MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 02, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Councilmember Kevin Fowler called the meeting to order at 4:00 p.m. Present were City Council Members Kevin Fowler, Mike Townsend, Bennie Daniels and Dennis Lewis. Councilmember Dana Macalik joined the meeting at 4:02 p.m. Also present were City Manager Rick Crowley and the city's legal counsel, Patrick Lindner. Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and City Attorney Frank Garza were all absent from the meeting.

II. WORK SESSION

1. Hold a work session to consider potential capital improvement projects associated with future bond election.

Assistant City Manager/Finance Director, Mary Smith, and City Engineer, Amy Williams, came forth and briefed the Council on needs and estimated (current day) costs associated with capital improvement projects related to streets and water/sewer.

Councilmember Fowler suggested that staff and council schedule a special city council meeting sometime during this month in order to discuss the possibility of calling a bond election pertaining to these (and potentially park-related) projects. Mrs. Smith clarified that Council has all of January and up until February 11 to call a bond election. She explained that February 5 falls on a regular city council meeting date, if the Council would like to call it then; however, a special meeting may also be called if the Council is not ready by the February 5 date. Mrs. Smith also indicated that, at the request of Mayor Pro Tem Hohenshelt, she has pulled tax rates for other Metroplex cities, and she continues to work on assimilating this information. The Council generally seemed agreeable to review said tax rate-related information prior to any specially scheduled work session in January. The Council took no action pertaining to this agenda item.

At 4:10 p.m., Councilmember Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

III. EXECUTIVE SESSION.

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

1. Discussion regarding possible sale or lease of real property / land in the vicinity of Heath Street and Fannin Street pursuant to Section §551.072 (Real Property).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas

Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

IV. Adjourn Executive Session

Council adjourned from Executive Session at 4:52 p.m.

V. Reconvene Public Meeting (6:00 p.m.)

Councilmember Fowler reconvened the public meeting at 6:00 p.m. with five of the seven council members being present (Pruitt and Hohenshelt were absent).

VI. Take Any Action as a Result of Executive Session

Councilmember Townsend moved to authorize the city manager to extend the terms of the contract for the land sale/lease of real property/land in the vicinity of Heath Street and Fannin Street. Councilmember Lewis seconded the motion, which passed by a vote of 4 ayes, 1 abstention (Macalik) and 2 absences (Pruitt and Hohenshelt).

VII. Invocation and Pledge of Allegiance – Councilmember Macalik

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

VIII. Open Forum

Councilmember Fowler, who was chairing the meeting in the absence of the mayor and mayor pro tem, explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

IX. Consent Agenda

1. Consider approval of the minutes from the December 18, 2017 regular city council meeting, and take any action necessary
2. **Z2017-054** - Consider a City initiated zoning request for the approval of an **ordinance** amending Article IX, Tree Preservation, of the Unified Development Code [Ordinance No. 04-38] for the purpose of making general corrections and clarifications to the code, and take any action necessary **(2nd Reading).**
3. **Z2017-056** - Consider a City initiated zoning request for the approval of an **ordinance** amending Section 6.2, Public Hearing Postponement, Recess and Continuations, of Article II, Authority and Administrative Procedures, of the Unified Development Code [Ordinance No. 04-38] for the purpose of amending the time period for postponing or continuing a public hearing, and take any action necessary **(2nd Reading).**
4. **Z2017-057** - Consider a City initiated zoning request for the approval of an **ordinance** amending Section 2.1.11, Utilities, Communications and Transportation, of Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of changing the antenna standards to allow replacement telecommunications towers in excess of 125-feet by Specific Use Permit (SUP), and take any action necessary **(2nd Reading).**

5. **Z2017-058** - Consider a City initiated zoning request for the approval of an **ordinance** amending Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of creating a land use and use standards for the Food Truck/Trailer land use, and take any action necessary **(2nd Reading).**

6. **Z2017-060** - Consider a request by David Naylor of Rayburn Country Electric Cooperative for the approval of an **ordinance** for a zoning change from Agricultural (AG) District to a Heavy Commercial (HC) District for a 3.227-acre parcel of land identified as Lot 3, Block A, Rayburn Country Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located northeast of the intersection of Mims Road and Sids Road, and take any action necessary **(2nd Reading).**

7. **Z2017-061** - Consider a request by Deric Salser of Salser Development Group on behalf of Russ Porter of Rockwall School of Music for the approval of an **ordinance** amending Specific Use Permit (SUP) No. 174 (S-174) [Ordinance No. 17-45] being a 0.747-acre portion of a larger 2.49-acre parcel of land identified as Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and take any action necessary **(2nd Reading).**

8. **Z2017-062** - Consider a request by Cameron Slown of FC Cuny Corporation on behalf of Phillip McNeill, Jr. of McNeill Hotel Company for the approval of an **ordinance** for a Specific Use Permit (SUP) for a hotel on a 2.166-acre parcel of land identified as Lot 2A of the Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District, located southwest of the intersection of Summer Lee Drive and Horizon Road [FM-3097], and take any action necessary **(2nd Reading).**

9. **P2017-069** - Consider a request by Christopher Orr of Arcadia Lakes of Somerset Holdings, LLC for the approval of a amending plat for Phase 1 of the Somerset Park Subdivision, containing 152 single-family residential lots on a 56.247-acre tract of land being a portion of a larger 139.354-acre tract of land identified as Blocks 1-12, of the Somerset Park Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single Family 10 (SF-10) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, located at the northeast corner of the Intersection of FM-549 and S. Goliad Street (SH-205), and take any action necessary.

10. **P2017-071** - Consider a request by Jeremy Upton for the approval of a final plat for Lot 1, Block A, Epton Addition being a 4.95-acre tract of land identified as Tracts 18 & 19 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 2075 Airport Road, and take any action necessary.

11. **P2017-072** - Consider a request by James Zaferis on behalf of Pete Koulos of Astrocheif Texas LLC (DBA Pegasus Food) for the approval of a replat for Lot 6, Block C, Rockwall Technology Park being a 8.482-acre parcel of land identified as Lot 5, Block C, Rockwall Technology Park, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1635 Innovation Drive, and take any action necessary.

12. **P2017-073** - Consider a city initiated request for the approval of a final plat for Lots 1, 2 & 3, Block A, Fannin Addition being a 4.01-acre tract of land identified as a portion of Lot AA, Block 122, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, generally located on the west side of Fannin Street south of the intersection of Fannin Street and Heath Street, and take any action necessary.

13. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 4, Alcoholic Beverages, Article II. Permits, Sections 4-23 and 4-25 to provide for a fee

schedule in accordance with current fees prescribed by the TX Alcoholic Beverage Commission and to repeal the local Biennial Administrative Processing Fee, and take any action necessary. **(1st Reading)**

Councilmember Townsend pulled item #12, as indication was given that Councilmember Macalik will need to recuse herself from said item. Councilmember Lewis then moved to approve the remaining Consent Agenda items (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13). Councilmember Townsend seconded the motion. The ordinances were then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IX, *TREE PRESERVATION* FOR THE PURPOSE OF MAKING GENERAL CORRECTIONS AND CLARIFICATIONS TO THE CODE; 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. 18-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 6.2, *PUBLIC HEARING POSTPONEMENT, RECESS AND CONTINUATIONS*, OF ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES* FOR THE PURPOSE OF AMENDING THE TIME PERIOD FOR POSTPONING OR CONTINUING A PUBLIC HEARING; 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. 18-03

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, BY AMENDING SUBSECTION 2.1.11, *UTILITIES, COMMUNICATIONS AND TRANSPORTATION*, OF SECTION 2, *USE STANDARDS*, OF ARTICLE IV, *PERMISSIBLE USES* FOR THE PURPOSE OF CHANGING THE ANTENNA STANDARDS TO ALLOW REPLACEMENT TELECOMMUNICATIONS TOWERS IN EXCESS OF 125-FEET BY SPECIFIC USE PERMIT (SUP); 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. 18-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 1, *LAND USE SCHEDULE*, AND SECTION 2, *USE STANDARDS*, OF ARTICLE IV,

PERMISSIBLE USES; FOR THE PURPOSE OF CREATING A LAND USE AND ASSOCIATED USE STANDARDS FOR THE FOOD TRUCK/TRAILER LAND USE; 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. 18-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A HEAVY COMMERCIAL (HC) DISTRICT FOR A 3.227-ACRE TRACT OF LAND IDENTIFIED AS LOT 3, BLOCK A, RAYBURN COUNTRY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT *'A'* AND DEPICTED IN EXHIBIT *'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-06
SPECIFIC USE PERMIT NO. S-181

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MUSIC STUDIO IN PLANNED DEVEOPMENT DISTRICT 60 (PD-60), ON A 0.747-ACRE PORTION OF A LARGER 2.49-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 9, BLOCK A, FLAGSTONE CORNERS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

CITY OF ROCKWALL
ORDINANCE NO. 18-07
SPECIFIC USE PERMIT NO. S-182

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP AND PLANNED DEVELOPMENT DISTRICT 32 [*ORDINANCE NO. 17-22*] TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR A HOTEL WITHIN THE INTERIOR AND RESIDENTIAL SUBDISTRICTS OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) ON A 2.166-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2A OF THE ISSAC BROWN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, ARTICLE II. PERMITS, SEC. 4-23 AND SEC. 4-25 TO PROVIDE FOR A FEE SCHEDULE IN ACCORDANCE WITH CURRENT FEES PRESCRIBED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION; REPEAL OF BIENNIAL ADMINISTRATIVE PROCESSING FEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Macalik recused herself from Consent Agenda item #12. Councilmember Townsend then moved to approve Consent Agenda item #12. Councilmember Lewis seconded the motion, which passed by a vote of 4 ayes, 1 abstention (Macalik) and 2 absences (Pruitt and Hohenshelt).

X. APPOINTMENTS

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

Mr. Ryan Miller, Planning Director, indicated that Mr. Lyons was not able to be present this evening. So, this item was not addressed by Council.

2. Appointment with Park Board Chairman Brad Bassett to hear Park Board recommendation(s) regarding potential capital improvement projects associated with future bond program and take any action necessary.

Brad Bassett, Chairman of the city's Park Board, came forth and shared that the Park Board has some recommendations for inclusion in a future bond election. He explained that the Board is recommending putting forth to the voters about $1.75 million dollars to finish out about seven neighborhood parks. Secondly, the Park Board is recommending including about $8.25 million for the development of Phase I of a lakeside park (he explained that the location of the park as a whole starts approximately at The Shores Park and goes up north to the city limit line). Councilmember Townsend asked how many phases may be involved in developing this lakeside park and approximately how much it might cost to develop the entire park. Assistant City Manager Brad Griggs generally indicated that these things have not been studied in depth since about eleven years ago. Councilmember Lewis pointed out that Alma Williams Park, up north, will have to be developed at some point in time. Also, he knows that a community park on the south end of the city will need to be developed at some point too. Lewis generally expressed that he wonders why more baseball athletic fields are not being more seriously considered as a recommendation by the Park Board at this point in time. Mr. Bassett indicated that there is a belief that some of the existing ball fields may be able to be improved and/or expanded at Tuttle Field for perhaps about $15 million (although, he indicated that this dollar figure is strictly a guess at this point). Councilmember Townsend provided brief comments about the potential for existing fields (at Yellowjacket and Tuttle) to be expanded and/or better utilized by the addition of lighting. Councilmember Fowler shared with Mr. Bassett that the Council will be scheduling a special work session meeting some time in the coming weeks to further discuss potential bond election-related capital improvement projects (CIP).

Councilmember Lewis expressed a desire for staff to evaluate how much money it might cost to (1) improve the current fields and (2) construct a brand new, separate complex. Mr. Griggs indicated that staff will work on these figures. Also, staff will work to identify how much revenue is currently generated from field use.

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

XI. PUBLIC HEARING ITEMS

1. **Z2017-059** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Ed Cavendish Homes/VPS Construction on behalf of Jal Kumar of Rockwall Marina Development, LLC for the approval of an **ordinance** amending Planned Development District 8 (PD-8) [Ordinance No. 92-39] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary **(1st Reading)** ***[Postponed to February 5, 2017].***

Councilmember Fowler announced that the applicant has requested to postpone this item. So, it will be addressed at the February 5 city council meeting. No discussion or action took place at this time.

XII. ACTION ITEMS

1. **Z2017-063** - Discuss and consider a request by Jim Douglas of Douglas Properties, Inc. on behalf of Isabel Garrett of the McClendon Company for the approval of an **ordinance** amending Planned Development District 82 (PD-82) for the purpose incorporating an additional 98.341-acre tract of land into the existing single-family development being a 81.49-acre tract of land creating a 179.831-acre tract of land identified as a portion of Tract 8 and all of Tract 16 of the J. A. Ramsay Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, Planned Development District 82 (PD-82) and Agricultural (AG) District, situated on the west side of Rochell Road south of SH-276, and take any action necessary **(2nd Reading).**

Mr. Miller, Planning Director, explained that this item did not receive a unanimous vote of approval at the last city council meeting. So, it has been placed as an Action Item for discussion this evening. Councilmember Lewis moved to approve Z2017-063. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 82 (PD-82) [*ORDINANCE NO. 16-43*], AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE PLANNED DEVELOPMENT DISTRICT TO INCORPORATE A 98.341-ACRE TRACT OF LAND INTO THE EXISTING 81.49-ACRE TRACT OF LAND, CREATING A 179.831-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS PLANNED

DEVELOPMENT DISTRICT 82 (PD-82) AND BEING TRACT 3, TRACT 8 AND TRACT 16, OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 in favor, 1 against (Townsend), and 2 absent (Pruitt and Hohenshelt).

2. **Z2017-064** - Discuss and consider a request by Robert Rash for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a detached garage that does not meeting the minimum masonry requirements on a 1.144-acre parcel of land identified as Lot 8, Block A, Grady Rash Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 4 Soapberry Lane, and take any action necessary **(2nd Reading).**

Mr. Miller explained that this item did not receive a unanimous vote of approval at the last city council meeting. So, it has been placed as an Action Item for discussion this evening.

Councilmember Fowler moved to approve Z2017-064. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-09
SPECIFIC USE PERMIT NO. S-183

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 1.144-ACRE TRACT OF LAND ZONED SINGLE-FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS LOT 8, BLOCK A, GRADY RASH SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 3 in favor, 2 against (Macalik and Daniels), and 2 absent (Pruitt and Hohenshelt).

3. **SP2017-040** - Discuss and consider a request by Sami Ibrahim of DFW Distributor Petroleum, Inc. for the approval of variances in conjunction with an approved site plan for a gas station and strip retail center on a 2.47-acre tract of land identified as Tracts 2-14 & 2-01 of the J. A. Ramsey Survey, Abstract 186, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-276 Overlay (SH-276 OV) District, located at the southeast corner of the intersection of SH-276 and FM-549, and take any action necessary.

Mr. Miller, Planning Director, provided brief background information concerning this agenda item.

Regarding the variance pertaining to the four-sided architecture, Councilmember Daniels moved to deny this variance request. Councilmember Townsend seconded the motion, which passed by a vote of 4 in favor, 1 against (Fowler) and 2 absences (Pruitt and Hohenshelt).

Regarding the second variance request pertaining to not meeting the 20% natural stone requirement, Councilmember Townsend moved to approve this request. Councilmember Lewis seconded the motion, which passed by a vote of 5 in favor with 2 absences (Pruitt and Hohenshelt).

Regarding not meeting the vertical and horizontal articulation requirements, Councilmember Townsend moved to approve said variance request. Councilmember Lewis seconded the motion, which passed by a vote of 4 ayes, 1 against (Daniels) and 2 absences (Pruitt and Hohenshelt).

Councilmember Daniels moved to deny the variance pertaining to the vertical wall in the detention pond/system. Councilmember Macalik seconded the motion. After brief comments, the motion to deny passed by a vote of 4 ayes, 1 against (Fowler) and 2 absences (Hohenshelt and Pruitt).

4. **MIS2017-017** - Discuss and consider a special request by Steven J. Goldberg of Cogent Realty Advisors, LLC for the approval of waivers to the requirements stipulated for the Southside Residential Neighborhood Overlay (SRO) District to allow the construction of a single-family home on a 0.0172-acre tract of land identified as a portion of Lot 53 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, located at the northwest corner of Emma Jane Road and Sam Houston Street, and take any action necessary.

Planning Director Ryan Miller provided brief background information pertaining to this agenda item. The applicant is requesting waivers related to construction of a single-family home. The first variance is related to the front yard setback requirements (lowering the setback from 20' down to 10'). Also, the applicant is seeking a waiver on the lot depth from 100' to 49' 6". The other waiver is related to the rear yard setback from 10' down to 6'. Also, the applicant seeks a waiver to allow for a flat front entry garage. The city's Planning & Zoning Commission has reviewed these waiver requests, and the Commission has recommended approval of all four waiver requests.

Following brief questions and answers, Councilmember Townsend moved to approve MIS2017-017. Councilmember Daniels seconded the motion, which passed by a vote of 5 in favor with 2 absences (Pruitt and Hohenshelt).

5. **MIS2017-018** - Discuss and consider a request by Peter Muhl of Rockwall Habitat for Humanity for the approval of waivers to the requirements stipulated for the Southside Residential Neighborhood Overlay (SRO) District to allow the construction of two (2) single-family homes on a 0.22-acre parcel of land identified as Lot I, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay

(SRO) District, addressed as 801 Lamar Street, and take any action necessary.

Planning Director Ryan Miller provided brief comments pertaining to this agenda item. The applicant is requesting to subdivide the property, leaving the existing single-family home on the northern portion and constructing a new single-family home on the southern portion. A waiver is being sought to the minimum lot size, reducing it from 5,000 sq. feet to 4,435 sq. feet for lot 2. Also, the applicant is seeking a waiver to the lot depth, reducing it from 100' down to 75' for both lots. These are located in the Southside Residential Overlay District, so the Council may approve certain waivers at the request of the applicant. The Planning & Zoning Commission has reviewed these requests and recommended approval of these waivers.

Following brief, additional comments, Councilmember Macalik moved to approve MIS2017-018. Councilmember Daniels seconded the motion, which passed by a vote of 5 in favor with 2 absences (Pruitt and Hohenshelt).

6. Discuss and consider annual designation of the city's newspaper of record as required by the City Charter, and take any action necessary.

Councilmember Townsend moved to (re)designate the Herald Banner as the newspaper of record. Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absences (Pruitt and Hohenshelt).

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

1. Departmental Reports
   - Building Inspections Monthly Report - November 2017
   - Fire Department Monthly Report - November 2017
   - Fire Marshal Monthly Report - November 2017
   - GIS Division Monthly Report - November 2017
   - Harbor PD Monthly Report - November 2017
   - Internal Operations Department Monthly Report - November 2017
   - Police Department Monthly Report - November 2017
   - Rockwall Animal Adoption Center Monthly Report - November 2017
   - STAR Transit First Quarter Report for FY 2018
   - STAR Transit Monthly Report – November 2017
2. City Manager's Report

XIV. EXECUTIVE SESSION

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

1. Discussion regarding possible sale or lease of real property / land in the vicinity of Heath Street and Fannin Street pursuant to Section §551.072 (Real Property).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas

Municipal Water District (NTMWD) regarding water rates pursuant to Section 551.071 (Consultation with Attorney).

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

Council did not reconvene in Executive Session following the close of the public meeting agenda. (See action taken above, at the start of the 6:00 p.m. meeting).

XVI. ADJOURNMENT

Councilmember Fowler adjourned the meeting at 6:52 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th DAY OF JANUARY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 16, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold a work session to consider potential capital improvement projects associated with future bond election.

Andy Hesser, Director of Parks and Recreation for the city, came forth and gave a presentation to Council concerning, in part, ball fields, tournaments and associated revenue and costs. He also provided Council with details concerning potential capital improvement projects related to park improvements and ball fields. Lengthy discussion about ball fields, including revenues and expenditures related to the city-run sports program(s) ensued. The Council also discussed if and how to potentially put forth bond propositions related to ball fields so that voters have an opportunity to express for what, if anything, they are willing for the city to assume debt over in order to provide those programs and/or facilities.

Current chairman of the city's Park Board, Brad Bassett, came forth to speak to the Council concerning these matters. He commented on the potential advantages and disadvantages of limiting city-run sports programs to only kids who live within the city (versus allowing kids from surrounding cities / areas to also participate). He generally expressed the belief that limiting sports programs to only kids who live within the city would result in a notably diminished program quality.

Discussion ensued regarding road-related improvement needs and associated (estimated) costs. Mr. Bassett spoke briefly about the logic that the Park Board utilized when putting forth a recommendation to the Council to possibly put forth a bond proposition for $1.75 million to make improvements ("build out") seven neighborhood parks throughout the city, pointing out that the Park Board believed that the 'finish out' of these parks would afford a lot of "bang for your buck" if it were to be approved in a bond election.

Mayor Pruitt pointed out that other groups within the city have approached him recently, expressing a desire for the Council to consider bond election propositions related to their own causes as well (i.e. music groups, "the arts" groups, theater groups, etc.).

Joey Boyd, Director of Internal Operations, then briefed the Council on municipal airport-related capital improvement projects and associated, estimated costs for possible inclusion in a bond election. Dwight Royall, current chairman, (1995 Hidden Valley (address)) of the Airport Advisory Board, then came forth and addressed the Council. He explained that, upon original formation of the board, the board was charged with (1) creating rules and regulations for the airport and its use and (2) getting the airport (financially) 'in the black.' He pointed out

that both objectives have since been accomplished and positive progress has been made. Mr. Royall went on to share the advantages, benefits and importance of a city / municipal airport. He pointed out that some of the airport-related improvements may possibly be accomplished through a matching grant(s). Mayor Pruitt expressed apprehension about potentially forcibly condemning Mr. Jack Athey's land (who currently owns the land necessary to potentially expand / lengthen the existing runway). It was pointed out that the city already has money set aside to pay its portion of acquiring the land (with TXDOT Aviation providing matching grant funds). General indication was given by Council that it would like staff and the city attorney to make some inquiries to TXDOT Aviation and also to look into current state and federal laws associated with possibly condemning the property in question.

The Council took no action as a result of the work session discussions.

Mayor Pruitt then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:16 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding (re)appointment of city council subcommittees and board liaisons - Fire Dept. Pension Board - pursuant to Section §551.074 (Personnel Matters).
2. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
3. Discussion regarding legal review of deed records pertaining to public access on Breezy Hill Lane pursuant to Section §551.071 (Attorney/Client Consultation)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Mayor and Council adjourned from Executive Session at 5:46 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with six of the seven council members being present (Hohenshelt was absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Townsend moved to reappoint Councilmember Fowler to the city's Fire Pension Board. Councilmember Lewis seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

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

VIII. PROCLAMATIONS / AWARDS

1. Rockwall Citizens on Patrol Appreciation Day

Mayor Pruitt called forth Rockwall Police Chief, Kirk Riggs. He then read and presented a proclamation recognizing the Rockwall Citizen Police Academy Alumni Association and the Citizens on Patrol volunteers. The volunteers then presented the mayor with a(n oversized) "check," (ceremonial only) representing the $204,000 that the volunteers saved the city this past year.

IX. OPEN FORUM

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the January 2, 2017 regular city council meeting, and take any action necessary.

2. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 4, Alcoholic Beverages, Article II. Permits, Sections 4-23 and 4-25 to provide for a fee schedule in accordance with current fees prescribed by the TX Alcoholic Beverage Commission and to repeal the local Biennial Administrative Processing Fee, and take any action necessary. **(2nd Reading)**

3. **P2017-066** - Consider a request by Matt Atkins of Engineering Concepts on behalf of Scott Lewis of RRDC, LTD. for the approval of a preliminary plat for the Whisper Rock Subdivision containing 28 single-family lots on a 9.477-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 3231 Ridge Road, and take any action necessary.

4. **P2017-068** - Consider a request by Michael Duval of G & A Consultants on behalf of John Delin of R. W. Ladera, LLC for the approval of a preliminary plat for Lot 1, Block A, Ladera Rockwall being a 28.011-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District , located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.

5. **P2017-070** - Consider a request by Cameron Slown of F. C. Cuny Corporation on behalf of Robert S. Whittle for the approval of a final plat for the Highlands Subdivision containing 46 single-family residential lots on a 11.655-acre tract of land identified as Tract 2 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Zero Lot Line (ZL-5) District land uses, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located at the northwest corner of the intersection of SH-66 and FM-1141, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, and 5). Councilmember Townsend seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, ARTICLE II. PERMITS, SEC. 4-23 AND SEC. 4-25 TO PROVIDE FOR A FEE SCHEDULE IN ACCORDANCE WITH CURRENT FEES PRESCRIBED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION; REPEAL OF BIENNIAL ADMINISTRATIVE PROCESSING FEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. APPOINTMENTS

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

Johnny Lyons, current chairman of the city's Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's council meeting agenda. The Council took no action as a result of the briefing.

2. Appointment with the Historic Preservation Advisory Board (HPAB) Chairman to discuss and answer any questions regarding cases on the agenda and related issues, and take any action necessary.

Daniel Nichols, current chairman of the city's HPAB, came forth and briefed the Council on recommendations of the Board relative to Action Item #1 on tonight's meeting agenda. Following brief comments, the Council took no action as a result of Mr. Nichols' briefing.

Mayor Pruitt then reordered the agenda to address Action Item #1 next.

3. Appointment with Doug Galloway of Cooper General Contractors to discuss and consider a request to change Article IV, Permissible Uses, of the Unified Development Code to allow the "Brewery or Distillery (Excluding Brew Pubs)" land use through a Specific Use Permit (SUP) in the Downtown (DT) District, and take any action necessary.

Planning Director Ryan Miller provided brief, introductory comments pertaining to this appointment item, indicating that Council has been provided with a memo outlining the details of this request. He indicated that currently, the city "allows, by right" a brewery or distillery to be located within both light industrial and heavy industrial zoning areas.

Doug Galloway
3508 Edgewater
Dallas, TX

Cory and Eva Cannon
1280 Highland Drive
Rockwall, TX

Mr. Galloway indicated that he has had a predevelopment meeting with the city's Planning Director and team. He generally expressed that they have a desire to open a brewery or distillery in the downtown area.

Mr. Cannon shared that he and his wife are both Rockwall homeowners and business owners. He went on to state that they would like to put a 13,000 square foot brewery and tasting room. They desire for it to be a family and community friendly place. They believe that it will positively contribute to tourism. He expressed that the do not desire to be located in an industrially zoned area because they want to be more connected to the downtown area and the community. Also, they want to utilize the facility as a rental event space. Mrs. Cannon expressed that it would not be a bar and that they too have concerns about drunk driving. Furthermore, they will not be open late and will plan to close no later than 9:00 p.m. The business will brew beer for distribution as well as onsite consumption.

Mayor Pruitt expressed concern about this business and its location, as he fears it will operate more like a bar. Councilmember Daniels expressed that he has viewed downtown as a family-friendly area, and he does not personally feel as though this type of business fits in well with that theme. Councilmember Fowler suggested that the Cannon's meet with the downtown merchants to get input from them about this concept.

Following the discussions, Council took no action pertaining to this agenda item.

4. Appointment with Jacob Boan with Suntex Marinas to discuss and consider a request to sublease regarding the Chandlers Landing Marina, and take any action necessary.

Brad Griggs, Assistant City Manager, indicated that Jacob Owen and Chris Petty are with Suntex Marinas, which operates the marina at Chandler's Landing. They have submitted a request for consent to sublease the property to operate under a real estate investment trust.

Jacob Owen
6406 Lakecrest Drive
Sachse, TX

Chris Petty
6086 Dripping Springs
Frisco, TX

Mr. Owen explained that they would like the city to consider approval of a consent to sublease. He explained that this Chandlers Landing Marina sublease would be with a fully owned and controlled entity of Suntex, and it would include the ship store, fuel station and boat rental operation at that location. He explained that this structure is required by the IRS. He shared that there would be no change in management or day-to-day operations should this request be approved. Brief discussion took place pertaining to the advantages that Suntex would experience as a result of operating as a real estate trust. Mayor Pruitt expressed concern that Suntex is potentially "running off" sailboats in favor of speed boats, and that some patrons have told him Suntex does not even have any sailboat rental space available any longer. Mr. Petty shared that the market, in large part, has driven the trend towards sail boats having less and less of a presence in the boat manufacturing market. Brief discussion took place pertaining to potential advantages and disadvantages of the city approving this request. Indication was given that the city's attorney has reviewed and commented on the agreement. Following the comments, Councilmember Lewis moved to approve Suntex's request for a

sublease agreement at Chandler's Landing Marina. Councilmember Townsend seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

XII. PUBLIC HEARING ITEMS

1. **P2017-046** - Hold a public hearing to discuss and consider a request Theresa Briones for the approval of a replat for Lots 1 & 2, Block A, Briones Addition being a 0.25-acre parcel of land identified as portion of Block 7 of the Garner Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 905 N. Alamo Street, and take any action necessary.

Mr. Miller shared that this property is located within the N. SH-205 overlay district between West and Alamo Streets. It is zoned SF-10, and the applicant is requesting to subdivide the lots. The city's Planning & Zoning Commission has reviewed this request and issued a recommendation of approval (by a vote of 7-0). Since this is not a zoning case, property owners within 200' (rather than 500') were notified of this request. One notice was received back in favor, and one notice was received back today.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing. The applicant was not in attendance.

Councilmember Townsend moved to approve P2017-046. Councilmember Lewis seconded the motion, which passed by a vote of 5 in favor, 1 against (Pruitt) and 1 absent (Hohenshelt).

2. **Z2017-052** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading).** ***[Postponed to Monday, Feb. 5, 2018]***

Mayor Pruitt indicated that this case is being postponed until the February 5, 2018 city council meeting. Mr. Miller explained that this case has been delayed, in part, due to the Planning & Zoning Commission requesting some additional information. No action was taken.

3. **Z2017-065** - Hold a public hearing to discuss and consider a request by Randy Eardley, P.E. of Wier & Associates, Inc. on behalf Getra Thomason-Saunders of Chick-Fil-A, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) for a restaurant with a drive-through or drive-in on a 0.656-acre tract of land being identified as Lots 1 & 2, Block A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting approval of a Specific Use Permit (SUP) for a *restaurant, 2,000 SF*

or more, w/ drive-through [*i.e. Chick-Fil-A*]. The proposed restaurant is ~2,200 SF and situated on a 0.656-acre tract of land [*i.e. Lots 1 & 2, Block A, Billy Peoples #1 Addition*], is zoned General Retail (GR) District, and is addressed as 1902 & 2000 S. Goliad Street [SH-205].

On December 12, 2017, the Planning and Zoning Commission approved a site plan [*Case No. SP2017-037*], a restaurant with a drive-through, on the subject property. Subsequently, the City Council approved variances associated with the approved site plan on December 18, 2017. After the approval of the submitted site plan, staff recognized that the subject property was located in a General Retail (GR) District and would require a Specific Use Permit (SUP) for a restaurant greater than 2,000 SF with a drive-through facility. Staff should note that although the approval of a Specific Use Permit (SUP) is discretionary to the Planning and Zoning Commission and the City Council, there currently exists several other restaurants with drive-throughs [*e.g. Taco Casa, Braum's, and Chicken Express*] located adjacent to the subject property and that are zoned General Retail (GR) District.

On December 28, 2017, staff sent 39 notices to property owners and residents within 500-feet of the subject property. Additionally, staff notified the Waterstone Homeowner's Association which is the only Neighborhood Associations/HOA's located within 1,500-feet of the subject property. Since the time tonight's meeting packet was sent out, staff did receive back one notice in favor of the request and a signed petition in opposition of the request from an adjacent property owner. The Planning & Zoning Commission did recommend by a vote of 7-0 to recommend approval of this request. With regards to the parking spaces, Councilmember Townsend asked if a traffic impact study / analysis was conducted. Mr. Miller generally indicated that, no, one was not performed. He then went on to explain under what circumstances a traffic impact analysis would be conducted.

