant (exceeding 2,000 square feet)**
79 **with a drive-through and drive-in within Planned Development District 9 (PD-**
80 **9) for a property designated for General Retail (GR) District uses, described**
81 **as a 0.9218-acre portion of a larger tract of land identified as Tract 4-9, E.**
82 **Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas,**

183 zoned Planned Development District 9 (PD-9), situated within the Scenic
184 Overlay (SOV) District, located at the northeast corner of the intersection of
185 Ridge Road [FM-740] and Summer Lee Drive, and take any action
186 necessary.

187 **Planning Director Robert LaCroix provided background information related to this item,**
188 **indicating that this is a fairly small space which is located on an end cap. Notices were**
189 **mailed out to property owners within the area in accordance with state law; however, no**
190 **replies have been received back at this time. The Planning & Zoning Commission has**
191 **recommended approval of this item.**

192
193 **Mayor Sweet then opened the public hearing and called the applicant forth.**

194
195 **Stacy McVey**
196 **Double Eagle Properties**
197 **7218 Lakewood**
198 **Dallas, Texas**

199
200 **Mr. McVey indicated he does not have any additional information to add at this time.**

201
202 **There being no one else wishing to come forth and address the city council during the**
203 **public hearing, Mayor Sweet then closed the public hearing. Mayor Pro Tem White made a**
204 **motion to approve Z2013-017. Councilmember Daniels seconded the motion, which passed**
205 **by a vote of 5 ayes with 2 absent (Milder and Pruitt).**

206
207 **XI. SITE PLANS / PLATS**

- 208
209 **1. P2013-022 - Discuss and consider a request by Cameron Slown on behalf of**
210 **Harbor Heights Investors, LP for the approval of a final plat of the Harbor**
211 **District Addition creating five (5) non-residential lots on property zoned**
212 **Planned Development District 32 (PD-32) and identified as a 10.812-acre**
213 **tract of land situated in the M. J. Barksdale Survey, Abstract No. 11 and the**
214 **E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas**
215 **and being generally located south of Interstate Highway 30 (IH-30) and east**
216 **of Shoreline Drive, and take any action necessary.**

217 **Planning Director Robert LaCroix provided background information related to this item.**
218 **He indicated that the applicant has been working towards satisfying the city's tree**
219 **mitigation requirements; however, he has not been able to finish that process quite yet.**
220 **Therefore, the applicant has requested that this item be tabled.**

221 **Mayor Sweet made a motion to table this item. Mayor Pro Tem White seconded the motion,**
222 **which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).**

- 223 **2. SP2013-011 - Discuss and consider a request by Marlyn Roberts for the**
224 **approval of a variance to the Architectural Standards contained within the**
225 **requirements of the SH 205 Overlay (SH 205 OV) District to allow for an**
226 **accessory structure in association with an amended site plan located on Lot**
227 **2, Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract**
228 **of land, zoned Commercial (C) District, situated within the SH-205 Overlay**
229 **(SH-205 OV) District, located east of the intersection of Ralph Hall Parkway**
230 **and S. Goliad Street (SH-205), and take any action necessary. (3/4 majority**
231 **vote required for approval)**

232 Planning Director Robert LaCroix explained that this item is related to the applicant wishing
33 to utilize a structure similar to a “POD” for additional storage in the rear of his building. He
34 indicated the structure has been there for a few months, and the business owner would like
35 to be able to keep it on site moving forward. The Planning & Zoning Commission
36 recommended denial of this item, which is why it now requires a ¾ majority vote of council
237 in order for approval to be granted.

238 Mr. Marlyn Roberts, the applicant, came forth and indicated that this structure has been
239 sitting behind his building since about September. It is positioned by the dumpster, which
240 he believes offers some screening. He explained that it is being utilized for storage to keep
241 excess equipment secure since he has had some issues with theft at this location. He
242 explained that he needs to have a place to house his equipment on site, in part, to keep up
243 with the landscaping requirements. He has evaluated additional screening or taking steps to
244 make it less conspicuous; however, he does not have a better solution at this time.

245 Mr. LaCroix indicated that if this “trailer” were to be attached to a vehicle, it could remain at
246 the rear of the building with no problem. Mayor Pro Tem White indicated he believes that the
247 city has some POD-like structures located near Tuttle Field and the city’s Service Center.

248 Mayor Sweet asked for clarification regarding the number of votes needed for a super
249 majority vote with two council members being absent. Mr. Garza, Interim City Attorney,
250 clarified that four votes would be needed.

251 Councilmember Daniels expressed concern about what, if anything, might be developed
252 next door or behind his property. Mr. Roberts came forth and indicated that most of that
253 area is located in a floodplain, so likely no development will occur back there in that area.

254 After brief discussion, Mayor Pro Tem White made a motion to approve SP2013-011. Mayor
255 Sweet seconded the motion. The motion to approve failed by a vote of 2 in favor, 3 against
256 (Townsend, Daniels and Lewis) and 2 absent (Milder and Pruitt).

257

258 3. SP2013-017 - Discuss and consider a request by Marlyn Roberts for the
259 approval of a special exception to allow for incidental display that is not
260 adjacent or connected to the primary structure in association with an
261 amended site plan for a stand-alone quick lube business located on Lot 2,
262 Block 1, Meadowcreek Business Center Addition, being a 2.02-acre tract of
263 land, zoned Commercial (C) District, situated within the SH-205 Overlay
264 (SH-205 OV) District, located east of the intersection of Ralph Hall Parkway
265 and S. Goliad Street (SH-205), and take any action necessary.

266

267 Mr. LaCroix indicated that the applicant would like to place an ice machine near the front of
268 his property. The Architectural Review Board has reviewed this request. It has been
269 recommended that a three-sided masonry wall and a roof structure that matches the
270 existing (business) building be constructed to screen the ice machine. Mr. LaCroix
271 indicated that the non-masonry (fourth) side will not be facing outward. The Planning &
272 Zoning Commission has recommended approval of this special exception request.

273

274 Mr. Roberts, the applicant, came forth and indicated he does not have any additional
275 information to add at this time.

276

277 Councilmember Lewis made a motion to approve SP2013-017. Mayor Pro Tem White
278 seconded the motion. After brief discussion, the motion passed by a vote of 5 ayes with 2
279 absent (Milder and Pruitt).

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- 4. **SP2013-014** - Discuss and consider a request by Steven Schwartz on behalf of Potomac Rockwall Partnership, LP for the approval of an exception for the allowance of concrete tilt-up wall construction in association with an approved Site Plan for a La-Z-Boy furniture store on a 2.519-acre parcel of land that is identified as Lot 2, Block 1, Rockwall Centre Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and generally located northeast of the intersection of S. Goliad Street (SH-205) and the IH-30 frontage road, and take any action necessary.

Robert LaCroix provided background information related to this item, indicating that the city has dealt with this type of issue over the years in both its commercial and industrial areas. It has to do with adding some additional materials onto the tilt wall in order to make the aesthetics of the building more appealing.

**Steve Schwartz
Omega
Dallas, Texas**

After brief comments from the applicant and his request that the council approve this item, Mayor Pro Tem White made a motion to approve SP2013-014. Councilmember Daniels seconded the motion, which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).

Mayor Sweet then called for a short, ten minute break before addressing Action Item #4 followed by the remaining agenda items.

XII. ACTION ITEMS

- 1. Discuss and consider adoption of an **ordinance** amending an ordinance authorizing the issuance of City of Rockwall, Texas, General Obligation Refunding and Improvement Bonds, Series 2013; providing an effective date; enacting other provisions relating to the subject, and take any action necessary. **(1st reading)**

Mayor Pro Tem White made a motion to approve the ordinance. Mayor Sweet seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. _____

ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2013; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

The motion to approve the ordinance passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).

- 2. Discuss and consider adoption of an **ordinance** amending an ordinance authorizing the issuance of City of Rockwall, Texas, Combination Tax and

326 Limited Surplus Revenue Certificates of Obligation, Series 2013; providing
327 an effective date; enacting other provisions relating to the subject, and take
328 any action necessary. **(1st reading)**

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

331 CITY OF ROCKWALL

332 ORDINANCE NO. _____

333
334 ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF
335 ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES
336 OF OBLIGATION, SERIES 2013; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER
PROVISIONS RELATING TO THE SUBJECT

337 **The motion to approve the ordinance passed by a vote of 5 ayes with 2 absent (Milder and**
338 **Pruitt).**

- 339 3. Discuss and consider adoption of a resolution approving an amendment to a
340 resolution of the Rockwall Economic Development Corporation authorizing
341 the issuance of the Corporation's sales tax revenue bonds; confirming a
342 sales tax collection resolution; enacting other provisions relating to the
343 subject, and take any action necessary.

344 **Assistant City Manager Mary Smith indicated that the REDC will be taking action on**
345 **Thursday to pass its amended resolution.**

346 **Mayor Pro Tem White made a motion to approve the resolution contingent upon the REDC's**
347 **approval of its resolution at its meeting this Thursday. Mayor Sweet seconded the motion,**
348 **which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).**

349 **Mayor Sweet then addressed Public Hearing item #1 above.**

- 350 4. Discuss and consider a recommendation of the city council's Hotel/Motel Tax
351 Sub-Committee regarding a request from the Rockwall Area Chamber of
352 Commerce for supplemental funding, and take any action necessary.

353 **Assistant City Manager Mary Smith provided brief background information related to this**
354 **item, indicating that this funding request is for \$25,000 and is related to the Chamber's**
355 **"wooden boat show" event which is scheduled for this September. She indicated that Mayor**
356 **Pro Tem White, Councilmember Lewis and Councilmember Townsend serve on the council**
357 **subcommittee that reviews such funding requests, and they have recommended approval of**
358 **this funding.**

359 **Mayor Sweet made a motion to approve the request. Mayor Pro Tem White seconded the**
360 **motion, which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).**

- 361 5. Discuss and consider a proposal from Rockwall ISD that the City of Rockwall
362 provide two additional School Resource Officers for the upcoming school
363 year, providing a funding mechanism, and take any action necessary.

364 **City Manager Rick Crowley provided background information related to this item,**
365 **explaining the cost-sharing that will take place between the cities of Rockwall, Heath and**
366 **Fate regarding paying into these salaries. Mr. Crowley clarified that vehicle costs are not**
367 **included in the estimated funding figures. Rockwall Police Chief Mark Moeller indicated**
368 **that the City of Rockwall will maneuver vehicles around for the first part of the school year**

369 until the new fiscal year budget begins and hopefully vehicle needs will have been funded
70 by that time.

71 Councilmember Daniels clarified the cost sharing. Mr. Crowley indicated that all costs will
72 be split on a 75% / 25% basis, with Rockwall paying the 25%.

373 Mayor Sweet made a motion to approve moving forward with this request. Councilmember
374 Townsend seconded the motion.

375 Mayor Sweet indicated that he would like staff to have discussions with the Rockwall
376 Independent School District to evaluate additional funding on the school's part related to
377 providing vehicles for these new SROs. After brief discussion, the motion passed by a vote
378 of 5 ayes with 2 absent (Milder and Pruitt).

379 6. Discussion regarding taxable value of The Harbor properties and status of
380 current city agreements related to The Harbor.

381 Mayor Sweet made a motion to table this item until the next, regularly scheduled meeting.
382 Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2
383 absent (Milder and Pruitt).

384 7. Discuss and consider overview of the city's budget process and outlook for
385 Fiscal Year 2014, and take any action necessary.

386 City Manager Rick Crowley briefed the council on the city's preliminary, expected revenues
387 and effective tax rate. All departmental budget requests have been submitted, and city
388 management is reviewing it as this time. Staff will have a balanced budget proposal to the
389 council by this Friday in anticipation of the upcoming budget retreat meeting. The Council
390 took no action related to this agenda item.

91 8. Discuss and consider approval of an amended development agreement that
92 has been offered by the City, in accordance with Chapter 212 of the Texas
393 Local Government Code, and accepted by the property owner of a 4.273-
394 acre tract of land known as Tract, 25-09, Abstract 187 J. Strickland Survey,
395 Rockwall County, Texas and within the City's Extraterritorial Jurisdiction
396 (ETJ), and take any action necessary.

397 Mayor Sweet made a motion to direct staff to work with this property owner to further work
398 out the terms of this agreement. Mayor Pro Tem White seconded the motion, which passed
399 by a vote of 5 ayes with 2 absent (Milder and Pruitt).

400 9. Discuss and consider approval of a resolution requesting that the Texas
401 Department of Transportation (TXDOT) allow temporary closure of SH 205
402 from SH 276 to FM 549 between the hours of 7 AM and 1 PM on Sunday,
403 October 6, 2013 in conjunction with the Toyota US Open Triathlon, and take
404 any action necessary.

405 City Engineer Tim Tumulty provided brief background information related to this item.
406 Assistant City Manager Brad Griggs indicated that nothing about the route has changed
407 since the council reviewed and gave approval to the route in February. Mayor Pro Tem
408 White made a motion to approve the resolution. Councilmember Townsend seconded the
409 motion, which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).

410 10. Discuss and consider amending the city's Code of Ordinances in Chapter
411 30, Parks and Recreation, regarding establishment of regulations, guidelines
412 and fees for the use of indoor and outdoor park facilities, and take any action
413 necessary. (1st reading)

414 Andy Hesser, Parks and Recreation Manager, came forth and provided a briefing to the
15 council related to the proposed fee changes. After brief discussion, Councilmember
16 Townsend made a motion to approve the ordinance as presented. Mayor Pro Tem White
17 seconded the motion. The ordinance was read as follows:

418 ORDINANCE NO. _____
419

420 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING CHAPTER 30 OF
421 THE CITY'S CODE OF ORDINANCES BY INCORPORATING ARTICLE V AND ADDING
422 SECTIONS 30-25 TO 30-40 ESTABLISHING REGULATIONS, GUIDELINES AND FEES
423 FOR THE USE OF INDOOR AND OUTDOOR PARK FACILITIES; PROVIDING FOR
424 REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR
425 PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.
426

427 The motion passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).

428 11. Discuss and consider a recommendation by the city council's Youth Sports Sub-
429 committee regarding youth program contracts, and take any action necessary.

430 Assistant City Manager Brad Griggs provided brief background information related to this
431 item, indicating that a subcommittee of the full council (made up of Townsend, Sweet, and
432 Milder) recently formed to evaluate youth sports programs, including boys and girls youth
433 softball. Indication was given that leadership in the Rockwall Boys and Girls Softball
434 Association is made up of volunteers, and the leadership periodically changes. An annual
435 change in leadership in some ways contributes to concerns related to running of these
436 programs. The city council subcommittee discussed and evaluated the city taking over
437 management of the boys and girls youth softball programs in the fall and would like to make
38 this recommendation to the full council for consideration of approval. Mayor Pro Tem White
39 indicated that he would like to evaluate the success of city staff taking over these programs
440 in the future.

441 Councilmember Townsend made a motion to approve the recommendation of the city
442 council's Youth Sports Sub-committee. Councilmember Lewis seconded the motion, which
443 passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).

444 12. Discuss and consider appointments to the city's Historic Preservation
445 Advisory Board, and take any action necessary.

446 Councilmember Daniels made a motion to appoint Mike Mishler to the city's Historic
447 Preservation Advisory Board to replace Sharon Lewis with a term to run from now through
448 August of 2015. Mrs. Lewis resigned on July 1st. Mayor Pro Tem White seconded the
449 motion, which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).
450

451 Mayor Sweet then read discussion items #2 and #3 below into the public record before
452 recessing the public meeting (7:51 p.m.) into Executive Session after a brief break.
453

454 XIII. EXECUTIVE SESSION
455

456 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
457 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
458 CODE:
59

- 60 1. Discussion regarding deliberation of appointment of City Attorney, including the
61 criteria and qualifications for City Attorney, and to conduct interviews for the position

462 of City Attorney pursuant to Section 551.071 (Consultation with Attorney) and
463 551.074 (Personnel Matters)

- 464 2. Discussion regarding appointments to city regulatory boards, commissions, and
465 committees including the Building and Standards Commission, Board of
466 Adjustments, Planning & Zoning Commission and Rockwall Economic Development
467 Corporation pursuant to Section 551.074 (personnel matters)
- 468 3. Discussion regarding City Manager performance evaluation, pursuant to Section
469 551.074 (personnel matters).

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

471
472 **Mayor Sweet called the public meeting back to order at 9:37 p.m.**

473
474 **Mayor Pro Tem White made a motion to authorize the Mayor to sign pay adjustment**
475 **documentation for the city manager. Councilmember Townsend seconded the motion,**
476 **which passed by a vote of 5 ayes with 2 absent (Milder and Pruitt).**

477
478 **Mayor Pro Tem White made a motion to make the following re-appointments to city**
479 **regulatory boards and commissions:**

480
481 **Clifford Lindsey to the Board of Adjustments**
482 **Stephen Geiger to the Board of Adjustments**
483 **Martin Musser to the Board of Adjustments**
484 **Glen Carr to the Building and Standards Commission**
485 **Dennis Dayman to the Building and Standards Commission**
486 **Freddie Jackson to the Building and Standards Commission**
487 **John McCutcheon to the Planning & Zoning Commission**

488
489 **Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent**
490 **(Milder and Pruitt).**

491
492 **Mayor Pro Tem White made a motion to appoint Wendi Conley to the city's Planning and**
493 **Zoning Commission to replace Barry Buchanan (term from August 2013 thru August 2016).**
494 **Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent**
495 **(Milder and Pruitt).**

496
497 **XV. ADJOURNMENT**

498
499 **The meeting was adjourned at 9:40 p.m.**

500
501
502 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
503 **TEXAS, this 5th day of August, 2013.**

504
505
506 **ATTEST:**

507
508 *Kristy Ashberry*
509 **Kristy Ashberry, City Secretary**



Paul Sweet

David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL

Friday, July 26, 2013

7:30 a.m. Budget Work Session

City Courts Building, 2860 SH-66 Rockwall, TX 75087

1. (7:30 A.M.) CALL TO ORDER / BREAKFAST

Mayor Sweet called the meeting to order at 7:30 a.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, department directors, and the city secretary.

2. (8:00 A.M.) HOLD BUDGET WORK SESSION TO DISCUSS AND CONSIDER CITY OF ROCKWALL'S FISCAL YEAR 2014 BUDGET, AND TAKE ANY ACTION NECESSARY.

Omega Hawkins with Star Transit and Margie Verhagen with the Rockwall County Committee on Aging (RCCOA / "Meals on Wheels") came forth and made presentations to the city council regarding the level of funding each organization is requesting from the City of Rockwall for the upcoming fiscal year. Mrs. Hawkins indicated that Star is asking for the same level of funding they requested last year (\$20k). Mrs. Verhagen indicated that she is seeking \$30k in funding from the City of Rockwall, which represents a \$5k increase over fiscal year 2013's request. Following these presentations, the city's consultant who conducted the employee compensation / salary survey study, Matt Weatherly with Public Sector Personnel Consultants (PSPC), came forth and briefed the council on results of this study. He generally indicated that some positions may need modification in order to stay within the city's guidelines regarding compensation and ensure the city remains competitive in the market. Following this presentation, staff and council discussed the remainder of budget proposals, including each city department's requests, the debt service fund, general fund, internal services, and special revenue funds. The city council generally indicated that they would like staff to further review budget requests submitted to search for additional items which might possibly be considered to be 'cut' in order to at least not surpass the effective tax rate. Further discussions regarding the proposed budget will be held at a future council meeting.

3. ADJOURNMENT

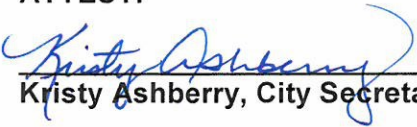
Mayor Sweet adjourned the meeting at 5:35 p.m.

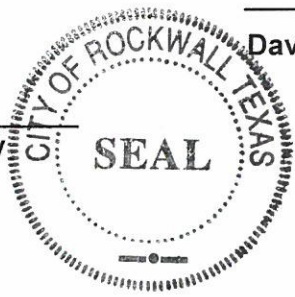
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of August, 2013.



David Sweet, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, July 29, 2013
4:00 p.m. Special City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Pro Tem White called the meeting to order at 4:00 p.m. Present were Mayor Pro Tem David White and Council Members Jim Pruitt and Mike Townsend. City Manager Rick Crowley explained that this meeting's agenda was posted in accordance with law in case a quorum of city council members attended. Although a quorum of the council was not present at the start of the meeting, Mayor Sweet did join the meeting at 4:16 p.m., which did result in a quorum.

2. HEAR PRESENTATION REGARDING THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' (NCTCOG) TRANSIT NEEDS ASSESSMENT AND PLANNING STUDY FOR ROCKWALL COUNTY, AND TAKE ANY ACTION NECESSARY.

Sarah Chadderton, Transportation Planner with the NCTCOG, came forth and presented information related to the Transit Needs Assessment and Planning Study for Rockwall County.

Mayor Sweet joined the meeting at 4:16 p.m.

Following Mrs. Chadderton's presentation, questions and answers were exchanged between her, the city council and the city manager. Councilmember Townsend expressed a desire to have the transportation survey mentioned during Mrs. Chadderton's presentation more heavily advertised and distributed to Rockwall residents to allow for additional feedback above and beyond the approximately 150 survey responses received to date. Mrs. Chadderton explained that the survey had been available to the general public on the NCTCOG's website. Also, paper surveys had been distributed to those who utilize social services through several area social service organizations, such as Helping Hands. A pre-postage paid response option was available to respondents so they could drop survey replies in the mail and return them free of charge. She further indicated that the NCTCOG reached out to several organizations in Rockwall County for input, including the Rockwall Economic Development Corporation, area social service organizations and several area city administrators and/or county officials.

City Manager Rick Crowley indicated that he plans to speak further with the city council about this study and will provide additional feedback to the NCTCOG regarding the City of Rockwall's input related to the study in the near future.

3. ADJOURNMENT

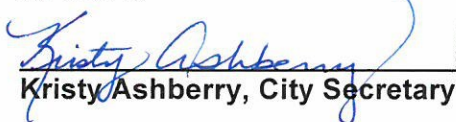
Mayor Sweet adjourned the meeting at 4:48 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of August, 2013.



David Sweet, Mayor

ATTEST:


Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 05, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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19

I. CALL PUBLIC MEETING TO ORDER

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

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Mayor Sweet then read the below listed discussion items, including Action Item #2, into the public record before recessing into Executive Session.

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II. EXECUTIVE SESSION.

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

1. Discussion regarding park property and property adjacent to the lake pursuant to Section § 551.072 (Real Property)
2. Discussions regarding land acquisition in the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
3. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
4. Discussion regarding possible changes to Bylaws and appointments to the Economic Development Corporation, including an RISD liaison and a Rockwall County liaison, pursuant to § 551.071 (Consultation with Attorney) and § 551.074 (Personnel Matters).
5. Discussion of Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
6. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (personnel matters)
7. Discussion regarding Economic Development retail project pursuant to Section 551.087 (Economic Development)
8. **Action 2.** Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 10, Article III "Building Code," Section 10-117 "Amendments," Section 903.2.9.3, "Exceptions" and Chapter 18, Article II "Fire Code Standards," Section 18-33 "Amendments to Adopted Code," Section 903.2.9.3, "Exceptions" to modify an exception related to one-story self-service storage facilities that have no interior corridors regarding installation of automatic fire sprinkler systems, and take any action necessary. (1st reading)

III. ADJOURN EXECUTIVE SESSION

The council adjourned Executive Session at 5:58 p.m.

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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 05, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

57 **IV. RECONVENE PUBLIC MEETING**

58
59 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all council members**
60 **present except Councilmember Mike Townsend who was absent from the meeting.**

61
62 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

63
64 **Mayor Pro Tem White made a motion to approve the bylaws of the REDC.**
65 **Councilmember Daniels seconded the motion, which passed unanimously of those**
66 **present (Townsend absent).**

67
68 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET**

69
70 **VII. OPEN FORUM**

71
72 **Mayor Sweet explained how Open Forum is conducted and invited any speakers forward**
73 **to address the council.**

74
75 **Glen Farris**
76 **1225 Memorial**
77 **Rockwall, TX 75087**

78
79 **Mr. Farris came forth and indicated that the Texas / Oklahoma Kiwanis District**
80 **Convention is being held this weekend for the second time in five years in Rockwall. He**
81 **thanked the city council for hotel/motel tax funding, indicating that over four hundred**
82 **people are expected to attend. He then invited the council to come and join a reception**
83 **that will be held on Thursday evening prior to the Concert by the Lake, which is being**
84 **sponsored this week by the Kiwanis. He thanked the Mayor and council for their service**
85 **to the community.**

86
87 **VIII. CONSENT AGENDA**

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1. Consider approval of the minutes from the July 15, 2013 regular city council meeting, and take any action necessary.
 2. Consider approval of the minutes from the July 26, 2013 Budget Work Session, and take any action necessary.
 3. Consider approval of the minutes from the July 29, 2013 special city council meeting, and take any action necessary.
 4. Consider approval of a resolution requesting financial reimbursement from the Texas Department of Transportation Aviation Division related to the Airport Development Plan at the Ralph M. Hall / Rockwall Municipal Airport and naming the Texas Department of Transportation Aviation Division as its agent for the purposes of applying for, receiving and

- 100 disbursing all funds and for the administration of contracts necessary for
101 completion of the grant process, and take any action necessary.
- 102 5. Consider approval of a Memorandum of Understanding with the City of
103 Rowlett for mutual use of municipal Emergency Operations Centers
104 (EOCs) as back-up EOC locations, and take any action necessary.
- 105 6. **Z2013-017** - Consider approval of an **ordinance** for a request by Stacy
106 McVey on behalf of Double Eagle Properties, LLC for the approval of a
107 Specific Use Permit to allow for a restaurant (exceeding 2,000 square
108 feet) with a drive-through and drive-in within Planned Development
109 District 9 (PD-9) for a property designated for General Retail (GR) District
110 uses, described as a 0.9218-acre portion of a larger tract of land identified
111 as Tract 4-9, E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall
112 County, Texas, zoned Planned Development District 9 (PD-9), situated
113 within the Scenic Overlay (SOV) District, located at the northeast corner
114 of the intersection of Ridge Road [FM-740] and Summer Lee Drive, and
115 take any action necessary. **(1st Reading)**
- 116 7. Consider approval of an **ordinance** amending the Code of Ordinances in
117 Part III. Unified Development Code, Article IX. Tree Preservation, Section
118 8. Tree Transplanting, to provide for an amended diagram associated
119 with tree transplanting, and take any action necessary. **(2nd reading)**
- 120 8. Consider amending the city's Code of **Ordinances** in Chapter 30, Parks
121 and Recreation, regarding establishment of regulations, guidelines and
122 fees for the use of indoor and outdoor park facilities, and take any action
123 necessary. **(2nd reading)**
- 124 9. Consider approval of an interlocal agreement between the City of
125 Rockwall and the Rockwall Independent School District (RISD) for
126 provision of school resource officers, and take any action necessary.

127
128 **Councilmember Lewis pulled item #3 for further discussion. Councilmember Pruitt**
129 **pulled items #6 and #9. Mayor Pro Tem White then made a motion to approve the**
130 **remaining Consent Agenda items (#1, 2, 3, 4, 5, 7, and 8). Councilmember Milder**
131 **seconded the motion. The ordinances for #7 and #8 were read as follows:**

132
133 **CITY OF ROCKWALL, TEXAS**
134 **ORDINANCE NO. 13-24**

135
136 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
137 **TEXAS, AMENDING THE CODE OF ORDINANCES IN PART III. UNIFIED**
138 **DEVELOPMENT CODE, ARTICLE IX. TREE PRESERVATION, SECTION 8.**
139 **TREE TRANSPLANTING, TO PROVIDE FOR AN AMENDED DIAGRAM**
140 **ASSOCIATED WITH TREE TRANSPLANTING; PROVIDING FOR A PENALTY**
141 **OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00)**
142 **DOLLARS FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
143 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
144 **EFFECTIVE DATE.**

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-25

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING CHAPTER 30 OF THE CITY'S CODE OF ORDINANCES BY INCORPORATING ARTICLE V AND ADDING SECTIONS 30-25 TO 30-40 ESTABLISHING REGULATIONS, GUIDELINES AND FEES FOR THE USE OF INDOOR AND OUTDOOR PARK FACILITIES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Lewis indicated he would like to abstain from approval of the July 29, 2013 Special City Council Meeting minutes, as he and others were absent from the meeting. Mayor Pro Tem White made a motion to approve Consent Agenda Item #3. Mayor Sweet seconded the motion, which passed by a vote of 4 in favor, 1 absent (Townsend) and two abstentions (Daniels, Lewis).

Councilmember Pruitt sought clarification regarding why this item is on the Consent Agenda. Planning Director Robert LaCroix indicated that the public hearing was already held at the last council meeting; however, the ordinance was not read at the last meeting. Mayor Pro Tem White then made a motion to approve Consent Agenda item #6 (Z2013-017). Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-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 APPROVE A SPECIFIC USE PERMIT (SUP) TO ALLOW A RESTAURANT (EXCEEDING 2,000 SQUARE FEET) WITH A DRIVE-THROUGH OR DRIVE-IN WITHIN PLANNED DEVELOPMENT DISTRICT 9 (PD-9) FOR A PROPERTY DESIGNATED FOR GENERAL RETAIL (GR) DISTRICT USES AS SPECIFIED WITHIN ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A 0.9218-ACRE PORTION OF TRACT 4-9, E. TEAL SURVEY, ABSTRACT NO. 207, 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 (Townsend).

Regarding item #9, Councilmember Pruitt asked for clarification from Police Chief Moeller regarding several provisions contained within the interlocal agreement, specifically concerning the officer's training schedules and vacation time as well as how staffing is affected by the addition of these officers. Councilmember Pruitt then made a motion to approve Consent Agenda item #9. Mayor Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 absent (Townsend).

202 IX. APPOINTMENTS

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

207 **Planning Director Robert LaCroix indicated that Mr. Herbst is not present this evening, as**
208 **there is really nothing listed on the agenda on which he needs to report. The council,**
209 **therefore, did not address this agenda item and moved on to Site Plans / Plats.**

210
211 X. SITE PLANS / PLATS

- 212
213 1. **P2013-022** - Discuss and consider a request by Cameron Slown on
214 behalf of Harbor Heights Investors, LP for the approval of a final plat of
215 the Harbor District Addition creating five (5) non-residential lots on
216 property zoned Planned Development District 32 (PD-32) and identified
217 as a 10.812-acre tract of land situated in the M. J. Barksdale Survey,
218 Abstract No. 11 and the E. Teal Survey, Abstract No. 207, City of
219 Rockwall, Rockwall County, Texas and being generally located south of
220 Interstate Highway 30 (IH-30) and east of Shoreline Drive, and take any
221 action necessary.

222 **Mr. LaCroix generally indicated that the applicant has requested that this item be tabled**
223 **until the second city council meeting in September because they are still working out**
224 **aspects of their tree mitigation plan.**

225
226 **Mayor Pro Tem White made a motion to table this item until the second, regularly**
227 **scheduled council meeting in September (09/16/13). Councilmember Milder seconded**
228 **the motion, which passed by a vote of 6 ayes with 1 absent (Townsend).**

229
230 XI. ACTION ITEMS

- 231
232 1. Discuss and consider a Hotel/Motel tax subcommittee recommendation
233 regarding supplemental funding requests from the Rockwall County
234 Alliance for the Arts and take any action necessary.