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

Brian Berry (Mayor of the City of Heath (2 Essex Court Heath, TX)) came forth and addressed the Council concerning this public hearing item. He shared that he is the property owner just west of this property (an office building that houses two tenants). He generally asked the Council to consider calling for a traffic analysis to be conducted, especially since this is a new and unique zoning-related 'use' for the city. He would also like to know how many employees this restaurant will employ, as this will impact the allotted parking spaces, including the number of handicapped spaces. He would also like to require a fence to keep parking associated with this property separate from parking located at adjacent properties / businesses. He is not opposed to Chick-fil-A; however, he suspects this may lead to a traffic nightmare at this location. He has concerns about access to this new Chick-fil-A as well as the additional 'wear and tear' it will put on the parking lot, including his own parking lot. His comments generally seemed to express concern and potential opposition to this request.

The applicant then came forth to address the Council concerning this request. At this point, she simply introduced herself - Priya Acharya with Weir and Associates (the civil engineer firm working on behalf of Chick-fil-A).

Mario Smajli
1422 Murphy Drive
Rockwall, TX

Mr. Smajli, owner of Luigi's (the restaurant located adjacent to this property), came forth to address the Council concerning this request. He generally spoke in opposition to the Council

approving this request. He has various concerns, especially related to the parking and ingress/egress associated with vehicles that will patron this 'drive thru only' restaurant. He pointed out that there is no easement at the rear of his property, and he feels strongly as though people will be walking to the restaurant, and utilizing the back of his property to get to and from. He pointed out that them doing so will be considered 'trespassing,' and, if anyone gets hurt on his property, he will get sued. This will cause his insurance costs to skyrocket. He pointed out that a lady in a wheelchair previous did just that and sued him. So, it is a very real concern. He also has concerns about where the 18-wheeler truck(s) will make deliveries to this Chick-fil-A restaurant, as he believes they will utilize his property to do so. He believes that a traffic study should be conducted. He explained that he is a patron of Chick-fil-A and has no problems with the business itself; however, the existing Chick-fil-A on the north side of town has proven to have a huge traffic problem, and it has choked out at least one or two adjacent businesses over there due to the very high traffic volumes. He is opposed to the Council approving this SUP and strongly encouraged the Council to not approve this item.

With regards to planning and zoning related public hearing items in the city in general, Councilmember Lewis pointed out that the city goes above and beyond that which is required in the Texas Local Government Code. He explained that state law requires notification of property owners and businesses located within 200'; however, the city notifies those within 500' and also notifies adjacent homeowner's associations (within 1,500').

Mayor Pruitt explained that city staff initially made a mistake, as staff inadvertently believed that this type of business was "allowed by right" at this location. He shared, however, that if the process had ensued as it actually should have, then staff and the public may well have not known that this particular restaurant was going to be a Chick-fil-A restaurant.

John McKenzie
9796 FM 1565
Terrell, TX

Mr. McKenzie came forth and expressed opposition to approval of this request because he believes the parking is going to be a real issue as well as traffic congestion. He stated that he generally reiterates everything that Mario previously stated.

Bruce Foith
1087 Shady Lane Drive
Rockwall, TX

Mr. Foith generally expressed that he believes there are better locations within the city that this drive-thru Chick-fil-A restaurant could go in. He indicated that locating a Chick-fil-A in the north part of town, for example, would be much better. He believes that the traffic and parking will be a nightmare at this particular location, and he empathizes with Mario. He stated that if he were an adjacent business owner, he would be really upset too.

Linda Diaz
1935 Copper Ridge Circle
Rockwall, TX 75032

Ms. Diaz expressed that she and her family also own a business in the Hobby Lobby shopping center (All Sports). She believes the traffic flow in and out of a Chick-fil-A restaurant at this location will be a large problem. She shared that she has received a lot of feedback on social

media regarding placement of a Chick-fil-A restaurant at this location. She generally expressed opposition to the Council approving this request.

Mrs. Karen Caramanica
503 Windsor Way
Rockwall, TX

Mrs. Caramanica came forth and expressed that she and her husband moved to Rockwall years ago and that they live in the north part of town. She expressed concern about traffic in Rockwall, in general, as growth has rapidly taken place within the city. She expressed strong opposition to the Council approving this request. She firmly feels that this is not at all a good location and that traffic, especially after school dismisses, will be very heavy.

Mr. John Caramanica
503 Windsor Way
Rockwall, TX

Mr. Caramanica came forth and shared that he has watched the town grow from a two stop sign town to a real traffic nightmare. He questions why a traffic study has not been conducted. He believes that this particular intersection already has a lot of congestion, and putting in a Chick-fil-A at this intersection would only exasperate the traffic problems and would pose more safety concerns. He feels that a wall should be built around this location to keep cars and people from adversely impacting Mario's restaurant and parking next door. He is concerned about growth continuing to rapidly occur and an insufficient water and road infrastructure to support it. He generally expressed strong opposition to the Council approving this request.

Michael Hunter
220 W. Quail Run Road
Rockwall, TX

Mr. Hunter expressed that he offices up north near the other Chick-fil-A. He has observed that traffic at that location backs up substantially. He believes that will be the same case at this location. He urged the council to look at this with some common sense. He generally believes that staff and council should help Chick-fil-A possibly locate a better site elsewhere.

Tim Mosley
466 Chippendale Drive
Heath, TX 75032

Mr. Mosley came forth and provided comments to the Council concerning this request. He shared that he currently owns and operates the existing Chick-fil-A restaurant on Ridge Road. He spoke about his knowledge the Chick-fil-A as a company works very closely with their engineers on site drawings and locations, and he does believe they know what they're doing. He suspects they may be doing this "drive thru only" concept in an effort to take some of the volume off of the Ridge Road Chick-fil-A. He pointed out that every business owner wants to place a business in a location that is busy in order to be successful, to make money, and to be able to give back to the community. Councilmember Lewis asked Mr. Mosely if his location's delivery trucks are 18-wheelers or panel trucks. Mr. Mosley shared that the delivery trucks are all different sizes and they often come in the middle of the night (four of his six regular deliveries take place at night).

The applicant (Priya Acharya) then came forth again to address the Council. She pointed out that this 'drive thru only' Chick-fil-A concept will be the third of its kind in this area. One is located in Dallas on Cockerel Hill, and another one is about to be placed near Love Field in Dallas. She pointed out that the facility at this particular Rockwall location will be substantially smaller in size than the other two locations. Also, she pointed out that this location will have two drive thru lanes that narrow down to just one, ultimate line.

Mayor Pruitt asked Ms. Acharya if Chick-fil-A will consider building a wrought iron fence to separate this site's parking from the adjacent parking lot. Ms. Acharya shared that, if doing so is a condition of approval, she feels as though Chick-fil-A would consider doing so. Ms. Acharya shared that a traffic impact study was not performed because the city did not require one.

Discussion took place related to the Council possibly remanding this topic back to the Planning & Zoning Commission for further evaluation.

Mayor Pruitt expressed that it he does believe there will be a parking problem, as about 13 spaces will be occupied by employees, two will be handicapped spaces, and that will only leave perhaps 2 spaces for patrons to park. He suggested that Chick-fil-A may want to speak to adjacent property owners about potentially establishing a parking agreement so that employees will have a place to park. Councilmember Townsend generally expressed concerns about the limited number of parking spaces, traffic flow and traffic congestion. Discussion took place pertaining to the "drive thru only" Chick-fil-A location in Dallas on Cockrell Hill.

Ms. Acharya generally shared that Chick-fil-A strives to be a good steward and positively contribute to the community.

Mayor Pruitt then closed the public hearing.

Councilmember Lewis moved to approve Z2017-065 with the caveat that they work with staff to develop a fence around the property. Councilmember Townsend seconded the motion.

Following brief comments by Mayor Pruitt, Councilmember Lewis withdrew his motion, and Councilmember Townsend withdrew his second.

Mayor Pruitt moved to deny Z2017-065 without prejudice and instruct Chick-fil-A to work on dealing with the traffic, dealing with the fence, and dealing with the parking (where their employees will park, perhaps through a parking agreement). Councilmember Macalik seconded the motion, which passed by a vote of 5 in favor, 1 against (Townsend) and 1 absent (Hohenshelt).

4. **Z2017-066** - Hold a public hearing to discuss and consider a request by Trent Hyde for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for a detached garage that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 0.830-acre tract of land identified as the Wilson Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 218 W. Quail Run Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. He generally indicated that this applicant had a previous SUP request that came before the Council back in October and was essentially denied "with prejudice." So, he has made some changes to his original application and is now returning to seek Council's approval. He changed his request from an accessory building to a detached garage, and he plans to incorporate a concrete foundation, roll-up door and a 3' masonry wainscot. The proposed garage is a metal, detached garage that will be 700' feet and will be situated behind the primary structure. Notices were sent out to property owners and residents located within 500', and nearby HOAs (homeowners associations) were also notified. Staff received back 8 notices in favor and 1 notice in opposition. In addition, the city's Planning & Zoning Commission has voted 6-1 to recommend approval of this SUP request.

Trent Hyde then came forth and briefly addressed the Council regarding his proposed structure. He mainly focused on size of the property, indicating that it is actually significantly larger than SF-10 designation would make it seem. He explained that he is unable to get the same brick as his house; however, he is planning on utilizing Austin stone. He further explained that he plans to move the existing 2,000' Morgan building that is currently located along the property line. He explained that he will move it to the rear of the property (the southwest corner), 12' away from the property line.

Following additional comments regarding the other, existing structure, Mayor Pruitt moved to approve Z2017-066 with the stipulation that the existing accessory building be moved as required and discussed. Councilmember Fowler seconded the motion. After additional comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A DETACHED GARAGE THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 0.830-ACRE TRACT OF LAND ZONED SINGLE-FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS THE WILSON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2017-067** - Hold a public hearing to discuss and consider a request by Katherine Crane for the approval of an **ordinance** for a zoning change from a Single Family 10 (SF-10) District to a Residential-Office (RO) District for a 0.210-acre parcel of land identified as Lot 17, Block 14, Highwood Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 302 W. Kaufman Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller explained that the applicant is seeking to change the zoning from SF-10 to a "residential office district" designation instead. The purpose is for the applicant to be able to establish a counseling business within her residence. If it is approved,

the applicant will need to go through the proper site plan process to ensure there will be adequate parking and ADA requirements are met. Notices were sent out to property owners and residents within 500', and nearby HOAs within 1,500' were also notified. One notice was received back in favor of the request, and the city's Planning & Zoning Commission has recommended denial of the request by a vote of 7-0. So, approval of this item will require a ¾ majority vote of Council.

Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing and invited Ms. Crane (the applicant) to come forth. Ms. Crane then showed the Council photographs of her home's location and briefly explained why she is seeking this change in zoning.

Following Ms. Crane's comments, the Council took no action pertaining to this public hearing item.

6. **P2017-067** - Hold a public hearing to discuss and consider a request by Blake Sudduth of R-Delta Engineers, Inc. on behalf of Peter Muhl of Rockwall Habitat for Humanity for the approval of a replat for Lots 1 & 2, Block A, Lamar Street Habitat No. 1 Addition being a 0.22-acre parcel of land identified as Lot I, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 801 Lamar Street, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant would like to subdivide the property and establish two lots. Property owners located within 200' were notified, and one notice was received back in favor of the request. In addition, the city's Planning & Zoning Commission has voted 7-0 to recommend approval of this item. Mayor Pruitt then opened the public hearing. There being no one wishing to come forth and speak, the mayor then closed the public hearing. Councilmember Lewis moved to approve P2017-067. Councilmember Townsend seconded the motion, which, after brief comments pertaining to the adjacent roadway, passed by a vote of 6 in favor with 1 absent (Hohenshelt).

XIII. ACTION ITEMS

1. Discuss and consider a request by Natalee Davenport appealing a decision by the Historic Preservation Advisory Board (HPAB) concerning the denial of a Certificate of Appropriateness (COA) for a Medium Contributing property, being a 0.24-acre parcel of land identified as a portion of Lot 1 of the Austin Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 902 N. Goliad Street, and take any action necessary.

Planning Director Ryan Miller provided background information concerning this agenda item. He explained that on December 21, 2017, the Historic Preservation Advisory Board (HPAB) denied a request by Natalee Davenport for a Certificate of Appropriateness (COA) by a vote of 4-0, with Board Members Odom, Bowlin and Clark absent. As part of the motion, the HPAB stated that the proposed single pane glass windows and deck were not in keeping with the historic nature of the property, and did not conform to the Historic Preservation Guidelines contained in Appendix D of the Unified Development Code (UDC). In response to this finding, the applicant submitted a request to appeal the HPAB's decision to the City Council. According to the city's Unified Development Code, if a COA is denied by the HPAB "...the applicant may appeal to the City Council by filing a written notice with the Historic Preservation Officer within ten (10) business days after the decision of the board. In

considering an appeal, the sole issue before the City Council shall be whether the board erred in its decision. The City Council shall consider the same standards and evidence that was considered in making the decision. Appeal to the City Council constitutes the final administrative remedy." Should the City Council find that the HPAB erred in its decision the applicant will be permitted to keep the improvements as is and will be required to submit a building permit to the Building Inspections Department. Should the City Council find that the HPAB acted within its purview, the applicant would be required to remove the improvements from the property and will be prohibited from submitting a COA application - - *requesting the same changes to the property* -- for a period of one (1) year from the date of the City Council's decision unless [*1*] the City Council denies the request without prejudice or [*2*] the HPAB waives the time period due to a change in circumstances.

Natalee Davenport
1640 Coastal Drive
Rockwall, TX 75087

Ms. Davenport came forth with her current contractor and addressed the Council concerning her request. Ms. Davenport generally explained to the Council the various improvements that she has made to the property since she assumed ownership. She indicated that she and her contractor had no intentional malice in removing the windows and replacing them with new ones and with constructing the deck. The contractor spoke, indicating that when he took over the job, he thought he was performing work under the original permit that was pulled by the initial contractor, and he did not know that said permit had already been closed out and he needed to pull a new permit. He went to the city that same day and pulled a new permit. The gentleman indicated that the purpose of constructing the deck is so that the business may utilize it as an entertainment area for its clients.

Mayor Pruitt explained that the Council's job tonight is not to decide on if the work that has been performed so far is legitimate or not. The Council's job, instead, is to make a decision regarding if the city's Historic Preservation Advisory Board, made a mistake in its ruling or not.

Discussion ensued regarding Ms. Davenport having originally purchased the property when it was designated by the city as a "landmark property;" however, the city thereafter downgraded the property to a "medium contributing" property (historic-wise). This, Mr. Miller explained, because of work that the previous owners had done without having received approval from the city.

Councilmember Lewis asked if the Council has an ability to remand this issue back to the HPAB at this point. Mr. Miller shared that, no, the Council actually does not have the ability to do so under these particular circumstances and under the city's current regulations.

Councilmember Lewis moved to approve the HPAB's denial without prejudice. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

Following discussion of this item, Mayor Pruitt then reordered the agenda to address Public Hearing item #3 next.

2. **SP2017-041** - Discuss and consider a request by David Naylor of Rayburn Country Electric Cooperative for the approval of a variance to the parking requirements and an exception to the material requirements in conjunction with an approved site plan for an addition to an existing facility on an 18.875-acre

tract of land identified as Lots 1, 2 & 3, Block A, Rayburn Country Addition and a portion of Tract 3-13 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 950 & 980 Sids Road, and take any action necessary.

Planning Director Ryan Miller provided brief background information pertaining to this agenda item. He generally explained that this request pertains to an expansion of Rayburn County Electric Cooperative, as the applicant will be addition two, additional buildings which will be built behind the existing building and will create and a sort of "campus feel" to their existing structure. A new office building and a new warehouse are part of this request, and the applicant is seeking two variances – one related to a reduction in the minimum parking requirements and one related to 50% cementous materials requirement. The applicant is seeking to receive approval of a combination of tilt wall and a type of hardiboard. Both buildings will require approval of these variance requests. The Architectural Review Board has reviewed this request, and the ARB did ultimately approve the variance requests. In addition, the city's Planning & Zoning Commission has unanimously recommended approval of these requests as well.

Mike Malone (the architect) came forth and provided brief comments to the Council concerning these requests. He explained that the buildings will be built to withstand tornadic winds, and they will have very strong windows.

Councilmember Fowler asked some questions pertaining to the adjacent neighbors, flood plain and treed area. He wants to be sure that the neighbors to the south will not be bothered by the addition of these two, new buildings. Mr. Malone shared that he believes there will be a pretty good buffer in place.

Councilmember Lewis moved to approve SP2017-041, including the parking and masonry (materials) variance. Councilmember Fowler seconded the motion, which passed by a vote of 6 in favor with 1 absent (Hohenshelt).

3. **SP2017-042** - Discuss and consider a request by Bob Leimberg of Clayco Construction on behalf of Alan Yu of Lollicup USA, Inc. for the approval of exceptions and variances in conjunction with an approved site plan for a manufacturing facility on a 34.23-acre tract of land identified as a portion of Lot 1, Block A, Rockwall, Technology Park, Phase 2 and Tract 2-01 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southeast corner of the intersection of Corporate Crossing [FM-3549] and Capital Boulevard, situated within the FM-549 Overlay (FM-549 OV) District, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item, indicating that this is located within Phase 2 of the Technology Park. The first three variance requests – related to the natural stone requirement; the seven architectural elements otherwise required in the overlay district; and the positioning of the loading docks (they will be visible from the public right-of-way) - will require a ¾ supermajority vote of Council for approval. They are also seeking variances (requiring simple majority votes of Council) related to a reduction in the number of parking spaces (they say they only need 206 based on the maximum number of employees per shift). Also, they're seeking an exception to the tilt wall materials that will be utilized on the buildings. Finally, they are seeking variances to the city's horizontal and vertical articulation requirements. The city's Architectural Review Board has

reviewed the proposed articulation / elevations twice. Ultimately, the ARB recommended approval, and the city's P&Z Commission also recommended approval.

Mayor Pruitt then made a motion to approve the variance requests that require the ¾ majority approval of Council (the ones related to the following: the 20% stone requirement; the architectural elements; and utilizing of landscaping rather than the 10' masonry wall for screening). Councilmember Lewis seconded the motion, which passed unanimously of those present (Hohenshelt absent).

Mayor Pruitt then moved to approve the remaining variance requests pertaining to: lowering the minimum parking spaces required; to allow for the building to be constructed with tilt wall; and not meeting the city's vertical and horizontal articulation requirements. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

4. Discuss and consider authorizing the City Manager to negotiate a Guaranteed Maximum Price (GMP) contract addendum with Dean Construction for the SH 66 Boat Ramp improvements not to exceed $468,150 to be funded by matching grant from Texas Parks and Wildlife Department, and take any action necessary.

Parks Director, Andy Hesser, briefed the Council on this agenda item. Public bids were open on Friday, and this GMP document was submitted thereafter. It is believed that this amount will be sufficient and allow for a "contingency" of about $15,000. Councilmember Townsend moved to authorize the City Manager to negotiate a Guaranteed Maximum Price contract addendum with Dean Construction for the SH 66 Boat Ramp improvements not to exceed $468,150 to be funded by matching grant from Texas Parks and Wildlife Department. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

5. Discuss and consider authorizing the City Manager to negotiate a contract with Bellingham Marine, Inc. for The Harbor boat dock repairs in the amount of $359,394.62, to be funded from the general fund and reimbursed by insurance claim funds, and take any action necessary.

Parks Director, Andy Hesser, provided brief comments to the Council pertaining to this agenda item. He generally indicated that insurance proceeds will cover these costs. Following additional, brief comments, Councilmember Townsend moved to authorize the City Manager to negotiate a contract with Bellingham Marine, Inc. for The Harbor boat dock repairs. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

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

Councilmember Macalik moved to reappoint the following Main Street Advisory Board Members to serve an additional two year term on the MSAB: Terry Gregory, Claudette Hatfield, Evan Matteson and Daniel Nichols. Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding (re)appointment of city council subcommittees and board liaisons - Fire Dept. Pension Board - pursuant to Section §551.074 (Personnel Matters).
2. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
3. Discussion regarding legal review of deed records pertaining to public access on Breezy Hill Lane pursuant to Section §551.071 (Attorney/Client Consultation)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

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

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 10:01 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th DAY OF FEBRUARY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
SPECIAL CITY COUNCIL MEETING

Monday, January 22, 2018, 5:00 PM
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:10 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Brad Griggs.

II. WORK SESSION

1. Hold a work session to consider potential capital improvement projects associated with future bond election.

Mayor Pruitt began the work session discussion. He provided a broad overview of the capital improvement-related discussions that have taken place on the part of the Council for the last couple of years. He generally indicated that an Engineering study has been completed that shows the city in desperate need of addressing roadway replacement and/or repairs. As such, the Council began evaluating the possibility of calling a bond election to address some of these needs. The mayor shared that if the city spends $60 million on roadway improvements, it can issue that debt over a period of 10 years without raising city taxes. He expressed that he is not in favor of a tax increase. He acknowledged having heard from the park board representatives and airport board representatives as well as other groups within the city (i.e. theater and orchestra groups) expressing additional needs; however, he is not in favor of raising taxes at this point. Instead, he prefers that this bond election solely focus on road-related projects.

Councilmember Daniels generally expressed the belief that citizens should have an opportunity to vote on additional projects (such as ball fields) and decide on their own if they do or do not wish for their taxes to be raised in order to pay for those things. Councilmember Townsend expressed agreement with Councilmember Daniels' sentiments in this regard. He pointed out that a recent parks and recreation survey showed that the citizens are really interested in having additional ball fields. In addition, regarding other projects (such as the airport), he also does not have a desire to raise taxes. He shared that the city is right on the cusp of not being able to absorb costs pertaining to additional, large projects within the regular city budget. He does believe that the voters should be able to decide what they are willing to pay for.

Councilmember Macalik also expressed opposition to raising taxes, indicating that she is most concerned about the city's infrastructure and roadways. She believes that a lot of the

roadway and infrastructure improvements are way overdue, acknowledging that $120 million could easily be spent on roads and infrastructure because there are so many needs.

Mayor Pruitt clarified that the Council will not be taking action this evening; however, the hope is to make a definitive decision by the February 5 city council meeting if possible.

Councilmember Fowler inquired about the finish out of the neighborhood parks, asking if the city could come up with a means by which these parks could be prioritized and what sort of amenities would need to be included. Assistant City Manager Brad Griggs indicated that public hearings would need to be held with residents in those particular neighborhoods in order to determine what amenities they would like to see in their neighborhood park(s). Brief comments were made pertaining to the north lakeside park. Indication was given that Rockwall will need to further work with the City of Dallas in order to establish additional interlocal agreement for some of the property along the lakeshore. However, he expressed, the city could begin developing the area that extends out about 3,500 feet beyond Dalton Road.

Councilmember Hohenshelt suggested that the Council systematically address the various CIP-related topics one at a time (i.e. roads first, parks next, the airport after, etc.).

Councilmember Fowler acknowledged that the city's true roadway-related needs far exceed $60 million. However, that is the dollar amount that would mean taxes won't have to be raised.

Assistant City Manager Mary Smith briefed the Council on the process that would ensue if a bond election was successful. She shared that the $60 million would be issued over time; as only a limited number of projects can take place at one time over the course of the ten years. She shared that the estimates that have been made concerning "project management" may be inflated and may therefore allow for some 'wiggle room.'

Councilmember Hohenshelt proposed that any bond proposition related to streets be increased to $90 million. He suggests this because there will be a cost escalation, and that will need to be factored in, and the numbers we are working with are already two years out-of-date. He then shared details regarding the tax rate of various other cities within the Metroplex. Of the half a dozen or so cities he mentioned, Rockwall's city tax rate was the lowest. He seems to express that a tax rate increase may be necessary in order to address aged and failing infrastructure. Furthermore, he does not believe that Rockwall citizens would necessarily balk at the need for a tax rate increase if it were related to improving roadways.

Lengthy discussion ensued pertaining to how much debt should potentially be proposed in a bond election and the associated, possible tax implications if certain amounts of debt were to be approved for issuance by voters. Mrs. Smith generally indicated that there are a lot of variables that come into play when attempting to make such predictions, such as future sales tax and property tax revenues, among other things.

Councilmember Fowler expressed concern about the potential that a $90 million debt issuance proposal in a bond election could fail and not be approved by voters. Then, the

city will be forced to wait for three years before a subsequent roadway-related bond election could be held.

Councilmember Macalik shared that she has taken time over the last couple of months to visit with some local constituents to discuss their feelings on potentially having their taxes raised – if not substantially – in order to address roadway improvements. She expressed that about 80% of those with whom she spoke seemed to express they would be in favor of that, especially because they are so frustrated with our city's roadways.

Mr. Crowley shared that staff could bring forth a resolution for the Council to consider at the February 5 regular city council meeting that reflects $90 million in debt issuance for roadways and then prepare estimates with regards to issuing that debt over a period of 10 years or more (attempting to estimate the amount of time over which the debt could potentially be issued without taxes having to be raised).

Mr. Crowley cautioned the Council on possibly being too specific in bond proposition language with regards to roadway repairs versus expansion(s) of roadways.

Mr. Crowley indicated that staff will move forward with bringing forth an election order for the Council to consider at its next meeting. At Council's direction, he will ensure to be relatively non-specific on the language that is utilized in the election order, including the proposed bond proposition language.

Additional discussion then ensued (again) pertaining to the existing tax rate, possible tax rate increases and associated implications, especially pertaining to the possibility that bad economic times could possibly occur over the course of the next ten years. The governor's and lieutenant governor's tax rate caps were also discussed.

Mr. Crowley pointed out that needed drainage improvements have also been put forth to the Council for consideration and discussion as part of this work session. Mrs. Smith shared that if a brand new roadway is being built, the cost of putting in water/sewer infrastructure can be spent as part of the new roadway installation. However, if new water/sewer infrastructure is needed on an existing roadway, the cost has to be taken out of water/sewer funds, and doing so would affect rates.

City Engineer Amy Williams pointed out the various drainage-related projects that have been identified within the city. Mayor Pruitt urged the Council to consider which of these sorts of projects, if any, may be the city's responsibility to fix. The Council generally expressed a desire to perhaps evaluate drainage-related projects as part of a future bond election (not this one in May 2018), as they believe that more information on these projects is needed and more discussion is necessary.

Mayor Pruitt recessed the meeting, calling for a break at 6:32 p.m.

Mayor Pruitt called the meeting back to order at 6:50 p.m.

Mr. Crowley then engaged the Council in discussions pertaining to possible park-related capital improvement projects. Mayor Pruitt generally asked the Park Board chairman, Brad Bassett, to consider having the Park Board further prioritize and attempt to solidify

additional details pertaining to amenities that may need to be included in finishing out the various neighborhood parks throughout the city.

Councilmember Lewis expressed that our city's ball fields have been subpar ever since he moved to Rockwall in 1993. Therefore, residents living in Rockwall leave our city to go to other cities to have their kids play ball, resulting in those residents spending their money elsewhere. Also, Rockwall is not able to attract tournaments, which would also result in additional tax dollars. He believes that Rockwall is a "baseball town," and our city is notably subpar when evaluated against other cities to which we often compare ourselves. Councilmember Lewis generally expressed a desire to put ball fields on the ballot and allow voters to decide whether or not they want to spend tax dollars on them. Assistant City Manager, Brad Griggs, shared that ball fields have traditionally been among the top five priorities of the city over the last several years.

Councilmember Townsend shared that a lot of things are not easily quantifiable – for example, 'quality of life' and 'open space.' He believes that Parks are key to maintaining quality of life. In addition, the city has been discussing lake side parks for years, and he believes that citizens are interested in lake side parks. Furthermore, he pointed out that a "ball fields" project is the only project that will actually bring revenue into the city.

Mr. Crowley expressed that the city's bond counsel would need to verify this; however, he believes that park-related bond propositions could be put forth as separate items or as one, combined item.

Councilmember Macalik suggested that perhaps the Council might consider putting forth the lake side park as one, stand alone bond proposition and then put forth, for example, ball fields as a separate bond proposition on the ballot.

Councilmember Hohenshelt pointed out that bond projects are associated with capital expenditures; however, additional maintenance-related expenses will invariably impact the budget in general (i.e. mowing, lighting, general maintenance and upkeep, etc.). He generally expressed a desire for the Park Board to do some additional work in order to provide additional information to the Council.

Councilmember Townsend recommended that the Council consider putting forth a bond proposition that contains both a lake side park and an athletic (ball fields) complex.

Mayor Pruitt expressed concern about the parks and recreation-related projects not yet having been sufficiently evaluated. He suggested that parks related items should potentially be placed on the next uniform election date (rather than on an election this May).

Councilmember Townsend pointed out that the Council did not allocate funding in this year's budget to allow for parks and recreation related projects to be studied in more depth (i.e. hiring a consultant to assist with estimated costs, possible amenities, etc.).

Mayor Pruitt expressed that he is not in favor of spending tax payer dollars to build a ball field complex so that a lot of players who do not live in our city can come into our city and utilize those facilities.

Councilmember Townsend expressed strong support for the Council putting forth to the voters a proposition(s) that would allow voters to decide on increasing ball field capacity within the city. He believes that the existing league is not growing, and, as a result, it eventually will fail.

Mayor Pruitt expressed a desire for the Council to figure out how to prioritize the needs of all organizations within the city (i.e. theater groups, baseball, soccer, 'the arts,' etc.).

Mr. Crowley clarified that the Park Board will work on bringing forth additional, more concrete details pertaining to potential bond-related projects between now and the next city council meeting.

Councilmember Hohenshelt urged Mr. Bassett, Park Board chairman, to consider bringing back to the Council for consideration a specific bond proposition dollar amount, as well as more specifics about what benefits each project might possibly afford (i.e. if we spend "x amount of dollars" on ballfield enhancements, "x number of additional teams" may be served).

Mayor Pruitt expressed concern about park-related bond projects perhaps being "rushed" for inclusion on this upcoming May's uniform election date. He feels that more time is needed to study the projects, and more thought needs to be put into them without rushing forward with placing them on a bond election ballot.

Discussion ensued related to possibly authorizing money to be spent on hiring consultants to perform a study in order to help the Park Board further evaluate the needs and associated costs. Mr. Crowley shared that existing money is in the city's Rec Development fund that could be utilized to further evaluate these park-related needs. Indication was given that the city manager will spend money (within his spending limits) to hire a consultant to work with staff and the Park Board to bring back some additional information between now and the next scheduled city council meeting.

Joey Boyd, Director of Internal Operations, and Dwight Royall, current Chairman of the city's Airport Advisory Board, then discussed capital expenditure-related needs pertaining to the city's municipal airport. It was pointed out that a lot of the project needs at the airport could be accomplished through 'matching grant funds' potentially available through the federal government. Mr. Boyd suggested updating the cost estimates. Mayor Pruitt shared that he has reservations with possibly condemning someone's property and purchasing it if the city is not going to end up actually using it. Mr. Crowley cautioned that staff and the Airport Board will need to be sure that TXDOT Aviation rules are carefully followed. Mr. Royall proposed a meeting with a subcommittee of the Council, Airport Advisory Board members (or a subcommittee of the board) as well as the person at TXDOT Aviation who is responsible for land acquisition. Mr. Royall urged the Council to move forward with starting the process of acquiring the land because he believes doing so will demonstrate to TXDOT Aviation that the City of Rockwall is serious about moving forward. Mr. Crowley suggested that Mr. Griggs, Mr. Boyd, and Mr. Royall meet with the TXDOT Aviation land acquisition representative and then report back to the Council thereafter. Mr. Royall pointed out that there are several airport hangars that will, in the short term, will end up reverting to the city and generating some off-setting revenue.