235 **Assistant City Manager Mary Smith indicated that the Alliance for the Arts would like to**
236 **host an Artisan Fine Arts Festival in September and is requesting \$5,000 for this event.**
237 **The hotel / motel tax sub-committee of the city council has recommended approval of**
238 **this funding request and is recommending \$5,000 for promotion of this event. The**
239 **Alliance also requested partial funding for hiring a "Director" position. However, the**
240 **hotel/motel tax subcommittee did not recommend approval of this request since there is**
241 **no direct method for calculating actual 'heads in beds' as a result of the funding being**
242 **granted. It was stated that Mayor Pro Tem White and Councilmembers Lewis and**
243 **Townsend serve on the hotel/motel tax subcommittee.**

244
245 **Mayor Pro Tem White made a motion to approve the recommendation of the Hotel / Motel**
246 **Tax Sub-Committee regarding granting \$5,000 in funding to the Alliance for their artisan**
247 **fine arts festival. Councilmember Lewis seconded the motion, which passed by a vote of**
248 **6 ayes with 1 absent (Townsend).**

249

250 2. Discuss and consider approval of an **ordinance** amending the Code of
251 Ordinances in Chapter 10, Article III "Building Code," Section 10-117
252 "Amendments," Section 903.2.9.3, "Exceptions" and Chapter 18, Article II
253 "Fire Code Standards," Section 18-33 "Amendments to Adopted Code,"
254 Section 903.2.9.3, "Exceptions" to modify an exception related to one-
255 story self-service storage facilities that have no interior corridors
256 regarding installation of automatic fire sprinkler systems, and take any
257 action necessary. (1st reading)

258 **Fire Chief Mark Poindexter provided brief background information related to this item,**
259 **indicating that as long as these types of storage units are not larger than 5,000 square**
260 **feet, staff feels comfortable with allowing this modification to the city's local**
261 **amendments to the International Fire and Building Codes.**

262
263 **Councilmember Pruitt expressed concern about how this change may affect any self-**
264 **storage facilities that may have already been built. Staff indicated that there have not**
265 **been any of these types of facilities built since this ordinance went into effect, so none**
266 **will be affected.**

267
268 **Mayor Pro Tem White made a motion to approve the ordinance as presented.**
269 **Councilmember Daniels seconded the motion. The ordinance was read as follows:**

270
271 **CITY OF ROCKWALL, TEXAS**
272 **ORDINANCE NO. 13-xx**

273
274 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS**
275 **AMENDING CHAPTER 10, ARTICLE III "BUILDING CODE," SECTION 10-117**
276 **"AMENDMENTS," SECTION 903.2.9.3, "EXCEPTIONS" AND CHAPTER 18, ARTICLE**
277 **II "FIRE CODE STANDARDS," SECTION 18-33 "AMENDMENTS TO ADOPTED**
278 **CODE," SECTION 903.2.9.3, "EXCEPTIONS," TO MODIFY AN EXCEPTION**
279 **RELATED TO ONE-STORY SELF-SERVICE STORAGE FACILITIES THAT HAVE NO**
280 **INTERIOR CORRIDORS REGARDING INSTALLATION OF AUTOMATIC FIRE**
281 **SPRINKLER SYSTEMS; PROVIDING FOR REPEALING, SAVINGS AND**
282 **SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR**
283 **AN EFFECTIVE DATE.**

284
285 **The motion passed by a vote of 6 ayes with 1 absent (Townsend).**

286
287 3. Discuss and consider approval of an amended development agreement
288 that has been offered by the City, in accordance with Chapter 212 of the
289 Texas Local Government Code, and accepted by the property owner of a
290 4.273-acre tract of land known as Tract, 25-09, Abstract 187 J. Strickland
291 Survey, Rockwall County, Texas and within the City's Extraterritorial
292 Jurisdiction (ETJ), and take any action necessary.

293 **Planning Director Robert LaCroix provided background information related to this item,**
294 **indicating that the city has jurisdiction over this property and associated platting (due to**
295 **subdivision of the property) since it is located in Rockwall's extra territorial jurisdiction**
296 **(ETJ). The city has generally been concerned with fire flows, fire access, drainage and**
297 **detention. In 2007, the County of Rockwall did adopt the 2003 International Building**
298 **Codes, and the county has been unwilling to waive the fire sprinkler requirement for this**
299 **property. After reviewing this issue, legal counsel believes that the city does have**
300 **jurisdiction with regards to this property and enforcement of any codes or building**

301 permits. The applicant has now agreed to sprinkler the buildings that are required to be
302 sprinkled under the city's 2009 International Fire and Building Codes. Also, they have
303 agreed to adhere to all other code requirements, including masonry, lighting,
304 landscaping, and signage requirements, etcetera. This 212 development agreement will
305 ensure all of those code requirements will be met. Staff will ensure this agreement is
306 executed by both the city and Mr. Valk after second reading of the amendments (Action
307 item #2 above) are passed upon 2nd reading.

308
309 Mayor Pro Tem White made a recommendation to approve the amended 212 development
310 agreement. Councilmember Lewis seconded the motion. Councilmember Lewis then
311 thanked Mr. Valk for working with the city to resolve this agreement. The motion then
312 passed by a vote of 6 ayes with 1 absent (Townsend).

313
314 4. Discuss and consider a request from Mrs. Ashley Howry for approval of a
315 front yard fence to be located at 501 Storrs St, and take any action
316 necessary.

317 Mr. LaCroix indicated that this front yard fence meets all the requirements of our
318 ordinance, is wooden, and it is located in the historic part of town. All front yard fences
319 do require approval of the city council.

320 Mayor Pro Tem White made a motion to approve this item. Councilmember Daniels
321 seconded the motion. The motion to approve the front yard fence passed by a vote of 5
322 ayes, 1 absent (Townsend) and 1 against (Pruitt).

323

324 5. Discuss and consider a request from Mr. Brian Lambatis with Complete
325 Signs representing Raising Cane's for a height variance for a pole sign to
326 be located at 1114 IH 30, and take any action necessary.

327 Mr. Widmer, city Building Official, came forth and indicated that the applicant is
328 requesting a sixty-foot pole sign. To clarify an inquiry from Councilmember Lewis, Mr.
329 Widmer indicated that the adjacent Toyota sign is fifty feet tall, and the In & Out Burger
330 pole sign is forty-eight feet tall.

331
332 Mr. Brian Lambatis
333 Complete Signs (Raising Cane's representative)
334 6800 Bishop
335 Plano, Texas

336
337 Mr. Lambatis generally indicated that he is requesting a height variance to allow the sign
338 to be sixty feet tall as well as a size variance to allow it to be 234 square feet with an LED
339 sign below the top, main sign. In order to ensure the sign is seen considering the
340 elevation and sight lines on and around IH-30 and the exit ramp as well as neighboring
341 pole signs.

342
343 Mr. Widmer indicated that it is located in the overlay district, so it does require a ¾
344 majority vote of the council.

345
346 After additional discussion, Councilmember Daniels made a motion to approve the
347 variances allowing for a sixty-foot high sign and 234 square feet. Mayor Pro Tem White
348 seconded the motion.

349 Councilmember Pruitt indicated that he would like to place an item on a future council
350 agenda to consider to changing the ordinance so that applicants no longer have to come
351 before the council to continually request variances to sign heights along IH-30. City
352 Manager Rick Crowley indicated that staff will need to get indication from the council
353 regarding what modifications to the ordinance regulations they would like to see related
354 to both sign size and height.

355
356 After additional discussion, the motion to approve passed by a vote of 5 ayes, 1 absent
357 (Townsend) and 1 against (Pruitt).

- 358
359 6. Discuss and consider providing input regarding the North Central Texas
360 Council of Governments (NCTCOG) Transit Needs Assessment and
361 Planning Study for Rockwall County, and take any action necessary.

362 City Manager Rick Crowley provided background information related to this item,
363 indicating that the city council is being asked to submit 'stakeholder' input to the
364 NCTCOG regarding the recent Transit Needs Assessment and Planning Study for
365 Rockwall County. Mayor Sweet indicated that when the study was originally conducted,
366 the NCTCOG received no input from elected or appointed officials with the City of
367 Rockwall, and only one hundred-fifty (150) City of Rockwall residents provided input.

368
369 Councilmember Pruitt indicated that both the City of Rockwall and Rockwall County have
370 stepped up to the plate to put money forth to pay for some of these transit projects. He
371 then strongly encouraged the State of Texas to provide input into these sorts of studies
372 and help fund identified and needed transportation projects.

373
374 Mayor Sweet generally indicated that transportation funding from the State is definitely
375 of concern as well as water supply and education. Mayor Sweet mentioned the
376 countywide planning consortium that focuses on future planning for road projects in the
377 county. He advised that planning is no good if funding is not granted. He expressed that
378 he does not believe a transportation system model such as DART is a successful,
379 effective use of tax payer dollars; however, he is aware that some Rockwall citizens do
380 have a need for making trips to and from the Dallas area. He indicated that carpooling,
381 vanpooling and general public 'dial-a-rides' are instead preferred in Rockwall.

382
383 After extensive discussion, City Manager Rick Crowley summarized that he believes he
384 hears feedback from the council that an emphasis on increasing public awareness and
385 placing more emphasis on dial-a-ride services, such as or similar to STAR Transit, are
386 preferred. Also, an increased awareness of these sorts of services is needed and
387 preferred. There is not currently a need or desire for point to point bus type service in
388 our city.

389
390 Councilmember Pruitt again strongly emphasized the need for state funding in order to
391 get some of the road projects funded and built.

392
393 The Council took no formal action related to this agenda item.

394
395 Mayor Sweet then called for a short break (at 7:11 p.m.).
396

397 7. Discuss and consider City of Rockwall Fiscal Year 2014 Budget and
398 proposed tax rate, including calling of Public Hearings and associated
399 dates, and take any action necessary.

400 Mayor Sweet called the meeting back to order at 7:25 p.m. City Manager Rick Crowley
401 indicated that some additional items need to be worked out with regards to the proposed
402 budget before public hearings can be called and held. Staff has been working to make
403 some additional changes to the proposed budget as directed by the city council at its
404 recent budget work session, specifically regarding the originally proposed tax rate of
405 51.96 cents. Two different scenarios are being presented to the council tonight, including
406 a proposed budget that achieves the effective tax rate of 51.37 cents and a proposal that
407 achieves a 50.25 cent rate, which is reflective of the current tax rate. Mr. Crowley then
408 briefed the council on various reductions in the originally proposed budget that are
409 proposed by staff to be made in order to achieve each one of these tax rates. Mr.
410 Crowley indicated that taking additional monies out of the city's reserves in order to pay
411 for some of the proposed line items to achieve each of the tax rate scenarios will still
412 result in the city staying well within its policy regarding the amount of reserves the city
413 must maintain. He then went on to explain each of the potential line item budget cuts
414 that the council may wish to consider in order to achieve a lower tax rate.

415 Councilmember Pruitt made a motion to hold a public hearing to consider a 50.25 tax
416 rate, which will result in no tax rate increase. After brief staff input on the council action
417 that is needed this evening, Councilmember Pruitt clarified his motion to instruct staff to
418 put forth a budget proposal for which public hearings will be held at a proposed 50.25 tax
419 rate. Mayor Pro Tem White seconded the motion.

420 Councilmember Milder pointed out that he believes the voters were specifically asked if
421 they would like to approve the road projects and downtown improvements that were put
422 forth in the last bond election, with the understanding that it could result in a tax
423 increase, and those things did pass. However, he expressed that the voters did not vote
424 to reduce services by reducing the operating budget in order to have a 'net zero' and no
425 tax rate increase. Mr. Crowley and Mayor Sweet indicated that four new firefighters will
426 be added in the coming year as well as two new school resource officers, one new Parks
427 and Recreation staff member and two new dispatchers. Mr. Crowley indicated that the
428 closest thing to a budget cut with regards to this budget would be the elimination of
429 neighborhood cookouts provided by the city's Neighborhood Services Department.

430 Councilmember Milder expressed that he understands that we are adding some
431 additional positions and are able to do so, in part, through increased sales tax revenues.
432 The voters approved debt issuance up to seven pennies, but city staff is managing to put
433 forth a budget proposal that achieves it at 1.71 cents instead. He is concerned about the
434 custodians being understaffed and staff not being able to accomplish some of the things
435 that haven't previously been able to accomplish in the past.

436 Councilmember Pruitt asked for clarifying questions regarding the total budget and other
437 numbers. Assistant City Manager Mary Smith indicated that there is \$27,400,000.00 in
438 revenues for the general fund with increased revenues (not including ad valorem tax
439 increases) of about \$1.5 million. Councilmember Pruitt pointed out that there is expected
440 to be increased revenue from ad valorem taxes due to increases in property values. He
441 believes the increases in revenue, which will already occur without a tax increase, are
442 sufficient without needing to implement a tax rate increase for citizens.

443 Mayor Pro Tem White expressed that voters approved issuance of debt and were told
444 that a tax increase could occur but not necessarily that it would occur. He pointed out

445 that the public will have an opportunity to speak about the proposed budget and
446 proposed tax rate at the upcoming public hearing. He believes the city has a good staff
447 that will be able to manage to continue doing a good job.

448 Councilmember Daniels generally expressed concerns about continual dipping into
449 reserve funding. He does believe that voters were adequately informed of a potential tax
450 increase associated with items they approved in last year's bond election. If items can
451 be cut out of the proposed Maintenance and Operating Budget and not have any affect
452 that can be felt by citizens, then that may be fine, but it needs to be evaluated very
453 carefully. He is looking forward to hearing citizen input at the upcoming public hearings
454 and is hoping for a good turnout.

455 Mr. Crowley indicated that staff carefully selected items to be cut, being mindful of
456 choosing the items which would have the least impact on the citizens and would be non-
457 recurring. He indicated that three months and twenty-two days of reserve funds will still
458 be available if the council choses to keep the tax rate the same as it is now.

459 Brief, clarifying discussion took place related to calling the public budget hearing and
460 the action the council needs to take in order to properly publish the public hearing and
461 associated, proposed tax rate.

462 Councilmember Pruitt clarified his motion stating that, within his motion, he is proposing
463 that staff prepare a budget at the 50.25 ad valorem tax rate, which will leave the tax rate
464 'as is' for the upcoming budget year, and to call public hearings accordingly. Mayor Pro
465 Tem White indicated his motion still stands. The motion then passed by a vote of 6 ayes
466 with 1 absent (Townsend).

467

468 8. Discuss and consider approval of an **ordinance** amending the Code of
469 Ordinances in Chapter 20 Floods, Article II. Flood Hazard Damage
470 Prevention and Control, Division 3 Flood Hazard Reduction, Section 20-
471 83 Engineering Standards to add provisions regarding engineering flood
472 study consultant review fees, charging the developer, engineer or
473 property owner of private developments the cost of said consultant review
474 fees, and take any action necessary. (1st reading)

475 Mr. Crowley indicated that this item will allow the city to pass along fees regarding costs
476 associated with flood studies rather than the funding coming out of the city's general
477 fund. This year's expenditures have been right around \$40,000.00. Mr. Crowley indicated
478 that staff's proposed budget has assumed passage of this ordinance.

479 Mayor Pro Tem White made a motion to approve the ordinance as per agenda item #8.
480 Councilmember Lewis seconded the motion. The ordinance was read as follows:

481 CITY OF ROCKWALL, TEXAS
482 ORDINANCE NO. _____
483

484 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
485 TEXAS, AMENDING CHAPTER 20 FLOODS, IN ARTICLE II. FLOOD HAZARD
486 DAMAGE PREVENTION AND CONTROL, SECTION 20-83; AUTHORIZING A
487 FEE FOR OUTSIDE ENGINEERING REVIEW SERVICES FOR REVIEW OF
488 IMPACT ON FLOODPLAINS; PROVIDING FOR A PENALTY OF FINE NOT TO
489 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
490 OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED
491 ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING
492 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;

493 AND PROVIDING FOR AN EFFECTIVE DATE.
494

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

- 496 9. Discuss and consider approval of an **ordinance** amending the Code of
497 Ordinances in Chapter 38 Subdivision, Article I. In General, Section 38-15
498 Miscellaneous Requirements to provide for payment requirements
499 associated with overtime costs for engineering inspections occurring
500 outside of normal engineering inspection hours, and take any action
501 necessary. **(1st reading)**

502 **Mr. Crowley explained this agenda item, indicating that the staff's proposed budget for**
503 **the upcoming fiscal year has assumed passage of this ordinance.**

504
505 **Councilmember Lewis made a motion to approve the Ordinance as presented.**
506 **Councilmember Daniels seconded the motion. After brief discussion, the ordinance was**
507 **read as follows:**

508 CITY OF ROCKWALL, TEXAS
509 ORDINANCE NO. _____

510
511 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
512 TEXAS, AMENDING CHAPTER 38 SUBDIVISION, IN ARTICLE I. IN GENERAL,
513 SECTION 38-15 AUTHORIZING THE CITY TO ASSESS INSPECTION FEES
514 FOR INSPECTIONS OUTSIDE OF NORMAL ENGINEERING INSPECTION
515 HOURS INCLUDING CITY HOLIDAYS OR ANY WEEKEND; PROVIDING FOR A
516 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
517 DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE
518 SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A
519 VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;
520 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
521 EFFECTIVE DATE.
522

523 **The motion to approve the ordinance passed by a vote of 6 ayes with 1 absent**
524 **(Townsend).**

- 525
526 10. Discuss and consider approval of an interlocal agreement between the
527 City of Rockwall and the City of Fate for Rockwall to provide emergency
528 dispatch services to Fate, and take any action necessary.

529 **Mr. Crowley provided brief background information related to this agenda item,**
530 **indicating that the City of Fate has requested that the City of Rockwall consider**
531 **providing dispatching services for Fate. This will result in adding additional personnel**
532 **and possibly some additional equipment; however, Fate will be paying for any such**
533 **costs. Staff is recommending approval of this agreement.**

534
535 **Councilmember Pruitt expressed some concern regarding liability language within the**
536 **proposed contract. He is also concerned about the contract not stipulating that Fate will**
537 **be responsible for any additional equipment or equipment that is not functioning**
538 **properly. Additional discussion took place regarding modifying the proposed interlocal**
539 **agreement to more succinctly spell out that Fate will be responsible for any and all**
540 **needed increases in staff, equipment, dispatch facility space, and any other necessary**
541 **costs.**
542

543 Councilmember Pruitt made a motion to approve the agreement contingent upon some
544 additional language being inserted to ensure liability language is included and more
545 clear language is included to cover any and all cost increases for the above listed items.
546 Mayor Pro Tem White seconded the motion.

547
548 The motion passed by a vote of 6 ayes with 1 absent (Townsend).

549
550 11. Discussion regarding taxable value of The Harbor properties and status of
551 current city agreements related to The Harbor.

552 Assistant City Manager Mary Smith and City Manager Rick Crowley provided background
553 information related to this agenda item. The original agreement spelled out that
554 increased value on the original tracts of land at The Harbor development needed to be
555 \$58.9 million of increased value every year after a start-up period, and if the value was
556 not met, the developer would have to make a Payment in Lieu of Taxes (PILOT) in order
557 to make up the difference. When the bankruptcy occurred and TF Harbor acquired the
558 retail property the values were down, and TF Harbor protested the Central Appraisal
559 District's assessments for the last two or three years, arguing that Whittle still owned the
560 parking lot areas and their part, therefore, was not worth as much as they were being
561 assessed. The assessments were adjusted; however, a lawsuit and subsequent
562 settlement of some sort occurred in order to get the values back up again. Even though
563 the values are not up to where the city feels they should be, the city feels they are
564 moving in the right direction. Indication was given that The Hilton has been picking up
565 the value that Whittle would have otherwise been responsible for, so the value is not
566 gone, and the occupancy rates on the retail/restaurant space is at about sixty to sixty-
567 five percent occupied right now.

568 The Harbor area was created as a public / private partnership through a Tax Increment
569 Financing District (TIFF) whereby the taxes that are generated from the property go
570 towards paying for the development investment, incrementally, over time.

571 Mayor Sweet and Councilmember Lewis both indicated that they have extended
572 invitations to TF Harbor and Mr. Smith to speak with them and members of the council
573 about the future of The Harbor, but Mr. Smith has declined to attend council meetings to
574 discuss this and has failed to return phone calls. Mayor Sweet indicated that the City of
575 Rockwall has gone to great lengths to support the Harbor area, including allowing
576 franchise agreements with businesses such as Sail with Scott and hosting weekly
577 concert series by the lake. He definitely believes that the private areas of the Harbor
578 provide for a great destination location, and there should be great opportunity in the
579 retail space to attract some really great, high end retailers. Mr. Smith and TF Harbor have
580 not been forthcoming regarding engaging in discussions with the city and the council in
581 order to reassure the public as to what is being done or will be done to ensure the
582 success of this public / private partnership. Councilmember Lewis also expressed that
583 he is perplexed by the Federal Government taking over a property like this and not
584 pushing hard to get rid of it quickly to place it in private business owner's hands as soon
585 as possible.

586 Interim City Attorney Frank Garza indicated that he will look into the existing agreements
587 to see if there are provisions which would allow the city to call for an audit of some sort.

588 After additional discussion, no action was taken by council regarding this agenda item.

589

590 12. Discuss and consider appointment(s) to the city's Architectural Review
591 Board, and take any action necessary.

592 Councilmember Milder made a motion to appoint Engil Tomaj to the Architectural Review
593 Board to serve in the Engineering role (replacing Kevin Shepherd with a term expiring in
594 August of 2015). He mentioned that he is a licensed engineer and will do a good job in
595 this role. Councilmember Pruitt seconded the motion. The motion passed by a vote of 6
596 ayes with 1 absent (Townsend).

597
598 13. Discuss and consider support of retail holiday sales, and take any action
599 necessary.

600 City Manager Rick Crowley provided information related to this item, indicating that staff
601 would like to promote a "Shop Rockwall" initiative through allowing certain things such
602 as outside display of merchandise and electronic messages (ENews, website, Facebook,
603 Twitter, etc.) to encourage residents to shop locally in Rockwall during the upcoming
604 holiday shopping season. Council members expressed support for this effort. No formal
605 action was taken by council related to this item.

606
607 14. Discuss and consider development potential and related standards for
608 larger lots and homes within the city, and take any action necessary.

609 Mayor Sweet indicated that he has brought this item forward for discussion this evening.
610 He is interested in evaluating what role(s) the city may be able to play in encouraging
611 certain types of development. He wants to ensure that zoning plans and the city's future
612 developments reflect the values that our existing residents hold and are generally
613 visionary enough to accommodate the types of housing demands that will be placed on
614 the city. Mayor Sweet has received a lot of informal feedback from people in the
615 community wanting to see larger lots and larger homes. He expressed that he is
616 specifically looking at this possibility north of town and even into the city's
617 extraterritorial jurisdiction (ETJ). He would like the city to see what, if anything, staff and
618 council can do in order to encourage such housing.

619
620 City Manager Rick Crowley indicated that the city may be able to have some influence on
621 how certain areas develop in the future. For example, we may be able to waive sewer
622 requirements in favor of septic systems. Staff will need an opportunity of about forty-five
623 days to evaluate this topic and bring back some suggestions to the Council for
624 consideration.

625
626 Mayor Sweet made a motion to direct staff to bring back recommendations to the council
627 within forty-five days regarding ideas for influencing future development of larger lots
628 and larger homes within the city. Councilmember Milder seconded the motion. Mayor
629 Pro Tem White indicated that he is not necessarily in favor of creating a planned zoning
630 district, but he would be in favor of attracting certain builders, for example. The motion
631 then passed by a vote of 6 ayes with 1 absent (Townsend).

632
633 XII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
634 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

635
636 1. Departmental Reports

637 Building Inspections Monthly Report - June 2013
638 Fire Dept. Monthly Reports - June 2013
639 Harbor PD Monthly Report - June 2013
640 Internal Operations Monthly Report - June 2013
641 Police Department Monthly Report - June 2013
642 RAAC Monthly Report - June 2013
643 Recreation Monthly Report - June 2013
644 Rockwall County Committee on Aging Quarterly Report

645 2. City Manager's Report
646

647 **Mr. Crowley indicated that staff is happy to answer any questions the council may have**
648 **regarding provided departmental reports. There being no questions, at 8:49 p.m. Mayor**
649 **Sweet indicated that the Council will recess the public meeting to go into Executive**
650 **Session to discuss items #3 and #6 listed below. He then read said discussion items into**
651 **the public record as follows:**
652

653 3. Discussion regarding deliberation of appointment of City Attorney,
654 including update from council subcommittee, pursuant to Section 551.074
655 (personnel matters).

656 6. Discussion regarding appointments to city regulatory boards,
657 commissions, and committees including the Building and Standards
658 Commission, Board of Adjustments, Planning & Zoning Commission and
659 Rockwall Economic Development Corporation pursuant to Section
660 551.074 (personnel matters)

661 **Mayor Sweet recessed the public meeting at 8:50 p.m.**
662

663 XIII. EXECUTIVE SESSION

664
665 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
666 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
667 **CODE:**

668 1. Discussion regarding park property and property adjacent to the lake
669 pursuant to Section § 551.072 (Real Property)

670 2. Discussions regarding land acquisition in the downtown area for municipal
671 purposes pursuant to Section § 551.072 (Real Property).

672 3. Discussion regarding deliberation of appointment of City Attorney, including
673 update from council subcommittee, pursuant to Section 551.074 (personnel
674 matters).

675 4. Discussion regarding possible changes to Bylaws and appointments to the
676 Economic Development Corporation, including an RISD liaison and a
677 Rockwall County liaison, pursuant to § 551.071 (Consultation with Attorney)
678 and § 551.074 (Personnel Matters).

679 5. Discussion of Economic Development incentives, procedures and possible
680 projects pursuant to Section 551.087 (Economic Development)

681 6. Discussion regarding appointments to city regulatory boards, commissions,
682 and committees including the Building and Standards Commission, Board of

683 Adjustments, Planning & Zoning Commission and Rockwall Economic
684 Development Corporation pursuant to Section 551.074 (personnel matters)

685 7. Discussion regarding Economic Development retail project pursuant to
686 Section 551.087 (Economic Development)

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

688
689 **The Mayor and Council came out of Executive Session and called the public meeting**
690 **back to order at 9:22 p.m., stating that no action needed to be taken as a result of**
691 **Executive Session.**

692
693 **XV. ADJOURNMENT**

694
695 **Mayor Sweet adjourned the public meeting at 9:22 p.m.**
696
697

698 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
699 **TEXAS, this 19th day of August, 2013.**

700



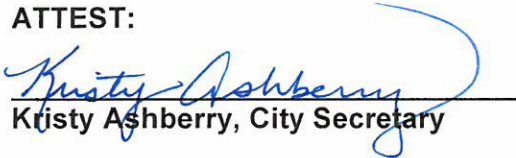
David Sweet, Mayor

701 **ATTEST:**

702

703

704


Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 19, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem David White and Councilmembers Mike Townsend, Scott Milder and
11 Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers
12 Mary Smith and Brad Griggs and Interim City Attorney Patrick Lindner. Councilmembers
13 Jim Pruitt and Dennis Lewis were absent from the meeting.
14

15 Mayor Sweet read the below listed discussion items into the public record as follows
16 before recessing the public meeting into Executive Session:
17

18 **II. EXECUTIVE SESSION.**

19
20 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
21 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
22 CODE:
23

- 24 1. Discussion regarding land acquisition in the downtown area for municipal
25 purposes pursuant to Section § 551.072 (Real Property).
26 2. Discussion regarding appointments to the Economic Development
27 Corporation, including an RISD liaison and a Rockwall County liaison,
28 pursuant to § 551.071 (Consultation with Attorney) and § 551.074
29 (Personnel Matters).
30 3. Discussion regarding park property and property adjacent to the lake
31 pursuant to Section § 551.072 (Real Property)
32

33 **III. ADJOURN EXECUTIVE SESSION**

34
35 **Executive Session was adjourned at 4:23 p.m.**
36
37
38

39
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41
42
43
44

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 19, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

45
46

IV. RECONVENE PUBLIC MEETING

47
48
49
50
51
52

Mayor Sweet reconvened the public meeting at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mike Townsend, Scott Milder and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and Interim City Attorney Patrick Lindner. Councilmembers Jim Pruitt and Dennis Lewis were absent from the meeting.

53
54

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

55
56

Mayor Sweet indicated that no action will be taken as a result of Executive Session.

57
58

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER

59
60

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

61
62

VII. CONSENT AGENDA

- 63
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86
1. Consider approval of the minutes from the August 5, 2013 regular city council meeting, and take any action necessary.
 2. Consider authorizing the City Manager to convey excess right of way to the Rockwall Economic Development Corporation (REDC), and take any action necessary.
 3. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 10, Article III "Building Code," Section 10-117 "Amendments," Section 903.2.9.3, "Exceptions" and Chapter 18, Article II "Fire Code Standards," Section 18-33 "Amendments to Adopted Code," Section 903.2.9.3, "Exceptions" to modify an exception related to one-story self-service storage facilities that have no interior corridors regarding installation of automatic fire sprinkler systems, and take any action necessary. **(2nd reading)**
 4. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 20 Floods, Article II. Flood Hazard Damage Prevention and Control, Division 3 Flood Hazard Reduction, Section 20-83 Engineering Standards to add provisions regarding engineering flood study consultant review fees, charging the developer, engineer or property owner of private developments the cost of said consultant review fees, and take any action necessary. **(2nd reading)**
 5. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 38 Subdivision, Article I. In General, Section 38-15 Miscellaneous Requirements to provide for payment requirements associated with overtime costs for engineering inspections occurring

87 outside of normal engineering inspection hours, and take any action
88 necessary. **(2nd reading)**

- 89 6. Z2013-017 - Consider approval of an **ordinance** for a request by Stacy
90 McVey on behalf of Double Eagle Properties, LLC for the approval of a
91 Specific Use Permit to allow for a restaurant (exceeding 2,000 square
92 feet) with a drive-through and drive-in within Planned Development
93 District 9 (PD-9) for a property designated for General Retail (GR) District
94 uses, described as a 0.9218-acre portion of a larger tract of land identified
95 as Tract 4-9, E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall
96 County, Texas, zoned Planned Development District 9 (PD-9), situated
97 within the Scenic Overlay (SOV) District, located at the northeast corner
98 of the intersection of Ridge Road [FM-740] and Summer Lee Drive, and
99 take any action necessary. **(2nd Reading)**
- 100 7. Consider approval of a Mutual Aid Agreement between the City of
101 Rockwall and the North Central TX Council of Governments (NCTCOG)
102 regarding the provision of Public Works related mutual aid following major
103 natural disasters, civil or other emergencies, and take any action
104 necessary.
- 105 8. Consider authorizing the City Manager to renew an annual contract with
106 Weldon's Lawn for grounds maintenance of city facilities in the amount of
107 \$186,000 to be funded out of the Parks Operating Budget, and take any
108 action necessary.

109 **Regarding the Consent Agenda, Councilmember Townsend pulled item #1. Mayor**
110 **Pro Tem White made a motion to approve the remaining Consent Agenda items.**
111 **Councilmember Daniels seconded the motion. The ordinances were read as**
112 **follows:**

113 CITY OF ROCKWALL, TEXAS
114 ORDINANCE NO. 13-26
115

116 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
117 AMENDING CHAPTER 10, ARTICLE III "BUILDING CODE," SECTION 10-117
118 "AMENDMENTS," SECTION 903.2.9.3, "EXCEPTIONS" AND CHAPTER 18, ARTICLE
119 II "FIRE CODE STANDARDS," SECTION 18-33 "AMENDMENTS TO ADOPTED
120 CODE," SECTION 903.2.9.3, "EXCEPTIONS," TO MODIFY AN EXCEPTION
121 RELATED TO ONE-STORY SELF-SERVICE STORAGE FACILITIES THAT HAVE NO
122 INTERIOR CORRIDORS REGARDING INSTALLATION OF AUTOMATIC FIRE
123 SPRINKLER SYSTEMS; PROVIDING FOR REPEALING, SAVINGS AND
124 SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR
125 AN EFFECTIVE DATE.
126

127 CITY OF ROCKWALL, TEXAS
128 ORDINANCE NO. 13-27
129

130 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
131 TEXAS, AMENDING CHAPTER 38 SUBDIVISION, IN ARTICLE I. IN GENERAL,
132 SECTION 38-15 AUTHORIZING THE CITY TO ASSESS INSPECTION FEES
133 FOR INSPECTIONS OUTSIDE OF NORMAL ENGINEERING INSPECTION
134 HOURS INCLUDING CITY HOLIDAYS OR ANY WEEKEND; PROVIDING FOR A
135 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
136 DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE

137 SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A
138 VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE;
139 PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
140 EFFECTIVE DATE.

141
142 CITY OF ROCKWALL, TEXAS
143 ORDINANCE NO. 13-28
144

145 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
146 TEXAS, AMENDING CHAPTER 20 FLOODS, IN ARTICLE II. FLOOD HAZARD
147 DAMAGE PREVENTION AND CONTROL, SECTION 20-83; AUTHORIZING A
148 FEE FOR OUTSIDE ENGINEERING REVIEW SERVICES FOR REVIEW OF
149 IMPACT ON FLOODPLAINS; PROVIDING FOR A PENALTY OF FINE NOT TO
150 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
151 OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED
152 ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING
153 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
154 AND PROVIDING FOR AN EFFECTIVE DATE.

155
156 CITY OF ROCKWALL
157 ORDINANCE NO. 13-29
158 SPECIFIC USE PERMIT NO. S-110
159

160 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
161 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
162 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO APPROVE A
163 SPECIFIC USE PERMIT (SUP) TO ALLOW A RESTAURANT (EXCEEDING
164 2,000 SQUARE FEET) WITH A DRIVE-THROUGH OR DRIVE-IN WITHIN
165 PLANNED DEVELOPMENT DISTRICT 9 (PD-9) FOR A PROPERTY
166 DESIGNATED FOR GENERAL RETAIL (GR) DISTRICT USES AS
167 SPECIFIED WITHIN ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED
168 DEVELOPMENT CODE, FOR A 0.9218-ACRE PORTION OF TRACT 4-9, E.
169 TEAL SURVEY, ABSTRACT NO. 207, CITY OF ROCKWALL, ROCKWALL
170 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
171 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO
172 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
173 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
174 PROVIDING FOR AN EFFECTIVE DATE.
175

176 The motion passed by unanimously of those council members present (Pruitt and
177 Lewis absent).

178 Regarding Consent Agenda Item #1, Councilmember Townsend indicated he was
179 absent from the meeting and wishes to abstain. Mayor Pro Tem White made a
180 motion to approve Consent Agenda item #1. Councilmember Daniels seconded
181 the motion, which passed by a vote of 4 ayes, 2 absent (Pruitt and Lewis) and 1
182 abstention (Townsend).

183 VIII. APPOINTMENTS
184

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

188 **Planning Director Robert LaCroix indicated that no chairman or representative from the**
189 **Commission is present this evening. Therefore, this item was not addressed and no**
190 **action was taken.**

- 191
192 2. **Appointment with a representative of the Rockwall High School Orange**
193 **Wave Band to request a waiver of fees for a band function at Harry Myers**
194 **Pool and take any action necessary.**

195 **Mayor Pro Tem White made a motion to waive the fee in the amount of \$190.00.**
196 **Councilmember Milder seconded the motion, which passed by a vote of 5 ayes with 2**
197 **absent (Lewis and Pruitt).**

- 198
199 3. **Appointment with Mr. Jack Athey to hear concerns related to the Ralph M.**
200 **Hall / Rockwall Municipal Airport and take any action necessary.**

201 **Mr. Jack Athey**
202 **1780 Airport Road**
203 **Rockwall, TX**
204

205 **Mr. Athey indicated he received a copy of an airport development plan from the city. He**
206 **is concerned about plane crashes that have occurred between the runway and the**
207 **railroad tracks since the 1950s. He is also concerned about the plan which indicates**
208 **consideration of jet planes in the future. He believes this could pose a more serious**
209 **safety concern, especially as related to possible realignment of Airport Road along the**
210 **area of the railroad tracks.**

211
212 **Mayor Sweet thanked Mr. Athey for his comments, letting him know that a subcommittee**
213 **of the city council continues to study the airport and future airport related plans. The**
214 **Council took no action related to this item.**

- 215
216 4. **Appointment with Molly Peterson of the Collin County Humane Society to**
217 **hear annual report regarding Rockwall Animal Adoption Center**
218 **operations, and take any action necessary.**

219 **Mrs. Peterson came forth and reported on the Adoption Center's annual financials and**
220 **live outcome numbers. She expressed concern about the city's current ordinance**
221 **related to "dog on dog" (animal on animal) bites that occur and result in the animal**
222 **having to be quarantined. Assistant City Manager Brad Griggs indicated that he has**
223 **spoken with the Texas State Department of Health Services, and the State indicated that**
224 **the city is probably being a little bit too cautious regarding this issue. He offered that**
225 **staff could bring back an ordinance modification for council consideration within the**
226 **next month or so related to eliminating quarantine requirements for animal on animal**
227 **bites that do not involve wildlife.**

228
229 **Mrs. Peterson expressed interest in the Council considering charging an owner**
230 **surrender fee for those wishing to turn their animal over to the shelter. She also urged**
231 **the council to consider requiring owner surrenders to be done by appointment only, two**
232 **to three weeks in advance. She believes this may help with overcrowding in the shelter.**
233 **She also wants the council to consider requiring spay/neuter services for parents of**
234 **unwanted surrendered litters for those who are unable to financially afford it.**
235

236 Mayor Sweet indicated that outsourcing operation of the shelter has resulted in saving
237 the taxpayers 15% and resulted in achieving consistent live outcomes of 96% even with
238 an 8% annual intake increase.

239
240 Councilmember Daniels made a motion to instruct staff to amend the city's ordinance
241 regulations to discontinue requiring quarantine of animals involved in animal on animal
242 bites. Mayor Pro Tem White seconded the motion, which passed by a vote of five in
243 favor with 2 absent (Pruitt and Lewis).

244
245 Councilmember Daniels is in favor of having perhaps as much as a \$50 owner surrender
246 fee, but he definitely believes that a fee is prudent.

247
248 Mayor Sweet indicated that he is in favor of requiring that owner surrenders be accepted
249 by appointment only. However, he has concerns about residents who might be inclined
250 to let dogs out to run stray on the streets because they are unable to afford an 'owner
251 surrender fee.'

252
253 Councilmember Townsend asked if owner surrenders can be tied back to accepting only
254 owner surrenders from city residents whose pet that is being surrendered is registered
255 with the city. Mrs. Petterson indicated that the pets that are being surrendered are
256 almost always not registered.

257
258 Councilmember Milder made a motion to move forward with establishing the following as
259 recommended and requested by Mrs. Petterson:

- 260
261 • a \$40 Owner Surrender fee (for walk-ins) with a \$5 fee for each additional pet under 6
262 months of age
263 • free Owner Surrender (city residents) for intake appointments made 2-3 weeks in
264 advance
265 • ability to Provide Spay/Neuter service for parents of unwanted surrendered litters with
266 payment for this service being a requested donation

267
268 Mayor Pro Tem White seconded the motion.

269
270 Councilmember Daniels indicated he can support the motion if Mrs. Peterson agrees to
271 come back to the council in one year to report on how this owner surrender fee and other
272 modifications are working.

273
274 The motion passed unanimously of council present (5 in favor with two absent (Pruitt
275 and Lewis)).

276
277 Mayor Sweet then recessed the public meeting and called for a short break (7:41 p.m.).

278
279 **IX. PUBLIC HEARING ITEMS**

- 280
281 1. Hold a public hearing to receive citizen input regarding the proposed
282 Fiscal Year 2013-14 Budget and tax rate, and take any action necessary.

283 City Manager Rick Crowley provided comments summarizing some of the highlights of
284 the proposed budget. Assistant City Manager Mary Smith then provided a brief summary
285 of revenues that are projected for the upcoming fiscal year.

286
287 **Mr. Crowley explained that a 51.37 cent tax rate is the effective rate which will result in**
288 **the same amount of ad valorem taxes being raised next year as were raised this year. A**
289 **50.25 cent tax rate represents the current tax rate, which is the rate the council indicated**
290 **they would like to adopt for the upcoming fiscal year.**

291
292 **Mayor Sweet opened the public hearing, asking if anyone would like to come forth and**
293 **speak related to this agenda item. There being no one wishing to speak, Mayor Sweet**
294 **then closed the public hearing.**

295
296 **Councilmember Daniels spoke regarding some benefit-related items associated with the**
297 **city's volunteer firefighters that will result in about a \$4,000.00 increase in the city's**
298 **proposed budget. Councilmember Daniels generally expressed that the city depends on**
299 **its volunteer firefighters, and he believes it is prudent to consider including this**
300 **\$4,000.00 annual increase in the budget. He shared that he serves as the city council**
301 **member liaison to the firefighter pension board.**

302
303 **Mayor Pro Tem White made a motion to bring back ordinances reflecting a budget based**
304 **on a 50.25 cent tax rate, adding in the \$4,000.00 requested by Councilmember Daniels for**
305 **the volunteer firefighter benefits. Councilmember Daniels seconded the motion. The**
306 **motion passed by a vote of 5 ayes with two absent (Pruitt and Lewis).**

307
308 **X. SITE PLANS / PLATS**

309
310 **1. P2013-025 - Discuss and consider a request by Maria C. Bonilla for the**
311 **approval of a replat for Lots 23, 24 & 25, Block A, Horizon Ridge Addition**
312 **containing four (4) non-residential lots, zoned Commercial (C) District, on**
313 **14.4-acres, currently identified as Lots 6, 17, 18 & 19, Block A, Horizon**
314 **Ridge Addition, City of Rockwall, Texas, generally located at the**
315 **southeast corner of Ridge Road (FM-740) and Horizon Road (FM-3097),**
316 **situated within the Scenic Overlay (SOV) District, and take any action**
317 **necessary**

318 **Planning Director Robert LaCroix indicated that the existing Kroger store would like to**
319 **expand and is purchasing additional property from the shopping center owner. This item**
320 **will adjust the property lines to accommodate this request. All technical requirements**
321 **will be adhered to by the applicant.**

322 **Mayor Pro Tem White made a motion to approve P2013-025. Councilmember Daniels**
323 **seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Lewis).**

324
325 **2. SP2013-019 - Discuss and consider a request by Michael Johnston on**
326 **behalf of the owner Seper Rasti for variances to the site design standards**
327 **and the roof design standards of the Scenic Overlay (SOV) District in**
328 **association with an approved Site Plan to construct two (2) office**
329 **buildings on a 1.02-acre parcel of land identified as Lot 13-R, Block A,**
330 **Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas; zoned**
331 **Planned Development District 9 (PD-9), situated within the Scenic**
332 **Overlay (SOV) District, and generally located south of IH-30 on the east**
333 **side of FM-740 (Ridge Road), and take any action necessary.**

334 Planning Director Robert LaCroix provided background information related to this item,
335 indicating that this is a site plan which has already been approved by the Planning &
336 Zoning Commission; however, some variance approvals associated with the site plan are
337 being sought from the city council by the applicant at this time. He explained that
338 variances being requested by the applicant are related to roof pitch and parking. He
339 clarified that the Planning & Zoning Commission has already approved the site plan and
340 has recommended that the council approve the requested variances. Since this is
341 located in an overlay district, it will require four out of the five council members present
342 this evening to vote in favor of the variances in order for them to be approved.

343
344 Mayor Sweet then called forth the applicant.

345
346 Mr. Ross Ramsay
347 2235 Ridge Road
348

349 Mr. Ross Ramsay came forward and explained the details of his variance requests.
350 Councilmember Daniels asked why the roof is proposed to be more flat than pitched. Mr.
351 Ramsay generally indicated that it is easier to deal with the air conditioning units.

352
353 Councilmember Milder asked if similar roof variances have been granted in the past, and
354 Mr. LaCroix indicated that, yes, they have been granted in the past.

355
356 Councilmember Daniels made a motion to approve SP2013-019. Mayor Pro Tem White
357 seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Lewis).

- 358
359 3. **SP2013-020** - Discuss and consider a request by Bruce Dunne of Icon
360 Consulting Engineers, Inc. for a variance to the site design standards of
361 the IH-30 Overlay (IH-30 OV) and the SH-205 Overlay (SH-205 OV)
362 Districts in association with an approved Site Plan for a Luby's
363 Fuddruckers restaurant on a 2.230-acre parcel of land that is identified as
364 Lot 11, Block 1, Rockwall Centre Corners Addition, City of Rockwall,
365 Rockwall County, Texas, zoned Commercial (C) District, situated within
366 the IH-30 Overlay (IH-30 OV) District and the SH-205 Overlay (SH-205
367 OV) District, and located at the southeast corner of the intersection of
368 Interstate 30 (IH-30) and S. Goliad St. (SH-205), and take any action
369 necessary.

370 Planning Director Robert LaCroix provided background information related to this item,
371 indicating that the Planning and Zoning Commission did suggest making some
372 recommended changes. The applicant has gone ahead and incorporated those
373 suggested changes into the site design. The Planning & Zoning Commission has
374 recommended approval of this item.

375
376 Mr. Bruce Dunne representing Fuddruckers/Luby's
377 250 West Southlake Boulevard
378 Southlake, Texas
379

380 Mr. LaCroix indicated that this does require $\frac{3}{4}$ majority vote approval of the council since
381 it is located in an overlay district.
382

383 Mayor Pro Tem White made a motion to approve SP2013-020. Councilmember Townsend
384 seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Lewis).
385

386 **XI. ACTION ITEMS**
387

- 388 1. Discuss and consider a request from Mrs. Karen D Clayton with MidSouth
389 Bank for a height variance for a pole sign located at 1102 IH 30, and take
390 any action necessary.

391 Building Official, Jeffrey Widmer, came forth and provided brief background information
392 related to this agenda item, indicating that this request is for a sign height variance. He
393 generally expressed that the applicant would like to build a taller sign in order to
394 overcome sight challenges for drivers on IH-30. This property is located in the IH-30
395 overlay district, so it will require a ¾ majority vote of the council for approval. He
396 indicated that the applicant is limited to a 200 square foot sign, and the ordinance would
397 normally call for a thirty-foot tall sign.
398

399 In response to questions from Councilmember Townsend, Mr. Widmer indicated that a
400 48' tall sign for In & Out Burger was granted by council. A 60' tall sign was approved for
401 Raising Canes Chicken, and the Toyota was granted a 50' tall sign.
402

403 Mr. Craig Gidrie (unsure of spelling of last name)
404 MidSouth Bank, Director of Facilities
405

406 Craig came forth and indicated that he would like the council to consider allowing
407 MidSouth Bank to install up to a 277 square foot sign on a 50' high pole sign. He'd like
408 visibility so that customers on IH-30 will be able to see the sign and have time to exit. He
409 expressed that he understands general businesses are usually only allowed a 30' sign.
410 He knows that lodging, restaurants and fuel type of businesses are allowed larger, higher
411 signs.
412

413 Mr. Widmer provided some clarification, indicating that the city's sign ordinance only
414 allows a 200 square foot sign, and there is no variance provision for a 'general business'
415 wanting a larger square foot sign; however, the applicant is able to request a taller sign
416 and receive a variance from the council for such. Also, City Attorney Patrick Lindner
417 indicated that the agenda item wording only allows for consideration of a height
418 variance, not a size (square foot) variance.
419

420 Councilmember Milder indicated that he understands allowing variances for gas, food
421 and lodging businesses, but he is not sure such variances would be appropriate for a
422 bank.
423

424 Mayor Pro Tem White made a motion to approve the applicant's request for a 50' pole
425 sign. Councilmember Daniels seconded the motion.
426

427 Councilmember Townsend clarified that the sign would be 50' but would only be 200
428 square feet in size.
429

430 The motion to approve the variance passed by a vote of 4 in favor, 1 against (Milder) and
431 2 absent (Pruitt and Lewis).
432

433 2. Discuss and consider a request from Mr. Tommy Bell with Barnett Sign
434 representing Honda of Rockwall for approval of a sign plan located at
435 1550 IH 30, and take any action necessary.

436 **Mr. Widmer came forth and explained the details of the proposed sign plan. He explained**
437 **that the applicant would like a 300 square foot sign (instead of 200 square feet) and an 8'**
438 **tall wall sign in lieu of a 6' tall wall sign. Also, two, on-site directional signs are being**
439 **requested that are slightly taller and slightly larger than what the sign ordinance allows.**
440 **Mr. Widmer clarified that this sign will be a static sign and will not be an LED sign.**

441
442 **Mr. Tommy Bell**
443 **Barnett Sign**
444 **4250 Action Drive**
445 **Mesquite, Texas**

447 **Mr. Bell came forth and briefly explained the details of his sign plan request.**

448
449 **Mayor Pro Tem White made a motion to approve the proposed sign plan for Honda of**
450 **Rockwall. Councilmember Townsend seconded the motion. After brief discussion, the**
451 **motion to approve passed by a vote of 5 ayes with 2 absent (Pruitt and Lewis).**

452
453 3. Discuss and consider a request by Rockwall Housing Authority to waive
454 their PILOT tax (Payments in Lieu of Taxes) for Fiscal Year 2012, and
455 take any action necessary.

456 **City Manager Rick Crowley indicated that this same waiver was brought before the**
457 **council for consideration last year and was approved at this time. He indicated that this**
458 **waiver is a practice and courtesy that has been granted for decades, and staff**
459 **recommends approval of the waiver at this time.**

460
461 **Mayor Pro Tem White asked for clarification regarding if he needs to recuse himself from**
462 **the vote due to his father being recently appointed to serve on the Rockwall Housing**
463 **Authority Board. Interim City Attorney Patrick Lindner recommended that he recuse**
464 **himself out of an abundance of caution.**

465
466 **Councilmember Daniels made a motion to approve the waiver as requested.**
467 **Councilmember Townsend seconded the motion, which passed by a vote of 4 ayes with 1**
468 **abstention (White) and two absent (Pruitt and Lewis).**

469
470 **Mayor Sweet adjourned the meeting at 7:39 p.m.**

471
472 **XII. EXECUTIVE SESSION**

473
474 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
475 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
476 **CODE:**

477
478 1. Discussions regarding land acquisition in the downtown area for
479 municipal purposes pursuant to Section § 551.072 (Real Property).

480 2. Discussion regarding appointments to the Economic Development
481 Corporation, including an RISD liaison and a Rockwall County liaison,

482 pursuant to § 551.071 (Consultation with Attorney) and § 551.074
483 (Personnel Matters).

484 3. Discussion regarding park property and property adjacent to the lake
485 pursuant to Section § 551.072 (Real Property)

486

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

488

489 **The Council did not reconvene into Executive Session following the 6:00 p.m. public**
490 **meeting, so no action was necessary or taken.**

491

492 **XIV. ADJOURNMENT**

493

494 **The public meeting was adjourned at 7:39 p.m.**

495

496

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

498 **TEXAS, this 3rd day of September, 2013.**

499



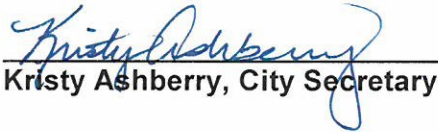
David Sweet, Mayor

500 **ATTEST:**

501

502

503



Kristy Ashberry, City Secretary

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 03, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor Sweet, Mayor Pro Tem White and Council Members Jim Pruitt, Mike Townsend, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Councilmember Milder was absent from the meeting. Mayor Sweet read the below listed discussion items into the public record before recessing the public meeting into Executive Session.

II. EXECUTIVE SESSION

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

1. Discussion regarding deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
2. Discussion regarding appointments to the Economic Development Corporation, including an RISD liaison and a Rockwall County liaison, pursuant to § 551.071 (Consultation with Attorney) and § 551.074 (Personnel Matters).
3. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (personnel matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 4:26 p.m.

AGENDA
ROCKWALL CITY COUNCIL
Tuesday, September 03, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Sweet called the public meeting back to order at 6:00 p.m.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to appoint Linda Duran as the Rockwall Independent School District (RISD) Liaison to the Rockwall Economic Development Corporation (REDC). Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

Mayor Pro Tem White made a motion to appoint Gary Bunch to the Rockwall Economic Development Corporation Board (to finish out the term of former board member, Sarah Kesting, through December of 2014). Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

Mayor Pro Tem White made a motion to appoint Davidson, Troilo, Ream & Garza as the City Attorney and authorize the Mayor to execute the contract. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VII. PROCLAMATIONS / AWARDS

1. Blood Cancer Awareness Month

Mayor Sweet read the proclamation. No action was taken.

VIII. OPEN FORUM

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the August 19, 2013 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution regarding the abandonment of an existing utility easement to Rockwall Central S/C II Ltd. for the Quik Trip project, authorizing the Mayor to execute and issue a quitclaim deed, and take any action necessary.

3. Consider approval of a resolution regarding the abandonment of an existing sanitary sewer easement to Rockwall Central S/C II Ltd., for the Quik Trip project, authorizing the Mayor to execute and issue a quitclaim deed, and take any action necessary.
4. Consider approval of a resolution regarding the abandonment of an existing fire lane easement to Rockwall Central S/C II Ltd., for the Quik Trip project, authorizing the Mayor to execute and issue a quitclaim deed, and take any action necessary.
5. Consider approval of an **ordinance** amending the city's Code of Ordinances in Chapter 6. Animals, Article IV. Rabies Control, Sec. 6-120. Procedure for Biting Animals to provide for updated quarantine provisions, and take any action necessary. **(1st Reading)**
6. Consider approval of a resolution authorizing the City Manager to execute a notice of Renunciation and Reconveyance of Gift of real property by Happy Country Homes of Texas, and take any action necessary.
7. P2013-028 - Consider a request by Bobby Samuel of Skorburg Company for the approval of a final plat for a 12.003-acre tract of land, identified as Lot 1, Block A of the RISD Elementary School Addition, being situated within the W. T. DeWeese Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70), generally located south of FM-552 and east of SH-205, and take any action necessary.

Mayor Pro Tem White made a motion to approve the entire consent agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Townsend seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 6. ANIMALS, ARTICLE IV. RABIES CONTROL, SEC.6-120 PROCEDURE FOR BITING ANIMALS TO PROVIDE FOR UPDATED QUARANTINE PROVISIONS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENTS

Mayor Sweet indicated that he will reorder the agenda to address Appointment Item #3 at this time, as neither Mr. Roberts nor Mr. Self were present at this point during the meeting so that the first two Appointment Items could be discussed.

1. Appointment with Marlyn Roberts to discuss alternatives to the exterior building materials and roofing requirements as required by the approval of the special exception granted for the incidental display located at 2325 S. Goliad, and take any action necessary.

Mr. Roberts did not show up for the meeting and was therefore not present to address this agenda item. As a result, the council did not speak about this item nor take any action.

2. Appointment with Scott Self of Sail with Scott to discuss and consider approval of an additional boat dock at The Harbor, and take any action necessary.

Mr. Self came forth to express that he would like to receive city council approval for him to construct an additional, second boat dock at The Harbor that would essentially extend his existing boat dock by forty-feet. He explained that the additional boat dock is needed in order for his business to continue operation because the existing, first boat dock, is currently severely impacted by the drought and low lake levels. He then provided a general update to the council regarding Sail with Scott, indicating that his business is generally doing very well. He also indicated that he has a lot of repeat customers and that a lot of his customers are individuals who do not live within the City of Rockwall. He also shared that the additional boat his brother wanted to purchase will not be coming to fruition any time soon, as the company who makes the boat is backlogged and no deliveries will take place in 2014 for any new boat orders. Mr. Self indicated that once he receives approval from the Rockwall City Council regarding this boat dock, he will then go to the City of Dallas to seek their approval for this boat dock as well.

After additional, brief discussion, Councilmember Pruitt made a motion to approve the boat dock, extending the existing dock by forty-feet. Mayor Pro Tem White seconded the motion. Mayor Sweet offered comments of dissatisfaction regarding the current landowner / operator of The Harbor. After the Mayor's brief comments, the motion to approve passed by a vote of 6 ayes with 1 absent (Milder).

3. Appointment with Kathy Howe, ANB Trust to hear recommendations regarding the City's 457 Deferred Compensation plan, and take any action necessary

Mrs. Kathy Howe came forth, explaining that she is an Executive Vice President of ANB Trust and leads the wealth management group, which includes the Trust Department of the bank. She and her staff, including Jeff Atwell, have been evaluating the city's 457 Deferred Compensation Plan to determine how the plan may be improved for participants and the costs may be lowered. As a result of their evaluation, they are recommending the city enter into an agreement with One America for record keeping services.

Mayor Pro Tem White made a motion to accept the report and authorize the city attorney review the documents presented. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

XI. ACTION ITEMS

1. Discuss and consider approval of an **ordinance** amending the budget for fiscal year 2013, and take any action necessary.

Mary Smith indicated that this ordinance will reflect the amended budget as reviewed by the council at its budget retreat. Mayor Pro Tem White made a motion to approve the ordinance. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR
OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; PROVIDING FOR AN
EFFECTIVE DATE.

The motion passed unanimously of council present (Milder absent).

2. Discuss and consider approval of an **ordinance** adopting the budget for fiscal year 2014, and take any action necessary.

City Manager Rick Crowley provided information related to this agenda item, pointing out that the money for potential conversion of Harry Myers Pool to a spray ground is included in this budget as is a Fire command vehicle for the Fire Department. Discussions regarding the pool at Harry Myers will be continuing with the Park Board and a public meeting will be held for citizen input before the city council will be afforded an opportunity to make a definitive decision on this matter. General questions and discussion took place related to purchasing and use of water from the North TX Municipal Water District. After the discussion, Mayor Pro Tem White made a motion to approve the ordinance adopting the budget for fiscal year 2014. Councilmember Daniels seconded the motion. Mayor Sweet read the following statement into the public record:

This budget will raise less revenue from property taxes than last year's budget by the amount of \$130,455, which is a decrease of .78% from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$ 551,129.

The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 13-32

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, 2013, THROUGH SEPTEMBER 30, 2014; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

3. Discuss and consider approval of an **ordinance** levying ad valorem taxes for the tax year 2013 and take any action necessary.

Assistant City Manager Mary Smith indicated that the debt rate is higher this year, but the maintenance and operations rate is lower. Councilmember Pruitt then made a motion to approve the ordinance which reflects the tax rate at \$.5025 per \$100 of assessed value. Mayor Pro Tem White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2013 AT A RATE OF \$.5025 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2013 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 2013 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

Councilmember Pruitt indicated that city staff and the council worked diligently to prepare and finalize a budget that allows the tax rate to stay the same and absorb the items that were approved by voters in the bond election last year. He thanked the council and staff for their hard work related to this budget.

4. Discuss and consider approval of an exception to the Code of Ordinance in Chapter 44 Utilities, Article IV Sewers & Sewage Disposal, Division 5 On-Site Sewage Facility, Section 44-243(c) regarding a 1.41 acre tract of land located at the northwest corner of Clem Road and Stodghill Road (FM 3549) to allow the permitting of an on-site sewage facility, and take any action necessary.

City Engineer Tim Tumulty provided brief background information related to this item, indicating that residents within 200 feet of the property were notified regarding this exception request. City Attorney Frank Garza indicated that this item will need to be brought back before the council as a public hearing item on a future city council meeting agenda. After brief discussion regarding the process that will need to take place, no action was taken by council.

5. Discuss and consider approval of an ordinance altering the prima facie speed limits establishes for vehicles under the provisions of the transportation code, Section 545.356, upon Corporate Crossing from IH-30 to SH-276 lowering the speed limit to 50 miles per hour, and take any action necessary. (1st reading)

Mr. Tumulty indicated that this roadway was recently reconstructed from a two-lane roadway to a four-lane divided roadway, and it transferred from state oversight to city oversight. Kimley-Horne performed a speed study on this roadway, and the resulting report reflected a recommended speed limit of 50 miles per hour. Mayor Pro Tem White made a motion to approve the ordinance setting the speed limit at 50 mph. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 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 THE TRANSPORTION CODE, SECTION 545.356, UPON CORPORATE CROSSING FROM IH30 TO SH 276, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

6. Discuss and consider approval of a resolution establishing a public hearing date to consider the updated land use assumptions for establishing updated roadway impact fees, a capital improvements plan and the adoption of roadway impact fees.

Planning Director Robert LaCroix explained that the council needs to set a public hearing date through passage of a resolution. Following the public hearing, the council will be asked to consider adopting land use assumptions and roadway impact fees. After brief discussion, Councilmember Lewis made a motion to approve the resolution. Mayor Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

7. Discuss and consider appointments to the city's Historic Preservation Advisory Board, Animal Advisory Board and Park Board, and take any action necessary.

Councilmember Pruitt made a motion to appoint Ken Dickson to serve on the Animal Advisory Board. Mayor Pro Tem White seconded the motion, which passed by a vote of 5 ayes with 1 against (White), and 1 absent (Milder).

Councilmember Milder made a motion to reappoint Bob Lewis to an additional term on the city's Park Board (to begin immediately and run through August 2015) and to appoint Denise Smith to the Park Board to replace Chandra Karlen (to begin immediately and run through August of 2015). Councilmember Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).

Mayor Sweet then called for a ten minute break. Once the council meeting reconvened (at 7:00 p.m.), Mayor Sweet announced that Appointment Item #2 would be addressed by Council.

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 - July 2013
 - Fire Dept. Monthly Reports - July 2013
 - Harbor PD Monthly Report - July 2013
 - Internal Operations Department Monthly Report - July 2013
 - Police Department Monthly Report - July 2013
 - Recreation Monthly Report - July 2013
 - RAAC Monthly Report - July 2013
2. City Manager's Report

Rick Crowley, City Manager, indicated that several departmental reports have been included in the city council meeting packets this evening. He indicated that the upcoming date that staff and council were considering related to a council/staff retreat is not going to work out after all, so staff will be getting back with council on either an alternative date or location proposal. The council's Naming Subcommittee and the Hotel/Motel Occupancy Tax Subcommittee will each soon have a meeting. Staff will be contacting those who serve on these two subcommittees soon to schedule those meetings. He further indicated that City Engineer Tim Tumulty has been working with TXDOT (the state) and traffic planners for FM-3549 and FM-551 regarding the rebuilding of the ramp at FM-3549 and IH-30. They are currently evaluating alternative traffic flow and ramp on and off access options, so this may be a topic that will come before council and/or the countywide Traffic Planning Consortium in the future. Mr. Crowley reported that Rockwall's Police Chief, Fire Chief, several staff members and himself have met with the County Sheriff Eavenson to evaluate the new radio system that the county is proposing, and staff does feel like this may be a good system for the City of Rockwall to become a part of as well. The county will first move to upgrade the Sheriff's immediate needs for a new radio system, which will allow Rockwall time to evaluate any necessary software or other needs in order to then consider becoming a part of that new radio system. Staff will also continue working on the possibility of a joint dispatch center with the County and will keep the council informed regarding this matter. A public hearing will be held tomorrow night with the Park Board in the City Hall Council Chambers in order to hear citizen input regarding the pool at Harry Myers Park.

Mayor Sweet adjourned the meeting at 7:13 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 deliberation of appointment of City Attorney, including update from council subcommittee, pursuant to Section 551.074 (personnel matters).
2. Discussion regarding appointments to the Economic Development Corporation, including an RISD liaison and a Rockwall County liaison, pursuant to § 551.071 (Consultation with Attorney) and § 551.074 (Personnel Matters).
3. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, Planning & Zoning Commission and Rockwall Economic Development Corporation pursuant to Section 551.074 (personnel matters)

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

The Council did not reconvene into Executive Session following the end of the public agenda items. See start of 6:00 p.m. public meeting above for actions taken as a result of the first Executive Session.