Mayor Pruitt expressed the belief that TXDOT may likely not fund smaller airports like Rockwall's in the future, especially since the funds they have available have become limited.

Mayor Pruitt again expressed a desire for the Council to, at some point, consider the needs of other groups within the city, such as "the arts" groups (theater, orchestra, etc.). Mr. Crowley indicated that staff will be happy to work with any / all of those groups. Mayor Pruitt shared that The Rockwall Summer Musicals, the Rockwall Community Playhouse and the Rockwall Philharmonic Orchestra are the groups to which he is referring. Councilmember Fowler wonders what the level of interest is that Rockwall citizens have in these sorts of groups. Mr. Crowley indicated that a citizen survey has not been conducted in a number of years, so it is not certain. Councilmember Fowler is interested in knowing what our citizens value as far as facility-related needs. Mr. Crowley pointed out that the city itself also has building related CIP needs (i.e. police station, city hall expansion, etc.).

Councilmember Daniels pointed out that the organizations Mayor Pruitt has mentioned (i.e. theater groups) are currently privately funded; whereas, the other facilities that the Council has been speaking about are related to publicly-funded programs (i.e. the city's sports / ball fields program and the municipal airport).

Councilmember Fowler expressed that he is nearly convinced that the Council will only be able to logically vote on putting forth road-related CIP projects on a bond election within the next eighteen working days.

Mayor Pruitt shared that perhaps the city council should consider establishing a CIP citizen committee in the future to evaluate other, future bond election projects. Councilmember Hohenshelt shared that he too believes that only road-related projects should be put forth to voters on a May 2018 bond election.

The Council took no formal action as a result of these work session discussions.

III. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th DAY OF FEBRUARY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 05, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:02 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and Council Members Dana Macalik, Mike Townsend, and Kevin Fowler. Councilmember Dennis Lewis joined the meeting at 4:04 p.m. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. The city's bond counsel, Leroy Grawunder was also present. Councilmember Bennie Daniels was absent from the entirety of the meeting.

II. WORK SESSION

1. Hold a work session to consider potential capital improvement projects associated with future bond election.

Mary Smith, Assistant City Manager, briefed the Council on a memo she has provided to the Council concerning options related to calling a bond election. Council members generally indicated that they are comfortable with $85 million dollars being issued and paid for over a ten year period for roadway improvements. It is estimated that this is the amount and timeframe for which debt may be issued and not result in a tax rate increase to the citizens. City Manager Rick Crowley introduced Leroy Grawunder, the city's bond (legal) counsel.

Mayor Pruitt expressed a desire to possibly include verbiage on the ballot language that will show the voters how much outstanding debt the city current has, as well as how much will be added to that debt should the roadway-related bond proposition pass. Mr. Grawunder advised that the election code does not contain provisions that would allow for the bond proposition language itself to contain information concerning the city's current amount of debt. However, he advised that the city is allowed to publish factual information to educate voters in advance of the bond election. Mayor Pruitt generally expressed concern about voters potentially not being sufficiently informed about the city's current debt status and what any further debt issuance will equate to for the city and its taxpayers.

Regarding the possibility of including parks or ball field related bond propositions on a May election ballot, Councilmember Macalik shared that five or six constituents contacted her and expressed a desire to not include either of these things on the ballot. Both Councilmember Lewis and Councilmember Townsend shared that they have each received indication from constituents that they do in fact wish to have parks and ball field-related propositions on the bond election ballot.

Mayor Pruitt called forth Brad Bassett, current Park Board Chairman, to brief Council on the recent discussions Park Board has had pertaining to possible bond proposals. The Park Board held a special meeting on Monday January 29th and voted unanimously (of the four in attendance) that City Council consider the following for the upcoming bond election:

- **Phase 2 neighborhood parks construction - $2,200,000**
- **Renovations of Myers ball fields and Yellowjacket ball fields - $1,500,000**

- **Authorize funding a feasibility study for an athletic complex in this year's budget for consideration of a bond program at the next possible general election.**
- **Consider funding the completion of concept plans for the remaining identified projects in the 2017 Strategic Plan (Alma Williams Howard Park, a south community, The Lakeside Park and The Lakes of Squabble Creek)**

Mr. Bassett generally expressed a desire for staff and the Park Board to further evaluate some of these items and perhaps consider them on a subsequent bond election (perhaps in November of 2018). He would like the Council to consider authorizing some funding in order to retain a consultant(s) to assist staff and the Park Board with further evaluating and pricing some of these items. Mr. Crowley indicated that a budget request that would have funded these studies was previously submitted; however, it was not approved in the current fiscal year budget.

Discussion ensued pertaining to potential, future improvements within neighborhood parks. Mayor Pruitt encouraged the Park Board to prioritize neighborhood park improvements and come up with a phased plan to implement those improvements over the course of a five year period.

Mayor Pruitt pointed out that normally a committee of voters/citizens is assembled in order to discuss and prioritize items for inclusion in a bond proposition package. However, regarding roadway improvements, there was no need to establish a citizen committee because no one questions that the city's roads are in disrepair and need improvements. He urged the Council to consider waiting on all other items, such as parks, the airport, ball fields, etc. until a citizen committee can be formed to consider all of those types of wants and needs and prioritize them in advance of putting forth a bond proposition package to the Council for consideration.

Regarding the municipal airport, staff has been working with the Airport Advisory Board and has recently taken steps to meet with TXDOT Aviation to further discuss things such as the possibility of land acquisition.

Mayor Pruitt read the below listed discussion items into the public record before recessing the meeting to go into Executive Session at 4:49 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding legal review of deed records pertaining to public access on Breezy Hill Lane pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding claim by former police employee pursuant to Section §551.071 (Attorney/Client Consultation)
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:15 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:01 p.m.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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

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

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

VIII. OPEN FORUM

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

Mr. Bruce Foith
1087 Shady Lane Drive
Rockwall, TX 75087

Mr. Foith came forth and expressed concern about a pond near his home that is in need of some clean-up. He showed a photo of the pond, pointing out that there is a great deal of litter, and it needs to be cleaned up. He also has concerns about erosion on the other side of the pond at the dam area. He suggested that the Council consider cleaning it up and perhaps adding a trail near the dam area. Mayor Pruitt asked the Parks Department to report on these concerns at the next Council meeting.

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 16, 2018 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the January 22, 2018 special city council meeting, and take any action necessary.
3. **Z2017-066** - Consider a request by Trent Hyde for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for a detached garage that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 0.830-acre tract of land identified as the Wilson Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 218 W. Quail Run Road, and take any action necessary. **(2nd Reading)**
4. Consider awarding a bid to Utility Truck Equipment Company and authorizing the City Manager to execute a purchase order for a used crane truck in the amount of $125,000 to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.

5. Consider awarding a bid to Love Field Chrysler Dodge and authorizing the City Manager to execute a purchase order for a 2018 Police Pursuit Dodge Charger in the amount of $25,736 to be funded out of the General Fund, Police Patrol Operations Budget, and take any action necessary.

6. Consider authorizing the City Manager to execute an amendment to the agreement with PMAM Corporation for Police and Fire Alarm Tracking and Billing services, and take any action necessary.

7. Consider authorizing the City Manager to enter into an agreement with WME for Founders Day headliner entertainment, and take any action necessary.

8. Consider approval of a resolution calling a General Election to be held on Saturday, May 5, 2018 for the purpose of electing City Council Members for Place 2, Place 4, and Place 6, and take any action necessary.

Mayor Pruitt reconvened the public meeting at 7:41 p.m. City Secretary Kristy Cole provided brief comments pertaining to this agenda item, indicating that Section 6 of the resolution was slightly modified this afternoon, in collaboration with the city attorney.

Mayor Pro Tem Hohenshelt moved to approve the resolution (as revised). Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

9. Consider approval of a resolution by the City Council of the City of Rockwall, Texas, calling a Bond Election to be held on Saturday, May 5, 2018 within said City; making provision for the conduct of the Election; containing other provisions incident and related to the purpose of this Resolution, and take any action necessary.

Mayor Pruitt indicated that the Council had discussions pertaining to this agenda item during the work session that took place earlier this afternoon.

Mayor Pro Tem Hohenshelt moved to approve a resolution calling a bond election to be held on May 5, 2018, putting forth only a roadway-related proposition in the amount of $85 million and allowing up to 40 years for maturity of said debt. Mayor Pruitt seconded the motion.

Mayor Pruitt then expressed that he would like to see the maturity date of the debt to be set at twenty years instead of forty years. Mr. Leroy Grawunder, the city's bond counsel, came forth and clarified the meaning and level of specificity of the proposed bond proposition language regarding reconstruction and rehabilitation of existing streets. He also asked that the Council be sure to specify and vote on the desired "maturity date" as part of the motion.

Councilmember Lewis expressed that he would at least like the Council to authorize staff to fund the feasibility study associated with the Park Board Chairman's recommendation.

The motion passed by a vote of 4 in favor, 2 against (Pruitt and Fowler), and 1 absence (Daniels).

Mayor Pruitt clarified that he and Councilmember Fowler did not vote against this motion because they don't want roads to be fixed. Instead, they voted against the motion because they do not believe in the philosophical differences associated with a twenty versus forty year issuance pertaining to maturity of the bond(s).

Mayor Pruitt expressed that he would like to pull Consent Agenda items #8 and #9 for further discussion later on during the meeting. Councilmember Lewis then moved to approve the remaining Consent Agenda Items (#s 1, 2, 3, 4, 5, 6, and 7). Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-11
SPECIFIC USE PERMIT NO. S-184

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A DETACHED GARAGE THAT DOES NOT MEET THE MINIMUM REQUIREMENTS, ON A 0.830-ACRE TRACT OF LAND ZONED SINGLE-FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS THE WILSON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENTS

1. Appointment with Chris Lynch, Rockwall County Elections Administrator, to hear update regarding new electronic voting system and other items of interest pertaining to countywide elections, and take any action necessary.

Mr. Lynch came forth and shared details with the city council concerning a new voting system that the County of Rockwall recently purchased for use in upcoming elections. He explained that the new voting machines will affect about 33% of the voters in the County who have traditionally voted on paper ballots. He explained that all voters will cast their votes electronically on a machine. Then, the ballot containing the person's votes will be printed out, the voter may review the paper print out, and then he or she may submit their ballot to be formally cast.

Mr. Lynch went on to share details pertaining to the upcoming May elections, indicating that it is likely that the Rockwall Independent School District will end up canceling its election. So, if that happens, he explained that the City of Rockwall will then bear the full cost of the Rockwall County Elections Office administering said election.

Mayor Pruitt asked some clarifying questions pertaining to a Rockwall city voter's ability to 'early vote' at any early voting polling location throughout Rockwall County.

Council took no action as a result of this appointment item.

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

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

3. Appointment with Park Board Chairman Brad Bassett to hear recommendations regarding potential funding of park initiatives, and take any action necessary.

Mayor Pruitt indicated that the Council held discussions with Mr. Bassett related to this topic earlier this afternoon during a work session. The Council will consider this matter when it discusses Consent Agenda Item #9 above.

4. Appointment with Ed Hicks of Clay Cooley Automotive to discuss an alternative to the requirements of S-131 (Ordinance No. 15-05), and take any action necessary.

Mr. Hicks came forth and requested that the Council consider allowing him to demolish the building in lieu of installing some materials to the exterior façade of the existing building. The applicant indicated that the owners are working on closing a deal with a new automotive dealership and will be demolishing the building to accommodate the new company. He believes that they will likely have a new franchise agreement in place by fall of this year.

Following brief comments and clarification from the city attorney, Mayor Pruitt moved to grant Mr. Cooley a deferred action of the SUP Ordinance to allow for the demolition of the metal building located at 1530 E. IH-30. Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

5. Appointment with Wayne Hunter, PE of RPS Group on behalf Camden Homes to discuss the removal of a portion of a 322.34-acre tract of land from the City of Rockwall's Extraterritorial Jurisdiction (ETJ), allowing the City of Royse City to serve the property to facilitate a mixed-use development, and take any action necessary.

Mr. Hunter came forth and made a presentation to the City Council, briefly explaining that this request is being made on behalf of Camden Homes for the purpose of allowing the Royse City CCN to serve wastewater service in the capacity needed to support a 322.34-acre development (~288.50-acres is situated within the City of Rockwall's ETJ with the remainder being situated within the City of Royse City ETJ). According to the applicant's letter, this development will consist of 763 single-family lots, 20.30-acres of senior living, 22.00-acres of multi-family, 17.80-acres of commercial/retail and a 8.40-acre storage facility.

The Council took no action pertaining to this agenda item.

XI. PUBLIC HEARING ITEMS

1. **A2018-001 [A2017-001] (6:00 PM)** – Hold a public hearing to discuss and consider a request by Rick Jones of ADV Rockwall Platinum Property Owner, LLC for the approval of a voluntary annexation of a 4.264-acre tract of land identified as Lot 1, Block 1, Valk Rockwall Addition, Rockwall County, Texas, situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, contiguous to the existing city limits, and take any action necessary.

Mayor Pruitt opened the public hearing at 6:34 p.m., asking if anyone would like to come forth and speak at this time. There being no one indicating such, Mayor Pruitt then closed the public hearing. The city attorney explained that there is an Attorney General's opinion that states that when the two required public hearings are held on the same date pertaining to annexation, then those two public hearings must be held at least 30 minutes apart. Mr. Crowley explained that two public hearings regarding annexation are never held on the same date when it is a "forced annexation." However, because this one is a voluntary annexation, the two public hearings are being held on the same date in order to accommodate speeding up the annexation on the applicant's behalf.

2. **A2018-001 [A2017-001] (6:30 PM)** – Hold a public hearing to discuss and consider a request by Rick Jones of ADV Rockwall Platinum Property Owner, LLC for the approval of a voluntary annexation of a 4.264-acre tract of land identified as Lot 1, Block 1, Valk Rockwall Addition, Rockwall County, Texas, situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, contiguous to the existing city limits, and take any action necessary.

Mayor Pruitt skipped over this item for now and came back to it later on in the meeting.

Mayor Pruitt opened the public hearing at 7:15 p.m., asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. No action was taken by Council at this time.

3. **Z2017-059** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Ed Cavendish Homes/VPS Construction on behalf of Jal Kumar of Rockwall Marina Development, LLC for the approval of an **ordinance** amending Planned Development District 8 (PD-8) [Ordinance No. 92-39] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary **(1st Reading).**

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. On December 18, 2017, the City Council remanded Case No. Z2017-059 back to the Planning and Zoning Commission to allow the applicant to make changes to the concept plan. Following this action the applicant submitted a request to postpone the public hearing for this case to January 30, 2017 to allow time to modify the request to address the concerns stated in the City Council meeting and to meet with the Chandler's Landing Homeowner's Association (HOA). The Planning and Zoning Commission approved this request on December 26, 2017.

Since the City Council meeting, the applicant has changed the request reducing the number of units from 48 to 40. This reduces the requested density from 6.98 to 5.81 units per acre. This does not have an effect on the future land use map, which already designates the subject property for High Density Residential land uses (i.e. any development that exceeds three [3] units per gross acre). In addition, the applicant has removed the request for additional cementaceous materials and is proposing to meet or exceed the material requirements of the Unified Development Code. After reviewing these changes and holding a public hearing on January 30, 2017, the Planning and

Zoning Commission approved a motion to recommend approval of the amendment to Planned Development District 8 (PD-8) by a vote of 7-0.

Mayor Pruitt then opened the public hearing and asked if anyone from the Chandler's Landing Homeowner's Association (HOA) would like to come forth and speak at this time.

Jeff Macalik
6102 Volunteer Place
Rockwall, TX 75032

Mr. Macalik indicated that he is the Chairman of the Chandler's Landing Homeowner's Association's Environmental Committee. He came forth and shared a letter with the Council, on behalf of the HOA, generally indicating that the HOA is not in favor of any high density multi-family development. He also pointed out that ten neighbors have all expressed opposition to this development. He wonders who will own the streets within this development, pointing out that the Chandler's HOA maintains its own, private streets. He also questions if this development will be gated or not. He overall indicated that the HOA board does not want a lot density of any more than 36 lots.

Councilmember Fowler questioned if this land area is or is not part of the Chandler's subdivision and HOA. Mr. Miller, Planning Director, shared that he is not sure – that is more of a question for the Chandler's HOA.

Mr. Macalik shared that, although he is not totally certain, he does know that Chandler's HOA board members have generally indicated a belief that this area would be in the Chandler's HOA. Mr. Garza, the city's legal counsel, generally explained that the city is not to consider any deed restrictions which may or may not be in place.

After additional, brief discussion pertaining to density, Mayor Pruitt called the next speaker forward.

Phil Bishop
333 Columbia Drive
Rockwall, TX

Mr. Bishop came forth and expressed that he lives in Chandler's Landing. He went on to explain that, up until recently, he managed Spyglass Hill. He shared that the three phases of Spyglass are much denser because they are condominiums. Also, they do not have setback rules, and the streets are not repaired by Chandler's Landing. He shares that her currently manages Spyglass Hill, Phase 3, and, up until recently, he managed Phase 2 as well. He went on to speak about "the 12' rule," that had, in part, been discussed this evening, sharing that this rule never applied to Spyglass Hill Phase I, Phase II, or Phase III. Also, the rule only applies to certain lots on certain streets within Chandler's Landing. He mentioned that, as a result of a past lawsuit, some areas have height restrictions in place which dictate how tall a home may be (above sea level). Each of the three phases of Spyglass is essentially "self-governed," and residents can pay for the ability to utilize amenities within the Chandler's subdivision; however, there is also an "opt out" option for each Phase. He shared that Phase II did so (opted out) a couple of years ago, so residents within Phase II no longer pay dues to Chandler's landing. Mr. Bishop went on to share his own, personal opinion, indicating that this particular project proposal seems to be the best one for protecting view corridors and minimizing the overall heights of the homes.

Scott Mason
275 Henry M. Chandler Drive
Rockwall, TX

Mr. Mason shared that he owns one of the condos that would be in direct view of some of these proposed townhomes. Mr. Mason generally expressed that he believes what is being proposed now by Mr. Cavendish is in the best scenario for development of these lots.

Dennis Vierling
1121 Bayshore Drive
Rockwall, TX

Mr. Vierling came forth and generally expressed that he believes what is being proposed by Mr. Ross Ramsay and Mr. Cavendish does allow for the best views (of the lake) to be experienced by all. He generally expressed support for approval of this request.

Mr. Ross Ramsay, the architect associated with development of this property, came forth and briefed the Council on this revised proposal.

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

Mr. Ed Cavendish with Cavendish Homes came forth and addressed the Council. He generally expressed that he does not believe this council meeting is the proper time or place to be discussing things such as Chandler's Landing's "twelve foot rule." He believes that said issue should be discussed at a separate time and is something that is solely between him and the HOA if/when he actually begins constructing the townhomes.

Mr. Macalik, who previously spoke, came back before the council and offered additional, brief comments regarding the "12' rule,' clarifying that he cannot speak as to if this proposal would or would not be in compliance with said rule. He went on to talk about the huge change in elevation that exists within this area, sharing that he does not feel the "open space" that would be part of this development would truly be useable (because it is so steep).

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

Mayor Pruitt shared that he has received a lot of input from residents, mainly those living in Spyglass, who have expressed opposition to this proposal. Councilmember Lewis generally shared that he has received a lot of input from various residents pertaining to this request. Chandler's changed their bylaws last year to restrict the number of rental units within the subdivision to 15%. He believes that zero lot line homes tend to be more 'owner occupied,' while townhomes tend to be more 'renter occupied.'

Mayor Pruitt summarized that the Council should focus tonight on the following two factors - (1) if townhomes or zero lot line homes are what should be allowed and (2) should the units be allowed to increase from 36 to 40 units? Mr. Garza clarified that, if there are deed restrictions in place, it will not be the city's responsibility to enforce those. Instead, that would be something that would need to be addressed between the developer and the HOA.

Councilmember Macalik expressed that most of these units will sell between $325k and $350k. So, she pointed out that most of the other existing townhomes and condos, both in Chandler's and Spyglass, are not in this price range. So, this will be a different housing product for the HOA. She expressed a desire to be sure that all of the expressed issues are being addressed.

Following additional, brief comments, Mayor Pro Tem Hohenshelt moved to approve Z2017-059. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [*ORDINANCE NO. 92-39*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT PLAN AND THE DEVELOPMENT STANDARDS APPROVED WITH *ORDINANCE NO. 92-39*, BEING A 6.88-ACRE TRACT OF LAND IDENTIFIED AS LOT 4, BLOCK A, SPYGLASS HILL #4 ADDITION AND TRACT 134-12 OF THE E. TEAL SURVEY, ABSTRACT NO. 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 2 ayes with 4 against (Pruitt, Fowler, Lewis, and Macalik) and 1 absent (Daniels).

4. **Z2017-052** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director, indicated that Mr. Atkins, the applicant, has asked to withdraw this case at this time. No action was taken by Council at this time.

XII. ACTION ITEMS

1. Hold a Show Cause Hearing to discuss and consider demolition of a dangerous building located at 373 Renee Drive, legally described as Rockwall Lake Estates #2, Lot 1434, and take any action necessary.

Building Official, Jeffrey Widmer, provided brief comments pertaining to this agenda item. Councilmember Lewis moved to approve the demolition of the dangerous building located at 373 Renee Drive, legally described as Rockwall Lake Estates #2, Lot 1434. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Daniels).

2. Discuss and consider a request by David Ellis of Ellis Companies for the approval of a resolution abandoning the right-of-way adjacent to Lot 2, Block A and Lots 4 & 5, Block C, Ellis Centre, Phase Two Addition, City of Rockwall, Rockwall County, Texas, and take any action necessary.

Mr. Miller, the city's Planning Director, generally explained that the applicant is requesting this abandonment in order to accommodate a potential development that would take up the majority of the land. In addition, the applicant has indicated intent to construct a cul-de-sac at the end of Alpha Road. The right- of-way in question was dedicated on February 15, 1985 with the final plat for Ellis Centre, Phase 2 Addition. At the time of platting, Alpha Road was indicated on the City's Master Thoroughfare Plan as a Minor Collector, and was intended to connect IH-30 to the Justin Road. Alpha Road was later removed from the Master Thoroughfare Plan in favor of upgrading Industrial Boulevard to a M4U (i.e. minor collector, four [4] lane, undivided roadway).

Currently, both the subject property and the property directly north of the subject property (i.e. 71.022-acre tract of land identified as a portion of Tract 20-1 of the A. Hanna Survey, Abstract No. 99) remain vacant and no development plans for either property have been submitted to staff. In addition, the property to the north is served by both Industrial Boulevard and Justin Road, and would not be affected by the removal of the right-of-way. Taking this into consideration and the fact that the City's Master Thoroughfare Plan has changed, the City Attorney has stated that the City Council could abandon the right-of-way without charging the applicant the fair market value of the land (i.e. returning the dedicated land to the applicant without compensation). In accordance with this request, staff has prepared a resolution in the attached packet should the City Council choose to approve the right-of-way abandonment.

Following brief comments by Mr. Ellis, Mayor Pro Tem Hohenshelt moved to approve the resolution abandoning the right-of-way adjacent to Lot 2, Block A and Lots 4 & 5, Block C, Ellis Centre, Phase Two Addition, City of Rockwall, Rockwall County, Texas. Councilmember Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

3. **MIS2018-001** - Discuss and consider a request by Kris Green for the approval of an exception to the minimum masonry requirements stipulated in Section 3.1, General Residential District Standards, of Article V, District Development Standards, of the Unified Development Code, for a 0.2421-acre parcel of land identified as Lot 11, Block B, Chandler's Landing, Phase 10, Section 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for residential land uses, addressed as 5107 S. Alamo Drive, and take any action necessary.

Mayor Pruitt announced that MIS2018-001 is going to be reset to the February 19 city council meeting. Council did not discuss this item, and no action was taken at this time.

4. **MIS2018-002** - Discuss and consider a request by Kay Uhlig of Sabrina's Flowers and Gifts for the approval of a variance to the district development standards of the SH-205 Overlay (SH-205 OV) District for the approval of a LED message sign on an existing pole sign on a 0.407-acre parcel of land identified as the J. J. Jones Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1903 S. Goliad Street [SH-205], and take any action necessary.

Mr. Miller, the city's Planning Director, explained that this is a request for a variance to the sign requirements stipulated by the SH-205 Overlay (SH-205 OV) District to allow the replacement of a message reader board with a Changeable Electronic Variable Message Sign (CEVMS) on a legally non-conforming pole sign at 1903 S. Goliad Street. Subsequently, the City Council denied the request with prejudice on September 5, 2017 by a vote of 4-2, with Mayor Pruitt and Council Member Macalik dissenting and Council Member Hohenshelt absent.

He went on to explain that on January 12, 2018, the applicant resubmitted the application proposing no changes to the original submittal. Therefore, since the applicant is not proposing any changes to the original submittal, staff has provided a copy of the (original) case memo from Case No. MIS2017-009 along with all exhibits submitted by the applicant. Staff should point out that the applicant was not subject to the one (1) year prohibition on similar requests associated with cases that are denied with prejudice because this case does not require a public hearing. Staff should also note that this request could not be made under the current sign code, and would require the applicant to convert the sign to a monument sign to allow for the CEVMS installation.

Mayor Pro Tem Hohenshelt moved to deny MIS2018-002. Councilmember Fowler seconded the motion. Councilmember Fowler then explained that he believes the existing sign looks awful, so he feels like anything to enhance it would be an improvement. The motion failed by a vote of 3 in favor with 3 against (Macalik, Fowler and Lewis).

Mayor Pruitt then called for a brief break at 7:29 p.m. before addressing Consent Agenda item #8 and #9.

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

1. Departmental Reports
   Building Inspections Monthly Report - December 2017
   Fire Department Monthly Report - December 2017
   Fire Marshal Monthly Report - December 2017
   GIS Monthly Report - December 2017
   Harbor PD Monthly Report - December 2017
   Internal Operations Department Monthly Report - December 2017
   PARD Monthly Report - November 2017
   PARD Monthly Report - December 2017
   Police Department Monthly Report - December 2017
   Quarterly Report for Rockwall Meals on Wheels / Senior Services
   Rockwall Animal Adoption Center Monthly Report - December 2017
   STAR Transit Report - December 2017
2. City Manager's Report

XIV. Executive Session

The City of Rockwall City Council will Recess into Executive Session to discuss the following matters as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding legal review of deed records pertaining to public access on Breezy Hill Lane pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding claim by former police employee pursuant to Section §551.071 (Attorney/Client Consultation)
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

XV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

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

XVI. Adjournment

Mayor Pruitt adjourned the meeting at 7:57 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19th DAY OF FEBRUARY, 2018.

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL

Monday, February 19, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:05 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Hohenshelt, and Council Members Kevin Fowler, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Councilmember Dennis Lewis joined the meeting after the conclusion of Executive Session (prior to the meeting reconvening at 6:00 p.m.). Councilmembers Dana Macalik and Mike Townsend were absent for the duration of the meeting.

II. WORK SESSION

1. Hold a work session to discuss and consider planning for IH-30 aesthetics and entry features.

City Manager Rick Crowley briefed the Council on, and brief discussion took place regarding, options pertaining to possible entry features on areas of IH-30 within the City of Rockwall.

Mayor Pruitt then read the following discussion items into the record before recessing the public meeting to go into Executive Session at 4:19 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 4:57 p.m.

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

Mayor Pruitt called the meeting back to order at 6:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Hohenshelt, and Council Members Kevin Fowler, Bennie Daniels and Dennis Lewis. Councilmembers Dana Macalik and Mike Townsend were absent.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

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

VIII. PROCLAMATIONS / AWARDS

1. National Pancake Day / Shriners Hospitals for Children Day

Mayor Pruitt called forth John Krodel, the representative in attendance from the Shriners. He then read and presented the proclamation, which pertains to a fundraising event to be held at the local (Rockwall) IHOP restaurant on February 27 to benefit Shriners Hospitals for Children.

2. Engineer's Week Proclamation

Mayor Pruitt called forth Amy Williams, City Engineer and members of her staff. He then read and presented the proclamation for Engineer's (appreciation) Week.

Mayor Pruitt then called forth Rick Burnis, manager for Republic Waste (the city's solid waste collection company). He read a kind Facebook post that had been written concerning some of the Republic garbage collection workers and thanked Mr. Burnis and his staff for their kindness and hard work.

IX. OPEN FORUM

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the February 5, 2018 regular City Council meeting, and take any action necessary.
2. Consider approval of a consulting services agreement with Willdan/Economists.com to conduct an independent water and wastewater rate analysis in the amount of $39,000 to be funded by the Water Operations Budget, and take any action necessary.
3. **P2018-002** - Consider a request by Lizandro Ormeno of Livay, LLC for the approval of a final plat for Lot 1, Block A, Lizandro Ormeno Addition being a 1.24-acre tract of land identified as Tract 3 of the J. H. B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall County, Texas,

zoned Planned Development District 69 (PD-69) for Residential-Office (RO) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1201 N. Goliad Street [SH-205], and take any action necessary.

4. Consider approval of an **ordinance** repealing Ch. 10, Article II, Division 3. Construction Advisory Appeals Board of the Code of Ordinances and transferring those duties to the Board of Adjustments under Article II, Section 11 of the Unified Land Development Code, and take any action necessary. **(1st reading)**

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

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

7. Consider authorizing the City Manager to execute an amendment to an existing contract with Verizon Wireless to install additional equipment on the City-owned communication tower located at 305 E. Boydstun Avenue, and take any action necessary.

8. Consider approval of a budget amendment in the amount of $38,000 from the city's Tree Mitigation Fund for planting of trees and shrubs in City facilities and rights-of-way, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, and 8). Mayor Pro Tem Hohenshelt seconded the motion. The ordinance (for item #4) was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 18-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES TO REPEAL CHAPTER 10. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. ADMINISTRATION AND ENFORCEMENT, DIVISION 3. CONSTRUCTION ADVISORY APPEALS BOARD AND TRANSFERING THOSE DUTIES TO THE BOARD OF ADJUSTMENT UNDER ARTICLE II, SECTION 11 OF THE UNIFIED LAND DEVELOPMNT CODE AND INCORPORATING RECITALS; PROVIDING REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Macalik and Townsend).

XI. APPOINTMENTS

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

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

2. Appointment with County Commissioner David Magness to hear update pertaining to countywide roadway projects (County of Rockwall Traffic Consortium), and take any action necessary.

Mayor Pruitt called for Commissioner Magness who explained that he oversees the countywide road / transportation consortium. He handed out some items to the council members concerning a recent countywide roadway update, indicating that the information will soon be made available on the county's website. He then went on to brief the Council on the status of these various projects as well as planned, future projects. Council took no action as a result of Commissioner Magness' update.

3. Appointment with Richard Martin, Director, Gov't Relations & Real Estate with Primary Media to hear request associated with replacing one static billboard face with a digital billboard face for a sign located on the north side of IH-30 approximately 1000 feet east of John King Blvd., and take any action necessary.

Mr. Martin came forth and very briefly explained his request. Mr. Crowley, City Manager, explained that the sign is currently a legal, non-conforming sign, but an ordinance amendment would be required in order to accommodate Mr. Martin's request. Council generally (and informally) instructed staff to work with Primary Media to evaluate options associated with all of the billboards it owns within the city and then come back to Council at a later date. Council took no action concerning this agenda item.

4. Appointment with Rockwall Police Chief to hear the 2017 Racial Profiling Report, and take any action necessary.

Chief Kirk Riggs came forth and provided brief comments pertaining to this report, briefly explaining that state law requires that all law enforcement agencies provide an annual racial profiling report to the governing body. Essentially, no complaints of racial profiling were received for the year 2017. Following the chief's comments, the Council had no questions and took no formal action.

XII. PUBLIC HEARING ITEMS

1. **Z2018-001** - Hold a public hearing to discuss and consider a request by Cameron Slown of F. C. Cuny, Corporation on behalf of Phillip McNeill, Jr. of McNeill Hotel Company and Jason Lentz of Atticus Summer Lee Townhomes for the approval of an **ordinance** for a PD Development Plan amending Ordinance No.'s 16-48 & 16-54 and in accordance with Ordinance No. 10-21, for a 9.081-acre tract of land identified as Lot 2A of the Isaac Brown Addition, and Lots 1 & 2, Block A, Harbor Village Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District and the Interior and Residential Subdistricts of Planned

Development District 32 (PD-32), located adjacent to Summer Lee Drive southwest of the intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take any action necessary. **(1st Reading)**

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. On January 2, 2018, the City Council approved a Specific Use Permit (SUP) for a hotel (TRU by Hilton) on a 2.166-acre tract of land, which is directly adjacent to the aforementioned condominium and townhome developments. At the time of approval, the applicant -- Cameron Slown with F. C. Cuny Corporation -- was working with the owner of the condominium and townhome development (Jason Lentz of Atticus Real Estate Services) to swap land benefitting all three (3) developments. Now that this land swap is complete, the Hotel property is requesting the approval of a PD Development Plan as required by Ordinance No. 17-22, and since the land area of the townhomes and condominiums have changed from the approved Ordinance No.'s 16-48 & 16-54 an amended PD Development Plan reflecting the changes is required. As part of this request, Jason Lentz of Atticus Real Estate Services is requesting an additional six (6) townhome units be added to the 36- unit townhome development. If approved this would decrease the number of available units within the district from 182 to 176 (1,161 [Available Units] – 450 [Marina Village] – 228 [Harbor Condominiums] – 265 [Harbor Heights Condominiums] – 36 [Harbor Townhomes] – 6 [Requested Units] = 176 [Available Units]). In addition, new concept plans for the townhome development and hotel have been submitted as part of the request. The condominium development and roadway cross section/alignment have remained the same.

Mr. Miller went on to explain that on January 30, 2018, staff mailed 105 notices to property owners and residents within 500-feet of the subject property. Staff also emailed notices to the Lago Vista, Lakeside Village, and Signal Ridge Homeowner's Associations (HOA), which are the only HOA's located within 1,500-feet of the subject property participating the in the neighborhood notification program. Additionally, staff posted a sign on the subject property along Summer Lee Drive as required by the Unified Development Code (UDC). At the time, this case memo was drafted staff has received two (2) responses opposed to the request. In addition, the Planning & Zoning Commission did recommend approval of this request.

Jason Lentz
5339 Alpha Road
Dallas, TX 75240

Mr. Lentz came forth to represent the applicant. Following his comments, Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing.

Councilmember Daniels then moved to approve Z2018-001 with the exception of the requested six additional units. Mayor Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO.'S 16-48, 16-54 & 17-22*], SPECIFIC USE PERMIT NO. S-182 [*ORDINANCE NO. 18-07*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A *PD DEVELOPMENT PLAN* FOR A 9.081-ACRE TRACT OF LAND IDENTIFIED AS LOT 2A OF THE ISAAC BROWN ADDITION AND LOTS 1 & 2, BLOCK A, HARBOR VILLAGE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM

OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absent (Macalik and Townsend).

2. **Z2018-002** - Hold a public hearing to discuss and consider a request by David Naylor of Rayburn Country Electric Cooperative for the approval of an **ordinance** for a Specific Use Permit (SUP) for the replacement of a telecommunications tower exceeding 125-feet in a Heavy Commercial (HC) District on a 5.053-acre tract of land identified as Lot 1, Block A, Rayburn Country Addition and a portion of Tract 3-13 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 950 & 980 Sids Road, and take any action necessary. **(1st Reading)**

The applicant, David Naylor of Rayburn Country Electric Cooperative, is requesting the approval of a Specific Use Permit (SUP) to allow for the replacement of an existing 320-foot tall telecommunications tower. The proposed replacement telecommunications tower will be equal in height to the existing tower (i.e. 320-feet) and will be a self-supported tower. The replacement tower will be located north of and within the general vicinity of the existing tower.

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

Councilmember Lewis moved to approve Z2018-002. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR THE REPLACEMENT OF AN EXISTING *TELECOMMUNICATIONS TOWER* THAT EXCEEDS 125-FEET IN HEIGHT IN A HEAVY COMMERCIAL (HC) DISTRICT, ON A 5.053-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, RAYBURN COUNTRY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Macalik and Townsend).

3. **Z2018-003** - Hold a public hearing to discuss and consider a request by Randy Eardley, P.E. of Wier & Associates, Inc. on behalf Getra Thomason-Saunders of Chick-Fil-A, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) for a restaurant with a drive-through or drive-in on a 0.656-acre tract of land being identified as Lots 1 & 2, Block

A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary. **(1st Reading)**

Planning Director, Ryan Miller, provided background information regarding this agenda item. He explained that thirty-nine notices were sent out to re-notify property owners located within 500' of the subject property. However, no notices have been received back by staff thus far.

Ms. Getra Sanders
Chick-fil-A Corporate
5200 Buffington Road
Atlanta, GA 30349

Brad Williams
Winstead
2728 North Harwood Street
Dallas, TX 75201

Ms. Sanders and Mr. Williams came forth to provide extensive comments on behalf of Chick-fil-A.

Dan Porter
Dynamic Development Co.
1902 and 2000 Goliad
Rockwall, TX

Mr. Porter came forth to speak on behalf of Chick-fil-A. Mr. Porter shared some of his credentials and indicated that he believes Chick-fil-A has done its due diligence. He also believes that this site location will work, including pertaining to accessibility and maneuverability. He went on to share that he has past experience with Mr. Smajli (owner of the adjacent Luigi's restaurant), explaining that he had previously negotiated with Mr. Smajli concerning interest he had in purchasing this property; however, after many months of negotiations, Mr. Smajli did not wish to pay market price for the property, so Mr. Porter moved on to another buyer. He went on to explain the innovation and efficiency involved in how Chick-fil-A restaurants manage moving cars through their drive-thru lines.

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

Harold Snyder
1519 Murphy Drive
Rockwall, TX 75087

Mr. Snyder came forth and indicated that he is representing the Waterstone Estates Homeowners Association. He shared that the HOA is unanimously opposed to this proposed Chick-fil-A. He indicated that the HOA has also surveyed residents in the neighborhood, and they are opposed to it as well. He generally expressed concerns pertaining to traffic and maneuverability / navigation of vehicles, including fire trucks, delivery trucks, garbage trucks, and buses.

John Grant
16 Canyon Ridge Drive
Rockwall, TX 75087

M. Grant shared that he has lived in Rockwall for over twenty years and has been retired from L-3 for about twelve years. He believes that this area contains notable congestion, especially after school is dismissed. He believes that Mr. Snyder made some valid points, especially pertaining to emergency vehicles. He generally believes that this may create bottlenecks and problems for the citizens.

Michele Ratcliffe
1010 W. Ralph Hall, Ste. 100
Rockwall, TX 75032

Mrs. Ratcliffe came forth, indicating that she is an attorney representing Mr. Smajli. She explained the purpose of the city's Planning & Zoning Commission (per the city's website) and explained that this request was sent back to the P&Z for further evaluation and consideration based on Council input. She generally expressed that she and her client have nothing against Chick-fil-A; however, they believe that this location is not a good one. She went on to explain observations pertaining to traffic flow, ingress and egress, generally expressing that this Chick-fil-A will result in concerning traffic jams. She spoke regarding the traffic impact analysis conducted by Chick-fil-A, generally expressing that the reality of the analysis is that its numbers are misleading. She also expressed concern about the limited parking spots. She respectfully requested that the Council deny the requested SUP.

Staci Long
1120 Squaw Valley
Rockwall, TX 75087

Ms. Long shared that she frequently drives by this area in the mornings on her way to work. She has observed that the traffic light at this intersection often gets backed up substantially when high school students are attempting to turn right onto Yellowjacket to make it to morning classes. She pointed out that traffic was "light" this morning because it is President's Day (and classes were not held).

Scott Long
1120 Squaw Valley
Rockwall, TX 75087

Mr. Long is concerned about safety, especially for kids who are trying to get to and from the high school. He is worried that somebody may be seriously hurt / injured. Also, regarding the traffic study, Chick-fil-A is very different than Taco Bell and all the other fast food restaurants. He loves Chick-fil-A; however, he does not believe that this particular location is a smart one.

Wayne Sauer
604 Amherst Drive
Rockwall, TX 75087

Mr. Sauer shared that he has a military (Army) and an engineering background. He explained that he believes engineers can make anything work. However, there may be a

cost to doing so. He encouraged the Council to use common sense. He generally expressed the belief that traffic will substantially back up, and the safety of the high school students (and others, i.e. Hobby Lobby patrons) will be notably compromised. He believes that adding a Chick-fil-A at this intersection will go beyond "critical mass." He is opposed to this restaurant being approved at this location and generally encouraged the Council to disapprove this request.

Yvonne Tiedtke
477 Corn Stalk
Rockwall, TX 75032

Ms. Tiedtke shared that she initially thought that this "drive-thru only" concept for Chick-fil-A would be a good idea; however, when she heard of the specific site location, she realized that she does not believe this is a good location. She generally expressed positive sentiments about Chick-fil-A; however, she would like to see this restaurant go in at a different location.

Mario Smajli
1422 Murphy Drive
Rockwall, TX 75087

Mr. Smajli came forth and thanked the Council and P&Z Commission members for all of their hard work. He generally expressed concerns about this particular site being home to the proposed drive-thru only Chick-fil-A. He is not afraid of competition, and he acknowledged that Chick-fil-A is a great company, one of the best. He generally expressed concerns about traffic and maneuverability of cars (and emergency vehicles, such as fire trucks). He explained that current traffic at this intersection is very congested.

John Barry
503 Carriage Trail
Rockwall, TX 75087

Mr. Barry shared that he has lived in Rockwall for many years. He is coming forth tonight to express safety concerns pertaining to this SUP request. He generally spoke in opposition of Council approving this request.

Mayor Pruitt then called for a brief break (at 7:40 p.m.). Mayor Pruitt then called the meeting back to order at 7:50 p.m.

Linda Diaz
1935 Copper Ridge Circle
Rockwall, TX 75032

Ms. Diaz pointed out that this Chick-fil-A will undoubtedly make a lot of money, and she believes that this is how the applicant will define how "the site will work." She generally expressed concerns about traffic as well as ingress and egress (especially pertaining to the limited entry points). She compared a Chick-fil-A at this location to the other nearby fast food restaurants (such as Braums, Chicken Express, Dairy Queen, etc.). She pointed out that those restaurants have overflow areas to accommodate long drive thru lines; however, there will not be sufficient space for those kinds of long lines at this site location. She generally expressed opposition to approval of this SUP request.

Brian Berry
2 Essux Court
Heath, TX

Mr. Berry shared that he owns the adjacent property located at 1121 Yellowjacket Lane. He expressed that he understands this Chick-fil-A may have worked out some sort of parking agreement with Hobby Lobby. He has liability-related concerns as well as concerns pertaining to limited parking availability. Also, he expressed concern about traffic coming directly into this site as well as the "cross access" traffic. He explained that the cross access traffic results in a cost expense for him (maintenance). He generally expressed opposition to approval of this request.

Mike Larriviere
1425 E. Quail Run
Rockwall, TX 75087

Mr. Larriviere came forth and expressed concerns about traffic if this Chick-fil-A is approved at this particular location. He does not believe this is the best use for this site. He suggested, perhaps, an office building at this location instead.

Marcia Hasenyager
828 Trumpeter Way
Rockwall, TX

Mrs. Hasenyager shared that she has lived in this city for forty years, and she has been a police officer for twenty-five years. From a law enforcement standpoint, she believes that traffic at this location will be a nightmare. She believes that there are other, better location choices. She generally spoke in opposition of approval of this SUP.

Michelene Trent
1500 Madison Drive
Rockwall, TX 75032

Ms. Trent shared that she has lived here for twenty-seven years, and she has had teens attend both Rockwall HS and Rockwall-Heath HS. She has observed a lot of traffic at this intersection over the years, and, since she now works at the county, she observes the traffic even more often. She generally expressed that a Chick-fil-A at this location will result in a lot of traffic congestion and safety concerns, especially for children who will patron the location and will be employed there. She is opposed to approval of this request.

Nichole Story
2910 Starboard
Rockwall, TX 75087

Ms. Story came forth and shared that she is a teacher, and she was recently recognized as "Teacher of the Year" in the State of Texas. She generally expressed concerns for her students, especially related to the increased vehicular and pedestrian traffic that will likely result. She generally encouraged Chick-fil-A to choose a more viable location out of respect and love for the Rockwall community.

Steve Martin
1721 W. FM 550
Rockwall (McLendon-Chisholm), TX

He shared that he lives in McLendon-Chisholm, and he also travels a lot. He shared that, no matter where he has traveled, the Chick-fil-As that he has observed have all had a lot of traffic associated with them. He generally expressed concern about traffic and about there being a lack of space for "wrap around" traffic for vehicles in the drive-thru. He believes that fire trucks or other large trucks, such as UPS, fitting in and around this area will be quite challenging. He wonders if other, less problematic locations have been considered. He generally seemed opposed to approval of this request.

Jo Mason
1706 Ranch Road
Royse City, TX

Ms. Mason came forth and shared positive comments pertaining to Chick-fil-A, expressing that she is an employee of the "Chick-fil-A family." She generally explained that Chick-fil-A employees love people, and they would never want to endanger anyone. She generally seemed to express support for approval of this SUP request.

Angie Schuster
933 W. Yellowjacket Lane, Apt. 1514
Rockwall, TX 75032

Ms. Schuster shared that she works for Tim Mosley at the Chick-fil-A location at Ridge Road. She spoke in favor of approval of this request. While she acknowledged that this area can be busy when kids are going to school, it is not always busy. Also, Chick-fil-A does have some busy / peak times; however, it also has "down time" too. She expressed that Chick-fil-A would never want to endanger anyone or pose any safety problems. She is in favor of approval of this request.

Jessica Nevarez
4420 Dickason Avenue
Dallas, TX 75219

Ms. Nevarez shared that she grew up in Rockwall and she currently works at the Chick-fil-A location on Ridge Road in Rockwall. She has worked there for nine years, and she makes a lot of deliveries in Rockwall. She pointed out that this area is not always congested / busy. She reiterated that this will be a drive-thru only location. Also, delivery trucks will deliver via "night drops" between midnight and 4:00 a.m. In addition, if the parking agreement is secured with the neighboring Hobby Lobby employees who may park there will essentially utilize a "buddy system" when walking to their cars after hours.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and generally shared that he believes this is a bad location for this Chick-fil-A for many reasons. He encouraged them to look at the traffic study data and choose a different location instead.

Crystal Dyll
970 W. Yellowjacket Lane
Rockwall, TX

Ms. Dyll shared that she is currently an educator, and ten years ago she attended Rockwall High School as a student. She generally expressed concerns about the large increase in traffic that will result. She also generally expressed safety-related concerns, especially for the students / kids. She shared that she teaches at a school in Garland, and there are similar circumstances nearby. She went on to share that last year, several students there were hit by cars and critically hurt. She generally spoke in opposition of a Chick-fil-A being approved at this location.

Anna Campbell
1515 Fair Lakes Pointe Drive
Rockwall, TX

Ms. Campbell came forth and shared that RISD will be opening up the Gene Burton College and Career Academy, and kids will be driving back and forth between the high school and the academy. Also, during lunch breaks next year, juniors and seniors will begin being allowed to leave campus for lunch. So, these factors will further add to the traffic.

Mr. Brad Williams again came forth to speak on behalf of Chick-fil-A. He shared that he observes that Chick-fil-A is kind of getting beat up and is being criticized for being "too good." He then provided some rebuttal comments to Mrs. Ratcliffe's expressed observations pertaining to the traffic impact analysis. He generally shared that the traffic study reveals no meaningful impacts associated with the proposed Chick-fil-A. He pointed out that Chick-fil-A averages one car every 30 seconds as far as moving traffic thru its drive-thrus in a very fast, efficient manner.

Mrs. Sanders of Chick-fil-A corporate came forth again to speak. She visually shared the site plan and further explained how traffic ingress and egress would occur at this location. Regarding deliveries, those occur at night. Garbage pick-ups are on an "as needed" basis at the location's discretion. She shared that Chick-fil-A provides the fastest, most efficient drive-thru service in the industry. She went on to provide more specifics regarding how these efficiencies will result in a lot of the cars being moved 'out of the que' (the drive-thru waiting line) before even making it to the pick-up window. She pointed out that Chick-fil-A does have strategy plans in place that would add additional restaurants within Rockwall. Doing so will help even out congestion at all Chick-fil-A locations within the city.

Councilmember Lewis invited the traffic engineer to come forth and speak. He pointed out that this is probably one of the most in-depth, most detailed traffic studies that he has ever seen in the time he has served on the city council.

Kelly Parma
Lee Engineering
3030 LBJ Freeway
Dallas, TX

Mr. Parma came forth and provided more in-depth comments and explanation pertaining to the traffic study that he performed. He generally explained that the study focused on

"peak hour." He shared that anything that will go on this particular site will result in vehicular traffic being delayed to some extent. He indicated that the study was performed on Wednesday, January 24.

Councilmember Hohenshelt asked several additional questions of Mr. Parma pertaining to the traffic study.

Kyana Bascomb
5200 Buffington Rd
Atlanta, GA 30349

Ms. Bascomb shared that there is only one other "drive-thru only" Chick-fil-A location within the Dallas / Fort Worth area. It is in Dallas on Cockrell Hill.

At the request of the Council, Chief Cullins (the city's Fire Chief) shared that the city's Fire Marshal has reviewed this proposed site plan, and it does meet all of the city's fire-related requirements.

Extensive comments ensued pertaining to the traffic study that was conducted, with indication being given that the study was a "generic traffic study," which is the generally accepted, national standard.

Mayor Pruitt then closed the public hearing.

Councilmember Lewis shared his opinion that anything that goes on this site will pose similar concerns and similar opposition.

Councilmember Lewis moved to approve Z2018-003. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT WITH A DRIVE-THROUGH IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.656-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1 & 2, BLOCK A, BILLY PEOPLES #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

The motion failed by a vote of 3 in favor with 2 against (Pruitt and Daniels) and 2 absent (Macalik and Townsend). The city attorney, Mr. Garza reminded the audience that, in order to be approved, this item required a super-majority vote of the Council.

4. Hold a public hearing to discuss and consider approval of a resolution readopting local standards of care for the city parks and recreation youth programs as originally adopted by Ordinance 17-42 and as required by

Chapter 42 of the Texas Human Resources Code, and take any action necessary.

The city's Parks & Rec Director, Andy Hesser, came forth and briefed the Council on this agenda item, indicating that no changes are being proposed at this time.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, Mayor Pruitt then moved to approve the resolution as presented. Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of those present (Macalik and Townsend absent).

XIII. ACTION ITEMS

1. **SP2018-001** - Discuss and consider a request by Larae Tucker of Verdad Real Estate for the approval of a site plan with variances for a retail store with gasoline sales on a 1.67-acre tract of land identified as Tract 11-1 of the W. B. Bowles Survey, Abstract No. 12, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 48 (PD-48) for General Retail (GR) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, situatued west of the intersection of W. Rusk Street [SH-66] and N. Lakeshore Drive, and take any action necessary.

Mr. Miller shared that on June 7, 1999, the City Council adopted Ordinance No. 99-21, which established the development requirements for Planned Development District 48 (PD-48), which allows a *retail store with gasoline sales* by-right. The applicant is requesting approval of a site plan for a gas station [*a 7-Eleven*]. The proposed gas station is ~3,100 SF and situated on a 1.67-acre tract of land [*i.e. Tract 11-1 of the W. B. Bowles Survey, Abstract No. 12*], is zoned Planned Development District 48 (PD-48) for General Retail (GR) District land uses, and is located west of the intersection of W. Rusk Street [SH-66] and N. Lakeshore Drive. According to the submitted site plan, the gas station will have six (6) pump islands [*12 dispensers*]. According to the Planned Development District 48 (PD-48) development standards, the development is required to have an eight (8)-foot masonry wall adjacent to the north property line [*i.e. adjacent to North Shore Estates*], and the gas station is restricted from having a car wash. Although Planned Development District 48 (PD-48) requires the roof of the gas station to be designed and constructed in residential character consisting of composition shingles, the Architectural Review Board (ARB) reviewed the proposed building elevations and determined that a flat roof design would be more consistent with the neighboring commercial developments. This will require approval of a variance from the City Council. Planned Development District 48 (PD-48) requires an architectural entryway monument sign on the subject property. At the time this memo was drafted, the applicant had submitted a concept plan for the entryway monument sign that will need to be reviewed and approved by the Architectural Review Board (ARB) prior to the adoption of this site plan. This has been added as a condition of approval for this site plan.

Mayor Pruitt and Mr. Miller briefly and generally discussed entryway signage on SH-66.

After additional, brief comments, Councilmember Lewis moved to approve SP2018-001, including all of the requested exceptions (four-sided architecture; vertical and horizontal articulation; and flat roof instead of pitched roof). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 5 ayes with 2 absences (Macalik and Townsend).

Mayor Pruitt called for a short break and recessed the meeting at 9:19 p.m. He called the meeting back to order at 9:29 p.m.

2. **SP2018-002** - Discuss and consider a request by Matthew Peterson of D. B. Contractors, Inc. on behalf of Jeff Fleming of J. R. Investments, LLC for the approval of an exception and variances in conjunction with an approved site plan for a manufacturing facility on an 11.155-acre parcel of land identified as a portion of Lot 6 and all of Lot 7, Block D, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Innovation Drive and Observation Trail, and take any action necessary.

The applicant is requesting approval of variances to the Unified Development Code (UDC) as outlined in this report. The request is in conjunction with an approved site plan and would allow for the construction of an approximately 228,421 SF warehouse/manufacturing/office [i.e. Interstate Wire Co., Inc.] facility within the REDC Technology Park. The applicant is requesting variances to the Unified Development Code (UDC) for the sections outlined below. It should be noted that an exception and variance requests require passage by a simple majority vote of those City Council members present to the standards of the UDC. The requests are as follows:

1) Section 5.1.A.1, of Article V, of the UDC requires a minimum of 20% stone on all facades which are visible from a public street or open space. The proposed building elevations do not meet the minimum stone requirement on the south, east and west facades. A variance to this section of the UDC would require approval of a simple majority vote of the City Council members present.

2) Section 6.5, Table 3, of Article VI, Parking and Loading Standards of the UDC require a minimum of 1/1,000 SF of warehouse space, 1/500 SF of manufacturing space, and 1/300 SF of office space. Based on the proposed site plan, the development of a 228,421 SF facility [i.e. warehouse/manufacturing/office facility] has a minimum parking requirement of 380 parking spaces. Currently, the site plan indicates 183 parking spaces are to be provided; however, the applicant has stated that the facility will use less parking than is required based on the maximum number of employees that will be on site. A variance to the parking requirement requires a simple majority vote by the City Council for approval.

3) Section 5.1.A.1, of Article. V, of the UDC requires exterior walls consist of 90% masonry materials on walls which are visible from a public street or open space. Exceptions to this requirement, including allowing for the use of concrete tilt-up walls may be permitted on a case- by-case basis by the City Council upon submission and approval of elevation drawings. The applicant is requesting a variance for the purpose of utilizing concrete tilt-up wall construction for this facility. An exception to allow for the use of tilt-up wall construction requires approval of a simple majority vote by the City Council.

4) Sections 5.1.C.a & 5.1.C.b, of Article V, of the UDC requires a buildings design to provide horizontal and vertical articulation on all facades. The applicant is requesting to allow for the building design to not meet the intent of these requirements for the south facing facade. A variance to allow for the building design to not meet the intent horizontal and vertical articulation requires approval of a simple majority vote by the City Council.

On January 30, 2018, the Architectural Review Board (ARB) reviewed the proposed building elevations for the site. The ARB had no concerns with the elevations as proposed and made a motion to recommend approval of the elevations, which included

the exception and variance requests. The motion passed by a vote of 5 to 0 with Board Members Craddock and Neill absent.

Councilmember Lewis moved to approve SP2018-002, including all four variance requests. Mayor Pro Tem Hohenshelt seconded the motion. Following brief additional comments, the motion passed by a vote of 5 ayes with 2 absences (Macalik and Townsend).

3. **MIS2018-001** - Discuss and consider a request by Kris Green for the approval of an exception to the minimum masonry requirements stipulated in Section 3.1, General Residential District Standards, of Article V, District Development Standards, of the Unified Development Code, for a 0.255-acre parcel of land identified as Lot 7, Block A, Eagle Point Estates, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 1507 S. Alamo Drive, and take any action necessary.

Mr. Miller explained that the applicant has submitted a request for an exception to the minimum masonry requirements for the purpose of constructing a ~3,100 SF home on the subject property. According to the applicant's letter, the proposed home will be constructed in a modern farmhouse style. The applicant is proposing to utilize 100% fiber-cement [Hardie Board] siding in a vertical board-and-baton pattern that will be painted white. According to Subsection 3.1.A.1, Exterior Wall Materials, of Section 3, Residential Districts, of Article V, District Development Standards, of the Unified Development Code (UDC), all buildings 120 SF or more and over ten (10) feet in height shall have exterior walls constructed of at least 80% masonry materials with no more than 50% being Hardie Board or other similar cementitious material. Buildings not meeting this requirement require approval of the Planning and Zoning Commission and City Council. The City's P&Z Commission did review this case and has recommended approval.

Councilmember Lewis then moved to approve MIS2018-001. Councilmember Fowler seconded the motion, which passed by a vote of 4 in favor, 1 against (Daniels), and 2 absent (Macalik and Townsend).

4. **MIS2018-003** - Discuss and consider a request by Jim Lawson of the Rockwall Independent School District (RISD) for the approval of an exception to the minimum masonry requirements for the purpose of constructing an accessory building on a 25.569-acre parcel of land identified as Lot 1, Block 1, Rockwall Middle School No. 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 16 (SF-16), situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 625 FM-552, and take any action necessary.

Mr. Miller provide background information on this agenda item, explaining that Jim Lawson of the Rockwall Independent School District (RISD) has submitted a request for an exception to the minimum masonry requirements for the purpose of constructing an accessory building on the property located at 625 FM-552 (Nebbie Williams Middle School). According to the applicant's letter, the purpose of the storage building will be to store athletic and track equipment, which is currently being stored underneath the bleachers. The applicant states that these items are currently unsecured and susceptible to weather damage, theft, and vandalism. The proposed accessory building will be a 12' x 20' (*240 SF*) pre-fabricated metal building manufactured by Tuff Shed. The building will be placed along the east side of the subject property, adjacent to an existing press box. This structure will be screened from FM-552 by the school and screened from John King Blvd. by an existing treeline. On February 13, 2018, the

Planning and Zoning Commission's motion to recommend approval of the masonry exception with staff recommendations passed by a majority vote.

Mayor Pruitt moved to approve MIS2018-003. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 5 ayes with 2 absences (Macalik and Townsend).

5. **MIS2018-004** - Discuss and consider a request by Tom Kirkland of TEKMAK Development Company on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of an extension to a Specific Use Permit [S-161; Ordinance No. 17-07] that allows a Residence Hotel on a three (3) acre portion of a larger 8.613-acre tract of land identified as Tract 4 of the J. D. McFarland Survey, Abstract No. 145, and Lot 1, Block B, Goldencrest Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated north of the intersection of Greencrest Boulevard and the IH-30 Frontage Road, and take any action necessary.

Mr. Miller provided brief background information pertaining to this agenda item. The applicant has provided a letter of request outlining the purpose for the extension of the SUP. It should be noted that approval of a one (1) time extension of a time period up to one (1) year for a SUP is discretionary upon the City Council. The Planning & Zoning Commission has recommended approval of this request.

Councilmember Lewis moved to approve MIS2018-004. Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of those present (Macalik and Townsend).

6. **MIS2018-005** - Discuss and consider a request by John Delin of R. W. Ladera, LLC for the approval of variances to Planned Development District 85 (PD-85) [Ordinance No. 17-18] on a 28.011-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E. SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item. On February 6, 2018, the applicant of these cases (John Delin of Integrity Groups) contacted staff to notify them that the title company had missed locating a 30' North Texas Municipal Water District (NTMWD) easement on the survey that runs parallel to SH-66. This easement conflicts with the landscape and hardscape requirements approved with PD-85 [Section F(2)(a), Exhibit 'C'; Ordinance No. 17-55], which state, "(a) minimum of a 20-foot landscape buffer shall be provided along the frontage of SH-66 ... and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof ... (i)n addition, two (2) canopy trees and four (4) accent trees shall be planted per 100-linear feet." Specifically, the NTMWD has told the applicant that no trees are to be planted within the easement. In addition, PD-85 [Section E, Exhibit 'C'; Ordinance No. 17-55] requires that the applicant construct a six (6) foot wrought iron fence with masonry columns a maximum of 45-feet on center. The NTMWD has stated that the masonry columns would not be permitted to be constructed within the easement; however the six (6) wrought iron fence maybe permitted to be constructed within the easement pending approval of the proposed location of the fence by the NTMWD. As of the date of this memorandum, the

NTMWD has not granted approval of the fence location. Staff should also note that the easement may reduce the number of units that the applicant can provide on the property.

In response to these developments, the applicant is requesting that the City Council grant variances to the landscape, hardscape and fencing requirements in accordance with the variance procedures outlined in PD-85. These requirements state, "(t)he variance procedures and standards for approval that are set forth in the Unified Development Code [Ordinance No. 04-38] shall apply to any application for variances to this ordinance." [Section N, Exhibit 'C'; Ordinance No. 17-55] This would translate to the following:

1) ***Landscape and Hardscape Requirements.*** **The landscape and hardscape requirements were inserted into the ordinance in accordance with the SH-66 Overlay (SH-66 OV) District. The variance procedures for this district require that any variance to the overlay district requirements be subject to a three-quarter (¾) majority vote of all City Council members present for approval of the request, with a minimum of four (4) affirmative votes.**

2) ***Fencing Requirements.*** **The fencing requirements were inserted in accordance with the typical *Planned Development District* standards contained in Article X, *Planned Development Regulations*, of the Unified Development Code. This section states that all variances shall be subject to the *Criteria for Granting Special Exceptions* contained in Section 8.5 of Article II, *Authority and Administrative Procedures*, of the Unified Development Code. This means that the variance to the fence requirements will require a simple majority vote of all City Council members present.**

In lieu of conforming to the landscaping requirements in PD-85, the applicant has submitted an alternative landscape plan showing a three (3) foot berm and increased shrub and ground cover planting. In addition, the applicant has indicated two (2) possible alternatives for the fence location and construction: (1) the fence be located within the easement without the masonry columns (*i.e. not in conformance with PD-85*), and (2) the fence be located outside of the easement with the masonry columns (*i.e. in conformance with PD-85*). The applicant's letter (*contained in the attached packet*) states a preference for *Option 1* due to the separation of the fence from the back of the proposed homes.

The applicant's situation may constitute a hardship; however, variance requests are discretionary decisions for the City Council pending a recommendation from the Planning and Zoning Commission. On February 13, 2018, the Planning and Zoning Commission reviewed the applicant's request and approved a motion to recommend approval of the variances by a vote of 5-0.