XV. ADJOURNMENT

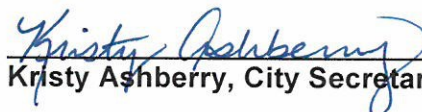
Mayor Sweet adjourned the meeting at 7:13 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of September, 2013.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, September 16, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members as well as City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza were present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to appoint Johnny Lyons to the Planning & Zoning Commission to replace Phillip Herbst for an initial term to expire in August of 2016. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to accept the parkland dedication gift near Raymond Cameron Lake (at SH-66 and Caruth Lane) if offered by the Caruth Lakes Homeowners Association (HOA). Councilmember Townsend seconded the motion, which 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. PROCLAMATIONS / AWARDS

1. Constitution Week

Mayor Sweet called members of the Daughters of the American Revolution (DAR) forth to say some brief words related to the United States Constitution. Mayor Sweet then read the proclamation proclaiming September 17-23, 2013 as Constitution Week in the City of Rockwall.

2. Hispanic Heritage Month

Mayor Sweet indicated he has received several inquiries regarding interest in having him recognize Hispanic Heritage Month. He then read the proclamation into the record, declaring September 15 through October 15, 2013 as Hispanic Heritage Month in the City of Rockwall.

IX. CONSENT AGENDA

- 1.** Consider approval of the minutes from the September 3, 2013 regular city council meeting, and take any action necessary.
- 2.** Consider approval of Change Order Number Four to XIT Paving and Construction, Inc. in the amount of \$79,274.81 as authorized by 2005 Bond Program, for additional work performed on the Corporate Crossing

142 Paving and Drainage Improvement Project, and take any action
43 necessary.

44 3. Consider adoption of a resolution amending the city's investment policy,
145 and take any action necessary.

146 4. Consider approval of an interlocal agreement with Rockwall Central
147 Appraisal District for the collection of property taxes, in the amount of
148 \$68,734, to be funded from the administration operating budget, and take
149 any action necessary.

150 5. **P2013-027** - Consider a request by Bobby Samuel on behalf of the
151 Skorburg Company for the approval of a final plat for Stone Creek, Phase
152 V being a 13.602-acre tract of land situated within the W. T. DeWeese
153 Survey, Abstract No. 71, City of Rockwall, Rockwall County, Texas, and
154 containing 45 single family residential lots, zoned Planned Development
155 District 70 (PD-70), generally located south of FM-552 and east of SH-
156 205, and take any action necessary.

157 6. Consider approval of an **ordinance** amending the city's Code of
158 Ordinances in Chapter 6. Animals, Article IV. Rabies Control, Sec. 6-120.
159 Procedure for Biting Animals to provide for updated quarantine
160 provisions, and take any action necessary. **(2nd Reading)**

161 7. Consider approval of an **ordinance** altering the prima facie speed limits
162 establishes for vehicles under the provisions of the transportation code,
163 Section 545.356, upon Corporate Crossing from IH-30 to SH-276
64 lowering the speed limit to 50 miles per hour, and take any action
65 necessary. **(2nd reading)**

166 8. Consider approval of an **ordinance** amending Chapter 38. Subdivisions,
167 Article I. In General, Section 38-23. Standards for Design of Development
168 Within Subdivisions Adopted to amend the City of Rockwall's
169 Supplemental Special Provisions to the Standard Specifications for Public
170 Works Construction, North Central Texas, 3rd Edition, and take any
171 action necessary. **(1st reading)**

172
173 **Mayor Pro Tem White made a motion to approve the entire Consent Agenda.**
174 **Councilmember Townsend seconded the motion. The ordinances were read as follows:**

175
176 **CITY OF ROCKWALL, TEXAS**
177 **ORDINANCE NO. 13-34**

178
179 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
180 **TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 6.**
181 **ANIMALS, ARTICLE IV. RABIES CONTROL, SEC.6-120 PROCEDURE**
182 **FOR BITING ANIMALS TO PROVIDE FOR UPDATED QUARANTINE**
183 **PROVISIONS; PROVIDING FOR REPEALING, SAVINGS AND**
184 **SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND**
185 **PROVIDING FOR AN EFFECTIVE DATE.**

191 CITY OF ROCKWALL, TEXAS
192 ORDINANCE NO. 13-33
193

194 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
195 TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR
196 VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTION CODE,
197 SECTION 545.356, UPON CORPORATE CROSSING FROM IH30 TO SH 276,
198 WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS;
199 PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
200 HUNDRED DOLLARS (\$200); PROVIDING A SEVERABILITY CLAUSE;
201 PROVIDING AN EFFECTIVE DATE.
202

203 CITY OF ROCKWALL, TEXAS
204 ORDINANCE NO. 13-XX
205

206 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
207 TEXAS, AMENDING CHAPTER 38. SUBDIVISIONS, ARTICLE I. IN GENERAL,
208 SECTION 38-23. STANDARDS FOR DESIGN OF DEVELOPMENT WITHIN
209 SUBDIVISIONS ADOPTED TO AMEND THE CITY OF ROCKWALL'S
210 SUPPLEMENTAL SPECIAL PROVISIONS TO THE STANDARD
211 SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, NORTH CENTRAL
212 TEXAS, 3RD EDITION; PROVIDING FOR A PENALTY OF FINE NOT TO
213 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
214 OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED
215 ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING
216 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
217 AND PROVIDING FOR AN EFFECTIVE DATE.
18

19 The motion passed by a vote of 7 ayes to 0 nays.
20

221 X. APPOINTMENTS
222

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

226 **Craig Renfro of the city's Planning & Zoning Commission came forth and offered the**
227 **council brief information regarding recommendations of the Commission relative to**
228 **items on tonight's city council meeting agenda. The council took no action related to**
229 **this agenda item.**
230

- 231 2. Appointment with Peter Ambler of All Harbors Ferry Service to hear
232 proposal regarding a concession agreement on Lake Ray Hubbard and to
233 consider authorizing the city manager to execute said concession
234 agreement, and take any action necessary.

235 **Mr. Ambler came forth and outlined his proposal for the All Harbors Ferry Service,**
236 **explaining this would be a ferry between Rush Creek and Chandlers Landing as well as**
237 **between the Harbor and Bass Pro Shops. Mr. Ambler explained his background in**
238 **sailing explaining he is a past marine merchant. Mr. Ambler indicated that Chandlers**
239 **Landing is the location where the boat will be kept.**
40

241 Assistant City Manager Brad Griggs indicated that the city will not provide any dedicated
42 boat dock or boat slip for this ferry service. The operator will have to operate based on
43 finding an open, unoccupied boat slip at The Harbor on a first come, first serve sort of
44 basis.

245
246 Councilmember Pruitt asked how concessions related to gross receipts would be paid to
247 the City of Rockwall. Mr. Ambler indicated that his total gross receipts would be
248 assembled with the percentage due to the city being paid according to the amount
249 specified in the concessions agreement. Councilmember Pruitt asked Mr. Ambler if he
250 will be paying any concession fees to the City of Heath for his ferry's stop at Rush Creek.
251 Mr. Ambler indicated that, no, the only concessions that will be paid will go to the City of
252 Rockwall, and if this is a problem, he will take that stop out of his ferry route.

253
254 Mayor Pro Tem White made a motion to approve the concession agreement with Peter
255 Ambler of All Harbors Ferry Service, including staff recommendations, and to authorize
256 the city manager to execute the concession agreement. Councilmember Milder
257 seconded the motion.

258
259 After lengthy discussion, the motion passed by a vote of 7 ayes to 0 nays.

- 260
261 3. Appointment with Chris Petty of Suntex Marinas to hear and consider a
262 request regarding temporary waiver of Fire Code requirements, and take
263 any action necessary.

264 Brian Redmond of Suntex Marinas came forth, indicating he is speaking tonight on
65 behalf of Mr. Petty. He expressed a need to immediately move boats over to the EE
66 docks, explaining that it will be helpful if the city will consider issuing a Temporary
67 Certificate of Occupancy to allow him to do so.

268 Fire Chief Mark Poindexter briefed the council on the following staff recommendations
269 that the council may wish to consider if it is decided that this Temporary Certificate of
270 Occupancy will be issued, including:

- 271 1) All City departments will complete final inspection of all outstanding code
272 requirements to "EE" dock.
273 2) Suntex will stripe the existing asphalt from H.M. Chandlers Drive to "EE" dock as
274 a fire lane as shown on engineer drawings.
275 3) Suntex will sign the Hold Harmless Agreement.
276

277 Mayor Pro Tem White made a motion to approve the Temporary Certificate of Occupancy,
278 including the above mentioned recommendations. Councilmember Daniels seconded
279 the motion, which passed by a vote of 7 ayes with 0 nays.

280

281 XI. PUBLIC HEARING ITEMS

282

- 283 1. **Z2013-018** - Hold a public hearing to discuss and consider approval of an
284 ordinance for a request by Shea Kirkman on behalf of CADG Rockwall
285 41, LLC for the approval of a change in zoning from Planned
286 Development District 10 (PD-10) to a General Retail (GR) District for a
87 3.816-acre tract of land situated within the Joseph Cadle Survey, Abstract
88 No. 65 and the F. Henderson Survey, Abstract No. 119, City of Rockwall,

289 Rockwall County, Texas, situated within the SH-276 Overlay (SH-276
90 OV) District, located at the northeast corner of the intersection of T. L.
91 Townsend Drive and SH-276, and take any action necessary.
92 (1st Reading) (Requires a 3/4 majority vote)

293 Planning Director, Robert LaCroix, provided background information related to this
294 agenda item. He explained that the Planning & Zoning Commission had previously
295 expressed concern about re-zoning this to Commercial, so the applicant changed the re-
296 zoning request to General Retail instead, knowing the Planning & Zoning Commission
297 was more comfortable with the zoning being designated as General Retail. He explained
298 that anything more than two gasoline pumps as well as any fast food service at this
299 location would require a Special Use Permit to be approved by the Council. He indicated
300 that twenty-one notices were mailed out to adjacent property owners located within two
301 hundred feet of the property. Mr. LaCroix stated that one resident mailed back a notice
302 of opposition. The Planning & Zoning Commission has recommend denial of this item by
303 a vote of 5 to 1.

304 Councilmember Pruitt expressed concern about the staff report provided on this case,
305 specifically related to staff's opinions or recommendations.

306 Mayor Sweet opened the public hearing and invited the applicant to come forth.

307 Mr. Shea Kirkman
308 Peloton on behalf of Centurion America
309 5751 Kroger Drive
310 Keller, Texas

311
312 Mr. Kirkman indicated that the intent all along for this piece of property was for it to be
313 zoned Commercial; however, he expressed that some access concerns exist. He shared
314 that Centurion would like to rezone the property and attempt to sell it. He explained that
315 the intent all along was not to develop this piece as residential. Mr. Kirkman would like
316 the council to consider approving this with General Retail, including a restriction
317 disallowing a gas station. However, if the council does not wish to approve this, he is
318 requesting the council consider tabling the case so that Centurion can have additional
319 discussions with staff and perhaps bring back an alternative. If the Council is going to
320 deny this request, he asked that the council consider denying it "without prejudice" so
321 that it can be brought back for reconsideration before one year.

322
323 There being no one else wishing to come forth and speak to the council regarding this
324 item, Mayor Sweet then closed the public hearing.

325
326 Mayor Sweet then asked Planning and Zoning Commissioner, Craig Renfro, to come
327 forth and provide clarification regarding some of the Commissioner's concerns with this
328 rezoning request.

329
330 The applicant generally explained that the piece of property may be conducive to a
331 shallow strip retail area for some sort of "neighborhood service" type of businesses
332 such as a laundry drop off or a donut shop. He explained that the property is located in a
333 flood plain, and the Commission generally feels like, "why does every piece of property
334 in Rockwall have to be developed?" The Commission was also concerned about traffic
335 and was generally not very interested in a retail center or a gas station.
336

337 City Attorney Frank Garza explained to the council various motion scenarios and what
38 each would mean for the applicant and the process as far as 'next steps' would be
39 concerned.

340
341 Councilmember Milder made a motion to accept the Planning & Zoning Commission's
342 recommendation to deny the request without prejudice. Councilmember Pruitt seconded
343 the motion. After brief discussion, Councilmember Milder pulled his original motion and
344 made a replacement motion to table this item for future discussion. Mayor Pro Tem
345 White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

346
347
348 2. **Z2013-019** - Hold a public hearing to discuss and consider approval of an
349 ordinance for a request by John Spiars with Spiars Engineering, Inc. on
350 behalf of NESBO, LP for the approval of a Specific Use Permit (SUP) to
351 allow for a new car dealership on a 1.06-acre tract of land identified as
352 Tract 12 of the John Lockhart Survey, Abstract No. 134 and a 10.51-acre
353 parcel of land identified as Lot 1, Block A of the Lafon Addition, being a
354 total 11.568-acres, zoned Commercial (C) District and Light Industrial (LI)
355 District, situated within the IH-30 Overlay (IH-30 OV) District, generally
356 located east of John King Boulevard and IH-30, and take any action
357 necessary. (1st Reading)

358 Mr. LaCroix provided background information related to this agenda item, indicating that
359 this is for a car dealership, and it does require approval of a specific use permit. It is
360 near the southeast corner of John King Boulevard and IH-30. Mr. LaCroix explained that
361 if the SUP is approved, the detailed site plan and everything related to the design and
362 site plan (landscaping, elevations, lighting, etc.) would then go back through the
363 Planning and Zoning and Architectural Review Board process before being brought back
364 before the city council for consideration. Brief discussion took place related to 'cross
365 access' and joint access as far as the driveway(s) and access to the IH-30 service road is
366 concerned. If the SUP is granted, the council may consider placing a three year time
367 limit on it so that if the dealership is not built within that timeframe, the applicant would
368 have to come back to the council to readdress the SUP at that time. Notices were sent
369 out to eight adjacent property owners located within two hundred feet, but staff did not
370 receive any replies back. He further explained that the Planning & Zoning Commission
371 did recommend approval of this item by a vote of 6 to 0.

372
373 After brief discussion, Mayor Sweet opened the public hearing and called the applicant
374 forth to speak.

375
376 Mr. John Spiars
377 Spiars Engineering
378 765 Custer Road, Suite 100
379 Plano, TX

380
381 Mr. Spiars came forth and indicated that he is happy to answer any questions the council
382 may have regarding this SUP request. Mayor Sweet asked if anyone else in the audience
383 would like to address the Council on this item. There being no one else to come forth to
384 speak, Mayor Sweet then closed the public hearing.

385

386 Mayor Sweet asked staff if other car dealerships may be interested in locating in this
87 area. Mr. LaCroix indicated that, yes, there are other dealerships that may wish to locate
88 in this general area along IH-30.

389
390 Councilmember Milder expressed concern about so many auto dealerships locating
391 along the IH-30 corridor. He is wondering if the council can require that if a car
392 dealership is built in our city and one day goes out of business and sits vacant, can the
393 council require the builder to demo it if it sits vacant for a long period of time? City
394 Attorney Frank Garza indicated that home rule cities do have a lot of discretion with
395 these sorts of matters; however, he will have to research this possibility.

396
397 Mayor Pro Tem White made a motion to approve Z2013-019. Councilmember Daniels
398 seconded the motion.

399
400 City Attorney, Frank Garza, indicated that the council can legally deny an SUP if they
401 believe, for example, that too many car dealerships are locating in a certain area. This
402 would be within the council's legal rights.

403
404 The ordinance was read as follows:

405
406 CITY OF ROCKWALL
407 ORDINANCE NO. 13-
408 SUP NO. _____
409

410 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
11 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
12 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
13 SPECIFIC USE PERMIT TO ALLOW FOR A "MOTOR VEHICLE
414 DEALERSHIP, NEW" ON A TRACT OF LAND TOTALLING 11.568-ACRES
415 AND KNOWN AS TRACT 12 OF THE JOHN LOCKHART SURVEY (1.06-
416 ACRES), ABSTRACT 134 AND LOT 1, BLOCK A OF THE LAFON ADDITION
417 (10.51-ACRES), AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" AND
418 DESCRIBED IN EXHIBIT "B"; PROVIDING FOR SPECIAL CONDITIONS;
419 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
420 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
421 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
422 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

423
424 The motion to approve the SUP passed by a vote of 4 ayes with 3 against (Pruitt, Sweet,
425 Milder).

- 426
427 3. Z2013-020 - Hold a public hearing to discuss and consider approval of an
428 ordinance for a request by James Brinkley for the approval of a change
429 in zoning from an Agricultural (Ag) District to a Single-Family Estate 2.0
430 (SFE-2.0) District on a 2.0-acre tract of land identified as Tract 8-12 of the
431 W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County,
432 Texas being located at 5866 S. FM-549 and take any action necessary.
433 (1st Reading)

434 Planning Director Robert LaCroix asked if the applicant was present in the audience. He
435 was not, and Mr. LaCroix indicated that the applicant had expressed some reservation
436 about rezoning his property. Mayor Sweet opened the public hearing and then made a

437 motion to continue the public hearing. Councilmember Daniels seconded the motion,
38 which passed unanimously (7 ayes to 0 nays).

39

440 4. **Z2013-021** - Hold a public hearing to discuss and consider approval of an
441 **ordinance** for a request by James Brinkley for the approval of a Specific
442 Use Permit (SUP) to allow for an accessory building that does not
443 conform to the exterior material requirements as specified for a property
444 zoned for Single-Family Estate 2.0 (SFE-2.0) District uses by the Unified
445 Development Code, being a 2.0-acre tract of land identified as Tract 8-12
446 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall
447 County, Texas, zoned Agricultural (Ag) District, located at 5866 S. FM-
448 549 and take any action necessary. **(1st Reading)**

449 **Mayor Sweet opened the public hearing and then moved to continue the public hearing.**
450 **Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

451 5. **P2013-026** - Hold a public hearing to discuss and consider a request by
452 Michael Mishler on behalf of Todd & Denise Park for the approval of a
453 replat combining two (2) single family residential lots being identified as
454 Lots 4 & 5, Block A of Chandlers Landing, Phase 7 into one (1) single
455 family residential lot being identified as Lot 23, Block A of Chandlers
456 Landing, Phase 7, located within the City of Rockwall, Rockwall County,
457 Texas, zoned Planned Development District 8 (PD-8), located at 104 &
458 106 Thistle Place, and take any action necessary.

459 **Planning Director Robert LaCroix explained that the applicant would like to combine**
460 **these two lots. It requires a public hearing because it also involves abandonment of an**
461 **easement. He indicated that the Planning & Zoning Commission did recommend**
462 **approval of this request.**

463
464 **Mayor Sweet opened the public hearing and called the applicant forth.**

465
466 **Mike Mishler**
467 **1034 St. Thomas Court**
468 **Rockwall, TX**

469
470 **Mr. Mishler came forth and briefly explained the reasoning for this replat request, which**
471 **involves combining two lots and relocation of an easement. Mayor Sweet asked if**
472 **anyone else in the audience would like to come forth and speak. There being no one else**
473 **wishing to come forth and speak, Mayor Sweet then closed the public hearing.**

474
475 **Councilmember Pruitt made a motion to approve this item, including the combining of**
476 **these two lots and the abandoning/relocation of the easement. Mayor Pro Tem White**
477 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

478
479 6. Hold a Public Hearing to discuss and consider approval of an exception to
480 the Code of Ordinance in Chapter 44 Utilities, Article IV Sewers &
481 Sewage Disposal, Division 5 On-Site Sewage Facility, Section 44-243(c)
482 regarding a 1.41 acre tract of land located at the northwest corner of
83 Clem Road and Stodghill Road (FM 3549) to allow the permitting of an
84 on-site sewage facility, and take any action necessary.

485 City Engineer Tim Tumulty provided background information related to this agenda item,
86 explaining that this request is associated with installation of an on-site sewage facility
87 because the tract is less than 1.5 acres. Therefore, it requires notification of adjacent
-88 property owners located within two hundred feet of the applicant's property and an
489 exception must be granted by Council. Mr. Tumulty indicated that the proper
490 notifications have been made.

491
492 Mayor Sweet opened the public hearing.

493
494 Lynn Parker
495 1713 Buena Vista
496 Garland, TX

497
498 Mr. Parker indicated that there is no way to get city sewer run to the property, so the only
499 way it can be developed is to have this onsite facility.

500
501 There being no one else wishing to come forth and speak, Mayor Sweet then closed the
502 public hearing.

503
504 Mayor Pro Tem White made a motion to approve this exception, thereby allowing the on-
505 site sewage facility (aerobic system). Councilmember Pruitt seconded the motion, which
506 passed by a vote of 7 ayes to 0 nays.

507
508 **XII. ACTION ITEMS**

- 509
10 1. **P2013-022** - Discuss and consider a request by Cameron Slown on
11 behalf of Harbor Heights Investors, LP for the approval of a final plat of
512 the Harbor District Addition creating five (5) non-residential lots on
513 property zoned Planned Development District 32 (PD-32) and identified
514 as a 10.812-acre tract of land situated in the M. J. Barksdale Survey,
515 Abstract No. 11 and the E. Teal Survey, Abstract No. 207, City of
516 Rockwall, Rockwall County, Texas and being generally located south of
517 Interstate Highway 30 (IH-30) and east of Shoreline Drive, and take any
518 action necessary.

519 Mr. LaCroix indicated that this is the final plat for the Harbor Heights subdivision in PD-
520 32. The plat meets all the conditions of the PD-32 zoning requirements. The only
521 outstanding issue was that the applicant has been trying to work out a way to meet the
522 city's tree mitigation policy. The applicant submitted a letter today to Mr. LaCroix,
523 suggesting how he proposes to meet the tree mitigation requirements with a local
524 landscaping company over a period of time.

525
526 Councilmember Pruitt asked for some clarification regarding the road and the circular
527 area along the road. He asked who will pay for the redesign to achieve the necessary
528 realignment. Mr. LaCroix and City Manager Rick Crowley indicated that the developer
529 will pay for that cost. General discussion took place related to this future realignment
530 and circular area of the roadway.

531
532 Mayor Pro Tem White made a motion to approve this final plat for P2013-022.
533 Councilmember Lewis seconded the motion. Mayor Pro Tem White then amended his
534 motion to allow the developer an extra twelve months to meet his tree mitigation

535 requirements. Councilmember Lewis seconded this amended motion, which passed by a
536 vote of 7 ayes to 0 nays.

537
538 2. Discuss and consider Park Board recommendation regarding repairs at
539 Harry Myers Pool, and take any action necessary.

540 City Manager Rick Crowley indicated that this issue was briefly discussed during the
541 budget process, with staff preliminarily discussing with Council the possibility of the
542 pool being removed and replaced by a spray park. Assistant City Manager Brad Griggs
543 then provided background information related to this agenda item. Mr. Griggs explained
544 that there are some major repairs that need to be made to the existing pool. He shared
545 that it would cost an estimated \$650,000 - \$850,000 to replace the pool entirely and build
546 a new swimming pool that has very little to no amenities. \$90,000 is the estimated cost
547 to make the extensive repairs that are needed to the pool at this time. \$45,000 is the
548 approximate cost of staffing the pool in the summer months. Mr. Griggs spoke about the
549 numbers of visitors to the pool over the last several years (average of over 10,000 visits
550 per year). The pool attendance has been pretty consistent despite the city's resident
551 population having increased over the years. He shared some additional statistical
552 information and figures. Mr. Griggs indicated that this past summer, visitors were
553 informally surveyed, and staff discovered that forty-eight percent were non-residents and
554 fifty-two percent were residents.

555
556 What had been proposed as an alternative was a 4,000 square foot spray park. The
557 largest one is now at Myers Park and is slightly less than 2,500 square feet. The
558 proposed new spray park would have recirculating water, would be open for more
559 months during the year, would have extended hours from 9AM-9PM, would cost
560 approximately \$425,000 and would be paid for by developer contributions and the
561 Recreation Development Fund.

562
563 Mr. Griggs explained that the pool season basically runs from Memorial Day to Labor
564 Day. Councilmember Daniels clarified that there is plenty of time to make a decision on
565 this matter and still potentially have the pool repaired and up and running for the end of
566 May when pool season starts back up.

567
568 Councilmember Milder indicated he does not feel he has enough information to make a
569 good decision regarding this matter tonight. He suggested that a more extensive survey
570 of the entire population of Rockwall be done in order to obtain more feedback than just
571 that which was conveyed at the recent Park Board meeting.

572
573 Councilmember Pruitt suggested leaving the pool 'as is' and not making any repairs for a
574 while until the council is able to make a good decision on how to proceed.

575
576 Mayor Sweet asked for additional information regarding the cost to replace the existing
577 pool with something smaller than the same size swimming pool – perhaps something
578 more comparable in size to the Gloria Williams Pool.

579
580 Councilmember Lewis suggested that staff consider presenting the council with more
581 options. For example, perhaps the council could evaluate the cost of replacing the
582 existing pool with a smaller pool as well as a smaller spray ground.

583

584 Councilmember Daniels asked what the consequences are if the repairs at the pool are
585 not made. Mr. Crowley indicated that not making repairs would mean that the pool is out
586 of compliance with state law, and the consequences are unknown; however, it likely may
587 result in a fine, closing the pool down or a directive by the State to repair it.
588

589 Mayor Pro Tem White indicated he is not willing to spend any additional money on this
590 old, dated pool. He is in favor of either evaluating alternative options or closing it down.
591

592 Mayor Sweet and Councilmember Pruitt would like to know the amount of money in the
593 Park Development Fund. Mr. Crowley explained that he believes the way the ordinance
594 reads means that developer contributions 'raised' must currently be spent to benefit the
595 same neighborhood/district in which they were collected. So, park fees that have been
596 collected within the district where Harry Myers Park is located and that have been
597 included in the proposed figures to be spent amount to about \$75,000. Mayor Sweet
598 indicated he would like information on park development contributions currently in the
599 city, broken down by district. They also indicated that they would like to evaluate the
600 existing ordinances and perhaps explore what would be needed in order to possibly
601 make modifications to those provisions.
602

603 Councilmember Daniels pointed out that he is not in favor of spending any money on
604 repairing the existing pool.
605

606 Councilmember Milder encouraged the council to broaden its perspective and appoint a
607 citizens advisory committee to evaluate leisure activities and water recreational
608 opportunities desired by our residents.
609

610 The council did not take any formal action related to this agenda item. It was conveyed
611 that staff will evaluate additional alternatives and bring back a subsequent discussion
612 item at a future city council meeting.
613

614 3. Discuss and consider the Hotel tax subcommittee recommendations for
615 funding allocations in fiscal year 2014, including authorizing the City
616 Manager to execute associated funding agreements, and take any action
617 necessary.

618 Assistant City Manager Mary Smith reported that revenues are projected at about
619 \$275,000 with requests coming in at just over \$400,000. The Hotel/Motel Tax
620 subcommittee met and is recommending approval of about \$296,000.00, a number which
621 is supplemented by carry over funds from last year. Mrs. Smith indicated that about
622 \$370,000 is rebated to The Hilton each year, with those rebates ending in 2018. Mayor
623 Sweet pointed out that he would like the city to be forward thinking about a possible,
624 future Convention Visitors Bureau (CVB), especially once The Hilton rebates come to an
625 end. Councilmember Pruitt asked for clarification regarding why some groups are
626 asking, in some cases, for major or drastic increases in funding this year versus in years
627 past. Mayor Pro Tem White indicated that some of the organizations are asking for more
628 money because they are planning to hold additional events throughout the upcoming
629 year.
630

631 Mayor Sweet made a motion to approve the recommendations of the subcommittee
632 relative to funding allocations for FY 2014. Mayor Pro Tem White seconded the motion,
633 which passed by a vote of 7 ayes to 0 nays.

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4. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2014 and amended budget for fiscal year 2013, and take any action necessary.

Mrs. Sheri Franza
President and CEO of the REDC
2610 Observation Trail
Rockwall, TX

Mrs. Franza briefed the council on the REDC budget proposal for FY2014. She indicated that they are getting ready to close on fifty-six acres of new property in the Rockwall Technology Park on September 17. She indicated that Phase IV infrastructure project is about to begin in Phase IV of the Tech Park. This will result in about sixty-two acres of land being ready and available for purchase by a possible developer or interested business prospect. Justin Road is also being constructed at this time and will be ready by May of 2014. Two projects are pending attorney review at this time as well. The REDC approved the FY14 proposed budget at its recent meeting on September 12.

Mrs. Smith explained that the principal revenue source for the REDC is sales tax with ½ of 1 cent of sales tax going to fund the REDC. The city did assist the REDC with issuing debt this year, and the land will be purchased on September 17. Additional infrastructure improvements associated with this debt issuance will be ongoing. The Operating Budget remains very similar to the FY13 budget, and the debt service budget has been enumerated and provided to the council for consideration.

Mayor Sweet then made a motion to approve the budget for FY2014 and the amended budget for FY2013 for the REDC. Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2014 and amended budget for fiscal year 2013, and take any action necessary.

Mrs. Franza indicated that the REDC board of directors recently met on September 12 and approved this budget. She briefed the board on consolidation of the Park Manager position. She expressed that there is a great need for expanded internet service. She then generally requested approval of the proposed budget by the council at this time. Revenue sources for this budget come from the REDC and from businesses located within the tech park paying into it based on their acreage. The cost for the landscape maintenance company comes out of this budget as well.

Councilmember Lewis made a motion to approve the budget for FY2014 and amended budget for FY2013 for the Rockwall Technology Park Association. Mayor Pro Tem White seconded the motion, which passed unanimously.

6. Discuss and consider appointments to the city's Historic Preservation Advisory Board, Park Board, and Youth Advisory Council, and take any action necessary.

682 Councilmember Daniels made a motion to appoint Enid Reyes to replace Wendi Conley
83 on the HPAB with a term to expire in August of 2014. Mayor Pro Tem White seconded the
84 motion, which passed by a vote of 7 ayes to 0 nays.

85
686 Mayor Pro Tem White made a motion to approve the appointments to the Youth Advisory
687 Council (YAC) as presented in councilmember packets. Councilmember Townsend
688 seconded the motion. Councilmember Lewis thanked Mayor Pro Tem White and City
689 Secretary Kristy Ashberry for their work with the YAC. The motion then passed
690 unanimously of council (7 ayes to 0 nays).

691
692 **XIII. EXECUTIVE SESSION**

693
694 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
695 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
696 CODE:

- 697 1. Discussion regarding potential acceptance of a parkland dedication gift near
698 Raymond Cameron Lake from the Caruth Lakes Homeowners Association
699 (HOA) pursuant to Section § 551.071 (Consultation with Attorney) and
700 Section § 551.072 (Real Property).
- 701 2. Discussion regarding appointments to city regulatory boards, commissions,
702 and committees including the Building and Standards Commission, Board of
703 Adjustments, Planning & Zoning Commission and Rockwall Economic
704 Development Corporation pursuant to Section 551.074 (personnel matters)
- 705 3. Discussion regarding appointments to the Economic Development
706 Corporation, including a Rockwall County liaison, pursuant to § 551.071
707 (Consultation with Attorney) and § 551.074 (Personnel Matters).

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

709
710 The council did not convene in Executive Session following the 9:08 p.m. adjournment of
711 the public meeting.

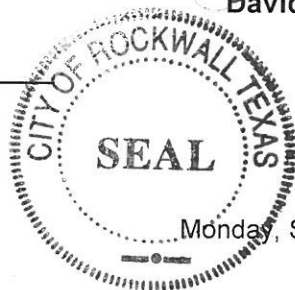
712
713 **XV. ADJOURNMENT**

714
715 The meeting adjourned at 9:08 p.m.

716
717 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
718 TEXAS, this 7th day of October, 2013.