Following some questions and answers between Mayor Pro Tem Hohenshelt and staff, John Ladera with Integrity Group (the applicant) came forth and provided some explanatory comments pertaining to his request.

Mayor Pro Tem Hohenshelt moved to approve MIS2018-005 with the fence containing no columns and including approval of the alternative landscape plan. Councilmember Daniels seconded the motion, which passed unanimously of those present (Macalik and Townsend).

7. Discuss and consider authorizing City staff to secure proposals for conducting a feasibility study related to ballfields and provide associated

budget amendments related to revising or creating concept plans and construction estimates for the north community park, south community park, Lakes of Squabble Creek Park and Lakeside Park and take any action necessary.

Councilmember Lewis requested this agenda item. He commented that this topic is pertaining to recent bond election-related discussions. City Manager Rick Crowley sought clarification from Council regarding if a feasibility study should focus solely on ball fields, or if it should focus on an "athletic complex." Councilmember Lewis and Mayor Pro Tem Hohenshelt generally expressed a desire to conduct a feasibility study on an 'athletic complex,' which will include more than only baseball fields. Mayor Pruitt expressed that the funding mechanism needs to be taken into account as part of the feasibility study (i.e. debt issuance thru bonds and any associated tax rate implications vs. possible alternative funding sources (perhaps private businesses)).

The Council took no formal action pertaining to this agenda item.

8. Discuss and consider approval of an **ordinance** in amending Chapter 44. Utilities of the Code of Ordinances to add a new article, Article VI. for the purpose of adopting Storm Water Management provisions in accordance with the City of Rockwall's MS4 Permit, and take any action necessary. **(1st reading)**

Amy Williams, City Engineer, provided brief comments pertaining to this agenda item. , indicating that the city has to adopt this type of ordinance before the end of this year. Mayor Pruitt sought minor clarification on a few points contained within the draft ordinance. He went on to express some level of concern pertaining to "inspections or search warrants." Following Pruitt's comments, Mayor Pro Tem Hohenshelt then moved to approve the ordinance. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. UTILITIES BY CREATING A NEW ARTICLE - ARTICLE VI - TO ADOPT STORM WATER MANAGEMENT REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes, 1 against (Pruitt) and 2 absent (Macalik and Townsend).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation)
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water

District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

XV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

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

XVI. Adjournment

Mayor Pruitt adjourned the meeting at 10:02 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th DAY OF MARCH, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 05, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Hohenshelt called the meeting to order at 4:01 p.m. Present were Mayor Pro Tem John Hohenshelt and Council Members Dana Macalik, Mike Townsend, Bennie Daniels and Dennis Lewis. Councilmember Kevin Fowler arrived to the meeting at 4:04 p.m. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Brad Griggs. Mayor Jim Pruitt and City Attorney Frank Garza were absent from the first part of the meeting.

II. WORK SESSION

1. Hold work session to hear update regarding the North Central Texas Council of Government's (NCTCOG's) updated Collin County roadway plan.

City Manager Rick Crowley explained that the North Central Texas Council of Governments has been working on traffic congestion mitigation planning for Collin County, which, due to Rockwall County's proximity to that county, does impact traffic and roadway planning in Rockwall and Rockwall County. He shared that revisions to the previously publicized plan were shared this past Wednesday at the Rockwall County Roadway Consortium meeting.

As previously developed, the recommendations had included a new North/South Freeway (first called the Peninsula Freeway and later the Lakes Corridor) which provided another north/south route for major traffic volumes through Collin County and actually entered the very northwest corner of Rockwall County as it then intersected with the President George Bush Tollway. This plan also included a 4-lane bridge crossing of Lake Ray Hubbard which would have intersected SH205 at John King Boulevard and intersected the new North/South Freeway. We discussed this new crossing with the Council and noted that its addition was projected to significantly reduce future traffic congestion in Rockwall and Rockwall County and provide another needed lake crossing that would be used by Rockwall residents. This crossing was planned as a 4-lane thoroughfare and the bridge was proposed to be built to the same 4-lane width. The City of Rockwall advised the NCTCOG that study on this new lake crossing and thoroughfare should be continued. Under the then proposed plan, the Outer Loop would not be in the regional planning documents until future planning would be done to address the years after 2045.

As the proposed plan has been presented to and considered by several cities in Collin County, several of those cities have either taken action to actively oppose the new North/South Freeway (and other elements of the plan) or have placed such constraints on various elements of the plan that the plan generally cannot be pursued in the regional traffic mobility planning documents.

Since NCTCOG has taken the position that it will not recommend facilities that are not wanted by local cities affected by the proposed improvements (as was the case with the

Blackland Corridor Freeway which was opposed by Rockwall and several other entities), they have developed a new plan taking into account the specifications placed on new freeways, roadways, expanded roadways, and bridges which were provided by the several opposing Collin County cities. The results of this plan are included in the attached file.

The current planning proposal changes the alignment of the Outer Loop which goes through Rockwall County to I30 – including parts of the City of Rockwall. The alignment of the proposed Outer Loop has been shifted to the west from the previous alignment. The new thoroughfare bridge crossing remains in the plan at the same location. This would move the construction of portions of the Outer Loop in Rockwall County up on the timeline along the proposed new route. You may also notice that the reduction in future congestion and traffic volumes in Rockwall and Rockwall County is much less than was the case in the previously proposed plan. Future traffic volumes are also indicated on the information provided.

Mr. Crowley explained that Rockwall County Consortium members agreed to hold a special meeting to discuss the proposed plan changes this coming Thursday evening. There appeared to be significant concern from all members about the currently proposed plan. The purpose of the work session is to review the current proposal with the Council to get your input as to the City's position on the plan (for the Wednesday Consortium meeting and, in general). Since the Mayor cannot attend the Thursday Consortium Meeting, Council members generally indicated a desire to have Mayor Pro Tem Hohenshelt attend the meeting along with City Staff.

Council took no action as a result of this work session discussion. Mayor Pro Tem Hohenshelt then read the following discussion items into the record before recessing the public meeting to go into Executive Session at 4:22 p.m. City Attorney Frank Garza joined Executive Session at 4:47 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding possible right-of-way acquisition related to County Line Rd. improvements pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation)
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

City Council adjourned its Executive Session at 5:05 p.m.

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

Mayor Pro Tem Hohenshelt reconvened the public meeting at 6:00 p.m. with Mayor Pruitt being absent (see note below regarding his arrival to the meeting at 6:42 p.m.).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

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

VIII. PROCLAMATIONS / AWARDS

1. Code Enforcement Association of TX - Community Service Award Recognition

Mayor Pro Tem Hohenshelt called forth Jeffrey Widmer (Building Official), Tony Scorcio (Supervisor of Neighborhood Improvement Services Division), and other staff members. He explained that the City recently received the "Community Service Award" from the Code Enforcement Association of Texas in recognition of the city's "Hardship Assistance Program." This is a program that helps provide aid to property owners and residents who may come before the Building & Standards Commission and be asked to clean up or repair their property, yet do not have the physical or financial means to do so on their own.

IX. OPEN FORUM

Mayor Pro Tem Hohenshelt explained how Open Forum is conducted and asked if anyone would like to speak at this time.

Sol Villasana
809 Village Green Dr.
Rockwall, TX 75087

Mr. Villasana indicated that he is the President of the Rockwall LULAC organization, and he wishes to thank all of the City of Rockwall employees and Rockwall County Helping Hands, as well as other non-profit organizations, for the assistance rendered following recent flooding in the Lake Rockwall Estates (LRE) neighborhood. He acknowledged that the flooding is not a new issue. He pointed out that the infrastructure in LRE was at the top of the "list of items of importance to the Latino community," that was shared with City Manager, Rick Crowley, three months ago. He commented that the city's leadership has been and continues to be 'unresponsive' to these problems.

Enid Reyes
1650 John King

Mrs. Reyes explained that she is going to assist Mrs. Silva by performing Spanish translation on her behalf.

Elizabeth Silva

511 Lakeside Drive
Rockwall, TX

Ms. Silva explained that she has lived in the area for eighteen years, and she appreciates all of the city's assistance with the recent floods. However, she would like to know why the doors to the dam were not working. She explained that she had her grandchildren with her the day that the floods came, and her husband helped get the children out. She would like to know what the city is going to do to prevent these issues in the future. She pointed out that property taxes have doubled, and, although the city has done a lot, it has not yet done enough.

Mayor Pro Tem Hohenshelt then reordered the agenda to address Action Item #1 next.

X. CONSENT AGENDA

1. Consider approval of the minutes from the February 19, 2018 city council meeting minutes, and take any action necessary.
2. Consider approval of an **ordinance** repealing Ch. 10, Article II, Division 3. Construction Advisory Appeals Board of the Code of Ordinances and transferring those duties to the Board of Adjustments under Article II, Section 11 of the Unified Land Development Code, and take any action necessary. **(2nd reading)**
3. **Z2018-001** - Consider a request by Cameron Slown of F. C. Cuny, Corporation on behalf of Phillip McNeill, Jr. of McNeill Hotel Company and Jason Lentz of Atticus Summer Lee Townhomes for the approval of an **ordinance** for a PD Development Plan amending Ordinance No.'s 16-48 & 16-54 and in accordance with Ordinance No. 10-21, for a 9.081-acre tract of land identified as Lot 2A of the Isaac Brown Addition, and Lots 1 & 2, Block A, Harbor Village Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District and the Interior and Residential Subdistricts of Planned Development District 32 (PD-32), located adjacent to Summer Lee Drive southwest of the intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take any action necessary. **(2nd Reading)**
4. **Z2018-002** - Consider a request by David Naylor of Rayburn Country Electric Cooperative for the approval of an **ordinance** for a Specific Use Permit (SUP) for the replacement of a telecommunications tower exceeding 125-feet in a Heavy Commercial (HC) District on a 5.053-acre tract of land identified as Lot 1, Block A, Rayburn Country Addition and a portion of Tract 3-13 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 950 & 980 Sids Road, and take any action necessary. **(2nd Reading)**
5. Consider authorizing the City Manager to execute a contract with the Elections Administrator of Rockwall County for administration of the City of Rockwall's May 5, 2018 General Election and Bond Election, and take any action necessary.
6. **P2018-004** - Consider a request by Mike Whittle on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of a replat for Lots 14 & 15, Block 2, Alliance Addition, Phase 2 being a 0.98-acre tract of land identified as Lots 2 & 3, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 6520 & 6530 Alliance Addition, and take any action necessary.

7. **P2018-005** - Consider a request by Michael Salcedo of Salcedo Group, Inc. on behalf of Russ Porter for the approval of a replat for Lot 1, Block A, Rockwall School of Music Addition being a 0.747-acre portion of a larger 2.49-acre parcel of land identified as Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential-Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and take any action necessary.

Councilmember Fowler pulled item #3 and then moved to approve all of the remaining items (#1, 2, 4, 5, 6, and 7). Councilmember Lewis seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 18-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES TO REPEAL CHAPTER 10. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. ADMINISTRATION AND ENFORCEMENT, DIVISION 3. CONSTRUCTION ADVISORY APPEALS BOARD AND TRANSFERING THOSE DUTIES TO THE BOARD OF ADJUSTMENT UNDER ARTICLE II, SECTION 11 OF THE UNIFIED LAND DEVELOPMNT CODE AND INCORPORATING RECITALS; PROVIDING REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-14
SPECIFIC USE PERMIT NO. S-185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR THE REPLACEMENT OF AN EXISTING *TELECOMMUNICATIONS TOWER* THAT EXCEEDS 125-FEET IN HEIGHT IN A HEAVY COMMERCIAL (HC) DISTRICT, ON A 5.053-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, RAYBURN COUNTRY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Fowler explained that he pulled Consent Agenda item #3 because it is his understanding that some additional information has come to light since the time of the 1st reading of the ordinance. Mr. Miller explained that this property is located southwest of the intersection of Horizon Road and Summer Lee Drive. He then went on to share historical details about things that have happened in the past concerning this property. In part, he explained that the developer has been trying to accommodate a 'land swap,' and was therefore asking for six additional units. Following Mr. Miller's comments, the applicant was then invited forth to speak.

David Stubblefield
1550 Anna Cade Road

Rockwall

Mr. Stubblefield came forth and explained that he represents the seller and purchaser of Lot 2A. He then went on to provide extensive commentary regarding this agenda item (Z2018-001), generally explaining that a land swap has been in the works; however, if Atticus is denied the requested, 'extra' townhome units, then no land swap could occur.

Jason Lentz
Atticus Real Estate
5339 Alpha Road
Dallas, TX

Mr. Lentz spoke about the number of townhome units originally approved and the modified requests that have been made since that time.

Mr. Miller clarified that there will be six additional townhome units (for a total of 42 units); however, the additional area in the rear was originally earmarked for low density, single-family garden homes. These single-family homes will no longer be built. So, technically they are reducing the number of units, overall.

After extensive dialogue, Councilmember Daniels moved to approve Z2018-001 as originally requested. Councilmember Townsend seconded the motion. Brief comments were made pertaining to density calculations. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO.'S 16-48, 16-54 & 17-22*], SPECIFIC USE PERMIT NO. S-182 [*ORDINANCE NO. 18-07*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A *PD DEVELOPMENT PLAN* FOR A 9.081-ACRE TRACT OF LAND IDENTIFIED AS LOT 2A OF THE ISAAC BROWN ADDITION AND LOTS 1 & 2, BLOCK A, HARBOR VILLAGE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Pruitt arrived to the meeting and joined the discussions at this point (6:42 p.m.).

XI. APPOINTMENTS

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

Indication was given that it was not necessary to have this agenda item this evening. So no discussion took place, and no action was taken.

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

Mayor Pro Tem Hohenshelt pointed out that the address listed on this item (the agenda wording) is incorrect. Therefore, discussion may take place; however, unfortunately - per the city attorney - Council is not able to take any formal action.

(County Judge) David Sweet, current Chairman of the city's ART Commission, came forth and shared the following:

On November 20, 2017 the Art Commission made a recommendation to City Council to fund a mural to be located at 202 E. Rusk (Zanata). Council approved the funding and an artist agreement was executed. Since that time, the Art Commission has been working with Mr. Colcer (artist) and Mr. Lefere (owner) to create the artwork for the mural that will canvas the west facing wall located on the north end of San Jacinto Plaza. Please find the attached artwork and Mr. Colcer's resume. A brief descriptive of the artwork is provided below.

This mural is described as representation art with a whimsical flair. The artist has included Rockwall historical aspects in his composition with bold colors in his pallet to attract the viewer's interest. Representation art is a close rendition of a painted subject without looking like a photograph. The buffalo, which Dan is well known for painting, is the focal point and speaks to the history of this area. The Lone Star placement celebrates Texas, the skyline in the distance is neighboring Dallas, the iconic spaceship adds to the whimsical, the rock wall commemorates our presence and the hidden faces capture your attention. Dan has created over 40 murals, both indoor and outdoor. Dan has a specific and unique style of juxtaposition of color and line, evidenced in this piece.

Following Sweet's remarks, he welcomed any commentary that council members may have concerning the proposed art work.

Councilmember Daniels provided feedback, generally sharing that he personally does not care for the proposed artwork. He indicated that he has spoken to more than ten, but less than fifty, constituents concerning this proposed artwork, and not one of them likes the artwork. He feels it is too whimsical and that some of the elements are not related to the city itself. Also, he feels it is too comical.

Councilmember Lewis shared that he is not an artist; however, he generally feels as though this artwork does not seem like it 'fits' on a downtown mural. He is not sure what buffalos have to do with the City of Rockwall. Also, he does not care for the spaceship that is depicted in the artwork.

Councilmember Macalik shared that the buffalo caught her off guard. She is a fifth generation Rockwallian, and she has never been aware of Rockwall having buffalos. She loves the idea of having the Dallas skyline being shown in the background; however, she does not agree with the spaceship being depicted.

Mr. Lefere, owner of Zanata and owner of the building where the mural is to be placed, came forth and shared that he never had intentions of depicting things that are representative of Rockwall or of its history (like what is on the side of Pruitt's building

downtown). Instead, his goal has been to do just the opposite – to have a mural that is edgy and will attract a ton of visitors. He shared that this artist gets a ton of hits on Instagram and that thousands of visitors visit this artist's murals in Dallas.

Councilmembers generally encouraged the ART Commission to reconsider and reevaluate the proposed artwork; however, Council took no formal action concerning this agenda item.

XII. ACTION ITEMS

1. Discuss and consider the recent flooding in the City of Rockwall, and take any action necessary.

Mr. Crowley, City Manager, thanked each of the various departments (police, fire, public works, etc.) for providing aid and response to the Lake Rockwall Estates (LRE) neighborhood pertaining to the recent flooding. He went on to provide information regarding the number of hours that various city departments devoted to assisting with the recent flooding in LRE.

He explained that "Lake Rockwall" is not owned or operated by the City of Rockwall. Instead, it is owned by the Kaufman-Van Zandt-Rockwall County Soil Conservation District. The City did visit with that organization as the waters began to rise in an effort to ensure that "Lake Rockwall," as well as other lakes that are in the city, yet are owned by that district - were functioning properly. The District assured the City of Rockwall that the lakes were functioning properly, as they were designed to work. Also, with regards to "the doors to the dam," the dam does not have 'flood gates' to open and close, but, rather, it has two discharge spillways. The lake level is controlled by the elevation of the spillway. This has been the case since it was built in the 1960's.

Mr. Crowley went on to share that the LRE subdivision was platted and built in the 1960's, and it was developed and built when it was located outside of any jurisdiction's city limits. The property was developed after the lake was constructed. Floodplain elevations were not checked by any city because it was not in any city's jurisdiction.

Mr. Crowley expressed sympathy for those whose homes have flooded and stated that he hopes the city can help in any way possible with the recovery. He went on to share that all of the homes that did flood are located within the 100 year floodplain. The elevation of the lake cannot be changed by the City. He is unsure if the elevation can be changed by the state or the lake operators without also making changes upstream and/or downstream. It is not a matter of being able to breach the dam or alter the release or intake of water into the lake. When the lake is full, the 100 year flood elevation is set by the lake being full. He pointed out that all of the houses that did flood are located within the 100 year flood plain. In addition, many houses that did not flood are still located within the 100 year flood plain, and those homes would have likely flooded if the lake had continued to rise. The annexation of the property into the city did not change the elevation of the lake or what properties will flood.

Mr. Crowley went on share the services that the city has provided to LRE since it was annexed into the City of Rockwall in 2009. The city paid $3.5 million to purchase the water and wastewater systems within LRE. In addition, the city paid for water supply connections to help improve the reliability of the system. It is now a better system and is better maintained than it was when it was being owned and operated by a private

company. He went on to share that the city decommissioned the troublesome, poorly designed / poorly operated sewer treatment plant. Building Inspections, Animal Control, and garbage/bulk/recycling collection are all services that have been extended to the LRE neighborhood since the time it was annexed in 2009. In addition, about $875,000 in roadway overlays has been spent within the LRE neighborhood. Also, the 37' County Line Road project is under design and right-of-way acquisition will occur soon so that construction can take place. This will be over a $5 million dollar project.

He acknowledged that none of what he just shared has an impact on those properties that flood and are located within the flood plain. He knows that some of the lots have elevated structures on them in an effort to get the structures themselves out of the floodplain. As the city gets permit requests for construction of new homes in LRE, the city does check to see if the proposed home is in the floodplain, and minimum floor elevations are provided in an effort to ensure the new home does not flood.

Regarding the Kaufman-Van Zandt-Rockwall County Soil Conservation District, Mr. Crowley shared that they are compassionate people and do not want to see anyone flooded; however, the do have certain flood easements and have had those in place since the time the lake was constructed. These allow the lake to fill and discharge as it was designed to do.

Mr. Crowley expressed a willingness to work with the Soil Conservation District to see if there are solutions for the lake that could minimize flooding. He went on to thank Rockwall County Helping Hands for all of the assistance it provided to those residents who were adversely impacted by the flooding in the LRE neighborhood. Council took no action concerning this discussion item.

2. Discuss and consider a recommendation of the City Council's Naming Subcommittee regarding approval of a resolution renaming a portion of SH 276, and take any action necessary.

Mr. Joey Boyd, Director of Internal Operations, provided brief comments pertaining to this agenda item, indicating that the TX Dept. of Transportation has asked the city to rename a portion of roadway. So, the Naming Subcommittee met and decided to put forth "Caddo Ridge" as the roadway name to be considered for approval by Council.

Mayor Pro Tem Hohenshelt moved to approve the recommendation of the Council's Naming Subcommittee ("Caddo Ridge"). Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider approval of an **ordinance** in amending Chapter 44. Utilities of the Code of Ordinances to add a new article, Article VI. for the purpose of adopting Storm Water Management provisions in accordance with the City of Rockwall's MS4 Permit, and take any action necessary. **(2nd reading)**

City Engineer, Amy Williams, provided brief comments pertaining to this agenda item. Mayor Pro Tem Hohenshelt then moved to approve the ordinance as presented. Mayor Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. UTILITIES BY CREATING A NEW ARTICLE - ARTICLE VI - TO ADOPT STORM WATER MANAGEMENT REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **A2018-001** – Discuss and consider a request by Rick Jones of ADV Rockwall Platinum Property Owner, LLC for the approval of an **ordinance** approving voluntary annexation of a 4.264-acre tract of land identified as Lot 1, Block 1, Valk Rockwall Addition, Rockwall County, Texas, within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, contiguous to the existing city limits, and take any action necessary **(1st Reading).**

Following brief comments by Mr. Miller, the City's Planning Director, Councilmember Lewis moved to approve A2018-001. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 4.264-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, VALK ROCKWALL ADDITION, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

5. Discuss and consider approval of an **ordinance** establishing a tariff authorizing an annual rate review mechanism as negotiated between Atmos Energy Corporation, Mid-Tex Division and the Steering Committee of Cities Served by Atmos, and take any action necessary. **(1st reading)**

Joey Boyd, Director of Internal Operations, provided brief comments pertaining to this agenda item. Eva Hummel of Atmos Energy then came forth and gave brief comments. Mayor Pro Tem Hohenshelt moved to approve the ordinance. Councilmember Lewis seconded the motion. Mayor Pruitt expressed dissatisfaction with the law firm that handles these issues on behalf of the cities, sharing that the firm came to the Council about four years ago. At that time, Mayor Pruitt asked for information pertaining to how much money the law firm has made off of legal fees over the years. Although the law firm indicated that they would get back to the City of Rockwall with an answer on this question, they never did so. Also, he is frustrated with lack of a person to send an Public Information request to in order to obtain an answer to this question.

Following Mayor Pruitt's comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS

UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

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

6. Discuss and consider a city initiated request to direct staff to amend sections of Article II, Authority and Administrative Procedures, and Article V, District Development Standards, of the Unified Development Code (UDC) for the purpose of amending the variance process for properties in an overlay district and to clarify the reapplication procedures for applications that have been denied by the City Council, and take any action necessary.

Planning Director Ryan Miller indicated that, as a result of a recent development case, it became apparent that a couple of changes to these regulations would be beneficial. He explained that in an effort to limit the possibility that the City Council would be asked to rule on variance requests multiple times, an amendment to the UDC will be necessary to prevent applicants from resubmitting a denied application without [1] a one year waiting period, or [2] a ruling of substantial change by the Planning and Zoning Commission (similar to zoning requests). In addition, Mr. Miller explained that the second proposed amendment will prevent signage variances in overlay districts from being exempted from the requirements of the sign code.

Although Council took no formal action at this time concerning this discussion item, council members generally indicated a desire to have staff move forward with the process associated with making these text amendments to the UDC.

7. Discuss and consider city observed holidays, and take any action necessary.

Mayor Pruitt indicated that both he and Councilmember Daniels have expressed concern about City of Rockwall employees not having certain holidays off – namely President's Day and Good Friday, especially when the Rockwall Independent School District observes these two days as holidays.

Councilmember Daniels expressed a desire to formulate a Council subcommittee to review and evaluate city holidays and then make a recommendation do the full Council for consideration.

Councilmember Lewis expressed a desire to have Christmas Eve be a part of the discussion too, especially since most all of Rockwall's comparable cities allow their employees to be off on Christmas Eve.

Councilmember Fowler shared that he does not believe a subcommittee is necessary since all of the background work has been done and presented to the Council this evening. He suggested that Council just move forward with making a decision now.

Mayor Pruitt shared that he would like Council to take a little while to think about and consider the information before moving forward with making a decision.

Mr. Crowley shared that staff will send Council some additional information and will place this back on the next Council meeting agenda for consideration. Council took no action concerning this agenda item at this time.

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

1. Departmental Reports
   Building Inspections Monthly Report - January 2018
   Fire Dept / Fire Marshall Monthly Report - January 2018
   GIS Division Monthly Report - January 2018
   Harbor PD Monthly Report - January 2018
   Internal Operations Department Report - January 2018
   Recreation Monthly Report - January 2018
   Rockwall Animal Adoption Center Monthly Report - January 2018
   Police Department Monthly Report - January 2018
   STAR Transit Monthly Report - January 2018
2. City Manager's Report

Mayor Pruitt asked staff to provide a verbal report concerning a recent request made by a resident, Bruce Foith, concerning maintenance of a certain pond within his neighborhood. Pruitt pointed out that there are several of these types of ponds located throughout the city, so the Council will need to decide if the city will or will not be making efforts to maintain these types of areas. Mr. Andy Hesser, Parks Director, then reminded Council that it adopted certain maintenance classifications and standards last year, and those standards span all the types of areas that fall under the city's maintenance purview. He went on to share specific details pertaining to the particular pond that Mr. Foith previously expressed concern about, indicating that it has been 'under water' for the last week or two. So, staff has encountered some difficulty in accessing the area. He went on to share some photos and a map pertaining to adopted maintenance standards that are associated with this pond area. Mr. Hesser went on to explain that this particular pond area may or may not be a 'wetlands' area. In order to make that determination, an engineer would need to be hired to evaluate the area, and there would be an associated cost. He shared that the city's normal practice has been to leave these types of areas alone unless the area is going to be developed.

Following staff's comments, Mayor Pruitt invited resident Bruce Foith, the resident who originally inquired about this condition of this pond, to come forth.

Bruce Foith
1087 Shady Lane Drive
Rockwall, TX

Mr. Foith came forth and suggested that if some maintenance were performed even one time, he believes it would be helpful. He is not sure what kind of condition the dam is in

or what sort of responsibility the city has to ensure it is functioning properly. He shared that he and his neighbor have tried cleaning up the area to some degree; however, it is too much work for a couple of people to do on their own. He would like to see the city put a trail over the dam, and he believes this could be a way of securing the dam. He would like to at least see the pond area behind the homes cleaned out.

Mr. Crowley shared that staff is happy to answer any questions Council may have concerning any of the other departmental reports that have been provided to the Council for review.

Councilmember Lewis commented that recent updates to the format of departmental monthly reports were nicely done.

Council took no action concerning this agenda item.

XIV. EXECUTIVE SESSION

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

1. Discussion regarding possible right-of-way acquisition related to County Line Rd. improvements pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation)
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

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

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19th DAY OF MARCH, 2018.

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 19, 2018
5:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. with the following council members and staff being present: Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza were also present. The mayor then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

From Public Meeting Agenda: Action Item #4: Discuss and consider the North Texas Municipal Water District's (NTMWD) chlorine maintenance program now in effect, and take any action necessary.

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding legal options to Board of Adjustments Case # BOA-2018 -2-V, pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned Executive Session at 5:52 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to move David Lowrey up to a full voting member on the city's Board of Adjustments (to fill the unexpired term of Alan Dennard through August of 2019). Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VI. Invocation and Pledge of Allegiance – Councilmember Daniels

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

VII. Open Forum

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

VIII. Consent Agenda

1. Consider approval of the minutes from the March 5, 2018 regular City Council meeting, and take any action necessary.
2. **A2018-001** – Consider a request by Rick Jones of ADV Rockwall Platinum Property Owner, LLC for the approval of an **ordinance** for a voluntary annexation of a 4.273-acre tract of land identified as Tract 25-09 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, contiguous to the existing city limits, and take any action necessary **(2nd Reading)**.
3. Consider a recommendation from the City Council Naming Subcommittee honoring Barbara Coleson, and take any action necessary.
4. Consider approval of a Facilities Agreement with Somerset Park Development, LLC and Arcadia Realty Corp. for the pro-rata reimbursement of the off-site oversized lift station system expenses associated with this development, and take any action necessary.
5. **P2017-058** - Consider a request by John Arnold of Stone Creek Phase 9, LTD for the approval of a final plat for Stone Creek, Phase IX containing 63 single-family residential lots on a 17.371-acre tract of land identified as a portion of Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for Single Family-10 (SF-10) District land uses, generally located along Hay Road south of the intersection of John King Boulevard and Hays Road, and take any action necessary.
6. **P2018-006** - Discuss and consider a request by Aaron L. Stringfellow of Weir & Associates for the approval of a final plat for Lot 2, Block A, Rockwall Technology Park, Phase IV Addition being a 34.229-acre tract of land identified as a portion of Tract 1 & 2-01 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located at the southeast corner of the intersection of Corporate Crossing [FM-3549] and Capital Boulevard, and take any action necessary.

Councilmember Lewis moved to approve then entire Consent Agenda (#s 1, 2, 3, 4, 5, and 6). Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 4.264-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, VALK ROCKWALL ADDITION, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO

AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 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.

Tracey Logan, Commissioner on the city's Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following brief comments, the Council took no action as a result of Mrs. Logan's comments.

X. PUBLIC HEARING ITEMS

1. **Z2018-004** - Hold a public hearing to discuss and consider a request by Jim & Kelly Matthews for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for a carport on a 0.254-acre tract of land identified as Lot 33, Block A, Stonebridge Meadows Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 706 Stillwater Drive, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. On February 2, 2018, the Neighborhood Improvement Services (NIS) Department initiated a code compliance case (CE2018-0281) for the construction of a carport without a building permit on the subject property at 706 Stillwater Drive. At that time, the homeowner was instructed to submit an application for a building permit, and did so on February 14, 2018. Upon inspection of the carport it was determined that the carport did not meet the minimum standards stipulated by the Unified Development Code (UDC), and the homeowner was instructed to submit for a Specific Use Permit (SUP) through the Planning and Zoning Department. Mr. Miller explained that the UDC allows the City Council to consider carports that do not meet the minimum standards on a discretionary basis through an SUP.

Sixty-eight notices were sent out to residents located within 500' of the subject property, and the Stonebridge Meadows HOA was also notified. Staff received 1 notice and 3 emails in opposition and 4 notices and 1 email in favor of the request. The Planning & Zoning Commission has recommended approval of this SUP request by a vote of 4-1, with Commissioner Logan dissenting and Chairman Lyons and Commissioner Trowbridge being absent.

The applicant came forth and briefly introduced himself. Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak at this time.

Buzz Harrison
702 Stillwater Drive
Rockwall, TX

Mr. Harrison came forth and expressed support for approval of this carport.

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

Mayor Pruitt acknowledged that there are several carports in this neighborhood (in which he personally lives) that exist but were not approved prior to being installed. General discussion took place pertaining to existing carports that have built within the city without proper city permits having been secured. Following these comments, Councilmember Macalik moved to approve Z2018-004. Councilmember Fowler seconded the motion. Council members generally expressed a desire to add a meeting agenda item in the future so they may discuss carports, in general. Councilmember Daniels expressed concern about Council approving this request, namely because he believes the applicant should have pulled a permit to begin with, prior to constructing his carport.

The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CARPORT THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON A 0.254-ACRE PARCEL OF LAND ZONED SINGLE FAMILY 10 (SF-10) DISTRICT AND IDENTIFIED AS LOT 33, BLOCK A, STONEBRIDGE MEADOWS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve this request failed by a vote of 3 ayes to 4 nays (Townsend, Hohenshelt, Daniels and Lewis).