719
720
721
722 **ATTEST:**

723 *Kristy Ashberry*
724 _____
725 Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, October 07, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. (4:00 PM) WORK SESSION

HOLD WORK SESSION TO HEAR AND DISCUSS THE FOLLOWING:

1. Staff update regarding the city's youth baseball and softball initiative.

Assistant City Manager Brad Griggs introduced the new Athletics Supervisor, John Evans and gave brief description of his past experience with municipal athletics. Mr. Griggs explained that the city has already begun holding transition meetings with the Rockwall Girls Softball Association and Rockwall Baseball Association to get input and feedback for the Rockwall Baseball Softball League. He also showed a sample of the new proposed logo for the league. All plans are to move forward with the planning and implementation of the program including any necessary acquisitions and transactions.

2. The development of FM-3097 from FM-740 to Tubbs Road, specifically regarding the median opening, dedicated bicycle lanes vs. shared bicycle lanes and the Local Project Advanced Funding Agreement.

City Engineer Tim Tumulty provided background information related to this item, explaining that TxDOT would like the city to consider either a dedicated bike lane or a shared bike lane and generally explained the difference between the two. He asked council for further direction regarding this item. Council had general discussion regarding the two options. Tim Tumulty stated that TxDOT is targeting a date of June 2014 to get this project underway and the construction would take about two years. Council stated they would have further discussion and vote on this topic under action item #4.

3. Staff update regarding the status of the Downtown Improvements Project.

City Manager Rick Crowley gave an update on this project stating that bids are being taken for the parking lots and he would like to bring them back to council between now and the next meeting as well as the final design plans. He stated that Rob Dickson from Hill Wilkinson will be present to discuss cost. Mr. Crowley explained that the project is on time and there will be a complete schedule after the final design is complete. Councilmember Jim Pruitt gave suggestion for staff to contact the county to see what their interest would be to bring the sidewalks around the courthouse up to the same grade as the new improvements. Council had general discussion related to this item and

52 indicated they would like for staff to contact the county to get feedback regarding
53 sidewalks around the courthouse.

54

55 **III. (5:00 PM) EXECUTIVE SESSION.**

56

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

60

61 **Mayor Sweet read the following discussion items into the public record before recessing**
62 **the public meeting into Executive Session.**

63

64

65

66

67

68

1. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Board of Adjustments, and Rockwall Economic Development Corporation pursuant to Section §551.074 (personnel matters)

69

70

71

2. Discussion regarding land acquisition in the downtown area for municipal purposes pursuant to Section §551.072 (deliberations about real property).

72

73

3. Discussion regarding developer proposed changes to Harbor Heights contract pursuant to Section § 551.071 (Consultation with Attorney).

74

75 **IV. ADJOURN EXECUTIVE SESSION**

76

77 **Council adjourned from Executive Session at 4:43 p.m.**

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MINUTES
ROCKWALL CITY COUNCIL
Monday, October 07, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven council members as well as City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza were present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White made a motion to authorize the City Manager to execute a hold over lease agreement on the property located at 23 Pringle Lane. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER PRUITT

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

VIII. PROCLAMATIONS / AWARDS

1. Breast Cancer Awareness Month

Mayor Sweet read the proclamation proclaiming October as Breast Cancer Awareness Month in the City of Rockwall.

IX. OPEN FORUM

Mayor Sweet read guidelines for open forum and asked if any citizen would like to come forth to address council. There being no one wishing to come forth to speak, Mayor Sweet then closed Open Forum.

X. CONSENT AGENDA

1. Consider approval of the minutes from the September 16, 2013 regular city council meeting, and take any action necessary.
2. Consider approval of a request by AT&T to co-locate on an existing monopole communications tower located at 2215 North Lakeshore Drive (Squabble Creek Treatment Facility), authorizing the City Manager to execute an agreement and take any action necessary.
3. Consider authorizing the City Manager to engage Rutledge, Crain & Company PC to conduct the City's audit for the fiscal year ended September 30, 2013 and take any action necessary.
4. Consider a recommendation from the Atmos Cities Steering Committee regarding adoption of an **ordinance** approving a negotiated resolution between the ACSC and Atmos Energy Corporation, Mid-Tex Division, adopting new tariffs and take any action necessary. **(1st reading)**

- 130 5. Consider authorizing the City Manager to execute contracts with Tyco
 131 Integrated Security for installation of new security camera systems at city
 132 facilities in the amount of \$173,464.00 to be paid from the Internal
 133 Operations Department operating budget and take any action necessary.
- 134 6. **Z2013-019** - Consider approval of an **ordinance** for a request by John
 135 Spiars with Spiars Engineering, Inc. on behalf of NESBO, LP for the
 136 approval of a Specific Use Permit (SUP) to allow for a new car dealership
 137 on a 1.06-acre tract of land identified as Tract 12 of the John Lockhart
 138 Survey, Abstract No. 134 and a 10.51-acre parcel of land identified as Lot
 139 1, Block A of the Lafon Addition, being a total 11.568-acres, zoned
 140 Commercial (C) District and Light Industrial (LI) District, situated within
 141 the IH-30 Overlay (IH-30 OV) District, generally located east of John King
 142 Boulevard and IH-30, and take any action necessary. **(2nd Reading)**
- 143 7. Consider approval of an **ordinance** amending Chapter 38. Subdivisions,
 144 Article I. In General, Section 38-23. Standards for Design of Development
 145 Within Subdivisions Adopted to amend the City of Rockwall's
 146 Supplemental Special Provisions to the Standard Specifications for Public
 147 Works Construction, North Central Texas, 3rd Edition, and take any
 148 action necessary. **(2nd reading)**
- 149 8. Consider approval of a contract with Oncor Electric Delivery Company to
 150 install eleven street lights on John King Boulevard from IH 30 to SH 276
 151 in the amount of \$30,684.36 to be funded out of 2005 bond funds, and
 152 take any action necessary.
- 153 9. Consider awarding the bid for the Trenchless Sewer Rehabilitation
 154 Project to Excel 4 Construction to pipe burst existing sanitary sewer lines
 155 in various locations of the City in the amount of \$303,710.00 to be funded
 156 out of 2008 revenue bonds, and take any action necessary.
- 157 10. Consider approval of a contract with Rockwall County Committee on
 158 Aging for certain nutritional and senior service programs in the amount of
 159 \$30,000.00 to be funded from the Administration Department operating
 160 budget and take any action necessary.
- 161 11. Consider approval of a contract with Birkhoff, Hendricks and Carter LLP
 162 to perform the water/wastewater impact fee update and to update the
 163 Master Water/Wastewater Plans in an amount not to exceed \$111,000.00
 164 to be funded out of 2008 revenue bonds, and take any action necessary.

165 **Regarding the Consent Agenda, Councilmember Pruitt pulled items #4, 5, 6 and 11.**
 166 **Mayor Pro Tem White made a motion to approve the remaining Consent Agenda items.**
 167 **Councilmember Lewis seconded the motion and the ordinances were read as follows:**

168 **ORDINANCE NO. 13-35**

169
 170 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
 171 **TEXAS, AMENDING CHAPTER 38. SUBDIVISIONS, ARTICLE I. IN GENERAL,**
 172 **SECTION 38-23. STANDARDS FOR DESIGN OF DEVELOPMENT WITHIN**
 173 **SUBDIVISIONS ADOPTED TO AMEND THE CITY OF ROCKWALL'S**
 174 **SUPPLEMENTAL SPECIAL PROVISIONS TO THE STANDARD**
 175 **SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, NORTH CENTRAL**
 176 **TEXAS, 3RD EDITION; PROVIDING FOR A PENALTY OF FINE NOT TO**
 177 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
 178 **OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED**

179 ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING
180 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
31 AND PROVIDING FOR AN EFFECTIVE DATE.
32

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

184 Regarding Item #4, Councilmember Pruitt expressed concern due to the fact that this
185 would be the 2nd rate increase citizens will be paying this year. Council asked City
186 Attorney Frank Garza for clarification as to how the increase would go forward with
187 Atmos Cities Steering Committee, should they choose to deny the increase. Mr. Garza
188 explained that one city would not be able to hold up the rate increase if the majority of
189 the cities vote to approve. Councilmember Pruitt made a motion to deny the rate
190 increase. Mr. Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

191
192 Regarding Item #5, Councilmember Pruitt asked for clarification regarding approval of a
193 past contract that was similar. City Manager Rick Crowley explained that this item would
194 approve the second phase of installation. Mr. Crowley stated that the project cost was
195 approved in the budget. Mayor Pro Tem White made a motion to execute contracts with
196 Tyco Integrated Security for installation of new security camera systems at city facilities.
197 Councilmember Lewis seconded, which passed by a vote of 6 ayes to 1 nay.
198 Councilmember Pruitt voted against.

199
200 Regarding Item #6, Councilmember Pruitt asked for clarification as to why 2nd readings
201 are on the consent agenda when certain members voted against it at the last meeting,
202 because they invariably will be pulled off again. City Manager Rick Crowley explained
203 that procedurally in the past second readings always go on consent and stated that staff
204 could make adjustments to second readings in the future to avoid them being pulled.
205 Mayor Pro Tem White made a motion to approve Consent Agenda item #6 approving an
206 ordinance allowing for a Specific Use Permit. Councilmember Townsend seconded the
207 motion.

208
209 Councilmember Dennis Lewis made a general statement that he heard feedback from
210 citizens expressing difficulty hearing audio from the website and would appreciate
211 council speaking up during discussion. The ordinance was read as follows:

212
213 ORDINANCE NO. 13-36
214 SUP NO. 111
215

216 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
217 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
218 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO
219 ALLOW FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON A TRACT OF LAND
220 TOTTALLING 11.568-ACRES AND KNOWN AS TRACT 12 OF THE JOHN LOCKHART
221 SURVEY (1.06-ACRES), ABSTRACT 134 AND LOT 1, BLOCK A OF THE LAFON
222 ADDITION (10.51-ACRES), AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" AND
223 DESCRIBED IN EXHIBIT "B"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
224 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
225 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
226 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
227

228 The motion passed by a vote of 4 ayes to 3 nays by Councilmembers Sweet, Pruitt and
229 Milder.
30

231 Regarding Item #11, Councilmember Pruitt expressed concern regarding the cost of the
232 impact fee update and updating the water/wastewater plans. City Engineer Tim Tumulty,
233 explained that the impact fee update is required by state law and the update to the
234 master water and waste water plans is needed because they have not been updated
235 since 1997. As the city has expanded in territory, staff needs to meet the needs of future
236 developments. City Manager Rick Crowley gave further background and explained that
237 the 2008 revenue bonds would pay for this project. Councilmember Pruitt made motion
238 to approve Consent Agenda item #11, Mayor Pro Tem White seconded the motion, which
239 passed by a vote of 7 ayes and 0 nays.

240 **XI. APPOINTMENTS**

241
242 1. Appointment with the Planning and Zoning Chairman to discuss and
243 answer any questions regarding cases on the agenda and related issues
244 and take any action necessary.

245 Chairman Craig Renfro explained that public hearing item Z2013-023 was considered by
246 the Planning and Zoning Commission and that several citizens were in attendance. The
247 board voted to deny the zoning change. He explained that the board denied the item due
248 to citizens' input and concerns.

249 2. Appointment with Mr. Arjun Demla to discuss and consider a request
250 related to reduction or waiver of rental fees for The Harbor Amphitheater
251 for a wedding to be held on April 19, 2014, and take any action
252 necessary.

253 Mr. Demla explained that he will be having a wedding in April, it will be a two day affair
254 with over 200. He will be hosting them at the Hilton for that weekend and asked if council
255 would consider a reduction in fees. Assistant City Manager Brad Griggs gave input that
256 historically all weddings at the Harbor have been charged the same rate and no other
257 weddings have been given reductions. Due to this being a private event, Councilmember
258 Daniels made a motion to deny the request. Councilmember Lewis seconded the motion,
259 which passed by a vote of 7 ayes, and 0 nays.

260
261 **XII. PUBLIC HEARING ITEMS**

262
263 1. **Z2013-023** - Hold a public hearing to discuss and consider approval of an
264 ordinance for a request by Robert Church and Toni Waldrop for the
265 approval of a change in zoning from Single-Family 7 (SF-7) District to a
266 Residential/Office (RO) District for two (2) properties being a total of
267 0.294-acres situated within Blocks 32C (0.114-acres) & 32D (0.18-acres)
268 of the B. F. Boydston Addition, City of Rockwall, County of Rockwall,
269 Texas, located at 304 & 306 Williams Street, and within the Historic
270 Overlay (HO) District, and take any action necessary. **(1st Reading)**
271 **(Requires a ¾ majority vote)**

272 Planning Director Robert LaCroix provided background information related to this item
273 indicating that the owners would like to utilize the home as a low intensity business that
274 would be allowed under the zoning of residential/office district. Eleven notifications went
275 out to property owners; six were received in opposition of this change. He stated that the
276 Planning & Zoning Commission and Historic Preservation Advisory Board both
277 recommended denial of this item.

278
279

280 Mayor Sweet then opened the public hearing and called the applicant forth.

281
32 Toni Waldrop, 306 Williams Street, Rockwall, TX (Homeowner)

33 Ms. Waldrop explained that she has owned the home since 1992 and has had a problem
34 with noise and traffic due to the location. There has been a documented accident at the
285 property where a car crashed into her front yard coming around the curve. She
286 expressed that as a residential office this would not be a danger since there would be
287 nobody occupying the home at night and that there would be ample room on the
288 property for conversion of parking space. She showed a diagram of the properties in
289 questions and gave clarification of locations that would work for parking. She also stated
290 she owns the commercial property directly behind her home and that she owns both, but
291 that they are zoned two different ways. Mayor David Sweet asked for staff to give
292 clarification on the history of the changes on this property. Ms. Waldrop went further to
293 explain that she had problems with the old Coyote Rojo, having the wait staff parking and
294 littering on her property and the noise that became a problem. Privacy is also an issue
295 because the commercial patio can see down into her backyard. The Londoner will bring
296 more noise and traffic that will directly affect her property. She also stated that she has
297 had a hard time renting it because tenants do not want to deal with these issues, and she
298 has lost money over it. She has made upgrades to the property in order to sell or rent it,
299 but has been unable to do so. Councilmember Pruitt asked for clarification on how the
300 traffic and noise would be different if it were used as office space. She explained that
301 there would be a side entrance access drive by the old Tropical Johns location that
302 would offer back parking behind the two homes. He further asked what type of business
303 she would want to go into the properties if approved. She explained that it would be a
304 low intensity business that would not have a lot of traffic coming and going from this
305 type of business. Mr. Church, the owner of the other property at 304 Williams was not in
306 attendance and gave written consent for Ms. Waldrop to represent him on this item.

307
308 David Dorotik - 509 Parks Avenue, Rockwall, Texas: Mr. Dorotik generally expressed that
309 he is not in favor of the zoning change.

310
311 Jason Potts - 601 Williams Street, Rockwall, Texas: Mr. Potts generally expressed that he
312 is not in favor of this zoning change having sat on the Historic Preservation Board in the
313 past and assured residents that they would draw the line on the amount of commercial
314 properties being allowed to rezone.

315
316 Alison Odom - 405 N. Fannin Street, Rockwall, Texas. Ms. Odom generally expressed that
317 she and her husband are not in favor of this zoning change.

318
319 Johnny Johnson - 303 N. Clark Street, Rockwall, Texas. Mr. Johnson generally expressed
320 opposition for the rezoning of the properties in question.

321
322 Allen Smith - 506 Kernodle Street, Rockwall, Texas. Mr. Smith generally expressed
323 opposition of this item.

324
325 Debby Wines - 310 Williams Street, Rockwall, Texas. Ms. Wines expressed that she has
326 owned her property for about 8 years and is not in favor of this zoning change.

327
328 Jim Buttgen - 501 Kernodle Street, Rockwall, Texas. Mr. Buttgen has lived in his home for
329 35 years and generally expressed that he is not in favor of this zoning change.

330

331 Pat May - 308 Williams Street, Rockwall, Texas. Ms. May has lived in her home for 17
332 years and lives directly next door the properties in question. She stated that although
333 she agrees with the requestors reasons for wanting to rezone her property, she is also in
334 opposition of this zoning change.

335
336 Jeanne Davis - 706 Williams Street, Rockwall, Texas. Ms. Davis would like council to
337 preserve the neighborhood and expressed that she is not in favor of the zoning change.

338
339 Paul Gray - 1774 Lake Breeze Drive, Rockwall, Texas. Mr. Gray stated that with change
340 comes growth and because these properties are located in such proximity to the
341 commercial businesses already there, he is in favor of the zoning change.

342
343 Tiffany King - 203 E. Bourn Street, Rockwall, Texas. She expressed that she understands
344 the feelings of the surrounding citizens, but feels that change has already begun and the
345 change has already started, therefore, she is in favor of the zoning change.

346
347 Matt Fuquay - 604 Parks Avenue, Rockwall, Texas. Mr. Fuquay generally expressed
348 opposition for this zoning change.

349
350 Elizabeth Trollbridge - 601 Parks Street, Rockwall, Texas. Ms. Trollbridge read an email
351 on behalf of her husband. She went on to generally express that she and her husband
352 would like to preserve the integrity of the neighborhood and are not in favor of the
353 zoning change.

354
355 Jaun Messer - 8121 Yacht Club, Rockwall, Texas. Mr. Messer expressed that he is in favor
356 of the zoning change.

357
358 Drew Bowman - 306 E. Rusk Street, Rockwall, Texas. Mr. Bowman expressed concerned
359 with the nature and tone of this item and would like council to see the view of the
360 requestor and be willing to see her need.

361
362 Private Citizen - 704 Kornodle Street, Rockwall, Texas. This citizen expressed that she
363 would like to keep the integrity of the neighborhood and would like for council to vote in
364 favor of the residents.

365
366 Ms. Waldrop - homeowner of 306 Williams, expressed again that the business going into
367 her property would be low intensity residential office and not commercial. She further
368 expressed that she plans to maintain the outside architecture similar to the Candles by
369 Carol business and Boots Burgers. She further expressed frustration with why Boots
370 Burgers is allowed to operate out of a home in the same area.

371
372 Mayor David Sweet closed the public hearing and Councilmember Jim Pruitt made a
373 motion to deny the zoning change. Councilmember Daniels seconded the motion.

374
375 Council generally thanked all citizens present for their input and concern. Mayor David
376 Sweet called for a vote and the motion passed by a vote of 7 ayes and 0 nays.

377
378 Mayor David Sweet recessed the meeting for a 10 minute break before continuing the
379 remainder of the public hearing items.

380
381 Mayor David Sweet called the meeting back to order and continued with the remaining
public hearing items.

- 382 2. **Z2013-020** - Continue a public hearing to discuss and consider approval
383 of an **ordinance** for a request by James Brinkley for the approval of a
34 change in zoning from an Agricultural (Ag) District to a Single-Family
35 Estate 2.0 (SFE-2.0) District on a 2.0-acre tract of land identified as Tract
36 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall,
387 Rockwall County, Texas being located at 5866 S. FM-549 and take any
388 action necessary. **(1st Reading)**

389 **Planning Director Robert LaCroix provided background information related to this item**
390 **and explained that the land was generally zoned as (Ag) when annexed as a holding**
391 **pattern for future zoning when developed. Mr. LaCroix stated that notices were sent out**
392 **to 9 property owners and one was received back in favor. Planning and Zoning approved**
393 **this item at their previous meeting.**

394 **Mayor David Sweet opened the public hearing. No citizens came forward to speak on this**
395 **item, and the public hearing was closed.**

396 **Mayor Pro Tem White made a motion to approve the zoning change. Councilmember**
397 **Lewis seconded the motion and the ordinance was read as follows:**

398 **ORDINANCE NO. 13-37**

399
400 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
401 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
402 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED**
403 **SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN**
404 **ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE FAMILY**
405 **ESTATE (SF-E/2.0) DISTRICT FOR A 2.0-ACRE TRACT KNOWN AS TRACT**
406 **8-12, ABSTRACT 80, W.W. FORD SURVEY AND LOCATED AT 5866 FM-**
407 **549, CITY AND COUNTY OF ROCKWALL, TEXAS; PROVIDING FOR**
408 **SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**
409 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
410 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**
411 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

412
413 **The motion passed by a vote of 7 ayes and 0 nays.**

- 414 3. **Z2013-021** - Continue a public hearing to discuss and consider approval
415 of an **ordinance** for a request by James Brinkley for the approval of a
416 Specific Use Permit (SUP) to allow for an accessory building that does
417 not conform to the exterior material requirements as specified for a
418 property zoned for Single-Family Estate 2.0 (SFE-2.0) District uses by the
419 Unified Development Code, being a 2.0-acre tract of land identified as
420 Tract 8-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall,
421 Rockwall County, Texas, zoned Agricultural (Ag) District, located at 5866
422 S. FM-549 and take any action necessary. **(1st Reading)**

423 **Planning Director Robert LaCroix expressed that this is the second part of the previous**
424 **request. The requestor would like to have additional accessory buildings, and due to the**
425 **fact he is not using the same materials as the existing building, approval of an SUP is**
426 **necessary. Nine notices were sent out to property owners, and one was received in favor**
427 **of this item.**

428 **Mayor Sweet closed the public hearing. There were no citizens wishing to comment on**
429 **this item. Councilmember Jim Pruitt made a motion to approve the ordinance and**
430 **specific use permit. Mayor Pro Tem White seconded the motion and the ordinance was**
431 **read as follows:**

ORDINANCE NO. 13-38
SPECIFIC USE PERMIT NO. S-112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE SINGLE-FAMILY ESTATE (SF-E/2.0) DISTRICT ALLOWING FOR AN ACCESSORY BUILDING NOT MEETING THE EXTERIOR CLADDING REQUIREMENTS, ON THE PROPERTY LOCATED AT 5866 FM-549, BEING A 2.0 ACRE TRACT OF LAND DESCRIBED AS TRACT 8-12, ABSTRACT 80, W.W. FORD SURVEY, CITY AND COUNTY OF ROCKWALL, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XIII. ACTION ITEMS

1. Discuss and consider a request from Mr. Jeffrey Waller with Emerald Homes for a front yard fence located at 709 Rosewood, and take any action necessary.

Building Official Jeffrey Widmer gave brief background information related to this item and explained that they had no opposition from neighbors as long as the fence being installed was made with rod iron material.

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

2. **Z2013-018** - Discuss and consider approval of an ordinance for a request by Shea Kirkman on behalf of CADG Rockwall 41, LLC for the approval of a change in zoning from Planned Development District 10 (PD-10) to a General Retail (GR) District for a 3.816-acre tract of land situated within the Joseph Cadle Survey, Abstract No. 65 and the F. Henderson Survey, Abstract No. 119, City of Rockwall, Rockwall County, Texas, situated within the SH-276 Overlay (SH-276 OV) District, located at the northeast corner of the intersection of T. L. Townsend Drive and SH-276, and take any action necessary. **(1st Reading) (Requires a ¾ majority vote)**

Planning Director Robert LaCroix gave background information related to this item and explained that the ordinance has been revised to reflect direction and previous concerns considered by council. Mr. LaCroix expressed that the Planning and Zoning Commission originally denied this request due to traffic concerns that would be increased by some of the concerning business uses. Notifications were sent out to surrounding property owners, and one notice was returned in opposition of this item.

The applicant, Mark Holiday, came forth and stated he would be happy to answer any questions of the council.

Mayor Pro Tem White made a motion to approve the item. Councilmember Lewis seconded the motion and the ordinance was read as follows:

ORDINANCE NO. 13-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 10 (PD-10) [ORDINANCE NO. 04-25] AND 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 PLANNED DEVELOPMENT DISTRICT 10 (PD-10) FOR SINGLE FAMILY-DETACHED AND TOWNHOME USES TO PLANNED DEVELOPMENT DISTRICT 10 (PD-10) FOR LIMITED GENERAL RETAIL (GR) DISTRICT USES FOR A 3.816-ACRE TRACT OF LAND SITUATED IN THE J. CADLE SURVEY, ABSTRACT NO. 119, 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 to approve passed by a vote of 6 ayes and 1 nay by Councilmember Pruitt.

3. Discuss and consider various design/construction improvements for the FM 3097 (FM 740 to Tubbs Road) Paving and Drainage Improvements Project, and take any action necessary.

City Engineer, Tim Tumulty gave brief background information related to this item and general discussion took place. Mayor Pro Tem White made a motion to approve the item. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes and 1 nay by Mayor David Sweet.

Mayor Pro Tem White made a second motion to approve construction of a dedicated bike lane. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes and 1 nay by Councilmember Pruitt.

4. Consider approval of the Local Project Advanced Funding Agreement with the Texas Department of Transportation for the construction of FM 3097 from FM 740 to Tubbs Road.

City Engineer Tim Tumulty gave brief background information related to this item such as project cost and schedule. General discussion took place regarding this item.

Councilmember Lewis made a motion to approve the item. Mayor Pro Tem White seconded the motion. City Manager Rick Crowley stated that the funding for this project would come from the street assessment fund. The motion passed by a vote of 7 ayes and 0 nays.

5. Discuss and consider approval of an interlocal agreement between the City of Rockwall and Rockwall County for Fire Protection Services, and take any action necessary.

City Manager Rick Crowley explained that there was a work session held earlier in the year in order to look at the allocation of funding for fire protection services in the county. He went on to state how the calculations are assessed by the county and said the amount is consistent with the amount budgeted for the contract. He went on to state that the other member cities will also be receiving this contract with the new calculations and will continue to work with the county for possible increased funding in the future.

529 **Mayor Pro Tem White made a motion to approve the item. Councilmember Milder**
530 **seconded the motion, which passed by a vote of 7 ayes and 0 nays.**

531 6. Discuss and consider an appointment to the city's Park Board, and take
532 any action necessary.

533 **Councilmember Townsend made a motion to appoint Ray Harton to replace Karen**
534 **Coughlin on the Parks and Recreation Board. Mayor Pro Tem White seconded the**
535 **motion, which passed by a vote of 7 ayes and 0 nays.**

536
537 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
538 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

539
540 1. Departmental Reports
541 Building Inspections Monthly Report - August 2013
542 Fire Department Monthly Reports - August 2013
543 Harbor PD Monthly Report- August 2013
544 Internal Operations Monthly Report - August 2013
545 Police Department Monthly Report - August 2013
546 Recreation Monthly Report - August 2013
547 Rockwall Animal Adoption Center (RAAC) Monthly Report - August 2013

548 2. City Manager's Report

549 **City Manager Rick Crowley indicated that several departmental reports have been**
550 **included in the city council meeting packets this evening. He asked Assistant City**
551 **Manager Brad Griggs to give a general update on the status of the Baseball / Softball**
552 **program. Assistant City Manager Brad Griggs stated that registration will open December**
553 **1st with first games being set for the week of March 17th, 2014. Mr. Crowley then asked**
554 **Chief Poindexter to give an update on fire prevention week activities. Chief Poindexter**
555 **announced that they have started programs at all the elementary schools and recently**
556 **visited Grace Hartman Elementary. He also announced the open house at Fire Station #2,**
557 **to be held on October 12th from 9 a.m. – 2:00 p.m. Rick Crowley then gave brief update on**
558 **the Lifetime Triathlon held the previous weekend and stated there would be a**
559 **representative with the Triathlon present at the next meeting to give a brief report on the**
560 **event. He also gave an update on the dispatching project with the City of Fate Public**
561 **Safety and explained that the program is now underway and being utilized. He then**
562 **stated that due to city management staff being out of the office the next week for the**
563 **Texas Municipal League conference, Chief of Police Mark Moeller will stand in as acting**
564 **City Manager.**

565 **Mayor Pro Tem White and Councilmember Lewis expressed gratitude to the Parks and**
566 **Recreation Supervisor, Andy Hesser, and the Police Department for traffic control and**
567 **event coordination at the Triathlon. They felt the entire event was a success.**

568
569 **XV. EXECUTIVE SESSION**

570
571 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
572 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
573 **CODE:**

574
575 1. Discussion regarding appointments to city regulatory boards,
576 commissions, and committees including the Building and Standards
577 Commission, Board of Adjustments, and Rockwall Economic

578 Development Corporation pursuant to Section §551.074 (personnel
579 matters)

30 2. Discussion regarding land acquisition in the downtown area for municipal
31 purposes pursuant to Section §551.072 (deliberations about real
582 property).

583 3. Discussion regarding developer proposed changes to Harbor Heights
584 contract pursuant to Section § 551.071 (Consultation with Attorney).

585

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

587

588 **The council did not convene into Executive Session.**

589

590 **XVI. ADJOURNMENT**

591

592 **Mayor David Sweet adjourned the meeting at 9:24 p.m.**

593

594 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
595 **TEXAS, this 21st day of October, 2013.**

596

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598



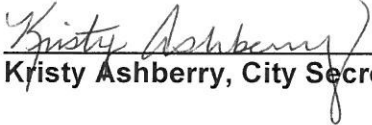
David Sweet, Mayor

599 **ATTEST:**

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 04, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Sweet called the public meeting to order at 4:02 p.m. Present were Mayor Sweet, Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Councilmember Scott Milder was absent from the meeting.

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

1. Hold work session to hear staff update regarding alternatives related to the pool at Harry Myers Park, and take any action necessary.

Mr. Brad Griggs, Assistant City Manager, came forth and briefed the council on a conceptual drawing regarding a potential alternative to a traditional swimming pool and/or spray ground at Harry Myers. Discussion took place regarding various options and associated costs. After the discussion, Mayor Sweet made a motion to move forward with authorizing staff to make the necessary repairs at the Harry Myers Pool and if there are other things that can be added to the pool for increased entertainment value, staff is asked to bring those back to council for consideration. Councilmember Daniels seconded the motion. After additional comments, the motion passed by a vote of 4 in favor, 2 against (White and Townsend) and 1 absent (Milder).

2. Hold work session to hear staff update regarding countywide joint dispatch, radio system and software, and take any action necessary.

Following a brief introduction by City Manager Rick Crowley, Chief Moeller and Frank Dunlop from the Rockwall Police Department came forth and made a presentation explaining the various dispatch, radio and software system needs of our police and fire department. Comparisons were made regarding various options, with staff indicating that discussions with Rockwall County and the other agencies in the county will be ongoing moving forward. After additional discussion, no action was taken by the council regarding this work session item.

3. Hold work session to hear staff update regarding dredging along the Lake Ray Hubbard Takeline area, and take any action necessary.

Andy Hesser, Parks and Recreation Manager, came forth and briefed the council on the options associated with dredging in the Takeline area of lake Ray Hubbard. After a lengthy briefing, Mr. Crowley offered clarifying comments, indicating that, due to what the City of Dallas is and is not willing to permit related to the dredging, the project has grown larger in scope than that which was originally discussed and preliminarily agreed upon by the city council two weeks ago. Mr. Hesser explained that any project scope that would extend out much further than the old road bed will not be a project conducive to city staff completing the work.

47 **After lengthy discussion, Councilmember Pruitt made a motion to authorize city staff to**
48 **pursue removing the old road bed at this time while also evaluating dredging options**
49 **and associated costs. Councilmember Townsend seconded the motion. After brief**
50 **discussion, the motion passed by a vote of 5 in favor, 1 against (White) and 1 absent**
51 **(Milder).**

52 **Following the work session, at 5:13 p.m. Mayor Sweet read the below listed discussion**
53 **items into the public record before recessing the public meeting into Executive Session.**

54

55 **III. EXECUTIVE SESSION. (4:30 P.M.)**

56

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

60

61 1. Discussion regarding appointments to city regulatory boards, commissions,
62 and committees including the Rockwall Central Appraisal District pursuant to
63 Section §551.074 (personnel matters)

64 2. Discussion regarding the following legal claims pursuant to Section 551.071
65 (Consultation with Attorney): TF-Harbor LLC v. City of Rockwall, Texas and
66 Rockwall Rental Properties L.P.; Natalie Vidal and Roberto Garza Jr,
67 individually and as next friend of E.G., a minor v. City of Rockwall, Texas

68 3. Discussion regarding potential claim for trademark violation pursuant to Tex.
69 Gov't. Code, § 551.071 (Consultation with Attorney).