2. **Z2018-005** - Hold a public hearing to discuss and consider a request by Joe Wimpee for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building on an 8.1232-acre tract of land identified as Lot 1, Block A, Wimpee Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 4.0 (SFE-4.0) District, addressed as 1800 Dalton Road, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant Joe Wimpee is requesting the approval of a Specific Use Permit (SUP) to allow for an accessory building that does not meet the minimum requirements stipulated by Article VI, Permissible Uses, of the Unified Development Code (UDC). The applicant is proposing to construct an accessory building that will be clad in aluminum siding with a two (2) foot stone wainscot, and metal roof. The building will be 60-feet by 40-feet (or approximately 2,400 SF), and will incorporate 1,800 SF of enclosed building area and a 600 SF covered porch. The structure will stand approximately 19-feet (18'0-9¾") in height, and will be situated behind the primary structure. According to the UDC, in a Single Family Estate 4.0 (SFE-4.0) District, property owners are permitted to construct a single accessory building no larger than 2,000 SF and 15-feet in height or less, provided the exterior materials of the accessory building are the same materials as found on the primary structure in roughly the same proportions. In this case, the applicants requesting deviations from the material requirements (i.e. the primary structure adheres to the required 80% masonry materials

required for residential structures), the maximum permissible height requirements to exceed the permissible 15-feet by approximately four (4) feet, and to the maximum square footage requirements to exceed the 2,000 SF by 400 SF. The UDC permits the City Council to review deviations from the accessory building requirements on a discretionary basis through a SUP. Staff should note that the accessory building will be situated so that it is not visible from any adjacent public right-of-way or open space, and will be located an estimated 50-feet behind the primary structure. Fifty-two notices were sent out to adjacent property owners located within 500' of the property. Two nearby HOAs were notified. Staff has received one notice back in favor of the request and no notices in opposition.

Mr. Wimpee, the applicant, was then called forth to address the Council. Following Mr. Wimpee's brief comments, Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, Mayor Pruitt then closed the public hearing.

Councilmember Fowler moved to approve Z2018-005. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON A 8.1232-ACRE PARCEL OF LAND ZONED SINGLE FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT AND IDENTIFIED AS LOT 1, BLOCK A, WIMPEE ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2018-006 & Z2018-007** - Hold a public hearing to discuss and consider a request by Billy Wayne Peoples and Craig Merritt for the approval of an **ordinance** for a zoning change from Single Family 7 (SF-7) District to a Residential-Office (RO) District for a 1.016-acre tract of land identified as Lot 80 (i.e. Lot 80B & 80C), B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, addressed as 106 & 108 St. Mary Street, and take any action necessary **(1st Reading)**.

Mr. Miller provided background information pertaining to this agenda item. The request is essentially to rezone the properties to allow for professional offices. Currently, the properties have single family homes constructed on them. Six notices from adjacent property owners have been received back in favor of the request, and one notice has been received back in opposition. In addition, the Planning & Zoning Commission has voted 3 – 2 to recommend approval of this request.

Both of the applicants came forth and provided brief comments pertaining to their request. Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak at this time.

Patrick Trowbridge, who currently serves on the city's P&Z Commission, came forth and provided brief comments, generally indicating that, had he not been absent from the Planning & Zoning Commission meeting at which this request was discussed, he would have voted in opposition of it. He generally expressed that he is in favor of keeping these as residential homes in an effort to combat "commercial creep" in and around the downtown area.

Mike Caffey
311 S. Fannin
Rockwall, TX

Mr. Caffey came forth and indicated that he owns a highly contributing historic home, and he used to serve on the Historic Board long years ago. He understands the "commercial creep" viewpoint; however, he believes these type of requests should be considered on a case-by-case basis. He generally spoke in favor of the Council approving this rezoning request.

There being no one else wishing to come forth and speak, Mayor Pruitt then closed the public hearing. Councilmember Lewis moved to approve Z2018-006 and Z2018-007. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE FAMILY 7 (SF-7) DISTRICT TO A RESIDENTIAL OFFICE (RO) DISTRICT FOR A 1.016-ACRE TRACT OF LAND IDENTIFIED AS LOT 80B [*I.E. 0.509-ACRES*] & LOT 80C [*I.E. 0.507-ACRES*], BLOCK B, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 106 & 108 ST. MARY STREET AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **Z2018-008** - Hold a public hearing to discuss and consider a request by Pan S. Sribhen, P. E. of PSA Engineering on behalf of Shailesh C. Vora of DFW Hospitality of Rockwall, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a hotel in a Commercial (C) District that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 2.056-acre tract of land being identified as Lot 7 and a portion of Lot 8, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, situated south of the intersection of Carmel Circle and Laguna Drive, and take any action necessary **(1st Reading).**

Mr. Miller provided background information pertaining to this request. He indicated that the applicant, Pann S. Sribhen, is requesting the approval of a Specific Use Permit (SUP) to

allow a hotel on a 2.056-acre tract of land located north of IH-30 and situated south of the intersection of Carmel Circle and Laguna Drive [Lot 7 and a portion of lot 8, Block A, La Jolla Pointe Addition, Phase 2]. The subject property is zoned Commercial (C) District and situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts. According to Section 1, Land Use Table, of Article IV, Permissible Uses, of the Unified Development Code (UDC) a hotel requires a SUP within a Commercial (C) District. Originally the applicant was proposing a four (4) story hotel, which would also require a SUP for being greater than 36-feet in height in the Scenic Overlay (SOV) District; however, after the Planning and Zoning Commission work session on February 27, 2018 the applicant has opted to reduce the hotel to three (3) stories and not exceed 36-feet in height.

The proposed three (3)-story Hotel will be an AVID brand hotel, which is a product line associated with the IHG Hotel brand (i.e. InterContinental Hotels Group). The IHG Hotel brand features hotels such as the Holiday Inn, Crowne Plaza, Staybridge Suites, Candlewood Suites, and others. The proposed hotel will have approximately 87 rooms available for general stay (i.e. not extended/residency stay). Although the subject property is within the IH-30 Overlay (IH- 30 OV) and the Scenic Overlay (SOV) Districts, it does not have direct frontage along IH-30; however, the portion of property along Ridge Road at La Jolla Pointe does create a flag lot that meets the frontage requirements. According to the concept plan, access to the subject property will be located along La Jolla Pointe with future secondary access located off Carmel Circle. It should be noted that since the property does not have directed access on IH-30, it is not permitted a pole sign.

Mr. Miller went on to explain that the applicant's request conforms to all applicable requirements regarding a Specific Use Permit (SUP); however, granting a SUP remains a discretionary act of the City Council. If approved, the applicant will be required to submit a site plan and replat. Forty-five notices were sent out to residents and property owners located within 500' of the subject property. Also, two HOAs were notified. Staff received two emails in opposition to approval of this request and one notice in favor of the request.

Mr. Sribhen, P. E. of PSA Engineering, then came forth to speak on behalf of the applicant concerning this request. He provided a very lengthy presentation to Council concerning the Avid hotel company and the details of his request for approval pertaining to this particular hotel.

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

David English
2255 Ridge Road
Rockwall, TX

Mr. English came forth and complimented city staff. He went on to explain that this applicant will be building a quality hotel that will look nice. He questions if the Planning & Zoning Commission is called to limit the number of businesses of a certain type that are approved to be built within the city. He generally spoke in favor of Council approving this SUP request.

Kristen Minth
3406 Lakeside Drive
Rockwall, TX

Ms. Minth came forth and generally spoke in opposition of Council approving this SUP request.

Discussion then took place among staff and Council pertaining to the number of hotels and associated rooms that are already in existence within the city, as well as the number of additional ones that are already entitled (to be built at some point in the future). Discussion also ensued pertaining to the anticipated quality of this proposed hotel. The applicant indicated that, although no "star rating" has officially been assigned to this proposed hotel, it will likely be a three to four star rated hotel.

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

Councilmember Daniels shared that he lives in Lakeside Village, and he and his neighborhood has opposed hotels that have been proposed in this area in the past. He did, however, acknowledge that he has personally received no phone calls from residents in his neighborhood expressing opposition to this particular request. Mrs. Minth has been the first resident (living in Lakeside Village) that he has personally heard from (during this meeting) who has expressed opposition.

Councilmember Daniels then moved to approve Z2018-008. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT, ON A 2.056-ACRE TRACT OF LAND BEING IDENTIFIED AS A PORTION OF LOT 7 AND A PORTION OF LOT 8, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2018-010** - Hold a public hearing to discuss and consider a request by Kevin Kessler, PE of Jacobs Engineering, Inc. on behalf of Mike Wallace of Wallace Partners, LP for the approval of an **ordinance** for a zoning change from Agricultural (AG) District to Planned Development District for Single Family 7 (SF-7) District land uses on 262.06-acre tract of land identified as Tracts 43, 43-01, 44 & 44-01 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally situated at the northwest corner of the intersection of H. Wallace Lane and Horizon Road [FM-3097], and take any action necessary **(1st Reading).**

Mayor Pruitt shared that the applicant has asked for the ability to withdraw this request at this time. Mr. Miller briefly explained that Council will need to decide if it wants to allow the applicant to withdraw, or if it wants to disallow the withdrawal and continue on with the public hearing this evening.

Councilmember Lewis moved to allow the applicant to withdraw the case. Councilmember Macalik seconded the motion. Following brief comments from Mayor Pruitt, the motion to allow the applicant to withdraw passed by a vote of 6 in favor with 1 against (Fowler).

Mayor Pruitt then recessed the meeting and called for a brief break at 7:27 p.m. He reconvened the meeting at 7:40 p.m.

6. **Z2018-011** - Hold a public hearing to discuss and consider a request by Worth Williams of Moore Worth Investment, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a restaurant with drive-through facilities in a General Retail (GR) District on a 0.81-acre parcel of land identified as Lot 3, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1945 N. Goliad Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant Worth Williams with Moore Worth Investments, LLC is requesting the approval of a Specific Use Permit (SUP) to allow for a restaurant with drive-through/drive-in facilities in a General Retail (GR) District. The applicant has to demonstrate the ability to accommodate at least 6 cars in cue in the drive-thru. In addition, the business cannot have access directly from/to a residential street. In this case, the applicant has met both of these requirements. It was mentioned that this will be a Starbucks. Mr. Miller went on to explain that twenty-nine notices were sent out to adjacent residents and property owners located within 500' of the subject property. Staff also notified the Random Oaks/Shores, Stone Creek, Quail Run Valley and Lakeview Summit Homeowner's Associations (HOA's), which are the only HOA's/Neighborhood Organizations that are within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff received 1 notice back in opposition of the request. In addition, the Planning & Zoning Commission has recommended approval of this request.

Mayor Pruitt accepted brief comments from the applicant and then opened the public hearing. There being no one wishing to come forth and speak, he then closed the public hearing. Councilmember Townsend then moved to approve Z2018-011. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [*ORDINANCE NO. 17-03*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT, GREATER THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 0.81-ACRE PARCEL OF LAND ZONED PLANNED DEVELOPMENT DISTRICT 65 (PD-65) AND IDENTIFIED AS LOT 3, BLOCK A, LAKESHORE COMMONS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

7. **Z2018-012** - Hold a public hearing to discuss and consider a request by Ed Hicks, Jr. of Clay Cooley Automotive for the approval of an **ordinance** amending a Specific Use Permit (SUP) (i.e. SUP S-131 [Ordinance No. 15-05]) that allows for outside storage and a new motor vehicle dealership on a ten (10) acre tract of land identified as Tract 4-02 and Tract 4 of the N. M. Ballard Survey, Abstract No. 24 and the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Corridor Overlay (IH-30 OV) District, addressed as 1530 E. IH-30, and take any action necessary **(1st Reading).**

Mr. Miller provided background information pertaining to this public hearing item. Ed Hicks, Jr. of Clay Cooley Automotive is requesting approval of an amendment to S-131 [Ordinance No. 15-05] to allow for the demolition of an existing metal building at 1530 E. IH-30. Under Ordinance No. 15-05, the applicant is required to meet certain benchmarks associated with improvements on the property to keep the current SUP active. This SUP allows for limited outside storage of new automobiles on the subject property, and has the ability for the applicant to convert this use to a New Automotive Dealership (without amending the SUP) if all phases of the improvements outlined in the ordinance are completed. Currently, the applicant has finished Phases 1 & 2 -- which includes various paving and drainage improvements -- and is in the process of commencing Phase 3, which requires the exterior of the metal building to be clad in an Aluminum Composite Material (ACM). The applicant has indicated to staff that they are close to reaching a deal with a new automotive dealership, and will be demolishing the building to accommodate the new user. Based on this they would like to amend S-131 to allow for the demolition of the metal building as opposed to improving a building they plan on demolishing.

Ed Hicks
4585 New Castle Drive
Frisco, TX

Mr. Hicks, the applicant, came forth and provided brief comments, generally asking the Council to approve his request at this time.

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

Mayor Pruitt moved to approve Z2018-012. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT NO. S-131 [*ORDINANCE NO. 15-05*], WHICH ALLOWS FOR A NEW MOTOR VEHICLE DEALERSHIP ON A TEN (10) ACRE TRACT OF LAND IDENTIFIED AS TRACTS 4 & 4-02 OF THE N. M. BALLARD SURVEY, ABSTRACT NO. 24, AND THE A. HANNA SURVEY, ABSTRACT NO. 99, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE;

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

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

XI. ACTION ITEMS

1. **SP2018-005** - Discuss and consider a request by Crystal Vasquez of Huckabee on behalf Will Salee of the Rockwall Independent School District for the approval of an exception to the minimum stone requirements stipulated by Article V, District Development Standards, of the Unified Development Code (UDC) in conjunction with an approved site plan for a school on a 6.983-acre parcel of land identified as Lot 1, Block A, Rockwall School Addition #2, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 615 Highland Drive, and take any action necessary.

Planning Director Ryan Miller shared that this is Reinhardt Elementary School. The applicant is seeking an exception to the minimum stone requirements when redeveloping this school. They would like to utilize an alternate material on the north, south and west sides of the building. They are attempting to mimic a residential-type look. The city's Architectural Review Board and the Planning & Zoning Commission have both reviewed the request and have both recommended approval of the request for an exception.

The applicant, Will Salee, came forth on behalf of the RISD and provided brief comments pertaining to this request. He shared that they will be adding a lot of square footage to the school during the remodel, which will mainly add additional space within the facility (though, not classroom space), and will improve the traffic flow and increase the parking on site.

Mayor Pro Tem Hohenshelt moved to approve SP2018-005. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider a request by Billy Self on behalf of Pro-Soap of Rockwall for the approval of a variance to the Engineering Standards of Design and Construction Manual for the deferment of storm water detention improvements to allow for the existing and proposed expansions of a building being situated on a 1.925-acre tract of land identified as Tract 9-2 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1830 E. IH-30, and take any action necessary.

Mrs. Amy Williams, City Engineer, provided background information pertaining to this agenda item. On December 12, 2017, Mr. Billy Self, property owner, requested to construct an addition to the ProSoap building at 1830 E. IH-30. The Engineering Department informed Mr. Self that the new addition would require storm water detention prior to certificate of occupancy. Per the attached letter, Mr. Self has requested to defer the storm water detention requirement until any further expansion of paving or building on this property. Per the Engineering Standards of Design and Construction, all non-residential developments are required to construct storm water detention facilities.

Mr. Billy Self came forth and apologized to the Council for having built an expansion to his business without first pulling proper building permits before doing so. He then went on to request that the City Council consider approving a variance to the Engineering Standards of Design and Construction for the deferment of storm water detention improvements to allow for

the existing and proposed expansions of the building located at 1830 East IH-30. Essentially, he would like to permission to wait on building the detention pond that was required to be built as part of his recent expansion until construction of a 20,000 square foot distribution facility is constructed within the next three years on the adjacent two acres that Pro Soap owns.

Mayor Pruitt moved to grant a variance for the deferment of installing the storm water detention improvements for a period of no more than three years and requiring that Mr. Self sign a waiver that will release both the city and property owners located adjacent to Mr. Self's business of any liability if in fact not capturing the water causes any damage to adjacent property owners. Councilmember Macalik seconded the motion. Councilmember Hohenshelt expressed some concern about the possibility that Mr. Self may never end up constructing the additional 20,000 square foot building on the adjacent 2 acres. As a result of the additional discussion and clarification, Mayor Pruitt amended his motion to clarify that Mr. Self will need to construct the required storm water detention facility within the three year period, regardless of if he ends up doing the 20,000 square foot addition on the two acres. Councilmember Macalik seconded the amended motion. Councilmember Hohenshelt expressed concern about what ramifications Mr. Self may expect if he never ends up constructing the required detention pond. Staff and the city attorney recommended entering into a "facility agreement" with the applicant as a way of spelling out the terms of this variance being granted.

Mayor Pruitt moved to grant the variance regarding the storm water detention improvements, allowing the applicant a three year period to build the currently required detention pond (even if he does not move forward with constructing the additional 20k square foot expansion he mentioned will be added later on), that this variance will be done via a facilities agreement, and that the applicant will waive any damage to any downstream property owners for not having the currently required detention in place. Councilmember Macalik seconded the motion.

City Attorney Frank Garza pointed out that, after it is drafted, the facilities agreement will need to be brought before the Council for review, consideration and approval.

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

3. Discuss and consider approval of supplemental hotel occupancy tax funding recommendations from the Council subcommittee regarding requests from the American Legion, Trend HR, Historical Foundation and Duck Regatta and take any action necessary.

Mayor Pruitt indicated that the funding request for the Duck Regatta needs some further consideration. So, he asked that that portion of this agenda item be considered at a later date instead of this evening. He then moved to approve the subcommittee's recommendations regarding funding for the American Legion, Trend HR and the Historical Foundation. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider the North Texas Municipal Water District's (NTMWD) chlorine maintenance program now in effect, and take any action necessary.

City Manager Rick Crowley provided comments pertaining to this agenda item. He shared that the NTMWD is currently conducting a thirty day switch from Chloramine disinfectant to Chlorine disinfectant. This maintenance period began on Feb. 26 and will conclude on March 26, which is about seven days from now. This conversion involves no longer adding ammonia. Chloramine is produced when ammonia is added to Chlorine. During the maintenance period, the ammonia intake is simply turned off for that period of time. The purpose of the maintenance period is to assist with water quality, particularly during summer months when it

is more challenging to ensure water is kept clean within the water system. This maintenance period has been put in place almost every year, and, to the City of Rockwall's knowledge, it is believed that the NTMWD's is operating the maintenance period in a way that abides by all applicable state and federal regulations. He mentioned that the City of Rockwall continues to collect test samples during the maintenance period, as it always does, and those samples are not altered in any way. The samples are to test for a host of things, including Coliform and other bacteriological agents and contaminants for which the city regularly tests. Mr. Crowley went on to explain that the TX Commission on Environmental Quality (TCEQ) also conducts testing on water from the NTMWD within the City of Rockwall about four times per year, testing for which the city may receive notification the day before, or perhaps the same day. City staff escorts TCEQ representatives to whichever sites have been chosen for testing by the TCEQ. Then TCEQ tests those water samples and reports the results to the City. Mr. Crowley shared that, in years past, when the NTMWD has expressed a desire to institute a maintenance period, the city has generally been supportive of it, as it has resulted in an ability to maintain a clean, disinfected water system on a year-round basis.

Mr. Crowley acknowledged recent concerns expressed by both local water customers as well as some who live outside of the city regarding the ammonia being 'turned off' and not being injected into the chlorination system. Mr. Crowley shared that, although (again) he believes that the NTMWD is conducting these maintenance periods in accordance with both TCEQ and EPA standards, he does believe that the City may wish to carefully consider how it may view said maintenance periods in the future. For example, he expressed hat the City may need to more closely evaluate the ramifications that may exist if such maintenance periods do not take place. He reiterated that water sample testing continues on the part of the City of Rockwall as it always has. Also, a meeting will be held tomorrow evening in Plano to hear more information about this topic and further answer questions to address concerns of area water customers. Mayor Pruitt acknowledged hearing from a lot of citizens who have expressed concerns about smelling chlorine in their water when turning on their faucets. He personally noticed the stronger smell in the bathtub water at home compared to his swimming pool water. Mr. Crowley shared that his best guess is that the smell will slowly dissipate over the course of the next four to five days, or perhaps a week at most. Mayor Pruitt shared that the city manager and the mayor do plan to attend the meeting tomorrow in Plano. It was pointed out that, in order to change these treatment policies, it would require a majority vote of the thirteen NTMWD member cities.

The Council took no action pertaining to this agenda item.

5. Discuss and consider authorizing the City Manager to execute contracts for the purchase of Police camera equipment systems from Ramco Rugged Portables in the amount of $405,000; Dell in the amount of $28,300; Pursuit Safety in the amount of $24,800 with funds from the Technology Replacement Fund and a budget amendment to appropriate $342,520 of General Fund Reserves for this purpose, and take any action necessary.

Assistant Police Chief Kirk Aldridge provided background information pertaining to this agenda item. For the past eight years, the Rockwall Police Department has been utilizing the M7 Coban computer/video system for our patrol vehicles. The main reason for going to the Coban system at that time was the company was the only one offering an all-in-one computer/video system. Over the last few years, the city has seen a notable drop in the quality of the Coban products and the company's customer service/support has been severely lacking. In October, 2017, the city was informed that the company has decided to discontinue manufacturing the M7 computer/video system and will now only produce an in-car video system. This change will require the city to purchase separate computer system and in-car video system. The Rockwall Police Department believes it is time to change vendors due

to the fact that Coban technology has become inferior to the other in-car video systems on the market today, and the company no longer offers a product that meets the department's needs. Police Department staff has researched competitive equipment available and have consulted with a number of agencies across the State to determine what would be the best setup for our officers. As a result, staff has chosen to proceed with recommending Getac systems. Chief Aldridge explained that staff consulted with several other cities, including Dallas PD, Dallas FD, Kyle PD, Houston PD, and Roundrock PD, all of whom have switched over to Getac systems. Also, the Frisco PD is in the process of switching to Getac as well. He explained that this will provide for a full system made up of a laptop, in-car video system, body camera, and a storage solution using Getac's management software. This will give the Police Department the security of using one managed system for all of its needs.

Mrs. Smith, Assistant City Manager/Finance Director, shared that each budget year, the Council sets aside funding for "technology replacement" so that after the useful life of technology expires, the city is able to replace it. The city has accumulated about $115,000 that could be put towards this project. Although the staff did consider the possibility of phasing the switch-over in over the course of several years, it was determined that doing so would result in far more complications and issues than it would be worth (i.e. an officer being in a certain squad car with the old system one day, and then being in a different squad car that has the new system the next day, causing complications and training challenges too). Although the company does offer a lease purchase, it comes with interest costs. So, staff has determined that it is best to ask the Council to consider allowing reserve funding to move forward with purchasing the equipment and switching over all at once.

Following brief comments, Councilmember Lewis made a motion to authorize the City Manager to execute contracts for the purchase of Police camera equipment systems from Ramco Rugged Portables in the amount of $405,000; Dell in the amount of $28,300; Pursuit Safety in the amount of $24,800 with funds from the Technology Replacement Fund and a budget amendment to appropriate $342,520 of General Fund Reserves. Mayor Pro Tem Hohenshelt seconded the motion. Mayor Pruitt asked some clarifying questions pertaining to the existing contract with Coban. City Manager, Rick Crowley, explained that service contracts such as these are typically one-year contracts. The mayor expressed that he wonders if a breach of contract has occurred (or is occurring) that may warrant filing suit against the existing company. Mr. Crowley shared that staff will discuss potential legal issues pertaining to the existing contract with the city attorney and will commit to pursuing any legal action that he may advise. Following the comments, the motion passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider directing staff to initiate the process of amending the City's Master Thoroughfare Plan (MTP) contained in the Comprehensive Plan, and take any action necessary.

Planning Director Ryan Miller provided brief comments pertaining to this agenda item. He explained that Rockwall County is currently in the process of updating the County's Master Thoroughfare Plan (MTP) and has requested that the City of Rockwall review the proposed changes and provide comments. Through staff's review of the plan, two (2) changes on the City's current MTP were identified and may need to be corrected in unison with the County's MTP. These changes are: [1] a change showing the realignment of Breezy Hill Road to follow existing right-of-way, and [2] increasing Horizon Road from a M4D (minor collector, four [4] lane, divided roadway) to a TXDOT4D (four [4] lane TXDOT roadway). These changes would be required to go through the typical Comprehensive Plan review process (notification and recommendation from the Planning and Zoning Commission prior to adoption).

Following extensive council and staff comments, Mayor Pruitt moved to direct staff to initiate the process of amending the City's Master Thoroughfare Plan (MTP) contained in the Comprehensive Plan. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

7. Discuss and consider possible modifications to city observed holidays, and take any action necessary.

Mr. Crowley shared that staff has provided some additional information to Council pertaining to the cost associated with adding additional city observed holidays, as requested at the last city council meeting. Discussion took place pertaining to the possibility of President's Day, Good Friday and, potentially, Christmas Eve being added as additional city observed holidays. Discussion also took place pertaining to the city's existing "birthday holiday" that allows an employee to take a day off within his/her birth month. Following the discussions, Councilmember Daniels moved to add President's Day, Good Friday and Christmas Eve to the city observed holidays and eliminate the existing "birthday holiday." Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. EXECUTIVE SESSION

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding legal options to Board of Adjustments Case # BOA-2018 -2-V, pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (personnel matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

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

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

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:37 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th DAY OF APRIL, 2018.

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, April 02, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:02 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. WORK SESSION

1. Hold work session with Rockwall Central Appraisal District (RCAD) representative(s) concerning a request to build an additional building adjacent to the existing building located at 841 Justin Rd.

Mayor Pro Tem John Hohenshelt came forth and indicated that he currently serves as a board member on the RCAD board. He went on to brief the board on details pertaining to the CAD's desire and need to expand its facility. He generally indicated that the existing building is not spacious enough, especially related to office space and space needed for the board to hold meetings (including meetings to hear property owner assessment protests). He explained that the RCAD board has approved a resolution pertaining to this desired expansion. Each taxing entity is also required to approve a similar resolution that would essentially grant permission to the RCAD to move forward with constructing this additional building.

Mayor Pruitt expressed concern about (1) Mrs. Patricia Davis, Chief Appraiser at the RCAD, not personally attending today's work session meeting to address the Rockwall City Council concerning this request, and (2) no 'alternatives' being evaluated or conveyed to the Rockwall City Council pertaining to this facility expansion request (which, he pointed out, is required by state statute). Pruitt went on to express that he wonders if there may be some alternative meeting space that could be utilized within the County to hold "protest hearings," like, perhaps, the county courthouse.

Hohenshelt indicated that the Rockwall City Council was provided with a "shorter informational packet" than that which the RCAD board reviewed. He explained that the longer informational packet did include alternative real estate / locations that were evaluated by the RCAD board prior to moving forward with this particular expansion request. He committed to getting the additional information to the Council as soon as possible.

Council took no action following this work session discussion.

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

III. EXECUTIVE SESSION.

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

1. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (personnel matters)
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session discussions at 5:38 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of 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. Boys & Girls Club Week, April 9-13

Mayor Pruitt called forth representatives of the local Boys & Girls Club. He then read and presented the proclamation for Boys & Girls Club week. The director of the club then said a few words about the club, indicating that it provides programs to about 65 kids per day during the school year and about 125 kids per day during the summer.

2. Child Abuse Awareness and Prevention Month

Mayor Pruitt called forth Kenda Culpepper, Rockwall County District Attorney, the Rockwall Police Chief, Kirk Riggs, and various representatives from Lone Star CASA (Court Appointed Special Advocates), the local Children's Advocacy Center and the Rainbow Room. He indicated that each of these organizations provides programs that help children within our community. The mayor then read and presented the proclamation for Child abuse Awareness and Prevention Month.

IX. OPEN FORUM

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

X. CONSENT AGENDA

1. **Z2018-005** - Consider a request by Joe Wimpee for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for an accessory building on an 8.1232-acre tract of land identified as Lot 1, Block A, Wimpee Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 4.0 (SFE-4.0) District, addressed as 1800 Dalton Road, and take any action necessary **(2nd Reading).**

2. **Z2018-006 & Z2018-007-** Consider a request by Billy Wayne Peoples and Craig Merritt for the approval of an **ordinance** for a zoning change from Single Family 7 (SF-7) District to a Residential-Office (RO) District for a 1.016-acre tract of land identified as Lot 80 (i.e. Lot 80B & 80C), B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, addressed as 106 & 108 St. Mary Street, and take any action necessary **(2nd Reading).**

3. **Z2018-011** - Consider a request by Worth Williams of Moore Worth Investment, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a restaurant with drive-through facilities in a General Retail (GR) District on a 0.81-acre parcel of land identified as Lot 3, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1945 N. Goliad Street, and take any action necessary **(2nd Reading).**

4. **Z2018-012** - Consider a request by Ed Hicks, Jr. of Clay Cooley Automotive for the approval of an **ordinance** amending a Specific Use Permit (SUP) (i.e. SUP S-131 [Ordinance No. 15-05]) that allows for outside storage and a new motor vehicle dealership on a ten (10) acre tract of land identified as Tract 4-02 and Tract 4 of the N. M. Ballard Survey, Abstract No. 24 and the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Corridor Overlay (IH-30 OV) District, addressed as 1530 E. IH-30, and take any action necessary **(2nd Reading).**

5. Consider approval of hotel occupancy tax funding in the amount of $20,000 to Boys and Girls Club for Duck Regatta 2018 and take any action necessary.

6. Consider authorizing the City Manager to execute a three-year contract with Evoqua Water Technologies to install a chemical injection system at the Fontana, Timber Creek, and Mims Lift Stations to help with the elimination of effluent odors for $70,000 annually to be funded by the Wastewater Operations Budget, and take any action necessary.

7. Consider authorizing the City Manager to execute a contract with Tillman Construction for renovations to Harry Myers Community Building in the amount of $37,700 to be paid from the Internal Operations Department operating budget and the Recreation Development Fund, and take any necessary action.

Councilmember Lewis moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, and 7). Councilmember Fowler seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-18
SPECIFIC USE PERMIT NO. S-186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM REQUIREMENTS ON A 8.1232-ACRE PARCEL OF LAND ZONED SINGLE FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT AND IDENTIFIED AS LOT 1, BLOCK A, WIMPEE ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-19

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 APPROVE A CHANGE IN ZONING FROM A SINGLE FAMILY 7 (SF-7) DISTRICT TO A RESIDENTIAL OFFICE (RO) DISTRICT FOR A 1.016-ACRE TRACT OF LAND IDENTIFIED AS LOT 80B [*I.E. 0.509-ACRES*] & LOT 80C [*I.E. 0.507-ACRES*], BLOCK B, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 106 & 108 ST. MARY STREET AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-21
SPECIFIC USE PERMIT NO. S-188

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [*ORDINANCE NO. 17-03*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT, GREATER THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 0.81-ACRE PARCEL OF LAND ZONED PLANNED DEVELOPMENT DISTRICT 65 (PD-65) AND IDENTIFIED AS LOT 3, BLOCK A, LAKESHORE COMMONS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-22
SPECIFIC USE PERMIT NO. S-189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT NO. S-131 [*ORDINANCE NO. 15-05*], WHICH ALLOWS FOR A NEW MOTOR VEHICLE DEALERSHIP ON A TEN (10) ACRE TRACT OF LAND IDENTIFIED AS TRACTS 4 & 4-02 OF THE N. M. BALLARD SURVEY, ABSTRACT NO. 24, AND THE A. HANNA SURVEY, ABSTRACT NO. 99, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE;

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

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

XI. APPOINTMENTS

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

It was announced that there was not a need to address this appointment item. So, it was not discussed, and no action was taken.