70 4. Discussion regarding the city's Fixed Based Operator airport agreement
71 pursuant to Section § 551.071 (Consultation with Attorney)

72 5. Discussion regarding potential acceptance of a land dedication gift from
73 Skorburg Company pursuant to Section § 551.071 (Consultation with
74 Attorney) and Section § 551.072 (Real Property).

75 **From the public agenda:**

76 2. Appointment with Jas Kalsi and Ricky Bolton to discuss and consider
77 authorizing the city manager to enter into a concessionaire agreement for a
78 Fly Boarding business operating from The Harbor boat docks, and take any
79 action necessary.

80 3. Appointment with Mike O'Boyle to discuss and consider authorizing the city
81 manager to enter into a concessionaire agreement for a Fly Boarding
82 business operating from The Harbor boat docks, and take any action
83 necessary.

84 **IV. ADJOURN EXECUTIVE SESSION**

85

86 **City Council members adjourned out of Executive Session at 5:50 p.m.**

87

88

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 04, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

V. RECONVENE PUBLIC MEETING

Mayor Sweet reconvened the public meeting at 6:00 p.m. with all council members present except Councilmember Milder who was absent from the meeting.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem White indicated that there is no action to be taken at this time related to Executive Session discussion items.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

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

VIII. PROCLAMATIONS / AWARDS

1. American Diabetes Month

A local resident and representative of the American Diabetes Association came forth and spoke a few words about diabetes and efforts that are underway to combat this disease. Mayor Sweet then read and presented the proclamation, declaring it American Diabetes Month in the City of Rockwall.

IX. OPEN FORUM

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

Alice Bland
1410 S. Goliad Street, #1201 (Pebblebrook Apartments)
Rockwall, TX 75087

Ms. Bland indicated that the apartment complex in which she lives, Pebblebrook, is falling apart, and some of the disrepair is causing safety concerns, especially for elderly and older residents who live there. Mayor Sweet asked Mr. Crowley, City Manager, to look into this matter to follow up. He also suggested that Ms. Bland consider contacting Margie Verhagen with the local Meals on Wheels organization (Rockwall County Committee on Aging) to see what resources she may have to assist with Ms. Bland's concerns. Brief discussion took place regarding affordable housing for seniors in the community.

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

139 X. CONSENT AGENDA

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1. Consider approval of the minutes from the October 21, 2013 regular city council meeting, and take any action necessary.
2. Consider approval of engineering design amendment #1 with Teague, Nall and Perkins, Inc. for the Central Water and Sewer Improvements Project in the amount of \$40,300 for performance of additional wastewater improvements design related to the Williams St. sewer (to be funded from 2008 revenue bonds), and take any action necessary.
3. **P2013-033** - Consider a request by Brian Corrigan for the approval of a final plat for Lot 1, Block A of the Corrigan Law Office Addition being a 0.31-acre tract of land situated within the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located on the east side of T. L. Townsend Drive north of IH-30, and take any action necessary.
4. **P2013-036** - Consider a request by T. Craig Carney of Carney Engineering, PLLC for the approval of a final plat for a 0.9218-acre portion of a larger tract of land identified as Tract 4-9 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, and located at the northeast corner of the intersection of Ridge Road and Summer Lee Drive, and take any action necessary.
5. **Z2013-025** - Consider approval of an **ordinance** for a request by Stephan Ewing on behalf of the owner, Dallas East Partnership, for the approval of an amendment to Specific Use Permit No. 109 (S-109) to allow the rental of one (1) full size pick-up truck and one (1) full size van as an accessory use to the existing mini-warehouse facility located on a 6.06-acre parcel of land identified as Lot 1, Block C, Rockwall Business Park East, City of Rockwall, Rockwall County, Texas, located at 1280 E. Ralph Hall Parkway, and take any action necessary. **(2nd Reading)**
6. **MIS2013-006** – Consider approval of an **ordinance** for a city initiated amendment to Chapter 38, Sections 38-360 through 38-368, Subdivision Regulations of the Code of Ordinances of the City of Rockwall, Texas, concerning updated impact fees for roadway facilities by updating the land use assumptions and capital improvement plans for such facilities, establishing updated service areas for such facilities, providing definitions, providing for collection and assessment, and take any action necessary. **(2nd Reading)**

Mayor Pro Tem White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, and 6). Councilmember Townsend seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 13-42**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, AMENDING CHAPTER 38, SECTIONS 38-360
THROUGH 38-368 SUBDIVISION REGULATIONS, OF THE CODE OF
ORDINANCES OF THE CITY OF ROCKWALL, TEXAS, CONCERNING**

188 UPDATED IMPACT FEES FOR ROADWAY FACILITIES BY
189 UPDATING THE LAND USE ASSUMPTIONS AND CAPITAL
190 IMPROVEMENT PLANS FOR SUCH FACILITIES; ESTABLISHING
191 UPDATED SERVICE AREAS FOR SUCH FACILITIES; PROVIDING
192 DEFINITIONS; PROVIDING FOR COLLECTION AND ASSESSMENT
193 PROVIDING FOR SEVERABILITY; PROVIDING FOR REMEDIES;
194 PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE
195 DATE.

196
197
198 CITY OF ROCKWALL
199 ORDINANCE NO. 13-41
200 SPECIFIC USE PERMIT NO. S-113
201

202 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
203 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
204 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
205 AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-
206 109 [ORDINANCE NO. 13-15] TO ALLOW FOR THE RENTAL OF ONE
207 (1) FULL SIZE PICK-UP TRUCK AND ONE (1) FULL SIZE VAN AS AN
208 ACCESSORY USE TO AN EXISTING MINI-WAREHOUSE FACILITY,
209 BEING A 6.06-ACRE PARCEL, AND LOCATED AT 1280 RALPH HALL
210 PARKWAY, AND ZONED COMMERCIAL (C) DISTRICT, AND
211 DESCRIBED AS LOT 1, BLOCK C OF THE ROCKWALL BUSINESS
212 PARK EAST ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,
213 TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
214 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
215 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
216 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
217 PROVIDING FOR AN EFFECTIVE DATE.
218

219 **The motion to approve the entire Consent Agenda passed by a vote of 6 ayes with 1**
220 **absent (Milder).**
221

222 **Following approval of the Consent Agenda, at 6:15 p.m., Mayor Sweet indicated that the**
223 **council would recess into Executive Session to discuss the following Appointment Items**
224 **listed on the public agenda pursuant to Texas Government Code § 551.071 (Consultation**
225 **with Attorney):**
226

- 227 **2. Appointment with Jas Kalsi and Ricky Bolton to discuss and**
228 **consider authorizing the city manager to enter into a concessionaire**
229 **agreement for a Fly Boarding business operating from The Harbor**
230 **boat docks, and take any action necessary.**
- 231 **3. Appointment with Mike O'Boyle to discuss and consider authorizing**
232 **the city manager to enter into a concessionaire agreement for a Fly**
233 **Boarding business operating from The Harbor boat docks, and take**
234 **any action necessary.**

235 **Following the council recess into Executive Session, Mayor Sweet called the public**
236 **meeting back to order at 6:30 p.m.**
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239

240 **XI. APPOINTMENTS**

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243
244

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.

245 **Planning & Zoning Chairman, Craig Renfro, came forth and briefed the council on**
246 **recommendations of the Commission relative to items on tonight's public agenda. The**
247 **council took no action regarding this agenda item.**

2. Appointment with Jas Kalsi and Ricky Bolton to discuss and consider authorizing the city manager to enter into a concessionaire agreement for a Fly Boarding business operating from The Harbor boat docks, and take any action necessary.

252 **Mr. Kalsi came forth and showed a portion of an informational (training) video related to**
253 **his fly boarding operation, which he explained currently operates at Lake Travis in**
254 **Austin. He indicated he would like the council to consider approving the same sort of fly**
255 **boarding operation in Rockwall at The Harbor at Lake Ray Hubbard.**

256 **Councilmember Pruitt asked what fixed location this company will operate out of in**
257 **order to have patrons fill out appropriate paperwork. Mr. Kalsi indicated that they are**
258 **considering leasing a 1,000 square foot office space at The Harbor because they will also**
259 **be selling the boards; however, he explained, they will be utilizing iPads containing**
260 **electronic paperwork and waivers, and signatures of patrons will be obtained**
261 **electronically in lieu of paper forms.**

262 **Councilmember Pruitt made a motion to approve the concessionaire agreement.**
263 **Councilmember Townsend seconded the motion, which passed by a vote of 6 eyes with**
264 **1 absent (Milder).**

3. Appointment with Mike O'Boyle to discuss and consider authorizing the city manager to enter into a concessionaire agreement for a Fly Boarding business operating from The Harbor boat docks, and take any action necessary.

269 **Mr. O'Boyle came forth and offered brief details to the council regarding his proposed fly**
270 **boarding operation. He indicated that he will not be selling the fly boards; he will only be**
271 **renting them. Therefore, he will not be utilizing a fixed office space. He will have**
272 **electronic documents and electronic signatures on iPads for patrons to sign instead.**
273

274 **Councilmember Pruitt expressed concern regarding why and if the city should be**
275 **approving an agreement with this type of operation knowing that the company will be**
276 **asking for patrons to waive any and all safety related liabilities.**
277

278 **After brief discussion, Councilmember Pruitt made a motion to approve the**
279 **concessionaire agreement. Councilmember Townsend seconded the motion, which**
280 **passed by a vote of 6 eyes with 1 absent (Milder).**
281

282 **XII. ACTION ITEMS**

283
284
285
286

1. **Z2013-026** - Discuss and consider approval of an **ordinance** for a request by John P. Allender with Architexas on behalf of the owner Greener City Groups, Inc. for the approval of a zoning change to amend

287 the residential standards for a 4.96-acre portion of Planned Development
288 District 9 (PD-9) being identified as Tracts 4-13 & 4-14 of the Edward Teal
289 Survey, Abstract 207, City of Rockwall, Rockwall County, Texas, located
290 east of the intersection of Ridge Road [FM-740] and Shady Dale Lane,
291 and take any action necessary. **(2nd Reading)**

292 **Mayor Pro Tem White made a motion to approve Z2013-026. Councilmember Lewis**
293 **seconded the motion. The ordinance was read as follows:**

294 **CITY OF ROCKWALL**
295 **ORDINANCE NO. 13-43**

296
297 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
298 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
299 **CODE (ORD. 04-38) OF THE CITY OF ROCKWALL, TEXAS, AS**
300 **PREVIOUSLY AMENDED, SO AS TO AMEND (PD-9) PLANNED**
301 **DEVELOPMENT NO. 9 DISTRICT AND ORDINANCE 86-55, SO AS TO**
302 **AMEND THE RESIDENTIAL STANDARDS AND CHANGE THE ZONING**
303 **FROM (SF-22.5) SINGLE FAMILY RESIDENTIAL DISTRICT TO (SF-**
304 **12.5) SINGLE FAMILY RESIDENTIAL DISTRICT FOR A 4.96-ACRE**
305 **PORTION OF (PD-9) PLANNED DEVELOPMENT DISTRICT NO. 9, AND**
306 **BEING IDENTIFIED AS TRACTS 4-13 & 4-14, EDWARD TEAL**
307 **SURVEY, ABSTRACT 207 AND LOCATED EAST OF THE**
308 **INTERSECTION OF RIDGE ROAD AND SHADY DALE LANE, AND**
309 **MORE SPECIFICALLY SHOWN AS EXHIBIT "B" (BOUNDARY**
310 **SURVEY); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR**
311 **A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**
312 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING**
313 **FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**
314 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
315

316 **The motion to approve passed by a vote of 5 in favor, 1 against (Daniels) and 1 absent**
317 **(Milder).**

318 **2. Z2013-027 - Discuss and consider approval of an ordinance for a**
319 **request by Heritage Christian Academy for approval of a Specific Use**
320 **Permit (SUP) to allow for "Private School Temporary Education Buildings"**
321 **within the (MF-14) Multi-Family Residential district on Lot 1, Block A,**
322 **Heritage Christian Academy Addition, being 6.64-acres and located at**
323 **1408 South Goliad, and take any action necessary. (2nd Reading)**

324 **Councilmember Lewis made a motion to approve Z2013-027. Mayor Sweet seconded the**
325 **motion. Mayor Pro Tem White stated he disagrees with the time limit associated with the**
326 **SUP. The ordinance was read as follows:**

327 **CITY OF ROCKWALL**
328 **ORDINANCE NO. 13-44**
329 **SPECIFIC USE PERMIT NO. S-114**

330
331 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
332 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
333 **CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
334 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)**
335 **ALLOWING FOR THREE (3) "PRIVATE SCHOOL TEMPORARY**
336 **EDUCATION BUILDINGS" WITHIN THE (MF-14) MULTI-FAMILY**
337 **RESIDENTIAL DISTRICT ON LOT 1, BLOCK A, HERITAGE CHRISTIAN**

338 ACADEMY ADDITION, LOCATED AT 1408 SOUTH GOLIAD;
339 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
340 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
341 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
342 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
343 PROVIDING FOR AN EFFECTIVE DATE.
344

345 **The motion passed by a vote of 5 ayes, 1 against (White) and 1 absent (Milder).**
346

- 347 3. Discuss and consider a request from Mr. Lee McMillian for approval of a
348 front yard fence to be located at 13 Crestview Circle and take any action
349 necessary.

350 **Building Official Jeffrey Widmer came forth and offered brief, introductory remarks,**
351 **explaining that Mr. McMillian would like to install a wrought iron, front yard fence.**
352 **Councilmember Pruitt asked why notifications are not sent to neighbors living within 200**
353 **feet related to approval of front yard fence requests. Mr. Widmer indicated that this sort**
354 **of request is addressed in the city's Code of Ordinances, and does not require a public**
355 **hearing to be held. Therefore, no notices are sent. If the council desires to change this**
356 **practice, the zoning ordinance would need to be amended to add such provisions.**
357

358 **Mr. McMillian came forth and indicated that the fence is mostly needed to protect fruit**
359 **trees and plants located in a certain area of his yard; however, he would like the fence to**
360 **run across the front of his house too for aesthetic reasons. After brief discussion,**
361 **Mayor Pro Tem White made a motion to approve the front yard fence as requested.**
362 **Mayor Sweet seconded the motion, which passed by a vote of 6 ayes with 1 absent**
363 **(Milder).**

- 364 4. **MIS2013-007** - Discuss and consider a request by Rich Houston on
365 behalf of R. Fifty Green Homes, LLC for the approval of an exception to
366 the minimum masonry requirements stipulated in Section 3.1, General
367 Residential District Standards, of Article V, District Development
368 Standards, of the Unified Development Code, for a 2.055-acre tract of
369 land situated within the Rueben Ballard Survey, Abstract No. 29,
370 Rockwall, Rockwall County, Texas; zoned Single Family 7 (SF-7) District,
371 located directly west of the intersection of SH-66 (Williams Street) and
372 Caruth Lane, and take any action necessary.

373 **Planning Director Robert LaCroix provided background information related to this**
374 **agenda item, explaining the various exceptions that this applicant is requesting for**
375 **council consideration. Mr. LaCroix explained that Planning & Zoning Commissioner**
376 **Nielsen was unclear about the construction method and wanted to get more information,**
377 **and that is why he voted against recommending approval of this item when it was before**
378 **the Planning & Zoning Commission.**

379 **After brief discussion, Mayor Pro Tem White made a motion to approve MIS2013-007.**
380 **Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1**
381 **absent (Milder).**

- 382 5. Discuss and consider Art in Public Places, and take any action
383 necessary.

384 **City Manager Rick Crowley provided brief comments related to this agenda item. Mayor**
385 **Pro Tem White made a motion to appoint Councilmember Milder as the council liaison to**

386 oversee recommendations regarding appointments to the city's Art Review Team.
387 Councilmember Townsend seconded the motion. After brief discussion, Mayor Pro Tem
388 White amended his motion to add Mayor Sweet as both a member of the Art Review
389 Team and as a co-liaison for appointment recommendations for this board.
390 Councilmember Townsend seconded the amended motion, which passed by a vote of 6
391 in favor with 1 absent (Milder).
392

- 393 6. Discuss and consider recommendation of the North TX Municipal Water
394 District board of directors concerning modifications to Stage 3 Water
395 Conservation measures, and take any action necessary.

396 City Manager Rick Crowley provided introductory comments related to this agenda item.
397 Brief discussion took place regarding lost revenue to the city as a result of water
398 restrictions associated with water conservation. Comments were provided by Mr.
399 Crowley with respect to the new water line that is in process that will allow Lake Texoma
400 to be utilized as a water source. He indicated that zebra mussels still pose a challenge.
401 Brief discussion also took place related to potential, future, local water conservation
402 efforts in the City of Rockwall regarding voluntary compliance on the part of our
403 residents as opposed to local enforcement and associated criminal penalties.

404 Mayor Sweet made a motion to approve the recommendation of the NTMWD board
405 concerning modifications to Stage 3 Water Conservation measures. Councilmember
406 Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Milder).
407

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

- 410 1. Departmental Reports
411 Building Inspections Department Monthly Report - September
412 Fire Department Monthly Reports - September 2013
413 Harbor PD Monthly Report - September 2013
414 Internal Operations Department Monthly Report - September 2013
415 Police Department Monthly Report - September 2013
416 Recreation Monthly Report - September 2013
417 Rockwall Animal Adoption Center (RAAC) Monthly Report - September 2013
418 Rockwall County Committee on Aging (RCCOA) Quarterly Report

- 419 2. City Manager's Report
420

421 City Manager Rick Crowley indicated that the City closed on the building and property
422 located at Washington and Fannin St. Construction, abatement and demolition will likely
423 occur very shortly, hopefully before the next council meeting. Hill Wilkinson, the
424 construction manager, has started work on some of the parking lots. Mr. Tim Tumulty,
425 City Engineer, will be overseeing and managing the downtown construction project. Mr.
426 Crowley also indicated that later this week, he and Mr. Griggs will be attending a meeting
427 of the International Shopping Center organization to discuss with retailers the many
428 advantages of doing business in the City of Rockwall. He shared that the recent rainfall
429 has not had a large impact on the lake levels and drought conditions.
430

431 At 7:28 p.m. Mayor Sweet read discussion item #s 1, 2, 4 and 5 listed below into the
432 public record, indicating that the Council will recess the public meeting into Executive
433 Session to discuss these matters following a short, five minute break.
434

435 **XIV. EXECUTIVE SESSION**

436
437 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
438 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
439 **CODE:**

- 440 1. Discussion regarding appointments to city regulatory boards, commissions,
441 and committees including the Rockwall Central Appraisal District pursuant to
442 Section §551.074 (personnel matters)
- 443 2. Discussion regarding the following legal claims pursuant to Section 551.071
444 (Consultation with Attorney): TF-Harbor LLC v. City of Rockwall, Texas and
445 Rockwall Rental Properties L.P.; Natalie Vidal and Roberto Garza Jr,
446 individually and as next friend of E.G., a minor v. City of Rockwall, Texas
- 447 4. Discussion regarding the city's Fixed Based Operator airport agreement
448 pursuant to Section § 551.071 (Consultation with Attorney)
- 449 5. Discussion regarding potential acceptance of a land dedication gift from
450 Skorburg Company pursuant to Section § 551.071 (Consultation with
451 Attorney) and Section § 551.072 (Real Property).

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

453
454
455 **Council came out of Executive Session, and Mayor reconvened the public meeting at**
456 **7:54 p.m. Mayor Pro Tem White made a motion to authorize staff to issue an RFP**
457 **(request for proposals) for an FBO (fixed based operator) at the Rockwall Municipal**
458 **Airport. Councilmember Lewis seconded the motion, which passed unanimously of**
459 **council present (Midler absent).**

460
461 **Mayor Pro Tem White made a motion to reject the land dedication gift offered to the city**
462 **by Skorburg. Councilmember Daniels seconded the motion, which passed by a vote of 6**
463 **eyes with 1 absent (Milder).**

464
465
466 **XVI. ADJOURNMENT**

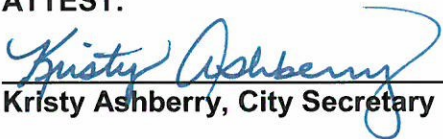
467
468 **Mayor Sweet adjourned the public meeting at 7:55 p.m.**
469

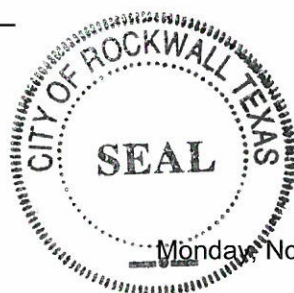
470 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
471 **TEXAS, this 18th day of November, 2013.**

472
473
474 

David Sweet, Mayor

475 **ATTEST:**

476 
477
478 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 18, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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8

I. CALL PUBLIC MEETING TO ORDER

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Mayor Sweet called the public meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Mayor Sweet then read the below listed discussion items into the public record before recessing the public meeting into Executive Session at 4:02 p.m.

16
17

II. EXECUTIVE SESSION.

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

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1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with Attorney)
 2. Discussion regarding securing legal representation from Carrington, Coleman, Sloman & Blumenthal, L.L.P. pertaining to TF-Harbor LLC v. City of Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Tex. Gov't. Code, § 551.071 (Consultation with Attorney).
 3. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
 4. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Rockwall Central Appraisal District pursuant to Section §551.074 (personnel matters)

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34

III. ADJOURN EXECUTIVE SESSION

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Council adjourned from Executive Session at 5:02 p.m.

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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 18, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

43 **IV. RECONVENE PUBLIC MEETING**

44
45 **Mayor Sweet reconvened the public meeting at 6:00 p.m. with all council members and**
46 **staff listed above being present.**

47
48 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

49
50 **Mayor Pro Tem White made a motion to secure legal representation from Carrington,**
51 **Coleman, Sloman & Blumenthal, L.L.P. Councilmember Lewis seconded the motion,**
52 **which passed unanimously of council present (7 ayes to 0 nays).**

53
54 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**

55
56 **Councilmember Milder delivered the invocation and led the Pledge of Allegiance.**

57
58 **VII. PROCLAMATIONS / AWARDS**

- 59
60 1. Texas Amateur Athletic Federation (TAAF) Presidents Award

61
62 **Jeff Goodman, with the City of Waco Parks and Recreation Department, came forth and**
63 **shared a history of Brad Griggs' service and accomplishments over the years. He then**
64 **presented Mr. Griggs (Rockwall Assistant City Manager / Parks Director) with the TAAF**
65 **Presidents Award.**

66
67 **VIII. CONSENT AGENDA**

- 68
69 1. Consider approval of the minutes from the November 4, 2013 regular city
70 council meeting, and take any action necessary.
- 71 2. Consider approval of an **ordinance** allowing various sanitary sewer
72 materials to be included in the City's Standards of Design and
73 Construction Manual and the North Central Texas Council of
74 Governments Standard Specifications for Public Works Construction (3rd
75 Edition), and take any action necessary. **(1st reading)**
- 76 3. Consider approval of a request by AT&T Wireless for a new monopole
77 cellular communications tower to be located at 1310 E. Interstate 30 (East
78 Side Water Yard), authorizing the City Manager to execute an agreement
79 and take any action necessary.
- 80 4. **P2013-037** - Consider a request by the Skorburg Company on behalf of
81 Life Spring Church for the approval of a final plat for a 0.402-acre tract of
82 land located within the J. Strickland Survey, Abstract No. 187, Rockwall,
83 Rockwall County, Texas for the purpose of dedicating right-of-way; the
84 subject property is zoned Agricultural (Ag) District, is generally located

north of John King Boulevard and east of SH-205, and take any action necessary.

5. **P2013-038** - Consider a request by Marshall Gage, LLC on behalf of Ridge Road Properties, LLC for the approval of a replat for Lots 23 & 24, Block A, Horizon Ridge Addition being a 1.021-acre parcel of land currently identified as Lot 13R, Block A, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas; zoned Planned Development District 9 (PD-9), situated within the Scenic Overlay (SOV) District, generally located south of IH-30 on the east side of FM-740 (Ridge Road), and take any action necessary.

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

**CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 38. SUBDIVISIONS, ARTICLE I. IN GENERAL, SECTION 38-23. STANDARDS FOR DESIGN OF DEVELOPMENT WITHIN SUBDIVISIONS ADOPTED TO AMEND THE CITY OF ROCKWALL'S SUPPLEMENTAL SPECIAL PROVISIONS TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, NORTH CENTRAL TEXAS, 3RD EDITION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion 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.

Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the council on recommendations of the Commission relative to items on tonight's city council agenda.

2. Appointment with representatives of the 2013-2014 Leadership Rockwall Class to discuss and consider a project proposal to construct a butterfly garden located within a City of Rockwall public park and take any action necessary.

Stephen Straughan, representative from the current Leadership Rockwall Class, came forth and delivered a presentation regarding the proposed butterfly garden.

Councilmember Milder made a motion to approve the proposed butterfly garden to be placed at Lofland Park. Mayor Pro Tem White seconded the motion, which, after brief comments, passed by a vote of 7 ayes to 0 nays.

135 **X. PUBLIC HEARING ITEMS**

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1. **Z2013-028** - Hold a public hearing to discuss and consider approval of an ordinance for a request by Rockwall Gold & Silver on behalf of Donna Pritchard for the approval of a Specific Use Permit for a pawn shop on a portion of a 0.423-acre parcel of land, zoned Commercial (C) District and located within the SH 205 Overlay (SH 205 OV) District, identified as Lot 1, Block 1 of the Garland Federal Savings & Loan Addition, specifically Suite 1 of 1901 S. Goliad Street, and take any action necessary. **(1st Reading)**

145

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149

Planning Director Robert LaCroix provided brief background information related to this item. Notices were sent out to adjacent property owners located within two hundred feet of the property, in accordance with the law. One of the eleven notices sent was received back in favor. The Planning and Zoning Commission recommended approval of this item by a vote of 5 ayes with 2 against.

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

**Lloyd and wife, Toni, Waldrop
(business owner)
1185 Aberdeen Lane
Rockwall, TX**

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Mr. Waldrop came forth and explained the nature of his request, sharing some photographs and explaining that the main purpose is to do strictly jewelry loans in about 300 square feet of their floor space at this store. He explained he owns an 8,000 square foot pawn shop at a separate location off of IH-30, and that is where big items will continue to be handled. However, he indicated that he knows there is a certain stigma about a pawn shop, and he realizes that a lot of his customers do not want to go into a pawn shop store in order to perform a loan transaction. He indicated that this location on Goliad (where loans are proposed to be performed) is very secure and that patrons are buzzed in and out. He explained that, by law, in order to do loans, he has to get a pawn shop license. He shared that the state examiner recently visited his business to inspect his books, and the examiner suggested he consider doing pawn loans, indicating that a lot of people in the industry are doing them. He stated he has a letter from the examiner stating it will be ok to do jewelry loans as long as the City of Rockwall will permit it.

172

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175

City Attorney, Frank Garza, indicated the City of Rockwall, within an SUP, can control the type of business, but the city cannot control how they conduct their business. General discussion took place regarding possibly placing a time limit on the SUP.

176

177

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179

**Alice Bland
1410 S. Goliad Street, #1201
Rockwall, TX 75087**

180

181

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184

Mrs. Bland encouraged the council to consider that this neighborhood has a lot of transients with the various apartment complexes located nearby. This business may also have an affect on the police department because the police may be called due to this type of business being a potential lure to criminals.

185 There being no one else in the audience wishing to come forth and speak, Mayor Sweet
186 then closed the public hearing.

187
188 Councilmember Milder expressed concern about this SUP request, and he made a
189 motion to deny Z2013-028. Councilmember Pruitt seconded the motion.

190
191 Councilmember Daniels indicated he received some phone calls from business owners
192 (who are not property owners, so therefore did not receive the public notice that was
193 mailed out by city staff) expressing concern about having this pawn shop business
194 located so close to their own business. Mayor Pro Tem White suggested the council
195 consider granting the SUP but put a time limit on it of two to three years, and then revisit
196 the SUP at that time to gauge whether or not the applicant is operating their business in
197 a manner in which they proposed to council that they will operate. Councilmember Pruitt
198 expressed concern about the existing pay day loan business that is already operating at
199 this location, and he also has concerns about the proposed pawn shop. He believes that
200 this type of business attracts other, similar businesses, and it leads to a degradation of
201 the neighborhood.

202
203 After additional discussion, the motion to deny the SUP failed by a vote of 3 ayes to 4
204 nays (Townsend, White, Sweet and Lewis).

205
206 Mayor Pro Tem White made a motion to approve Z2013-028. Mayor Sweet seconded the
207 motion. He then amended his motion to stipulate that the SUP, if approved, would be
208 granted for a period of two years and would be revisited at the end of that specific time
209 period. Mayor Sweet seconded the amended motion. It was clarified that the motion to
210 approve will include 'staff conditions.'

211
212 After brief discussion, the ordinance was read as follows:

213
214 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
215 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
216 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
217 AMENDED, SO AS GRANT A SPECIFIC USE PERMIT TO ALLOW
218 FOR A "PAWNSHOP" ON A PORTION OF A 0.423-ACRE PARCEL
219 OF LAND, AND MORE SPECIFICALLY IDENTIFIED AS "SUITE 1" AS
220 DEPICTED IN EXHIBIT "A" ATTACHED HERETO, AND LOCATED
221 AT 1901 S. GOLIAD STREET, AND ZONED COMMERCIAL (C)
222 DISTRICT, AND DESCRIBED AS LOT 1, BLOCK 1 OF THE
223 GARLAND FEDERAL SAVINGS & LOAN ADDITION, CITY OF
224 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
225 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT
226 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
227 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
228 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
229 EFFECTIVE DATE.

230
231 The motion passed 4 in favor and 3 against (Pruitt, Daniels, Milder).

- 232
233 2. **Z2013-029** - Hold a public hearing to discuss and consider approval of an
234 ordinance for a request by Cameron Slown on behalf of Med-Tech
235 Construction, Inc. for the approval of a Specific Use Permit for an
236 assisted living facility on a 0.96-acre tract of land identified as Lots 2 & 5,

237 Block 1 of the Alliance Addition, City of Rockwall, Rockwall County,
238 Texas, zoned Planned Development District 57 (PD-57), and located
239 southeast of the corner of the intersection of H. Wallace Lane and Jeff
240 Boyd Drive, and take any action necessary. **(1st Reading)**

241 **Planning Director Robert LaCroix provided brief background information related to this**
242 **agenda item. Notices were mailed to surrounding property owners, and no responses**
243 **have been received back at this time. The Planning & Zoning Commission did**
244 **recommend approval of this item by a unanimous vote.**

245 **Mayor Sweet opened the public hearing and called the applicant forth to speak.**

246
247 **Cameron Slown, the applicant, came forth and offered brief comments related to this**
248 **proposed assisted living facility.**

249
250 **Alice Bland**
251 **1410 S. Goliad Street, #1201**
252 **Rockwall, TX 75087**

253
254 **Mrs. Bland came forth and asked if this assisted living facility will be an affordable**
255 **assisted living facility. Mayor Sweet suggested that Mrs. Bland visit with the applicant,**
256 **Mr. Slown, in the lobby concerning this inquiry.**

257
258 **There being no one else wishing to come forth and speak, Mayor Sweet then closed the**
259 **public hearing.**

260
261 **Councilmember Pruitt made a motion to approve Z2013-029. Mayor Pro Tem White**
262 **seconded the motion. After additional discussion, the ordinance was read as follows:**

263
264 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
265 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**
266 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS GRANT A**
267 **SPECIFIC USE PERMIT TO ALLOW FOR AN "ASSISTED LIVING**
268 **FACILITY" ON A 0.96-ACRE TRACT OF LAND IDENTIFIED AS LOTS 2 & 5,**
269 **BLOCK 1 OF THE ALLIANCE ADDITION, AND FURTHER DESCRIBED IN**
270 **EXHIBIT "A" ATTACHED HERETO, AND ZONED PLANNED**
271 **DEVELOPMENT DISTRICT NO. 57 (PD-57), CITY OF ROCKWALL,**
272 **ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;**
273 **PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF**
274 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
275 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
276 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

277
278 **The motion passed by a vote of 7 ayes to 0 nays.**

279
280 **3. Z2013-030 - Hold a public hearing to discuss and consider approval of an**
281 **ordinance for a request by Jim Smylie on behalf of Bill Burns for the**
282 **approval of a zoning change from Agricultural (Ag) District to a**
283 **Commercial (C) District for a 9.77-acre tract of land identified as Lots 18**
284 **& 19 of Rainbow Acres, City of Rockwall, Rockwall County, Texas,**
285 **located at the southeastern corner of the intersection of Ranch Trail Road**
286 **and County Line Road, and take any action necessary. (1st Reading)**

287 Planning Director Robert LaCroix provided brief background information related to this
288 agenda item. Notices were sent out to nineteen property owners within the area, and
289 staff has received two notices back in favor and one notice back in opposition. The
290 Planning & Zoning Commission has recommended approval of this item by a vote of 7 to
291 0.