2. Appointment with Lorne Liechty of Liechty & McGinnis, LLP on behalf of Cory and Eva Cannon of Siren Rock Brewery to discuss allowing the Brewery or Distillery (Excluding Brew Pubs) land use in the Downtown (DT) District by Specific Use Permit (SUP), and take any action necessary.

Mr. Liechty came forth and indicated that he is speaking on behalf of his clients, Cory and Eva Cannon of Siren Rock Brewery. He then went on to brief the Council on breweries in Texas, including their regulation by the Texas Alcoholic Beverage Commission (TABC). He generally indicated that his clients would like to open this brewery, and they believe it will be a positive draw to the downtown area and will result in additional sales tax revenue for the city. Also, they believe it will contribute to a "family friendly" atmosphere. He went on to indicate that he and his client have drafted an ordinance that is modeled after the city's ordinance which allows "wineries" within the city, except that this particular ordinance would allow for a brewery/distillery by SUP. Mr. Leichty then invited Cory and Eva Cannon to come forth and speak.

Mrs. Cannon came forth and provided the Council with a presentation that further explained their proposal for a brewery in the downtown area. The presentation included a video that depicted various Rockwall residents and business owners, some of whom own businesses downtown or live in the downtown area. Those depicted all expressed support for Siren Rock Brewery coming to the downtown Rockwall area. The video also depicted what appeared to be some renderings of what the facility may look like.

Mr. Liechty again came forth, explaining that he and his clients are proposing that Council consider instructing staff to initiate the process for amending the city's Unified Development Code to add text that will allow for a Brewery or Distillery by SUP in the downtown area.

Mayor Pruitt expressed that he has discussed with both The Cannons and Mr. Liechty that he is not in support of allowing breweries or distilleries in the downtown district. He does not believe it would be fair to other, existing breweries that had to abide by the city's current zoning and establish their businesses in "light industrial" zoned areas elsewhere in the city. Also, he is not in favor of allowing this "use" in the downtown area because a brewery / distillery does not have to abide by the "50 / 50% rule" that would otherwise require a business to have 49% alcohol sales and 51% food sales. He explained that the "51% rule" is the reason why the City of Rockwall does not have "bars" or "clubs." He acknowledged that the one exception to this is The Scoreboard, which has been there forever and was grandfathered in after the city's liquor election took place. Also, he does not believe that a brewery would equate to a "family friendly community," and he cannot imagine taking his kids to a brewery where beer is served.

Councilmember Daniels shared that he has friends who are both in favor and are in opposition to this type of business establishment. He went on to explain that he is opposed to allowing this type of business, especially in and around the city's downtown area. He personally believes (and he stressed "personally") that he is not in favor of this type of business in the downtown area.

Councilmember Macalik expressed that she is in support of this type of business, and she does believe that it would fit in well in and around the downtown area. In fact, she believes that this type of business would add a lot of synergy to the downtown area. She acknowledged the growth in this type of industry, and she does not perceive a brewery to be "a bar." She does not believe that allowing it would take away from the great restaurants we have downtown, but, rather, she believes allowing it would add to them.

Councilmember Fowler shared that he has personally not received any feedback in opposition to allowing this type of business. In fact, the feedback he has received has all been favorable. He expressed a desire to at least allow the process to ensue, including allowing the Planning & Zoning Commission to hold its public hearings and allow Council to host public hearings as well. Mayor Pro Tem Hohenshelt concurred with Councilmember Macalik and Councilmember Fowler. Councilmember Lewis also expressed concurrence with Fowler, Macalik and Hohenshelt. He expressed that he personally would not take his family, kids or grandkids there; however, he generally expressed the belief that the city should at least allow the process to ensue. Also, he spoke to one downtown business owner who is in favor of allowing this type of brewery. Councilmember Townsend indicated that he leans towards not being in favor of this type of business being allowed in and around the downtown area. Also, for him, he would personally not take his family to a brewery.

Mayor Pruitt asked for clarification regarding any state-required 'notifications' that may take place pertaining to any future public hearings that may be held concerning this topic. Mr. Miller explained that a caption in the newspaper must appear 15 days prior to the public hearing taking place (this is a minimum requirement). Mayor Pruitt clarified that the city council does have the discretion to expand the minimum required notice. He generally went on to express a desire to send out more widespread public notices to property owners and residents who live in and around the entire downtown district / area.

Following additional discussion, Council took no formal action pertaining to this agenda item.

3. Appointment with Matilyn Vivo of Rustic Warehouse to discuss allowing the Furniture Upholstery, Refinishing or Resale land use in the Commercial (C) District, and take any action necessary.

Matilyn Vivo
1692 Chesterwood Drive
Rockwall, TX 75032

Ms. Vivo came forth and indicated that it was recently brought to her attention that her business was in violation of its current zoning requirements, which do not allow for refinishing and rebuilding cabinets and refinishing and rebuilding furniture. She apologized to the city and the Council, explaining that all such activities have ceased. She explained that she is now coming forth with this request in the hopes that, in the end, she will be able to conduct some of these types of activities at her business location in the future. She went on to show the Council photographs of the areas within her business where painting and cabinet building were previously occurring until which time as she was informed that these activities are a zoning violation.

Councilmember Lewis made a motion to instruct staff to move forward with a text amendment that will allow furniture upholstery, refinishing and resale land uses in a Commercial (zoned) District. Councilmember Townsend seconded the motion. Indication was given that a formal motion is not needed at this point.

Councilmember Fowler went on to express concern about this motion, indicating that he prefers that these types of uses be potentially allowed in a Commercial District by "specific use permit" (SUP) only rather than "by right." Mayor Pro Tem Hohenshelt also expressed a desire for an SUP process to be incorporated into any text amendment that would allow for these uses in a "C" district.

Following brief, clarifying comments by Planning Director Ryan Miller, Council generally instructed staff to move forward with initiating a text amendment that will allow for Furniture Upholstery, Refinishing, or Resale land uses in a "Commercial District" by Specific Use Permit only. The Council took no formal action pertaining to this agenda item at this time.

4. Appointment with Marlyn Roberts to discuss concerns related to the detention pond survey (pertaining to the Valvoline Express - 2325 S. Goliad St.), and take any action necessary.

Jeremy White of the city's Engineering staff provided brief comments to the Council pertaining to this detention pond. Mr. Roberts came forth and explained that in order for the city to "sign off on" the detention pond that has been built at this property, he is required (by the city) to have a survey conducted. When questioned by Mayor Pruitt, Mr. Roberts clarified that he sold the business and the equipment (the Valvoline Express); however, he still owns the building and the land. Mr. Roberts went on to explain that he is seeking a waiver from the requirement to have to have a 'survey' of the detention pond conducted before the city will 'sign off' on it. He explained that if a waiver is granted, it will result in saving him time and money. He does not believe that having a survey conducted serves a real purpose.

City Manager Rick Crowley went on to clarify and explain that the city essentially requires – (1) a statement from the design engineer stating that the detention pond was built as it was designed and (2) a marked up drawing that reflects any changes in how the detention pond may have actually been built after the final plans were approved by the city. Indication was given by staff that the city itself does not 'inspect' detention ponds that have been built within the city. That is why a survey is required - so that a design engineer can certify that the pond was built to design and that the capacity is sufficient. The city attorney recommended that the city not accept anything less than a survey that has the professional engineer's 'seal' on it, especially as a means of protecting the city from any potential liability pertaining to the detention pond.

Mr. Roberts went on to generally question why the city has engineer inspectors in place and why he has to pay for them if they don't actually inspect to ensure that the detention pond is 'up to par,' so-to-speak, and that it is built the way it was designed to be built. He also generally expressed that he did not understand, up front, that he would be required to have a survey conducted after the detention pond was built.

Councilmember Lewis provided comments, explaining that having the design engineer sign off on the plans (including conducting of a survey) offers protection for everyone involved. He does not believe the citizens of Rockwall should have to worry about liability pertaining to this detention pond. Councilmember Townsend generally concurred, reiterating that the city is not

going to 'sign off' on the detention pond without the design engineer's seal, and that can likely not be obtained without conducting a survey.

Following Mr. Roberts' comments and additional comments by the mayor, the Council took no formal action pertaining to this appointment item.

XII. ACTION ITEMS

1. **Z2018-008** - Discuss and consider a request by Pan S. Sribhen, P. E. of PSA Engineering on behalf of Shailesh C. Vora of DFW Hospitality of Rockwall, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a hotel in a Commercial (C) District on a 2.056-acre tract of land being identified as Lot 7 and a portion of Lot 8, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, situated south of the intersection of Carmel Circle and Laguna Drive, and take any action necessary. **(2nd Reading)**

Mayor Pruitt indicated that approval of this ordinance did not receive a unanimous vote of Council at the last meeting. That is why it is on tonight's Action Items (rather than Consent). Councilmember Townsend then moved to approve Z2018-008. Councilmember Daniels seconded the motion. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-20
SPECIFIC USE PERMIT NO. S-187

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HOTEL IN A COMMERCIAL (C) DISTRICT, ON A 2.056-ACRE TRACT OF LAND BEING IDENTIFIED AS A PORTION OF LOT 7 AND A PORTION OF LOT 8, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 nay (Macalik).

Mayor Pruitt then called for a break at 7:33 p.m. He reconvened the meeting at 7:45 p.m.

2. Discuss and consider approval of a resolution pertaining to the Rockwall Central Appraisal District's request to build an additional building adjacent to the existing building (located at 841 Justin Road), and take any action necessary.

Mayor Pro Tem Hohenshelt provided brief comments pertaining to this agenda item, indicating that a work session was held concerning this matter this afternoon. At that time, the Council expressed a desire to receive some additional information before moving forward. He then moved to table this item until the next city council meeting. Mayor Pruitt seconded the motion, which passed unanimously (7 ayes to 0 nays).

3. Discuss and consider holding a Show Cause Hearing to discuss and consider demolition of a dangerous building located at 409 W. Washington, legally described as Lowe & Allen block 14 E 1/2 and Lowe & Allen block W/2 OF 14, and take any action necessary.

Building Official Jeffrey Widmer provided brief comments to Council concerning this agenda item. Councilmember Fowler then made a motion to move forward with demolition of the dangerous structure located at 409 W. Washington. Councilmember Townsend seconded the motion, which passed unanimously (7 ayes to 0 nays).

4. Discuss and consider granting permissions for the City's May 19, 2018 Founders Day Festival at Harry Myers Park related to Chapter 30, Article I, Sec. 30 -2, Regulated Activities in Parks of the Code of Ordinances, and take any action necessary.

Mayor Pruitt clarified that this agenda item is related to Council consideration of temporarily allowing alcohol in a city park related to the Founder's Day Festival. Mayor Pro Tem Hohenshelt moved to grant this temporary allowance for alcohol at Harry Myers Park for the city's Founder's Day Festival and that if any council member votes against this motion, then he or she is not allowed to drink beer at the event. Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes to 2 nays (Pruitt and Daniels).

5. Discuss and consider athletic complex feasibility study process and take any action necessary.

Park Director, Andy Hesser, came forth and briefed the Council on this agenda item. Councilmember Townsend questioned why this proposal seems to focus solely on sports that are played on turf and/or grass. He fears that if sports played on "courts" are not included in the feasibility study, then the Council may receive some push back. Councilmember Macalik asked for and received some clarification pertaining to the timeline associated with this process and how a diverse "citizen input" will be achieved. Mr. Crowley shared that he had planned to select a diverse group of people to serve on such committee. However, if the Council prefers to appoint a diverse set of people to serve, he is certainly in favor of that instead. Councilmember Macalik expressed a desire to include local business representatives in the process as well, in addition to residents. Mr. Hesser shared that citizen and business input would be sought for both the selection of a consultant and for the study itself. Councilmember Daniels shared that "pickle ball" playing and courts is an 'up and coming' sport, so he definitely sees the logic for including "court played sports" as part of the study as well.

Following additional, brief comments, Council took no formal action pertaining to this agenda item. Mr. Hesser indicated that staff has received enough direction to move forward at this point.

6. Discuss and consider the 2018 Bond Election public information brochure and take any action necessary.

Joey Boyd, Director of Internal Operations, briefed the Council on the draft brochure. Councilmember Townsend expressed some concern about the paragraph pertaining to financially absorbing some of the costs. He generally feels that the paragraph should more aptly explain to voters that if the debt is not able to be absorbed, then it may result in a tax rate increase. Both the city manager and the city attorney spoke in response to Townsend's comments. In general, both gentlemen cautioned the Council that including certain language in this informational material could be called into question and legally challenged in the future. It is okay for the brochure to indicate that the Council's intent in issuing the debt will be that the costs of paying back the debt will be absorbed (instead of a tax rate increase taking place). Caution was given by the city attorney that the Council that is currently "seated" in office is

not able to "bind" or "tie" future city councils. Councilmember Townsend expressed a concern that the paragraph currently in question on the draft brochure may in fact "bind" a future council's decision making ability. Mayor Pro Tem Hohenshelt explained various options that future Council would have at their disposal for debt retirement and issuance concerning future road improvement projects (generally seeming to express disagreement with Townsend's expressed concerns). Lengthy discussion ensued pertaining to the language reflected in certain areas of the draft brochure.

Councilmember Daniels then moved to accept the draft brochure and associated language "as is." Mayor Pruitt seconded the motion, which passed by a vote of 6 in favor with 1 against (Lewis).

7. Discuss and consider filling vacancies on the following city boards: Main Street Advisory Board and Architectural Review Board.

Councilmember Macalik moved to appoint Priscylla Bento to fill the vacancy on the Main Street Advisory Board (a partial term appointment thru January of 2019). Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays. Ms. Bento will be replacing former member, Becky Airheart.

Councilmember Macalik moved to appoint Robert Miller to fill the vacancy on the city's Architectural Review Board (a partial term that will run through August of 2019). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays. Mr. Miller will be replacing former member, Dennis Dayman.

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

1. Departmental Reports
   Building Inspections Monthly Report - February 2018
   Fire Dept / Fire Marshall Monthly Report - February 2018
   GIS Division Monthly Report - February 2018
   Harbor PD Monthly Report - February 2018
   Internal Operations Department Monthly Report - February 2018
   Parks & Recreation Monthly Report - February 2018
   Police Department Monthly Report - February 2018
   Ralph M Hall / Rockwall Municipal Airport Asphalt and Drainage Improvement Project Update
   Rockwall Animal Adoption Center Monthly Report - February 2018
   STAR Transit Monthly Report - February 2018
   STAR Transit Quarterly Report
2. City Manager's Report

Mayor Pruitt announced the countywide mayor's prayer breakfast on the morning of Thurs., May 3rd at 7:30 a.m. at The Center, which falls on the National Day of Prayer.

Mr. Crowley offered to answer any questions that Council may have concerning monthly staff reports. There being no questions, Mayor Pruitt reminded citizens that a city council election is slated for May 5. He announced that Councilmember Hohenshelt does not have an opponent, and Councilmember Townsend and Councilmember Lewis are "terming out." He shared hat candidate forums will be held on Wednesday, April 11 at 6:00 p.m. so that citizens may watch it live on the internet, attend in person, or watch it afterwards before casting their vote(s).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (personnel matters)
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

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

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:25 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th DAY OF APRIL, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, April 16, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt, and Council Members Dana Macalik, Mike Townsend, Kevin Fowler, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager Mary Smith and City Attorney Frank Garza.

II. EXECUTIVE SESSION.

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

1. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (personnel matters) and possible removal of board member(s) – pursuant to Section 551.071 (Consultation with Attorney).
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned Executive Session at 5:52 p.m.

IV. RECONVENE PUBLIC MEETING

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to approve all right-of-way acquisition and temporary construction easements for County Line Road per the cost identified in Attachment "A" that Council reviewed in Executive Session. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Hohenshelt moved to approve a 2.8% pay raise and total compensation for the City Manager, effective immediately. Councilmember Lewis seconded the motion, which passed unanimously (7 ayes to 0 nays).

VI. Invocation and Pledge of Allegiance – Councilmember Macalik

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

VII. Proclamations / Awards

1. Motorcycle Safety and Awareness Month

Mayor Pruitt called forth guests who were in attendance for this proclamation. He urged drivers to be cognizant of motorcyclists driving on roadways and practice driving habits that will ensure the safety of motorcyclists. He then read and presented the proclamation for "Motorcycle Safety and Awareness Month." A representative of the guests who were present to receive the proclamation thanked the community for welcoming their promotion of "safety and awareness." She went on to share a few safety tips concerning lane changes, left turns and loud pipes (which, she pointed out are used by motorcyclist as a safety precaution).

2. Public Safety Telecommunications Week

Mayor Pruitt called forth Police Chief Kirk Riggs. Chief Riggs then introduced (dispatch) Supervisor Christina Williams, Supervisor Travis Lites, and dispatcher Chris Minkler. Mayor Pruitt then read and presented staff with a proclamation recognizing "Public Safety Telecommunications Week" and thanking them for all that they do to help keep our residents and community safe. Chief Riggs shared that our city dispatchers not only dispatch for Rockwall Police and Fire, but they also dispatch for Fate DPS and Heath DPS. Following a short video that was shared, Mayor Pruitt and Chief Riggs thanked the dispatch staff for all that they do.

3. National Day of Prayer

Mayor Pruitt shared that each year, all of the mayors within Rockwall County host a mayors' prayer breakfast. This year it will be held the morning of May 3rd at The Center. In addition, a prayer meeting will be held that same day at The Center at 11:30 a.m. He then read the proclamation, highlighting this year's theme, which is "Unity."

VIII. Open Forum

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

Melba Jeffus
1903 South FM 549
Rockwall, TX 75032

Mrs. Jeffus came forth and indicated that she spent the weekend reading the informational packet for today's council meeting. She shared that she read all of the information within the packet pertaining to the Rockwall Central Appraisal District's (RCAD's) request to expand its building. She strongly urged the Rockwall City Council to not approve the RCAD's request, especially after the appraisal district recently sent out very high tax appraisal assessments.

There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed Open Forum. He then briefly recognized and thanked two Boy Scouts who were in attendance at the meeting.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 19, 2018 and the April 2, 2019 regular City Council meetings, and take any action necessary
2. Consider authorizing the City Manager to execute a ground lease agreement between City of Rockwall and the Cain Revocable Family Trust for a parking lot located near the intersection of N. Fannin and E. Rusk Street, and take any action necessary.
3. Consider a resolution denying approval of a Distribution Cost Recover Factor to increase distribution rates filed by Oncor Electric Delivery, approving cooperation with the Steering Committee of Cities served by Oncor to evaluate the filing, to negotiate with Oncor on the City's behalf, and take any action necessary.
4. Consider awarding a bid to Buyers Barricades Inc. and authorizing the City Manager to execute a Purchase Order for two new Mobile Message Boards in the amount of $31,317.40 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.
5. **P2018-007** - Consider a request by Johnathan Fitzgerald of Binkley & Barfield, Inc. for the approval of a final plat for Park Place West, Phase III containing 82 single-family residential lots on a 25.291-acre tract of land being identified as Tracts 55-1 & 55-2 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 59 (PD-59) for Single Family 7 (SF-7) District land uses, generally located at the terminus of Park Place Boulevard, and take any action necessary.
6. Consider approval of a Facilities Agreement with Billy Self on behalf of Pro-Soap of Rockwall to grant a variance regarding the storm water detention improvements and allowing the property owner a three (3) year period to build the required detention pond, and take any action necessary.

Mayor Pro Tem Hohenshelt pulled item #6 for further discussion, and Mayor Pruitt pulled item #4 for further discussion. Councilmember Lewis then moved to approve the remaining Consent Agenda items (#1, 2, 3, and 5). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding item #4, Mayor Pruitt shared that he has received some citizen feedback, in general, from people wondering why we are purchasing these mobile message boards. City Engineer Amy Williams clarified the various circumstances and events for which these mobile message boards are utilized. She shared that these newly purchased signs will replace ten year old signs that have technology that is now obsolete and/or have parts that are old and are not able to be replaced (i.e. light bulbs that are no longer available on the market). Police Chief Kirk Riggs shared that these signs are also utilized by the city's police department as part of its "holiday crime initiative." It was pointed out that these signs were included and approved in the fiscal year budget, and at that time, the existing signs were nine years old; however, now they are ten years old. Following lengthy comments, Mayor Pruitt then moved to approve

Consent Agenda item #4. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding Consent Agenda item #6, Mayor Pro Tem Hohenshelt moved to approve the Facilities Agreement with certain revisions being reflected within Section 2. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENTS

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

Johnny Lyons, Chair of the Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Council pertaining to planning-related items on tonight's city council meeting agenda. The Council took no action as a result of Mr. Lyons' briefing.

XI. PUBLIC HEARING ITEMS

1. **Z2018-013** - Hold a public hearing to discuss and consider a request by John Arnold of the Skorburg Company on behalf of BH Balance 405, LTD for the approval of an **ordinance** amending Planned Development District 74 (PD-74) [Ordinance No. 17-60] to amend the concept plan and for the purpose of incorporating changes to the lot composition and land uses stipulated by the development standards and concept plan contained in Exhibits 'B' & 'C' of Ordinance No. 17-60 for a 405.184-acre tract of land identified as the Breezy Hill Subdivision and situated within the J. Strickland Survey, Abstract No. 187, the T. R. Bailey Survey, Abstract No. 30, and the J. Simmons Survey, Abstract No. 190, Rockwall, Rockwall County, Texas, generally located north of FM-552 and west of Breezy Hill Road, and take any action necessary **(1st Reading).**

Mayor Pruitt made a motion to table this item until the city receives its own survey back concerning Breezy Hill Road. Councilmember Lewis seconded the motion. Staff then clarified that this item is a public hearing case. Pruitt and Lewis then withdrew their motions. Planning Director Ryan Miller then briefed the Council on this agenda item. Currently, Planned Development District 74 (PD-74) [*Ordinance No. 17-60*] allows the applicant to construct 40, 60' x 120' [i.e. Type '*E*'] lots. The applicant is requesting to increase this to 84, 60' x 120' lots for the purpose of adding 44 lots and decreasing the commercial tract from 19.4- acres to 8.99-acres. These changes will increase the overall lot count from 750 lots to 794 lots, increasing the overall density of the development from ~1.85-units/acre to ~1.95-units/acre. Additionally, Type '*E*' lots allow for a maximum of 50% flat-front entry garages. The proposed changes will increase the maximum number of allowable flat-front entry garages for Type '*E*' lots from 20 lots to 42 [*i.e. 22 additional allowable flat-front entry*] lots. Five hundred thirty-nine (539) notice were mailed out to adjacent property owners and residents located within 500' of the subject property. In addition, the Breezy Hill HOA was also notified. Staff has received five notices and 7 emails in opposition of the request and one notice and 4 emails in favor of the request.

Adam Buczek
8214 Westchester Drive. Suite 710
Dallas, TX 75225

Mr. Buczek came forth and provided a presentation to Council concerning Skorburg Company's current request. He generally explained that retail and commercial 'box stores' are closing more and more locations, and many notable retailers are filing bankruptcy; therefore,

there is not a large market for these types of businesses. More and more retailers are moving to online sales instead.

Councilmember Lewis pointed out that five months ago (in November 2017), Mr. Buczek indicated that 20 acres was the lowest that the retail area could go. He expressed strong concern for what previously occurred, sharing that if Mr. Buczek had not previously answered the way that he answered questions back then, Councilmember Lewis would not have voted in favor of that previous request. Mr. Buczek attempted to clarify the discussions that occurred when he previously came before the Council, sharing that the demand for the sale of retail space simply does not exist.

Councilmember Macalik shared that she echoes Councilmember Lewis' concerns. She agrees that businesses like Toys 'R Us would not be viable in a location like this; however, she strongly believes that there is demand for retail space for smaller, independent retailers. Mr. Buczek shared that the company has had this property on the market for six or seven years at this point, and it has been reasonably priced; however, there have been no buyers.

Councilmember Fowler shared concerns that neighbors are "at odds" with one another because some of the residents who live there are in favor of lowering the retail space, and some of the residents are in opposition of it. Mr. Buczek again reiterated that the demand for retail space is simply not there. Councilmember Fowler expressed strong concern about Skorburg Company repeatedly coming forth to change what this development will look like. He believes that residents who have purchased homes in the neighborhood cannot trust what they are buying because the developer keeps on changing it. Mr. Buczek shared that he does not believe that anyone wants to see and look at failed retail space.

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

Erin Neill
3410 Ridgecross Drive
Rockwall, TX 75087

Ms. Neill came forth and shared that she and her husband recently purchased a home that actually backs up to this proposed retail area. She went on to provide some clarification and observations pertaining to opposition that has been expressed by some who responded to the public notices. She generally expressed support for approval of this request.

Ronda Gunther
985 Lazy Brook Drive
Rockwall, TX 75087

Mrs. Gunther shared that she and her husband are relatively new to Rockwall. They are in favor of limiting some of the retail area because they feel that, at this point, they have plenty of services available to service their area. However, they would like to see some nice restaurants perhaps come in.

Jessie Wilkins
1218 Marilyn Jane Lane

Mr. Wilkins generally expressed the belief that perhaps the developer is going on "hypotheticals" pertaining to the possibility of small retailers having an interest in this retail

space, should it be built. He believes that more research and information is needed before making a decision.

Kristin Bota
840 Lazy Brooke Drive
Rockwall, TX

Mrs. Bota came forth and shared that she and her husband are generally in favor of Skorburg's request this evening.

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

Patrick Trowbridge
601 Parks Avenue
Rockwall, TX

Mr. Trowbridge shared that he is on the city's Planning & Zoning Commission, and he voted against recommending approval of this request. Mr. Trowbridge clarified that a lot of small businesses – nail salons, donut shops, etc. – do very well in retail areas that are located by neighborhoods. They provide services and goods that are not impacted by "Amazon" type sales. As such, he explained that he voted against this request because he believes the retail area could be occupied by smaller businesses.

Mayor Pruitt shared that this piece of property has come before the Council more times than any other property during his tenure on Council. He expressed general concern about this potentially resulting in strip shopping centers that are not desirable and/or do not result in the types of businesses that would be viable for this area (i.e. a veterinarian clinic). He generally expressed that he does not have a problem with allowing Skorburg to reduce the amount of retail space.

Mr. Buczek shared that, for the record, he will not be coming forth again in the future to request a reduction in the retail area (again).

Councilmember Townsend generally expressed concern about Skorburg perhaps not using a different, perhaps better, strategy to market to and secure retailers for this area (i.e. perhaps four smaller retailers instead of one, larger retail buyer).

Councilmember Daniels expressed that he does not agree with the gentlemen in the video clip that Mr. Buczek shared in that he believes that "nothing is a 'forever thing.'" He believes that, in general, citizens in Rockwall do not want increased density. He shared that he has no confidence at all when Mr. Buczek says that he will never ever come back again and request additional, residential lots.

Mayor Pro Tem Hohenshelt echoed the sentiments of Councilmember Fowler, Daniels and Lewis. Councilmember Townsend generally expressed that he wishes that four or five smaller retailers could be located to occupy the space. So, he is overall not crazy about approving this request tonight. Councilmember Fowler shared that he is not necessarily opposed to reducing the retail space. More than anything, he is more aggrivated that the Council is repeatedly being asked to deal with this.

Mayor Pruitt moved to approve Z2018-013. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74) [*ORDINANCE NO. 16-59*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT PLAN AND THE DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO. 16-59, BEING A 405.184-ACRE TRACT OF LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY, ABSTRACT NO. 190, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 2 ayes with 5 nays (Macalik, Townsend, Hohenshelt, Daniels and Lewis).

2. **Z2018-016** - Hold a public hearing to discuss and consider a request by Clark Staggs on behalf of Vinod Miranda for the approval of an **ordinance** for a zoning change from a Commercial (C) District to a Planned Development District for an age-restricted multi-family apartment complex and limited Commercial (C) District land uses on a on 9.70-acre tract of land identified as Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. On April 11, 2018, the applicant, Clark Staggs requested to withdraw Case No. Z2018-016. According Section 5, Application Withdrawal, of the Article II, Authority and Administrative Procedures, of the Unified Development Code (UDC), any case that has been published in the paper and notifications of a public hearing sent out must be placed on the public hearing agenda and acted upon by the applicable body. Should the City Council have any questions staff will be available at the meeting. Mayor Pruitt generally announced that the case has been withdrawn and moved on to the next agenda item.

3. **Z2018-017** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail, single-family and townhome land uses on a 63.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading).**

Pat Atkins came forth and provided a very lengthy presentation to Council concerning this agenda item / request.

CITY OF ROCKWALL

ORDINANCE NO. 18-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG), COMMERCIAL (C) AND HEAVY COMMERCIAL (HC) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT FOR GENERAL RETAIL (GR), TWO FAMILY (2F) AND SINGLE FAMILY 7 (SF-7) DISTRICT LAND USES ON THE *SUBJECT PROPERTY*, BEING A 63.72-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE W. H. BARNES SURVEY, ABSTRACT NO. 26, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Pruitt opened the public hearing, asking if anyone would like to address this item.

David Schoen
2844 Deer Ridge Drive
Rockwall, TX

Mr. Schoen came forth and expressed concerns about the traffic and the related traffic study. He also has concerns about where children living in this proposed development would attend school.

Mrs. Melba Jeffus
1903 South FM 549
Rockwall, TX 75032

Mrs. Jeffus came forth and generally expressed that she and her husband love Rockwall, and they live on nearly five acres in their dream home. She has attended many Planning & Zoning Commission and City Council meetings, and she has heard a lot of passionate dedication to "no multifamily" housing developments. She pointed out that even though these are townhomes, they are still "multifamily," so she is passionately opposed to the Council approving this request.

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

Mayor Pruitt moved to deny this request with prejudice. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **Z2018-014** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** for a text amendment to various sections of Article V, District Development Standards, of the Unified

Development Code [Ordinance No. 04-38] for the purpose of amending the variance process relating to signage for properties in an overlay district, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The Planning & Zoning Commission voted 5-0 to recommend approval of this request to the City Council. Proper notices, in accordance with state law, were given. Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2018-014. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 6, *OVERLAY DISTRICTS*, OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2018-015** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** for a text amendment to various sections of Article II, Authority and Administrative Procedures, of the Unified Development Code [Ordinance No. 04-38] for the purpose of clarifying the reapplication procedures for applications that have been denied by the City Council, and take any action necessary **(1st Reading).**

Mr. Miller provided brief background information pertaining to this agenda item. Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2018-015. Councilmember Townsend seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

6. **MIS2018-006** - Hold a public hearing to discuss and consider a City initiated request to amend the Comprehensive Plan by approving an **ordinance** changing to the Master Thoroughfare Plan Map contained within the Transportation section of the plan for the purpose of [1] reclassifying Horizon Road [FM-3097] from a M4U (minor arterial, four [4] lane, undivided roadway) to a TXDOT4D (TXDOT, four [4] lane, roadway) and [2] realigning Breezy Hill Road to reflect existing public right-of-way, and take any action necessary **(1st Reading).**

Councilmember Fowler moved to table this item until the city receives the traffic study back. Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pruitt called for a brief break and recessed the public meeting at 8:00 p.m. He then reconvened the meeting at 8:10 p.m.

XII. ACTION ITEMS

1. Discuss and consider approval of a resolution pertaining to the Rockwall Central Appraisal District's request to build an additional building adjacent to the existing building (located at 841 Justin Road), and take any action necessary.