292
293 Mayor Sweet opened the public hearing and called the applicant forth.

294
295 **Jim Smylie**
296 **16 Meadowlake Drive**
297 **Heath, TX**

298
299 There being no one else wishing to come forth and speak, Mayor Sweet then closed the
300 public hearing.

301
302 Mayor Pro Tem White made a motion to approve Z2013-030. Councilmember Townsend
303 seconded the motion. The ordinance was read as follows:

304
305 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
306 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
307 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
308 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
309 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL
310 (C) DISTRICT FOR A 9.76-ACRE TRACT OF LAND IDENTIFIED AS LOTS 18
311 & 19 OF RAINBOW ACRES, CITY AND COUNTY OF ROCKWALL, TEXAS
312 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" OF THIS
313 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR
314 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
315 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
316 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
317 PROVIDING FOR AN EFFECTIVE DATE.

318
319 After brief comments, the motion to approve passed by a vote of 7 ayes to 0 nays.

320
321 4. **P2013-031** - Hold a public hearing to discuss and consider a request by
322 Fritz McKinstry for the approval of a replat creating Lot 23, Block E of
323 Chandler's Landing, Phase 16 being currently identified as Lots 5R & 7R,
324 Block E of Chandler's Landing, Phase 16, zoned Planned Development
325 District 8 (PD-8), located at 257 & 265 Victory Lane, City of Rockwall,
326 Texas, and take any action necessary.

327 Planning Director Robert LaCroix provided brief background information related to this
328 agenda item.

329
330 **Fritz McKinstry**
331 **438 Columbia (in Chandlers Landing)**
332 **Rockwall, TX**

333
334 Mr. McKinstry came forth and indicated that he is making this request in order to
335 combine two, unbuildable lots into one, buildable lot.

336

337 There being no one else wishing to come forth and speak, Mayor Sweet then closed the
338 public hearing. Councilmember Daniels then made a motion to approve P2013-031.
339 Councilmember Lewis seconded the motion, which, after brief comments, passed by a
340 vote of 7 ayes to 0 nays.

341
342 5. Hold a public hearing to discuss and consider approval of a resolution
343 setting increased water and wastewater rates and meter deposits and
344 take any action necessary.

345 City Manager Rick Crowley indicated that the water rate increase is due, in part, to the
346 addition of water system infrastructure and associated increases in costs for treated
347 water. Assistant City Manager, Mary Smith, offered follow up comments, indicating that
348 the ten percent increase in the rates will cover the rate the city will be paying to the North
349 Texas Municipal Water District to pay for treated water, sewer treatment and debt service.
350 There are also increases due to the sewer treatment plant. The meter deposit the city
351 has had for a number of years is not sufficient to even cover even a one month utility bill.
352 If after three years, if a resident pays his or her bill on time and is not late on their bill, the
353 deposit will be credited back to the customer's utility billing account.

354
355 Councilmember Pruitt clarified that this water rate increase will be passing along to our
356 customers the rate increase that the city will be charged by the NTMWD. Councilmember
357 Pruitt generally expressed dissatisfaction with asking residents to conserve water, and,
358 then when they do conserve, they get hit with a rate increase.

359
360 Mayor Sweet opened the public hearing. There being no one wishing to come forth and
361 speak, Mayor Sweet then closed the public hearing.

362
363 Councilmember Lewis made a motion to approve the resolution setting increased water /
364 wastewater rates and meter deposits. Councilmember Milder seconded the motion,
365 which, after additional comments, passed by a vote of 7 ayes to 0 nays.

366
367 6. Z2013-031 - (Postponed until December 10, 2013 Planning & Zoning
368 Meeting) Hold a public hearing to discuss and consider approval of an
369 ordinance for a request by Shawn Valk on behalf of LGI Properties for the
370 approval of a Specific Use Permit to allow a mini-warehouse facility on a
371 5.94-acre tract of land, zoned Commercial (C) District and located within
372 the Scenic Overlay (SOV) District, being a portion of a 9.699-acre tract
373 land identified as Tract 15 of the E. P. G. Chisum Survey, Abstract No.
374 64, City of Rockwall, Rockwall County, Texas; located at the
375 southwestern corner of Ridge Road [FM-740] and Turtle Cove Boulevard,
376 and take any action necessary.

377
378 Councilmember Daniels made a motion to postpone Z2013-031 until December 16. Mayor
379 Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 against
380 (Pruitt).

381
382 **XI. ACTION ITEMS**

383
384 1. MIS2013-008 - Discuss and consider a request for the approval of a
385 special request for the purpose of permitting the construction of a carport
386 that does not conform to the setback and material requirements as

387 stipulated by Section 2.1.2(1) [Carports] of Article IV, Permissible Uses, of
388 the Unified Development Code, for a 0.17-acre property that is identified
389 as Lot 1166 of Rockwall Lake Estates #2 Addition, City of Rockwall,
390 Rockwall County, Texas, is zoned Planned Development District 75 (PD-
391 75), is generally located at 406 Wayne Drive, and take any action
392 necessary.

393 **Planning Director Robert LaCroix provided brief background information related to this**
394 **agenda item. He indicated that the Planning & Zoning Commission did recommend**
395 **approval of this item. The applicant came forth and indicated that he would like to build**
396 **this heavy duty carport in order to cover a new car he recently purchased.**

397 **Mayor Pro Tem White made a motion to approve MIS2013-008. Councilmember Lewis**
398 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

399 **2. P2013-032** - Discuss and consider a request by Rich Houston on behalf
400 of R. Fifty Green Homes, LLC for the approval of a preliminary plat for
401 Rockwall Solar Village, containing six (6) single family lots on a 2.055-
402 acre tract of land situated within the Rueben Ballard Survey, Abstract No.
403 29, Rockwall, Rockwall County, Texas; zoned Single Family 7 (SF-7)
404 District, located directly west of the intersection of SH-66 (Williams Street)
405 and Caruth Lane, and take any action necessary.

406 **Planning Director Robert LaCroix provided brief background information related to this**
407 **agenda item. The Park Board made some recommendations regarding land dedications**
408 **and park fees. The Planning & Zoning Commission has recommended approval of this**
409 **item by a vote of 6 to 1.**

410 **Mayor Pro Tem White made a motion to approve P2013-032, including the**
411 **recommendations of the Park Board and P&Z. Councilmember Pruitt seconded the**
412 **motion, which passed by a vote of 7 ayes to 0 nays.**

413 **3. P2013-034** - Discuss and consider a request by Corwin Engineering, Inc.
414 on behalf of the Cambridge Company, Inc. for the approval of a master
415 plat of Phases 1, 2 & 3 of the Rockwall Downs Subdivision, containing 86
416 single family lots on a 35.651-acre tract of land situated within the J. M.
417 Allen Survey, Abstract No. 2, Rockwall, Rockwall County, Texas; zoned
418 Planned Development District 10 (PD-10), situated within the SH-205 By-
419 Pass Overlay (SH-205 BY OV) District, located adjacent to John King
420 Boulevard north of SH-276 and south of IH-30, and take any action
421 necessary.

422 **Planning Director Robert LaCroix provided background information related to this**
423 **agenda item.**

424 **The applicant came forth to speak.**

425 **Gary Dufraim**
426 **Cambridge Company**
427 **8235 Douglas**
428 **Dallas, TX**
429

430 **Mr. Dufraim indicated that the original zoning goes way back. We are in compliance with**
431 **the zoning ordinance, all staff comments and the Park Board comments. No variances**
432 **are involved. He explained that they are under contract with a single family home**

433 builder. The size of home that will be built is a minimum of 1500 square feet, but the
434 builder is anticipating 2,000-4,000 square foot homes.

435
436 **Mayor Pro Tem White made a motion to approve P2013-034. Councilmember Townsend**
437 **seconded the motion. After additional comments, the motion passed by a vote of 7 ayes**
438 **to 0 nays.**

439
440 **4. P2013-035 - Discuss and consider a request by Corwin Engineering, Inc.**
441 **on behalf of the Cambridge Company, Inc. for the approval of a**
442 **preliminary plat for Phases 1, 2 & 3 of the Rockwall Downs Subdivision,**
443 **containing 86 single family lots on a 35.651-acre tract of land situated**
444 **within the J. M. Allen Survey, Abstract No. 2, Rockwall, Rockwall County,**
445 **Texas; zoned Planned Development District 10 (PD-10), situated within**
446 **the SH-205 By-Pass Overlay (SH-205 BY OV) District, located adjacent**
447 **to John King Boulevard north of SH-276 and south of IH-30, and take any**
448 **action necessary.**

449 **Planning Director Robert LaCroix provided background information related to this**
450 **agenda item.**

451
452 **Mayor Pro Tem White made a motion to approve P2013-035. Councilmember Townsend**
453 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

454
455 **5. Discuss and consider re-adoption of an ordinance continuing a curfew**
456 **for minors under seventeen years of age, and take any action necessary.**
457 **(1st reading)**

458 **City Manager Rick Crowley provided brief background information related to this agenda**
459 **item. Police Chief Mark Moeller explained that in the summer time the curfew is until**
460 **midnight, seven nights per week. During the school year, the curfew is 11PM during the**
461 **weeknights and 12 midnight on Friday and Saturday.**

462
463 **Councilmember Milder made a motion to approve the ordinance as presented.**
464 **Councilmember Daniels seconded the motion. The motion passed by a vote of 5 ayes**
465 **with 2 against (Pruitt and White).**

466 **6. Hear update from the City Council Airport Subcommittee regarding the**
467 **status of the work of the Airport Advisory Committee and take any action**
468 **necessary.**

469 **City Manager Rick Crowley spoke to this agenda item, indicating that a subcommittee of**
470 **the Council has been working (White, Pruitt and Townsend), in partnership with three**
471 **REDC board members, on an airport expansion and development study related to future**
472 **plans for the Rockwall Municipal Airport. 90% of the study was funded by TXDOT with**
473 **10% of it being paid for by the REDC. The consultant conducted the study and helped**
474 **the city present it to TXDOT Aviation and the FAA for approval. The preliminary report**
475 **showed a 4,000 foot runway, additional aviation improvements and the potential to**
476 **acquire additional land to facilitate rerouting the adjacent road. The study evaluated the**
477 **possibility of achieving not only a 4,000 foot runway but a 5,000 foot runway. However, it**
478 **has been determined at this time that 4,000 linear feet is the practical limitation for the**
479 **anticipated runway length. The initial study has been presented to TXDOT. Some issues**

480 require further clarification from the FAA. Congressman Hall is helping staff with some
481 of this work and associated FAA review.

482 Councilmember Pruitt followed up, indicating that he requested this agenda item as a
483 means by which to provide a status update to the full council related to the work of the
484 council subcommittee. He explained that unless the FAA grants the city various waivers
485 and TXDOT approves them, the city will be unable to do some of the things it wishes to
486 do, such as extending the runway and rerouting Airport Road. If Congressman Hall can
487 assist with getting the appropriate waivers from the FAA and approval from TXDOT
488 Aviation, then the city will be able to extend the runway. He explained that a 'safe zone'
489 at the end of the runway will be necessary upon extension of the runway. If appropriate
490 waivers and approvals are not obtained, the city will need to proceed with making our
491 airport one of the best general aviation airports that we can.

492 Mayor Pro Tem White indicated that after more than two years of work, the city is finally
493 in a position to attempt to get answers from the FAA which will tell the city what
494 decisions will be able to be made economically. He commented that several large
495 aviation type businesses are interested in our airport and there are large corporate
496 entities interested in the future of our airport as well. The future of the airport is affecting
497 their decision to look at Rockwall to relocate. Mayor Pro Tem White clarified that the
498 furthest the runway would ever go down would be to the railroad tracks. Going north is
499 not an option due to the large amount of fill dirt that would be needed on the north end.
500 So, it is as far north as it is going to go; however, the city would like to see about
501 extending it a little further south to the railroad tracks. However, they are interested in
502 the result of the possible airport expansions / runway extension due to the type of
503 aircraft the airport handles now and would be able to handle, should the city be able to
504 extend it.

505 Mr. Crowley pointed out that what has been proposed to the FAA regarding making the
506 runway protection zone area a hard surface is a safer alternative than what is being
507 required under the new standard. So the city is actually proposing a positive, safety-
508 based request to the FAA which will improve safety at the airport.

509 After additional comments, no action was taken by council related to this agenda item.

510 7. Discuss and consider approval of a resolution authorizing the Mayor of
511 the City of Rockwall to order that the City of Rockwall municipal flag be
512 flown at half staff at city facilities in certain circumstances, and take any
513 action necessary.

514 Mayor Sweet offered brief comments, indicating that he requested this item and asked
515 that it be placed on the agenda for consideration. Councilmember Lewis made a motion
516 to approve the resolution. Mayor Pro Tem White seconded the motion, which, after brief
517 comments, passed by a vote of 7 ayes to 0 nays.

518 8. Discuss and consider follow up regarding Neighborhood Improvement
519 Services property maintenance concern, and take any action necessary.

520 Councilmember Daniels placed this item on the council agenda for staff to provide an
521 update to the council. Assistant City Manager Brad Griggs indicated that staff did visit
522 with the resident who had expressed concern about disrepairs at her apartment complex,
523 and staff's work to further evaluate and assist with this effort was already in order and
524 underway by the time we had the council meeting on November 4th. Staff did go out the
525 next day, on November 5th, to evaluate and attempt to address the resident's concerns.
526 Councilmember Daniels indicated that he has known Mr. Griffin, NIS Supervisor, for a

527 number of years and believes him to be a man of integrity and a man who is a
528 compassionate employee who cares about residents' concerns. After brief comments,
529 the council took no action related to this agenda item.

530 9. Discuss and consider approval of the Texas Task Force Urban Search
531 and Rescue Agreement between the City of Dallas and City of Rockwall,
532 authorizing the Mayor and City Attorney to execute the agreement on the
533 city's behalf, and take any action necessary.

534 Fire Chief Mark Poindexter provided background information related to this agenda item.

535
536 Mayor Pro Tem White made a motion to approve the agreement between the City of
537 Dallas and the City of Rockwall related to the TX Task Force Urban Search and Rescue
538 agreement. Councilmember Pruitt seconded the motion, which passed by a vote of 7
539 ayes to 0 nays.

540 XII. EXECUTIVE SESSION

541
542 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
543 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
544 CODE:

545 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
546 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
547 551.071 (Consultation with Attorney)

548 2. Discussion regarding securing legal representation from Carrington,
549 Coleman, Sloman & Blumenthal, L.L.P. pertaining to TF-Harbor LLC v.
550 City of Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to
551 Tex. Gov't. Code, § 551.071 (Consultation with Attorney).

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

554 4. Discussion regarding appointments to city regulatory boards,
555 commissions, and committees including the Rockwall Central Appraisal
556 District pursuant to Section §551.074 (personnel matters)

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

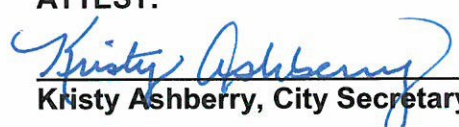
558
559 The council did not reconvene into Executive Session at the close of the public meeting.
560 See start of the 6:00 p.m. public meeting above for action taken out of the pre-meeting
561 Executive Session.
562

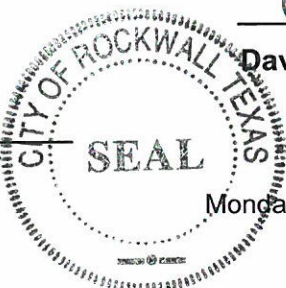
563 XIV. ADJOURNMENT

564
565 Mayor Sweet adjourned the meeting at 8:34 p.m.
566

567 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
568 TEXAS, this 16th day of December, 2013.

569
570 ATTEST: 
571 _____ David Sweet, Mayor

572 
573 _____ Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 02, 2013
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL PUBLIC MEETING TO ORDER

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15

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

16
17

II. EXECUTIVE SESSION.

18
19
20
21

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:

- 22
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26
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31
32
33
1. Discussion regarding the city's Fixed Based Operator airport agreement pursuant to Section § 551.071 (Consultation with Attorney)
 2. Discussion regarding appointments to city regulatory boards, commissions, and committees including the Rockwall Central Appraisal District and Rockwall Economic Development Corporation (REDC) pursuant to Section §551.074 (personnel matters)
 3. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with Attorney)
 4. Discussion regarding appointment of city council member to a Rockwall Independent School District (RISD) subcommittee pursuant to Section, § 551.074 (Personnel Matters).

34
35

III. ADJOURN EXECUTIVE SESSION

36
37

Executive Session was adjourned at 5:10 p.m.

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39
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41
42
43

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 02, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

44 **IV. RECONVENE PUBLIC MEETING**

45
46 Mayor Sweet reconvened the public meeting at 6:00 p.m. All seven city council members
47 were present as well as City Manager Rick Crowley, Assistant City Managers Mary Smith
48 and Brad Griggs and City Attorney Frank Garza.

49
50 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

51
52 Councilmember Daniels made a motion to reappoint the following board members to the
53 Rockwall Economic Development Corporation for the terms specified below:

- 54
55
 - Bill Houser – reappointed to a 1 year term ending December 2014
 - John Hohenshelt – reappointed to a 1 year term ending December 2014
 - Kevin Fowler – reappointed to a 2 year term ending December 2015

56
57
58
59 Mayor Pro Tem White seconded the motion, which passed unanimously of council.

60
61 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**

62
63 Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.

64
65 **VII. OPEN FORUM**

66
67 Mayor Sweet explained how Open Forum is conducted and asked if anyone in the audience
68 would like to come forth to address the city council at this time.

69
70 **Ben Weible**
71 **215 Trout**
72 **Rockwall, Texas**

73
74 Mr. Weible came forth and indicated he would like to address the council regarding
75 individual liberties, including the proposed reinstatement of the juvenile curfew, which he
76 will do during the appropriate public hearing tonight. He expressed concern regarding
77 some of the comments offered at the last city council meeting regarding the proposed
78 Rockwall Gold and Silver SUP (for a pawnshop). He is also concerned about Action Item #3
79 on tonight's council agenda regarding a proposed moratorium on a certain type of small
80 business (businesses that sell e-cigarettes, non-traditional smoking products, etc.). He
81 generally expressed that he is opposed to restrictions on businesses, as it is not the proper
82 role of government to interfere with free trade and businesses.

83
84 **Jack Athey**
85 **1780 Airport Road**
86 **Rockwall, TX 75087**

88 Mr. Athey referred to the draft minutes from the last council meeting on November 18th, and
89 he wondered about the city possibly taking the runway from 4,000 feet to 5,000 feet. He is
90 unsure of where this extra runway space will come from. City Manager Rick Crowley
91 indicated that if he did say this at the Nov. 18th meeting, it was a misstatement or
92 misunderstood in the minutes. Councilmember Pruitt clarified that all the studies have
93 shown that it will not be possible for the city to have a 5,000 foot runway, and that the city
94 would be lucky to be able to get a 4,000 foot runway. Mr. Crowley suggested that staff may
95 need to revisit the November 18th minutes to correct any errors or misstatements.
96

97 **VIII. CONSENT AGENDA**

- 98
- 99 1. Consider approval of the minutes from the November 18, 2013 regular city
100 council meeting, and take any action necessary.
- 101 2. Consider authorizing the City Manager to execute a renewal contract with
102 ING to secure reinsurance/stop loss coverage for the City's self-insured
103 employee health coverage applying to claims exceeding \$100,000, and take
104 any action necessary.
- 105 3. Consider authorizing the City Manager to execute an engineering services
106 contract with Hydrological Support Services, LLC in an amount not to exceed
107 \$40,000.00, with funding being provided from the FY 2013-14 Department
108 Operations Budget and developer reimbursement, and take any action
109 necessary.
- 110 4. Consider approval of an **ordinance** allowing various sanitary sewer
111 materials to be included in the City's Standards of Design and Construction
112 Manual and the North Central Texas Council of Governments Standard
113 Specifications for Public Works Construction (3rd Edition), and take any
114 action necessary. **(2nd reading)**
- 115 5. Consider authorizing the City Manager to execute Purchase Orders with
116 Caldwell Country in the amount of \$144,575 and Dallas Dodge in the amount
117 of \$123,750 for the purchase of Police Pursuit vehicles approved in the 2014
118 budget; funded with General Reserves, and take any action necessary.
- 119 6. Consider authorizing the City Manager to execute a Purchase Order with
120 Brazos Technologies in the amount of \$86,257 for the purchase of the Police
121 E-Citation System approved in the 2014 budget; funded with General
122 Reserves, and take any action necessary.
- 123 7. Consider authorizing the City Manager to execute a Purchase Order with
124 Caldwell Country in the amount of \$55,142 for the purchase of 2 Parks
125 service trucks; approved in the 2014 budget, funded with General Reserves
126 and take any action necessary.
- 127 8. Consider authorizing the City Manager to bid and purchase a fuel truck on
128 Rene Bates Auctioneers, Inc. in an amount not to exceed \$10,000.00, to be
129 used at Ralph M. Hall / Rockwall Municipal Airport, to be funded from
130 General Fund Reserves, and take any action necessary.
- 131 9. Consider authorizing the City Manager to execute an agreement with
132 Rockwall County regarding Subdivision Regulation Enforcement in the extra
133 territorial jurisdiction (ETJ) of the City of Rockwall located in Rockwall
134 County, and take any action necessary.

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10. **P2013-039** - Consider a request by Jay Bedford on behalf of the owner Rick Sharp for the approval of a final plat for Lots 1-3, Block A of the Sharp Addition being a 9.259-acre tract of land currently identified as Tract 2 of the J. A. Ramsey Survey, Abstract No. 186, Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) Light Industrial (LI) District, located at 2578 & 2582 SH-276, and take any action necessary.
 11. **Z2013-029** - Consider approval of an **ordinance** for a request by Cameron Slown on behalf of Med-Tech Construction, Inc. for the approval of a Specific Use Permit for an assisted living facility on a 0.96-acre tract of land identified as Lots 2 & 5, Block 1 of the Alliance Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57), and located southeast of the corner of the intersection of H. Wallace Lane and Jeff Boyd Drive, and take any action necessary. **(2nd reading)**
 12. **Z2013-030** - Consider approval of an **ordinance** for a request by Jim Smylie on behalf of Bill Burns for the approval of a zoning change from Agricultural (Ag) District to a Commercial (C) District for a 9.77-acre tract of land identified as Lots 18 & 19 of Rainbow Acres, City of Rockwall, Rockwall County, Texas, located at the southeastern corner of the intersection of Ranch Trail Road and County Line Road, and take any action necessary. **(2nd Reading)**

155 **Mayor Pro Tem White made a motion to approve the Consent Agenda except for Item #1**
156 **(approve #s 2-12). Councilmember Daniels seconded the motion. The ordinances were**
157 **read as follows:**

158 **CITY OF ROCKWALL, TEXAS**
159 **ORDINANCE NO. 13-45**

160
161 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
162 **AMENDING CHAPTER 38. SUBDIVISIONS, ARTICLE I. IN GENERAL, SECTION 38-23.**
163 **STANDARDS FOR DESIGN OF DEVELOPMENT WITHIN SUBDIVISIONS ADOPTED TO**
164 **AMEND THE CITY OF ROCKWALL'S SUPPLEMENTAL SPECIAL PROVISIONS TO**
165 **THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, NORTH**
166 **CENTRAL TEXAS, 3RD EDITION; PROVIDING FOR A PENALTY OF FINE NOT TO**
167 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
168 **AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY**
169 **DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY**
170 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN**
171 **EFFECTIVE DATE.**

172 **CITY OF ROCKWALL**
173 **ORDINANCE NO. 13-47**
174 **SPECIFIC USE PERMIT NO. S-116**

175
176 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
177 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**
178 **TEXAS, AS PREVIOUSLY AMENDED, SO AS GRANT A SPECIFIC USE PERMIT TO**
179 **ALLOW FOR AN "ASSISTED LIVING FACILITY" ON A 0.96-ACRE TRACT OF LAND**
180 **IDENTIFIED AS LOTS 2 & 5, BLOCK 1 OF THE ALLIANCE ADDITION, AND FURTHER**
181 **DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND ZONED PLANNED**
182 **DEVELOPMENT DISTRICT NO. 57 (PD-57), CITY OF ROCKWALL, ROCKWALL**
183 **COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A**
184 **PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
185 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**
186 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
187

CITY OF ROCKWALL
ORDINANCE NO. 13-48

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 COMMERCIAL (C) DISTRICT FOR A 9.76-ACRE TRACT OF LAND IDENTIFIED AS LOTS 18 & 19 OF RAINBOW ACRES, CITY AND COUNTY OF ROCKWALL, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of council.

Mayor Pro Tem White made a motion to table approval of the November 18, 2013 council meeting minutes until the next regular council meeting to allow staff to make any necessary corrections to the minutes. Councilmember Lewis seconded the motion, which passed unanimously.

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.

Mayor Sweet indicated that Mr. Renfro, Chair of the P&Z, is not present this evening, so this item was not discussed and no action was taken regarding this agenda item.

2. Appointment with representative(s) of the Rockwall's Original Pumpkin Patch to hear report related to use of Hotel/Motel Occupancy Tax Funding, and take any action necessary.

Mrs. Welborn reported on the use of \$2,000.00 that the city granted to this organization to be utilized for advertising expenses. She indicated that several handouts have been provided to the council in their meeting packets. Mrs. Welborn indicated that several out of state and out of town visitors came to the Pumpkin Patch this year with an estimated thirty or so visitors staying the night in Rockwall. She also shared that this past "Original Pumpkin Patch" was the last of these annual events that will be held in Rockwall due to a forty percent increase in costs for pumpkins and supplies, in large part due to the drought.

Councilmembers Lewis and Daniels thanked Mrs. Welborn for her report and for the many years of this fun event benefitting the Rockwall community. Mrs. Welborn thanked the council and the city for their many years of support for this event.

Mayor Sweet then called for a short break, briefly recessing the public meeting.

X. PUBLIC HEARING ITEMS

1. **A2013-001 (6:00 p.m.)** - Hold a public hearing and consider a City initiated request to annex land in accordance with previously approved Chapter 212 Texas Local Government Code Development Agreements, specifically for four (4) tracts of land comprising approximately 42.482-acres of land situated

240 in the W. W. Ford Survey, Abstract No. 80 and J. W. Pitman Survey,
241 Abstract No. 181 and generally located contiguous to the existing city limits
242 line west of SH-205 (S. Goliad Street) and south of FM-549 and specifically
243 described as follows: (1)Tract 17-14 of the W. W. Ford Survey, Abstract No.
244 80 being 12.493-acres, (2) Tract 40 of the W. W. Ford Survey, Abstract No.
245 80 being 8.989-acres, (3) Tract 40-1 of the W. W. Ford Survey, Abstract No.
246 80 being 1-acre, (4) Tract 1-4 of the J. W. Pitman Survey, Abstract No. 181
247 being 20-acres.

248 **Planning Director Robert LaCroix provided background information related to this agenda**
249 **item. He indicated that 212 development agreement recently expired, and some landowners**
250 **did not wish to renew the 212 development agreement, indicating they would like to go**
251 **ahead and be annexed by the city at this time. Staff has published notice of this annexation**
252 **and associated public hearings in the local newspaper of record in accordance with the law.**
253 **This is the first of the two required public hearings. Mr. LaCroix further indicated that the**
254 **first reading of the ordinance will occur at the first council meeting in January, with the**
255 **second reading happening on second council meeting in January.**

256
257 **Mayor Sweet opened the public hearing and asked if anyone would like to come forth and**
258 **speak. There being no one wishing to come forth, Mayor Sweet then closed the public**
259 **hearing.**

260
261 **At the request of Mayor Pro Tem White, Mr. LaCroix clarified that these annexations are in**
262 **fact considered voluntary.**

263
264 **No action was taken by council at this time.**

265
266 **2. A2013-001 (6:30 p.m.) - Hold a public hearing and consider a City initiated**
267 **request to annex land in accordance with previously approved Chapter 212**
268 **Texas Local Government Code Development Agreements, specifically for**
269 **four (4) tracts of land comprising approximately 42.482-acres of land situated**
270 **in the W. W. Ford Survey, Abstract No. 80 and J. W. Pitman Survey,**
271 **Abstract No. 181 and generally located contiguous to the existing city limits**
272 **line west of SH-205 (S. Goliad Street) and south of FM-549 and specifically**
273 **described as follows: (1)Tract 17-14 of the W. W. Ford Survey, Abstract No.**
274 **80 being 12.493-acres, (2) Tract 40 of the W. W. Ford Survey, Abstract No.**
275 **80 being 8.989-acres, (3) Tract 40-1 of the W. W. Ford Survey, Abstract No.**
276 **80 being 1-acre, (4) Tract 1-4 of the J. W. Pitman Survey, Abstract No. 181**
277 **being 20-acres.**

278 **Mayor Sweet opened the public hearing, asking if anyone in the audience would like to come**
279 **forth and speak. There being no one indicating a desire to come forth, Mayor Sweet then**
280 **closed the public hearing. The council took no action related to this agenda item.**

281 **3. Hold a public hearing to discuss and consider re-adoption of an ordinance**
282 **continuing a curfew for minors under seventeen years of age, and take any**
283 **action necessary. (2nd reading)**

284 **Mayor Sweet opened the public hearing, asking if anyone would like to come forward and**
285 **speak at this time.**

286
287 **Mr. Ben Weible**
288 **215 Trout**
289 **Rockwall, Texas**

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Mr. Weible generally expressed that he is opposed to this teen curfew ordinance. He is concerned that with each new law enacted, new criminals are created. He expressed he believes more juvenile crime occurs in the late afternoon when the kids are getting out of school rather than late at night. He is concerned about this singling out and curtailing the rights of a certain segment of citizens. He shared that the actions of kids are the responsibility of their parents and guardians, and it is not the city's responsibility to intervene in this regard.

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

City Manager Rick Crowley indicated that a small deficiency has been identified in the proposed ordinance, so if council wishes to adopt it on second reading this evening, they will need to do so with the understanding that the slight modification (regarding day of the week) be included in the motion to approve.

Councilmember Lewis then made a motion to approve the ordinance reinstating the teen curfew ordinance, including correcting 22.101 (a)(2) to read Friday and Saturday in lieu of Saturday and Sunday. Councilmember Daniels seconded the motion.

Councilmember Pruitt expressed comments in opposition of this ordinance. Mayor Pro Tem White indicated that he is generally opposed to this ordinance as well.

Councilmembers Lewis and Daniels indicated that parents cannot always be there when teenagers are out and about, for example when they are staying the night over at a friend's house. They, therefore, believe the ordinance is a good idea.

After brief comments, the ordinance as read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 13-49

AN ORDINANCE OF THE CITY OF ROCKWALL CONTINUING WITH CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE PER CHAPTER 22, ARTICLE II, DIVISION 4, SECTIONS 22-99 THROUGH 22-103 OF THE CODE OF ORDINANCES; ENTITLED TRIENNIAL REVIEW; PROVIDING FOR ENFORCEMENT; ESTABLISHING CRIMINAL PENALTIES; AND SETTING AN EFFECTIVE DATE

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

XI. ACTION ITEMS

- Z2013-028** - Discuss and consider approval of an ordinance for a request by Rockwall Gold & Silver on behalf of Donna Pritchard for the approval of a Specific Use Permit for a pawn shop on a portion of a 0.423-acre parcel of land, zoned Commercial (C) District and located within the SH 205 Overlay (SH 205 OV) District, identified as Lot 1, Block 1 of the Garland Federal Savings & Loan Addition, specifically Suite 1 of 1901 S. Goliad Street, and take any action necessary. **(2nd Reading)**

Mayor Pro Tem White made a motion to approve Z2013-028. Councilmember Lewis seconded the motion.

341 Councilmember Pruitt explained that he voted against this item last time. He
342 expressed he is also opposed to this item because, by granting this SUP, it will be
343 essentially granting a monopoly to this particular business.

344 The ordinance was then read as follows:

345 CITY OF ROCKWALL
346 ORDINANCE NO. 13-46
347 SPECIFIC USE PERMIT NO. S-115
348

349 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
350 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
351 TEXAS, AS PREVIOUSLY AMENDED, SO AS GRANT A SPECIFIC USE PERMIT TO
352 ALLOW FOR A "PAWNSHOP" ON A PORTION OF A 0.423-ACRE PARCEL OF LAND,
353 AND MORE SPECIFICALLY IDENTIFIED AS "SUITE 1" AS DEPICTED IN EXHIBIT "A"
354 ATTACHED HERETO, AND LOCATED AT 1901 S. GOLIAD STREET, AND ZONED
355 COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1, BLOCK 1 OF THE
356 GARLAND FEDERAL SAVINGS & LOAN ADDITION, CITY OF ROCKWALL,
357 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
358 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
359 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
360 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
361 DATE.
362

363 After brief comments, the motion to approve passed by a vote of 4 ayes to 3 nays
364 (Pruitt, Milder and Daniels).

365 2. MIS2013-010 - Discuss and consider a request by Russell Philips for the
366 approval of a waiver of design standards in conjunction with a previously
367 approved site plan for a streetscape plan for Planned Development District
368 32 (PD-32) on property being situated within the Summit Office & Hillside
369 Sub-Districts and located within the right-of-way of Sunset Ridge Drive,
370 Pinnacle Way and Harbor Heights Drive, and take any action necessary.

371 Planning Director Robert LaCroix provided background information related to this agenda
372 item, indicating that the applicant is essentially requesting to be able to utilize Italian
373 Cypress trees and change out certain light fixtures.

374
375 Russell Phillips
376 Sterling One Properties
377

378 Mayor Pro Tem White made a motion to approve MIS2013-010. Councilmember Pruitt
379 seconded the motion, which passed unanimously of council present.
380

381 3. Discuss and consider a resolution placing a 180 day moratorium on the
382 acceptance, processing of applications and issuance of permits for the
383 operation of non-traditional smoking related businesses including regulation
384 of vaporizers, e-cigarettes and other non-traditional smoking products within
385 the corporate limits of the City of Rockwall, and take any action necessary.

386 Councilmember Milder indicated that he placed this item on the council agenda. He is in
387 favor of free enterprise; however, he is more in favor of the best interest of his children. He
388 is concerned about these business establishments encouraging the sale of these sorts of
389 products to minors. He stated that there are currently no federal or state regulations on this
390 type of product, indicating there are no guidelines on the permissible ingredients that can be
391 utilized in these products. He is concerned that there are toxins and nicotine in these

392 products, and sellers are marketing to minors. He indicated his fourteen year old son and
393 his friend walked into a local store of this nature and purchased liquid e-cigarette in “gummy
394 bear” flavor. He indicated that his son was given the option by the clerk to purchase the
395 product with or without nicotine, and he was able to purchase a \$7.00 bottle of this product
396 with nicotine without question. Councilmember Milder indicated that the resolution being
397 proposed tonight does not reflect his true intent, so he’s not going to make a motion on this
398 particular resolution this evening.

399 Councilmember Milder indicated that he would like to consider placing an SUP requirement
400 on this type of business in the future, and he would also like a resolution brought forth at the
401 next city council meeting to consider prohibiting the sale of these products to minors within
402 the City of Rockwall.

403 Mayor Sweet asked for clarification regarding any possible legal concerns related to placing
404 an SUP requirement and restricting the sale of these products to minors. Mr. Garza
405 indicated that, for example, the City of Austin has restrictions on hookah bars disallowing
406 anyone less than 18 years of age into those type of establishments. He indicated that we are
407 a Home Rule city, so the city is able to place such a restriction if desired. More research is
408 needed on this topic, so Mr. Garza asked permission to have until the first council meeting in
409 January to bring back a proposed ordinance regarding restricting the sale of these products
410 to minors. He stated that he will attempt to have this ready to bring back by the next council
411 meeting in December; however, he would like council to allow him a little more time (until
412 January) if necessary.

413 Assistant Police Chief Kirk Riggs came forth and offered brief comments related to this
414 topic, pointing out that enforcement of such restrictions will need to be considered,
415 especially since some of the vaping products do not contain nicotine at all whereas others
416 do.

417 Councilmember Pruitt generally indicated that he is against the government regulating these
418 vaping products.

419 Mayor Pro Tem White offered comments, generally indicating that he does not believe the
420 government should regulate this product, stating that government regulation of a perfectly
421 legitimate product should not be a replacement for good parenting.

422 Councilmember Daniels indicated that he believes this subject matter does warrant further
423 exploration and discussion. Councilmember Pruitt agreed this topic does deserve further
424 exploration and debate.

425 Mr. Garza pointed out that, of the ordinances he has seen out there currently, they do not
426 address possession of the product – they only limit the sale of these products based on age.

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

- 428 4. Discuss and consider a request by Republic Waste to increase solid waste
429 collection fees effective January 1, 2014, and take any action necessary.

430 **Brenda Lalonde**
431 **1450 East Cleburne Road**
432 **Hutchins, TX**

433
434 **Rick Burnis**
435 **161 Pelican Cove**
436 **Rockwall, TX**

437
438 Mrs. Lalonde of Republic Waste came forth to address the council concerning this item.

439
440 Mrs. Lalonde indicated that this request for a rate increase is per the contract and was
441 submitted to Assistant City Manager, Mary Smith, about a month or so ago. She indicated
442 that this request is, in part, related to an increase in hauling costs. The increase is related
443 to the Municipal Cost Index (MCI). This increase came out to 1.46%, which equates to .19
444 cents per home. She stated that there was no increase in disposal costs.
445

446 Assistant City Manager Mary Smith provided a brief description of MCI, explaining that it is
447 similar, yet somewhat different, than CPI. Mrs. Lalonde and Mr. Burnis briefly explained the
448 various costs that make up the hauling fees.
449

450 Councilmember Pruitt asked clarifying questions related to the various costs per household
451 related to trash, bulk and recycling collection services. He pointed out that residents pay
452 \$1.99 fee in order to have recycling service. Mr. Burnis pointed out that there is a rebate
453 involved in that fee as well, and that rebate is returned to the city. Mrs. Smith indicated that
454 the rebate is paid at \$20 a ton, and Republic rebates it to the city monthly via a check. She
455 indicated that typically approximately \$30,000 per year is returned back to the city, via this
456 rebate, in association with recycling. City Manager Rick Crowley indicated that some years
457 ago, a survey was sent out to residents, and the results indicated that residents were
458 overwhelmingly in favor of being able to have recycling services. Councilmember Pruitt
459 suggested that the city may want to resend a survey of this nature to citizens because he
460 does not believe it is a prudent business decision for residents to be paying \$1.99 per
461 household for the ability to recycle.
462

463 Mrs. Smith indicated that the current contract with Republic runs through December of
464 2015. At the time the contract was bid and awarded, the city council at that time chose
465 Republic, who was not the lowest bidder, because of the great service residents had
466 experienced under this contractor. General and brief comments took place related to how
467 our rates and services compare to cities around us.
468

469 Councilmember Lewis made a motion to approve the increase in solid waste collection fees
470 effective January 1, 2014. Councilmember Daniels seconded the motion. It was clarified
471 that, if approved, this rate would remain in effect until which time as Republic requests
472 another rate increase. The motion then passed by a vote of 4 in favor with 3 against (White,
473 Sweet and Milder).
474

475 **XII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
476 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
477

- 478 1. Departmental Reports
479 Building Inspections Monthly Report - October 2013
480 Fire Department Monthly Reports - October 2013
481 Harbor PD Monthly Report - October 2013
482 Internal Operations Department Monthly Report - October 2013
483 Parks & Recreation Department Monthly Report - October 2013
484 Police Department Monthly Report - October 2013
485 Rockwall Animal Adoption Center (RAAC) Monthly Report - October 2013

486 2. City Manager's Report

487 City Manager Rick Crowley reminded the city council of several upcoming community and
488 organization events that the council has been invited to attend. He also pointed out that the

489 History Channel 2 is running a special television program on the underground "Texas rock
490 wall" (for which the city is named) on December 14th at 9:00 p.m.

491 Mr. Crowley updated the council on recent work performed at the SH-66 boat ramp,
492 indicating that the old road bed and associated asphalt has been removed. This work was
493 performed by a local contracting firm and resulted in about 20 loads of material being
494 hauled off and disposed of. The work did come in under the contracted amount, and staff
495 may be speaking further with this contractor regarding some additional work related to
496 dredging.

497 Mayor Sweet adjourned the public meeting at 7:38 p.m.

498
499 **XIII. EXECUTIVE SESSION**

500
501 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
502 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
503 **CODE:**

- 504
505 1. Discussion regarding the city's Fixed Based Operator airport agreement
506 pursuant to Section § 551.071 (Consultation with Attorney)
- 507 2. Discussion regarding appointments to city regulatory boards, commissions,
508 and committees including the Rockwall Central Appraisal District and
509 Rockwall Economic Development Corporation (REDC) pursuant to Section
510 §551.074 (personnel matters)
- 511 3. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
512 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
513 551.071 (Consultation with Attorney)
- 514 4. Discussion regarding appointment of city council member to a Rockwall
515 Independent School District (RISD) subcommittee pursuant to Section, §
516 551.074 (Personnel Matters).

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

518
519 The Council did not reconvene into Executive Session following the close of the public
520 meeting. See the start of the 6:00 p.m. public meeting above for action taken as a result of
521 the first Executive Session.

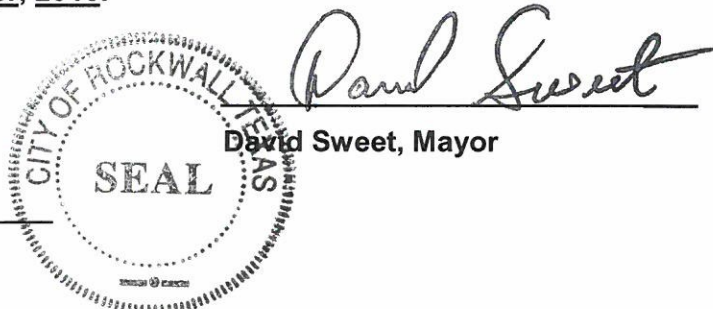
522
523 **XV. ADJOURNMENT**

524
525 The meeting was adjourned at 7:38 p.m.

526
527 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
528 **TEXAS, this 16th day of December, 2013.**

529
530
531 **ATTEST:**

532
533 *Kristy Ashberry*
534 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 16, 2013
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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

8
9 Mayor Sweet called the meeting to order at 4:00 p.m. Mayor David Sweet, Mayor Pro Tem
10 David White and Council Members Jim Pruitt, Mike Townsend, Scott Milder, Bennie Daniels
11 and Dennis Lewis were present as well as City Manager Rick Crowley, Assistant City
12 Managers Mary Smith and Brad Griggs and city attorney Steven Pena (filling in for Frank
13 Garza). Mayor Sweet read the below listed discussion items into the record before
14 recessing the public meeting into Executive Session.
15

16 **II. EXECUTIVE SESSION.**

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

- 22 1. Discussion regarding the city's Fixed Based Operator airport agreement pursuant to
23 Section § 551.071 (Consultation with Attorney)
- 24 2. Discussion regarding appointments to city regulatory boards, commissions, and
25 committees including the Rockwall Central Appraisal District and the Fire
26 Department Pension Board pursuant to Section §551.074 (personnel matters)
- 27 3. Discussion regarding the following legal claims: TF-Harbor LLC v. City of Rockwall,
28 Texas and Rockwall Rental Properties L.P. and Philadelphia Indemnity Insurance v.
29 City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
- 30 4. Discussion regarding park land acquisition and land in the vicinity of the downtown
31 area for municipal purposes pursuant to Section § 551.072 (Real Property).

32 **III. ADJOURN EXECUTIVE SESSION**

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34 **Executive Session was adjourned at 5:50 p.m.**
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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 16, 2013
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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IV. RECONVENE PUBLIC MEETING

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Mayor Sweet reconvened the public meeting at 6:00 p.m. with all seven city council members present. City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith, and city attorney Steven Pena (filling in for Frank Garza) were also present.

55
56

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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58
59
60

Councilmember Jim Pruitt made a motion to appoint Ben Weible to be the city's representative on the Rockwall Central Appraisal District (RCAD) Board of Directors. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 abstention (White).

61
62

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

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

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VII. CONSENT AGENDA

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1. Consider approval of the minutes from the November 18, 2013 regular city council meeting, and take any action necessary.
 2. Consider approval of the minutes from the December 2, 2013 regular city council meeting, and take any action necessary.
 3. Consider authorizing the City Manager to execute a maintenance agreement with Harris Corporation for the public safety radio system in the amount of \$163,178.17 and to purchase radio system spare parts in the amount of \$38,880.00 to be funded from the Radio System Operating Budget and take any action necessary.
 4. **P2013-040** - Consider a request by Glenn Engineering Corporation on behalf of James A. Havens for the approval of a replat for Lots 2 & 3, Block H, The Shores Club House Addition, Phase 2 being a 9.455-acre parcel of land currently identified as Lot 1, Block H, The Shores Club House Addition, Phase 2, City of Rockwall, Rockwall County, Texas; zoned Planned Development District 3 (PD-3), addressed as 2600 Champions Drive, and take any action necessary.
 5. Consider authorizing the City Manager to execute a purchase agreement with Affiliated Communications, Inc. for the purchase and installation of a new phone system in the amount of \$156,982.00 to be paid for from the Internal Operations Operating Budget and take any action necessary.
 6. Consider approval of a Facilities Agreement with Lakes Regional MHMR center for the pro-rata reimbursement of off-site sanitary sewer expenses associated with this development, and take any action necessary.

84 Mayor Pro Tem White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5
85 and 6). Councilmember Townsend seconded the motion, which passed unanimously of
86 council (7 ayes to 0 nays).
87

88 **VIII. APPOINTMENTS**
89

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

93 Chair of the Planning & Zoning Commission, Craig Renfro, came forth and provided brief
94 comments related to recommendations of the Commission relative to items on tonight's
95 council agenda. Mr. Renfro indicated that one commissioner was absent when these cases
96 went before the Planning & Zoning Commission. He shared that the Commission
97 unanimously voted to deny the SUP for Z2013-031 and that the remaining cases were all
98 unanimously recommended for approval. The Council took no action related to this agenda
99 item.

- 100 2. Appointment with Dana Macalik of the Rockwall Area Chamber of
101 Commerce to hear report on the Rockwall Boat Show, which took place in
102 September at The Harbor and included the use of Hotel/Motel Tax Funding,
103 and take any action necessary.

104 Mrs. Macalik came forward and provided an update to council regarding this event, which
105 was held on September 28 and 29, 2013 at The Harbor. She stated that a little over five
106 hundred people attended over the course of the two day event. Mrs. Macalik reported that
107 advertising for the event was promoted through the Dallas Morning News as well as
108 Groupon, Living Social, The Friday Guide, local newspapers, three separate billboards, the
109 Chamber website, e-mails, and social media. Thirty-six rooms associated with this event
110 were booked at The Hilton. The council thanked Mrs. Macalik for her report and took no
111 action related to this agenda item.
112

113 **IX. PUBLIC HEARING ITEMS**
114

- 115 1. **Z2013-031 - (Applicant has requested withdrawal)** Hold a public hearing
116 to discuss and consider approval of an ordinance for a request by Shawn
117 Valk on behalf of LGI Properties for the approval of a Specific Use Permit to
118 allow a mini-warehouse facility on a 5.94-acre tract of land, zoned
119 Commercial (C) District and located within the Scenic Overlay (SOV) District,
120 being a portion of a 9.699-acre tract land identified as Tract 15 of the E. P.
121 G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County,
122 Texas; located at the southwestern corner of Ridge Road [FM-740] and
123 Turtle Cove Boulevard, and take any action necessary (1st Reading).

124 Mayor Pro Tem White made a motion to accept the applicant's requested withdrawal.
125 Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.
126

- 127 2. **Z2013-032 -** Hold a public hearing to discuss and consider approval of an
128 ordinance for a request by Andrea Holliman for the approval of a Specific
129 Use Permit to allow an antiques/collectibles and general retail store in
130 Planned Development District 50 (PD-50) for a 0.47-acre parcel of land
131 identified as a portion of Lot 1 of the W. D. Austin Addition, Rockwall,
132 Rockwall County, Texas, zoned Planned Development District 50 (PD-50)
133 for Residential-Office (RO) District uses, located within the North Goliad

134 Corridor Overlay (NGC OV) District and the North SH 205 Corridor Overlay
135 (N-SH 205 OV) District, addressed as 904 N. Goliad Street, and take any
136 action necessary **(1st Reading)**.

137 **Planning Director Robert LaCroix provided background information related to this item,**
138 **indicating that the underlying zoning for this piece of property is RO (residential office).**
139 **Ms. Holliman has bought the property, which is L shaped and fronts on Goliad Street with**
140 **access on the Heath Street side. Ms. Holliman would like to do a general retail store with**
141 **antique / collectibles. Mr. LaCroix went on to explain that the antique / collectible use is**
142 **limited to 2,000 square feet, and there is a limitation in that it cannot include the sale of**
143 **used clothing. Only new clothing would be allowed to be sold in the general retail section**
144 **of the facility. The applicant has been able to accommodate the required nine parking**
145 **spaces. An easement along the rear of the property will serve as a joint access easement.**
146 **Notices were mailed out to twenty-three adjacent property owners in the area, and no**
147 **responses have been received back by staff at this time. Staff has suggested some**
148 **limitations for the council to consider regarding potential approval of this SUP.**

149 **Mayor Sweet then opened the public hearing and called the applicant forth.**

150 **Andrea Holliman**
151 **332 Shepherds Hill**
152 **Rockwall, TX**
153

154 **Mrs. Holliman explained that she has decided to eliminate the sale of any sort of clothing**
155 **and instead just focus on china, silver, antiques and collectibles as well as general retail.**

156 **There being non one else in the audience wishing to come forth and speak regarding this**
157 **item, Mayor Sweet then closed the public hearing.**

158 **Mayor Pro Tem White made a motion to approve Z2013-032. Councilmember Lewis**
159 **seconded the motion.**

160 **After additional discussion, the ordinance was read as follows:**

161 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
162 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**
163 **TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE**
164 **PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ALLOWING**
165 **FOR AN ANTIQUES/COLLECTIBLES AND GENERAL RETAIL STORE, THE**
166 **SUBJECT PROPERTY IS LOCATED AT 904 N. GOLIAD STREET, BEING A**
167 **PARCEL OF LAND DESCRIBED AS LOT 1 OF THE W. D. AUSTIN ADDITION,**
168 **ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL**
169 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM**
170 **OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING**
171 **FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
172 **PROVIDING FOR AN EFFECTIVE DATE.**
173

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

175 **3. Z2013-033 - Hold a public hearing to discuss and consider approval of an**
176 **ordinance for a request by Kristin and Joshua Whitaker for the approval of**
177 **a Specific Use Permit for an accessory building that does not conform to the**
178 **material requirements as specified for a property in a Single-Family Estate**
179 **1.5 (SFE-1.5) District on a 1.5-acre parcel of land identified as Lot 17, Block**
80 **B, Sterling Farms Addition, Rockwall, Rockwall County, Texas, zoned**
81 **Single-Family Estate 1.5 (SFE-1.5) District, located at 1970 Copper Ridge**
82 **Circle, and take any action necessary (1st Reading).**

183 Planning Director Robert LaCroix provided brief background information related to this
184 agenda item. He indicated that notices were sent out to fifteen adjacent property owners in
85 the area, and one was received back by staff in favor of this SUP.
86

87 Mayor Sweet opened the public hearing and called the applicant forth to speak. Being that
88 the applicant did not wish to come forth, and there being no one else in the audience
189 wishing to come forth and speak, Mayor Sweet closed the public hearing.
190

191 Mayor Pro Tem White made a motion to approve Z2013-033. Councilmember Pruitt
192 seconded the motion. The ordinance was read as follows:
193

194 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
195 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
196 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE
197 PERMIT WITHIN THE SINGLE-FAMILY ESTATE (SF-E/1.5) DISTRICT ALLOWING
198 FOR AN ACCESSORY BUILDING NOT MEETING THE EXTERIOR CLADDING
199 REQUIREMENTS, ON THE PROPERTY LOCATED AT 1970 COPPER RIDGE
200 CIRCLE, BEING A 1.5 ACRE PARCEL OF LAND DESCRIBED AS LOT 17, BLOCK
201 B, STERLING FARMS ADDITION, CITY AND COUNTY OF ROCKWALL, TEXAS;
202 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE
203 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
204 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
205 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
206

207 The motion to approve passed by a vote of 7 ayes to 0 nays.
208

209 4. **Z2013-034** - Hold a public hearing to discuss and consider approval of an
210 ordinance for a request by John Spiars on behalf of the owner the
211 Cambridge Company, Inc. for the approval of a Specific Use Permit for a
212 new car dealership on a 12.6114-acre tract of land being identified as a
213 5.0966-acre portion of Tract 2 of the J. Lockhart Survey, Abstract No. 134
214 and a 7.5148-acre portion of Tract 3 of the J. M. Allen Survey, Abstract No.
215 2, Rockwall, Rockwall County, Texas, zoned Commercial (C) District,
216 located within the IH-30 Overlay (IH-30 OV) District and the SH-205 By-Pass
217 Overlay (SH-205 BY-OV) District, located at the southwest corner of John
218 King Boulevard and the IH-30 frontage road, and take any action necessary
219 (1st Reading).

220 Mr. LaCroix provided background information related to this agenda item. He explained
221 that this is a conceptual plan and that no specific building plan has been submitted at this
222 time. Also, no indication has been given regarding what specific car dealership this will be.
223 Notices were sent out to adjacent property owners located within two hundred feet, and one
224 notice was received back in favor. The Planning & Zoning Commission did recommend
225 approval of this item.

226 Mayor Sweet opened the public hearing and called the applicant forth to address the
227 council.
228

229 Gary Halbrooks
230 1307 Dominion Plaza
231 Tyler, TX 75703
32 Fenton Motor Group
33

34 Mr. Halbrooks came forth and indicated that this will be a Nissan dealership.
35

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

238
239 Councilmember Pruitt asked if the applicant is willing to forego a previously granted SUP by
240 the Rockwall City Council if this one should be approved by council this evening.

241
242 Mayor Pro Tem White made a motion to approve Z2013-034. Councilmember Daniels
243 seconded the motion.

244
245 Councilmember Pruitt generally expressed concerns regarding adding additional car
246 dealerships to the IH-30 and John King Boulevard area, especially since it is an important
247 entryway into our city. Mayor Sweet added to those comments, indicating that he too has
248 concerns about adding an additional car dealership in this area along IH-30.
249 Councilmember Milder echoed Councilmember Pruitt and Mayor Sweet's comments and
250 concerns regarding the addition of another car dealership in this area. After the discussion,
251 the ordinance was read as follows:

252
253 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
254 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
255 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE
256 PERMIT TO ALLOW FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON A TRACT
257 OF LAND BEING A TOTAL OF 12.6114-ACRES AND FURTHER IDENTIFIED AS A
258 5.0966-ACRE PORTION OF TRACT 2 OF THE J. LOCKHART SURVEY, ABSTRACT
259 NO. 134 AND A 7.5148-ACRE PORTION OF LOT 3 OF THE J.M. ALLEN SURVEY,
260 ABSTRACT NO. 2, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND
261 FURTHER DEPICTED IN EXHIBIT "B" OF THIS ORDINANCE; PROVIDING FOR
262 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
263 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
264 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
265 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

266
267 The motion to approve Z2013-034 failed by a vote of 3 in favor with 4 against (Pruitt,
268 Townsend, Sweet, and Milder).

269
270 5. Z2013-035 - Hold a public hearing to discuss and consider approval of an
271 ordinance for a request by J. D. Jacobs, Jr. for the approval of a zoning
272 change from Single Family 7 (SF-7) District to a Residential-Office (RO)
273 District for a 0.661-acre tract of land identified as a portion of Lot 3 and all of
274 Lot 4, Block G, Sanger Addition, Rockwall, Rockwall County, Texas, located
275 east of the intersection of Peters Colony Drive and E. Bourn Street, and take
276 any action necessary (1st Reading).

277 Planning Director Robert LaCroix provided background information related to this agenda
278 item. Notices were sent out to nineteen surrounding property owners, and one notice was
279 received back in favor. Mayor Sweet then opened the public hearing and called for the
280 applicant:

281
282 Donna Allen
283 106 Windmill Ridge Drive
284 Rockwall, Texas.

285
286 Ms. Allen indicated that she is representing her father this evening, and he has owned this
287 piece of property since 2007. She generally asked the council to approve the requested

288 zoning change. There being no one else wishing to come forth and speak, Mayor Sweet
289 then closed the public hearing.

90
91 Mayor Sweet made a motion to approve Z2013-035. Mayor Pro Tem White seconded the
92 motion.

293
294 The ordinance was read as follows:

295
296 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
297 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.
298 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS
299 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING
300 FROM A SINGLE FAMILY 7 (SF-7) DISTRICT TO A RESIDENTIAL-OFFICE (RO)
301 DISTRICT FOR A TRACT OF LAND BEING A TOTAL OF 0.661-ACRES AND
302 FURTHER IDENTIFIED AS A PORTION OF LOT 3 AND ALL OF LOT 4, BLOCK
303 G, SANGER ADDITION, ROCKWALL, ROCKWALL COUNTY, TEXAS AND
304 MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER DEPICTED
305 IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL
306 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE
307 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
308 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
309 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

310
311 The motion to approve passed unanimously of council (7 ayes to 0 nays).

312
313 X. ACTION ITEMS

- 314
315 1. Discuss and consider amending the Volunteer Coach's Eligibility Policy and
316 take any action necessary.

317 Andy Hesser, Parks and Recreation Manager, indicated that the city council passed a policy
318 back in 2006 to spell out the eligibility criteria for individuals who would like to coach youth
319 sports teams on a volunteer basis. As part of the policy, all coaches, umpires, board
320 members and volunteers on the field of play during a game have to submit to criminal
321 history background searches. He went on to explain the various waiting periods associated
322 with different types of past crimes which may be revealed about individuals upon
323 conducting of said background checks. He explained that the policy from 2006 specifies
324 that the appeal board will be the Rockwall Police Chief (or his designee), the Rockwall
325 Municipal Court Judge (or designee), a member of the association wishing to make the
326 appeal (i.e. Lakepointe Church sports program or the past RGBA or RBA). An amendment
327 to this past policy is needed to specify the make-up of a new appeal board. He explained
328 that the Park Board, upon review of the 2006 policy, had strong feelings about certain
329 "crimes of moral turpitude" as well as other crimes they felt were quite serious and should
330 be considered only via the appeal board process. Regarding the appeal board, the Park
331 Board felt that it should be comprised of the Police Chief, the Municipal Court Judge (or
332 their designees) and a three person sub-committee of the Park Board to be appointed by
333 the Park Board Chairman.

334 City Manager Rick Crowley indicated that the service of the appeal board (its stated
335 purposes) and who will serve on the appeal board are things that our city attorney (who is
336 currently not present at the council meeting this evening) is reviewing at this time but has
337 not yet made a final recommendation on. So, Mr. Crowley urged the council to take
338 information that Mr. Hesser has shared under advisement at this time with further
339 discussion taking place concerning these matters upon return and receipt of the
340 recommendations by the city's attorney, Frank Garza, in January. Mr. Pena, the attorney

341 filling in for Mr. Garza at the meeting, generally explained that appointing, for example the
342 Police Chief or Municipal Court Judge, to serve on the proposed appeals board may be in
343 violation of the city's charter. Mr. Garza will be evaluating this matter for clarification and
344 further discussion at a January council meeting.

345 Councilmember Pruitt pointed out that it is not a crime to lie to a police officer; however, it
346 is a crime to file a false police report – he suggested this language be changed in the
347 proposed policy. He also has concerns about some of the “waiting period” time frames
348 associated with past crimes that show up in background checks. He suggested the council
349 carefully evaluate these waiting periods and perhaps consider some of the crimes on a
350 case-by-case basis.

351 After additional, lengthy discussion regarding various types of past crimes committed and
352 how they should be addressed in the policy, the Council took no action related to this
353 agenda item, agreeing instead to revisit the proposed policy at a January city council
354 meeting.

355 2. Discuss and consider appointments to the city's Architectural Review Board,
356 and take any action necessary.

357 **The Council did not discuss this agenda item and took no related action.**

358
359 **XI. EXECUTIVE SESSION**

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

- 364
365 1. Discussion regarding the city's Fixed Based Operator airport agreement
366 pursuant to Section § 551.071 (Consultation with Attorney)
- 367 2. Discussion regarding appointments to city regulatory boards, commissions,
368 and committees including the Rockwall Central Appraisal District and the
369 Fire Department Pension Board pursuant to Section §551.074 (personnel
370 matters)
- 371 3. Discussion regarding the following legal claims: TF-Harbor LLC v. City of
372 Rockwall, Texas and Rockwall Rental Properties L.P. and Philadelphia
373 Indemnity Insurance v. City of Rockwall pursuant to Section 551.071
374 (Consultation with Attorney)
- 375 4. Discussion regarding park land acquisition and land in the vicinity of the
376 downtown area for municipal purposes pursuant to Section § 551.072 (Real
377 Property).

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

379
380 **The council did not reconvene into Executive Session at the close of the public meeting.**
381 **See action taken at the start of the 6:00 p.m. public meeting for action taken as a result of**
382 **the first Executive Session.**

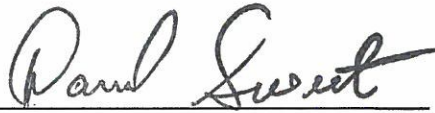
383
384 **XIII. ADJOURNMENT**

385
386 **The meeting was adjourned at 7:07 p.m.**
387

388 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
89 TEXAS, this 6th day of January, 2014.

90

91



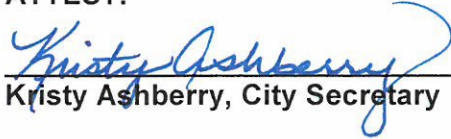
David Sweet, Mayor

392 ATTEST:

393

394

395


Kristy Ashberry, City Secretary