Mayor Pro Tem Hohenshelt shared that the RCAD Board of Directors voted on Saturday to "pull" the resolution pertaining to the building expansion. He pointed out that the issue will likely be brought up again in about four months. Council took no action concerning this agenda item.

2. **P2018-001** - Discuss and consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Phase 8, LLC for the approval of a preliminary plat for Breezy Hill, Phase VIII containing 72 single-family residential lots on 30.785-acres of land identified as Tract 7 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located along the eastern side of Breezy Hill Lane, and take any action necessary.

Mayor Pruitt moved to table this item until the survey comes back in. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **SP2018-003** - Discuss and consider a request by Todd Winters, P.E. of Engineering Concepts and Design, L.P. for the approval of a variance in conjunction with an approved plan for a retail center on a 2.113-acre tract of land identified as Lot 6, Block A, Maverick Ranch Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located at the northwest corner of the intersection of Ranch Trail Road and Horizon Road [FM-3097], and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item. There is an existing shopping center on half the property. The Planning & Zoning Commission recently approved an approximately 11k square foot shopping center adjacent to this one. As part of that request, there was a variance to the 10' landscape buffer to allow for twelve parking spaces to encroach into the landscape buffer, which will match the existing shopping center.

Bill Thomas

Engineering Concepts and Design
201 Windco Circle
Wylie, TX

Mr. Thomas shared that he is speaking on behalf of Todd Winters. He explained that this site plan was previously approved back in February with the condition of an additional 10' right-of-way because of the plan change to Horizon (change from being an undivided to a divided TXDOT roadway). In order to accomplish this, the right-of-way acquisition will encroach on the 10' landscape buffer, and that would in turn cause problems with the required parking. So, he respectfully requested approval of this request.

Councilmember Lewis moved to approve SP2018-003. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **SP2018-007** - Discuss and consider a request by Worth Williams of Moore Worth Investment, LLC for the approval of variances in conjunction with an approved site plan for a restaurant with drive-through facilities on a 0.81-acre parcel of land identified as Lot 3, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1945 N. Goliad Street, and take any action necessary.

Mr. Miller, Planning Director, provided brief background information pertaining to this agenda item. This property is located right across from the existing Kroger grocery store. The applicant is seeking variances associated with the roof pitch and with the city's stone requirements. Essentially they would like to utilize a flat roof and cultured (instead of natural) stone. They will meet the city's 20% stone requirement on all four sides of the building, however, if approved, it will be cultured stone.

Worth Williams of Moore Worth Investment, LLC
7700 Eastern Avenue
Dallas, TX

Mr. Williams came forth and shared that he is happy to answer any questions the Council may have concerning this matter. There being no questions, Councilmember Townsend moved to approve all variances associated with SP2018-007. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider potential locations for gateway monument signage along SH-66, and take any action necessary.

Staff generally asked if Council is in favor of evaluating some alternative locations (off of the 7-11 convenience store site) for the monument sign to be placed. Mr. Crowley pointed out that the alternate locations would be in public right-of-way. Council members generally expressed that they are in favor of staff moving forward with exploring "Option 2" as depicted in their meeting packet. However, no formal action was taken by Council concerning this agenda item at this time.

6. Discuss and consider a report from the Airport Subcommittee related to the Texas Aviation Conference and discuss potential future airport planning efforts, and take any necessary action.

Director of Internal Operations, Joey Boyd, shared that the Airport Subcommittee and he attended the statewide aviation conference in March. They learned that the President recently

set aside about $1 billion in discretionary grant funding to target small and rural airports. However, it is not yet clear how / where that money might be spent. So, members of the subcommittee would like to evaluate future planning efforts as well as, potentially, a regional approach. Mayor Pruitt agreed that the Council should at least have the conversations about a regional airport, perhaps around Caddo Mills. He expressed a desire to further discuss this topic with the Airport Subcommittee members. Council took no action pertaining to this agenda item.

7. Discuss and consider board member appointments on the city's Park Board, and take any action necessary.

Councilmember Townsend expressed that our city charter has a provision that pertains to a board member being replaced if he or she miss three or more meetings. Therefore, he would like to make a motion to replace Jeremy Standifer and Wayne Larson with new board members Kevin Johnson and Brandon Morris to finish out Mr. Standifer and Mr. Larson's term (thru August of 2018) as a result of absences. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Townsend then moved to allow the two, newly appointed board members – Kevin Johnson and Brandon Morris – to thereafter serve an additional, two-year term on the Park Board after they finish out the existing term (so, a full term that will expire in August of 2020). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIII. EXECUTIVE SESSION

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

1. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (personnel matters) and possible removal of board member(s) – pursuant to Section 551.071 (Consultation with Attorney).
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

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

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

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:25 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 7th DAY OF MAY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 07, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss the S. Lakeshore Dr./Summit Ridge Drive Reconstruction project 100% construction plans for the Pavement (Street, Sidewalks and Driveways) Improvements.

City Engineer, Amy Williams, briefed the City Council on current construction plans associated with this reconstruction improvement project. Following the work session, no action was taken by Council.

Mayor Pruitt then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:19 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding an application to establish a MUD (municipal utility district) pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding proposed agreement pertaining to Rockwall Convention & Visitor's Bureau pursuant to Section 551.071 (Consultation with Attorney)
4. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
5. Discussion regarding purchase, acquisition, or lease of real property in the vicinity of County Line Rd. and the municipal airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) and the Board of Adjustments - pursuant to Section 551.074 (personnel matters) and possible removal of board member(s) – pursuant to Section 551.071 (Consultation with Attorney)

7. Discussion regarding potential employee claim pursuant to Section 551.071 (Consultation with Attorney).

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

IV. ADJOURN EXECUTIVE SESSION

Council adjourned Executive Session at 5:30 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt made a motion to reappoint Larry Parks to serve on the North Texas Municipal Water District Board (for an additional two-year term, ending on May 31, 2020). Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Hohenshelt made a motion to appoint the following to serve as 'alternates' on the city's Board of Adjustments: Stuart Smith and Shannon Bennett. (Smith's term to expire in August of 2020 and Bennett's to expire in August of 2019). 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. Police Memorial Week

Mayor Pruitt called forth Police Chief Kirk Riggs and Police Lieutenant Andy Villarreal. He read and presented them with a proclamation in observance of Police Memorial Week and in honor of those officers who have lost their lives in the line of duty.

2. Recognition of Youth Advisory Council's (YAC) graduating high school seniors

Mayor Pruitt called forth City Secretary Kristy Cole and Councilmember Kevin Fowler. Mrs. Cole briefly described the purpose of the city's YAC program – to teach high school students about municipal government and to help them develop their leadership skills. They then called forth and recognized five high school seniors who serve on the YAC and will soon be graduating (Aidan Culp, Molly Kate Evans, Thomas Milder, Bethany Villalobos, and Jonathan Naylor). Mayor Pruitt, Councilmember Fowler, and Mrs. Cole wished each of these students the very best of luck.

3. Recognition of outgoing city council members, Mike Townsend and Dennis Lewis

Mayor Pruitt called forth Mike Townsend and Dennis Lewis to be recognized for their service on the city council. He presented them with a small gift, explaining that each of them has 'termed out.' So, this is the last city council meeting during which they will serve. Each of the other city council members and the mayor took time to individually speak to acknowledge and thank Councilmember Townsend and Councilmember Lewis for their service on the city council and to the citizens of Rockwall.

IX. OPEN FORUM

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

William Hyde with the Hyde (Law) Firm
(on behalf of Cory Knowlton, who he said is out of the country but lives at 1460 Anna Cade Road)
Mr. Hyde spoke about the right-of-way and realignment associated with Breezy Hill (roadway). He explained that this road was dedicated back in the 1930s, and the Knowlton family has owned the property located on the southern boundary for quite some time. He shared how several property owners have dedicated right-of-way over the years so that Breezy Hill could be utilized as a public road and widened and so it could be expanded all the way up to Collin County. He stressed that Breezy Hill is not a private road, but, rather, it is a public roadway. He encouraged the right-of-way to be measured from fence line to fence line for the prescriptive easement. He does not want the roadway to be privatized.

Larry Knowlton
324 Myers Road
Heath, TX

Mr. Knowlton came forth and shared that he is here to speak on behalf of his son, Corey, and his wife, Amber, who live at 1460 Anna Cade Road., which is the oldest rock-built house. He explained that the rock house is built from the historic rock wall, for which Rockwall is named, and that same rock was utilized on the downtown historic courthouse as well. Mr. Knowlton read something that he indicated was written by a Mr. P.L. Kennedy back on February 5, 1930. The statement that was read indicated that Mr. Kennedy dedicated some land for the purpose of a county road being constructed for use by the public. In 1998, Mr. Riggs, conveyed property that was to be utilized to compliment and expand the existing right-of-way. He went on to explain that Corey, Amber and he would all like to see this roadway be kept "public."

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

Mayor Pruitt then reordered the city council agenda to address Appointment Item #1 with the city's Youth Advisory Council (YAC) next.

X. CONSENT AGENDA

1. Consider approval of the minutes from the April 16, 2018 regular city council meeting, and take any action necessary

2. **Z2018-014** - Consider a City initiated zoning request for the approval of an **ordinance** for a text amendment to various sections of Article V, District Development Standards, of the Unified Development Code [Ordinance No. 04-38] for the purpose of amending the variance process relating to signage for properties in an overlay district, and take any action necessary **(2nd Reading).**

3. **Z2018-015** - Consider a City initiated zoning request for the approval of an **ordinance** for a text amendment to various sections of Article II, Authority and Administrative Procedures, of the Unified Development Code [Ordinance No. 04-38] for the purpose of clarifying the reapplication procedures for applications that have been denied by the City Council, and take any action necessary **(2nd Reading).**

4. Consider approval of a Facilities Agreement with Somerset Park Development, LLC and Arcadia Realty Corp. for the reimbursement of the on-site oversized gravity sanitary sewer system expenses associated with the development, and take any action necessary.

5. P2018-009 - Consider a request by Mitchell Lenamond, PE on behalf of Eric L. Davis Engineering, Inc. for the approval of a replat for Lot 7, Block A, Bodin Industrial Addition being a 2.029-acre parcel of land identified as Lot 1B, Block A, Bodin Industrial Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 2040 Kristy Lane, and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 18-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 6, *OVERLAY DISTRICTS*, OF ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00)

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

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

XI. APPOINTMENTS

1. Appointment with members of the city's Youth Advisory Council (YAC) to hear year-end program report, and take any action necessary.

YAC members Bethany Villalobos, Mary Claire Weible, Parker Yarbrough and Aidan Culp came forth and briefed the City Council on various activities in which the YAC participated over the course of the school year. The Council took no action as a result of the YAC members' presentation.

Mayor Pruitt again reordered the agenda to address Appointment Item #4 next.

2. Appointment with Greta Mittman of WRS Marine LLC to request that Council authorize the City Manager to execute a franchise agreement with the City to operate The Harbor Lights passenger boat from The Harbor boat docks, and take any action necessary.

Mr. Mittman came forth to address the Council on behalf of his wife, Greta, who is out captaining a boat right now. He is here to answer any questions the Council may have. Mayor Pruitt asked if he and his wife are willing to work with city staff to come up with a plan to improve the existing boat dock and cause his boat dock to eventually match the city's boat docks (that are currently being improved). Mayor Pruitt would like to see this improvement take place within the next two years; however, he would also like to see some painting or other, more minor improvements, made in the immediate future. Mr. Mittman agreed to make some improvements; however, he does want to further evaluate making his dock look like the pilings on the city's dock. Discussion also took place regarding Mr. and Mrs. Greta working to improve the existing lighting. City Attorney, Frank Garza, proposed and verbalized slight modification to some of the language within the proposed contract (to stipulate that if the company's insurance lapses, then the contract would be temporarily suspended until the insurance is reinstated and to stipulate that the City will have the right to audit the company's books). Brief comments were made pertaining to keeping the business and concession-related revenue solely in Rockwall. Councilmember Townsend then suggested that certain language in Section 5 of the agreement (regarding proposed changes to the dock needing to be "reviewed" by the City Engineer) also be amended. Indication was given that the language will be modified to state that any changes have to be reviewed and approved by the City Engineer.

Mayor Pro Tem Hohenshelt moved to authorize the city manager to execute the franchise agreement, as amended by the city attorney. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Appointment with Scott Self of Tow Boats Lake Ray Hubbard to request that Council authorize the City Manager to execute a franchise agreement with the City to operate tow boats from Chandlers Landing Marina, and take any action necessary.

Eric Oistad came forth and shared that he is Mr. Self's business partner, and he is coming forth to speak on behalf of this proposed boat operation. He would like to pay franchise fees and formalize its relationship with the city. The primary intention of the company will be to professionally operate tow boats on Lake Ray Hubbard. All boat operators will have a U.S. Coast Guard Captains License. They will be affiliated with a company called "Boat US," which is much like "AAA" in the way they operate. If you are a member, your towing is covered. However, if not, you will pay a different rate. It was clarified that this is a non-exclusive franchise agreement. Councilmember Townsend moved to authorize the city manager to authorize a franchise agreement for this tow boat operation. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Appointment with Mrs. Colleen Vick to hear concerns related to the Summit Ridge/Lakeshore reconstruction project, and take any action necessary.

Mayor Pruitt explained that he lives on Lakeshore. So, as a result, he would like to recuse himself from this agenda item. He asked Mayor Pro Tem Hohenshelt to chair the meeting for the duration of this agenda item.

City Engineer, Amy Williams, came forth and provided a presentation to the Council and guests. Ms. Williams explained the past history associated with this project as well as its current status and the plans for the project moving forward. She shared that the schematic design and development of this reconstruction project started in October of 2015. Three public meetings were held from December of 2015 thru December of 2017. The approval of the schematics occurred by City Council in October of 2017. A couple of weeks ago, the City received the 100% construction plans related to the pavement and utilities. The plans associated with the drainage are at about 90% at this point. Franchise should start in the summer of 2018 and end in the fall. The bid date is the summer of 2018 with construction starting sometime in the fall or winter. She indicated that some residents have asked for construction to perhaps be moved to January of 2019 in order to account for the Thanksgiving and Christmas holidays. The approximate timing for completion of the project would be about 18 months to 2 years. The proposed plans call for two 11' lanes, staggered parallel parking stall, small traffic circles, 5'-6' sidewalks, water and sewer line replacements as well as storm water replacement to help with flooding and drainage problems. There will also be some alleyway reconstruction to help with drainage issues. In October of 2015, a public survey went out thru e-mail to 93 residents whose property abuts the actual right-of-way. Of those, 34 responses (about 36%) to the survey were received back. About 64.7% of the respondents expressed that they were in favor of sidewalks, and 79% were in favor of calming / slowing the traffic. In December of 2015, a public meeting was held with the adjacent property owners to go over the results of the survey and to gather additional comment cards. Staff did receive some additional comment cards; however, with the exception of one new person (who was in favor of adding sidewalks), the feedback given was repetitive of feedback already received from residents who originally filled out and submitted the survey. In July of 2016, the entire neighborhood was invited to come and provide feedback / comment cards to staff. Out of the 16 comment cards received, 9 were in favor of sidewalks, and 4 were not in favor of sidewalks. In October of 2017, Council approved the schematics and design, which takes the engineers a while. On December 1, 2017, Councilmember Townsend held an additional neighborhood public meeting at which the schematics and survey results were shared. Now, staff has received the 100% engineer design plans. Mrs. Williams went on to share visual representations and verbal descriptions regarding

what the roadway realignment and reconstruction will look like and be like. She explained that four lots contain trees that will be affected; however, the roadway realignment has been designed such that, as much as possible, it will not impact existing landscaping and trees. She explained that existing irrigation systems will be moved out of the way of the construction; however, each one of these will be replaced and repaired, as necessary, after construction. Mailboxes will be removed and re-located. If any mailboxes are damaged, they will be replaced with (as close as possible) the same style, material and type. The reconstruction of driveways and leadwalks will also take place (on about 58 properties). Four properties have trees that will be impacted – one property contains 1 crape myrtle; one property contains a crape myrtle; one property contains a crape myrtle and a shrub; and the fourth property contains five crape myrtles and one magnolia tree. All of these trees/shrubs are located atop the city's existing utility lines.

Mayor Pro Tem Hohenshelt called forth the first speaker.

Colleen Vick
314 Summit Ridge
Rockwall, TX

Ms. Vick thanked the Council for allowing residents to express their concern about this reconstruction project. She explained that she has worked together with some of her neighbors, including attending meetings, attempting to work with city staff and conducting a neighborhood survey. In February of 2018, forty-nine residents along Summit Ridge received a mailing that showed the proposed narrowing of the street and sidewalks. A stamped, return postcard was included, and 32 residents responded. Of those who responded, 30 expressed opposition to having sidewalks. In addition, in the past week, she and others have gone door-to-door and have acquired over fifty-seven signatures on a petition that expresses a desire for replacement of the infrastructure and replacement of the street as it is now, with no narrowing of the streets and no sidewalks. Based on the results of both the letter and the petition, she expressed a desire to have additional opportunities to work with staff, council and the residents on the proposed reconstruction.

Luther Howard
309 Summit Ridge Drive

Mr. Howard came forth and shared that he has not experienced any safety issues since he moved into his home. He seemed to indicate the belief that installation of sidewalks would invite additional pedestrians into the neighborhood, and doing so could result in safety problems. So, he would like to see the roadway and its current conditions stay the same.

James Fain
312 Summit Ridge

Mr. Fain came forth and shared that excessive water fills the street and rushes down the road during heavy rains, which is concerning. He expressed that drainage is a concern, and mailboxes occasionally get taken out by drivers who come up on the curb. He also has concerns about the narrowing of the street. He is not aware of any major accidents that have occurred along the roadway. He expressed that sidewalks are not wanted by him and many of his other neighbors.

Sid Murphy
602 Stonebridge Drive

Mr. Murphy shared that he lives on the northwest corner of Stonebridge and Lakeshore. He is anxious to get this project done. He acknowledged the importance of getting the project done and getting it done right. He went on to express that he does not believe sidewalks are needed. He does not believe they would improve the safety or the aesthetics. He is concerned about the future maintenance of sidewalks, over time, if they are installed. He believes that many sidewalks throughout the city are currently in disrepair, and when they buckle, they do pose safety concerns. He also does not believe that parallel parking niches are needed either. He commented the curb in front of his home is broken and has yet to be repaired. Also, there has been a lot of asphalt poured over pot holes; however, no new paving has occurred. Mr. Murphy generally urged the city to get this project done and get it done "in the right way."

James Daffron
316 Summit Ridge

Mr. Daffron shared that he lives in the home that has the most trees that will be impacted by the reconstruction. He has lived on Summit Ridge for many years (since the 1970s). He explained that he is very familiar with the road, and it is very steep. He has asked staff and the mayor pro tem about the costs associated with replacing the mailboxes and redoing the circular drives and curbs, etc.; however, he has not received a specific answer to the question. It is his understanding that money to redo the mailboxes and driveways has already been allocated; however, he pointed out that – just because it has been allocated – it does not mean it has to be spent. He shared that he, and many other residents in the area ('the vast majority'), are not in favor of the installation of sidewalks.

James Jack
308 Summit Ridge Drive

Mr. Jack introduced himself and shared his credentials, indicating that he moved to this location four years ago. He travels extensively as part of his job. He urged the Council to not move forward with this project. Instead, he would like further conversations to occur regarding the proposed reconstruction project. He expressed concerns about the possibility of emergency vehicles not being able to navigate the roadways, pointing out that doing so while a moving truck is present would likely pose a real problem.

Tom Walker
902 Lake Meadows Drive

Mr. Walker shared that he is "on the fence" about having sidewalks or not. However, he is concerned about the parking on S. Lakeshore – the overflow parking from the adjacent ASI Gymnastics building, which he said varies between 12-25 cars. He is in favor of these cars being off of Lakeshore, but he is not sure where they would go instead. He generally has concern about the safety aspect of some parents walking their kids down the middle of the street when going to / from the gymnastics business.

William Bennett
109 Summit Ridge

Mr. Bennett shared that he lives at the very top of the street, and he generally has no traffic in front of his particular home. He shared that, for him, flooding is not a concern either. He prefers to see no sidewalks installed as part of the reconstruction project; however, he is in favor of the concrete being redone.

Ellen Giddens
207 Summit Ridge Drive

Mrs. Giddens shared that she and her husband have lived here since the 1980's; however, her grandmother and aunt both lived here. So, she has been coming to Rockwall for many, many years, even before she moved here. She believes that drainage is important, and sewage is important. She explained that residents met with city engineers, who explained that sidewalks are going to be installed for "safety." She wonders whose safety they will be for, as she believes they will bring strangers in front of residents' homes. She is generally opposed to the installation of sidewalks. She believes that installing the sidewalks would be an unnecessary, unwanted expense. She would like the current safety and ambiance to stay in place.

Stephanie King
219 Summit Ridge Drive

Mrs. King shared that she and her husband have lived at this location for nineteen years. She explained the various reasons why she and her husband originally purchased their home. She is opposed to the installation of sidewalks. She did respond to a survey back in 2015; however, she and her husband have never been personally visited by anyone soliciting feedback on the reconstruction of the road or on the topic of sidewalks. She expressed strong opposition to the installation of sidewalks and the narrowing of the streets. She does want drainage fixed, however.

Sol Villasana
809 Village Green Drive
Rockwall, TX

Mr. Villasana thanked each of the speakers for coming forth to express their concerns and frustrations. He believes that this city council has a history of really listening to residents' expressed concerns. However, he pointed out that many of these residents do not feel their concerns are being heard. He went on to summarize the various concerns of the residents who live along this roadway. He asked the City to use its discretion and have the soon-to-be "newly seated Council" further evaluate these reconstruction plans and determine what will be best for the community. He asked that the Council table or postpone any action concerning these reconstruction plans.

Council took no action as a result of this particular appointment (agenda) item.

Mayor Pro Tem Hohenshelt then addressed Action Item #1.

XII. PUBLIC HEARING ITEMS

1. **MIS2018-006** - Hold a public hearing to discuss and consider a City initiated request to amend the Comprehensive Plan by approving an **ordinance** changing to the Master Thoroughfare Plan Map contained within the Transportation section of the plan for the purpose of [1] reclassifying Horizon Road [FM-3097] from a M4U (minor arterial, four [4] lane, undivided roadway) to a TXDOT4D (TXDOT, four [4] lane, roadway) and [2] realigning Breezy Hill Road to reflect existing public right-of-way, and take any action necessary **(1st Reading).**

Mayor Pruitt moved to postpone this public hearing item until the city gets the Summit Ridge and Breezy Hill Roadway situations more settled. Mayor Pro Tem Hohenshelt seconded the motion, which passed unanimously of Council present (7 ayes to 0 nays).

XIII. ACTION ITEMS

1. Discuss and consider authorizing staff to proceed with construction bidding and advertising for the S. Lakeshore Dr./Summit Ridge Dr. Reconstruction Project, and take any action necessary.

It was noted that Mayor Pruitt recused himself from this discussion / action item. Councilmember Lewis asked how long Mr. Villasana would like for Council to delay action concerning this matter. Mr. Villasana shared that he believes a ninety day delay would be sufficient. He would like all of the members and stakeholders associated with this roadway reconstruction project to quickly come together to discuss the plans further. Councilmember Lewis shared that he believes forty-five days would be sufficient enough. Councilmember Lewis shared that he has personally heard from some residents who actually do want sidewalks; however, he believes those residents are intimidated by those who are opposed to the sidewalks being installed.

Councilmember Fowler spoke, indicating that he too has heard from residents who actually do want the sidewalks and are in favor of them being installed as part of this reconstruction project. However, he too generally believes that those residents are intimated by those who are on "the other side" of the issue. He believes that a thirty-day delay would be sufficient time; however, he pointed out that he does not believe there is "middle ground," and a decision will need to be made at some point soon.

Mayor Pro Tem Hohenshelt shared that he too doubts that there is "middle ground" concerning the sidewalks. He clarified that the city is not "taking" anyone's property, pointing out that that is city-owned right-of-way, and it is on city-owned right-of-way that the sidewalks would installed on. He and his wife generally like and enjoy sidewalks. Also, his wife really enjoys walking on hilled areas, and if there were sidewalks along this roadway, she may well walk there too.

Mr. Villasana again petitioned the city council to delay action on this item tonight and allow a few more weeks for the issue to be further evaluated and debated.

Councilmember Daniels indicated that most of the opposition concerning sidewalks appears to be from residents who live along Summit Ridge. He is concerned that allowing extra time before taking a vote on this issue and allowing additional time for "compromise" may essentially be challenging. He pointed out that the city itself does

not want to delay progress in moving forward on this topic, but, rather, in this case it is the citizens that are requesting a delay. Also, he acknowledged that, no matter what decision is made, there will be unhappy residents (both those who live along the street and those who utilize the street). He does not believe there is "enough wiggle room" for it to be worth the delay in the Council putting off taking action until a later date.

Councilmember Macalik stated that she would support a (not more than) thirty-day delay. She believes that the sidewalks would support 'safety,' not take away from it. She pointed out that staff has worked a lot on this project, and many meetings have been held that residents had an opportunity to attend. She too received the email that Councilmember Fowler received (from a resident in favor of the sidewalks), and she has spoken to several friends who live in the neighborhood. So, she also knows that there are residents who are in favor of installing sidewalks.

Councilmember Townsend generally expressed that he believes the city has done a lot of "due diligence" on this reconstruction project. He pointed out that the city has had engineering study after study, and it was started in October of 2015. He knows that "more time" is being requested right now; however, he believes that "more time" could be requested indefinitely. He has seen people walking up and down Summit Ridge, and he has even seen people pushing baby strollers; however, he would never do so – he believes it is not safe to do so. He acknowledged that drainage will be fixed with this project. He pointed out that the width of what the roadway *could be* has been greatly reduced. Also, some of the previous plans called for a lot more trees to be taken out; however, staff and the Council have worked and worked to reduce the number of trees that would be impacted. He does not wish to pass this issue along to future council members to address, as he does not believe there will ever be consensus among residents. So, therefore, he made the following motion:

Councilmember Townsend moved to pass the design specs as they are currently designed and presented and move forward with putting the project out to bid. Mayor Pro Tem Hohenshelt seconded the motion. Following additional, brief comments, the motion passed by a vote of 3 in favor, 3 against (Fowler, Daniels and Lewis) and 1 abstention (Pruitt).

Councilmember Fowler moved to postpone action on this item for a period not to exceed thirty days. Councilmember Lewis seconded the motion, which passed by a vote of four ayes, 2 against (Townsend and Hohenshelt), and 1 abstention (Pruitt).

City Manager Rick Crowley asked what role the city council would like staff to play concerning this matter over the course of the next thirty days. Extensive discussion took place concerning this question.

Councilmember Townsend shared that to change the current design plans would end up costing $656,000. So, whatever change is proposed, if any, had better be good and worth that kind of expense.

Councilmember Fowler shared that he will reluctantly volunteer to be the Council liaison to serve as part of the "negotiating" team that will work with staff and residents on both sides of the "sidewalks issue" and return back to Council within no more than thirty days.

Mayor Pro Tem Hohenshelt called for a break and recessed the meeting at 8:12 p.m. Mayor Pruitt reconvened the public meeting at 8:23 p.m. and addressed Appointment Item #2 next.

2. Discuss and consider changing the adopted park maintenance category and associated costs for the Raymond Cameron Lake natural area, and take any action necessary.

Travis Sales, the city's Parks Superintendent, came forth to address the Council concerning this item, as the Parks Director, Andy Hesser, is out due to an illness. Mr. Sales expressed that this topic is related to the possibility of changing this lake from a natural, non-maintenance type lake to one that would be regularly maintained on a monthly basis. Mr. Sales went on to share several photographs with the Council of the existing pond / lake conditions. He explained that a portion of the quote that staff received to remove the natural vegetation and a lot of the trees and overgrowth amounted to over $49,000. Also, there would be an additional cost of $7,450 for grinding of tree stumps. In addition, it would cost about a $500 per month to maintain it thereafter.

Council took no action as a result of this discussion item at this time.

3. Discuss and consider approval of Contract Amendment Number Six for a total additional contract amount of $76,950.00 with Kimley-Horn and Associates, Inc. for the Lakeshore Dr./Summit Ridge Dr. Reconstruction Project for engineering design and construction plan preparation services for bridge erosion mitigation, and take any action necessary.

Mayor Pruitt clarified that he will not recuse himself from this item because it is not related to the street he lives on in particular, but, rather it relates to the bridge that is located at the other end of the street.

City Engineer Amy Williams provided background information pertaining to this agenda item. Mayor Pro Tem Hohenshelt moved to approve Contract Amendment Number Six for a total additional contract amount of $76,950.00 with Kimley-Horn and Associates, Inc. Councilmember Townsend seconded the motion. Following additional, brief comments, the motion passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider the city's TEX-21 membership, and take any action necessary.

Mayor Pruitt expressed that the City has been a part of this organization, off-and-on, for a number of years. City Manager Rick Crowley provided brief comments regarding the organization, sharing that it, in part, helps with planning of road work along IH-30. It was pointed out that the county has been a part of this organization, off-and-on for years as well. Mayor Pruitt reiterated that this organization is involved with roadway planning along IH-30. Also, the organization has political involvement as well. He went on to briefly touch on some of the benefits associated with being a member of this organization. It was stated that membership for the city will cost about $5,000 per year. Councilmember Lewis shared that, if the city does choose to be a member, then one council liaison needs to be the "point person" who stays involved and attends the meetings (including ones in Austin). Council Members generally indicated the belief that the City should be a member and should be involved in this organization.

5. Discuss and consider a request by Jim Ziegler of PegasusAblon for the approval of a facilities agreement allowing changes to the outdoor dining guidelines established in Resolution 11-25 for the property addressed as 2095 Summer Lee Drive, and take any action necessary.

Mr. Zeigler came forth and requested that the Council approve this request. He provided brief comments explaining what benefits these changes will result in.

Mayor Pruitt shared some photographs of the existing area at The Harbor (where the Rodeo Goat will go in), pointing out that the existing look and feel is very 'Mediterranean' like. He then shared photos of the patio area at the Rodeo Goat in Dallas, which, he pointed out is more Mexican or Hispanic-like in its look and feel. He is not sure that Rodeo Goat's design concept will truly 'fit in' with the existing Mediterranean columns and patio area at this space at The Harbor.

Following additional comments, Mayor Pruitt moved to approve the patio being extended out but deny tearing up the concrete to install decomposed granite. Councilmember Macalik seconded the motion, which passed by a vote of 6 in favor with 1 against (Hohenshelt).

6. Discuss and consider a setback variance request for a sign at the Shops at Legacy Village located at 102 N. Fannin and take any action necessary.

Building Official Jeffrey Widmer came forth to address the Council concerning this agenda item. Councilmember Lewis made a motion to approve the setback variance request. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

7. Discuss and consider establishing a policy pertaining to expenditures for fine arts projects associated with certain public construction projects (1% of Capital Improvement Project (CIP) project costs), and take any action necessary.

Assistant City Manager Brad Griggs provided brief comments concerning this agenda item. Essentially, the city's ART Commission is seeking more clear direction from the Council concerning where these funds may be spent. Assistant City Manager Mary Smith shared that there is currently about $64,000 in this art fund; however, approximately $175,000.00 (a "high end" estimate, per Assistant City Manager, Mary Smith) will be available once all road improvement projects are complete in the future. Staff explained that Council is being asked to more clearly define the phrase "at or near" as it pertains to how far from a project that public art may be placed (and associated monies may be spent to do so). Council took no action pertaining to this agenda item at this time, generally indicating that Council will take up this matter at a later date.

8. Discuss and consider an **ordinance** amending Ordinance No. 10-37 pertaining to pre-65 (employee) retiree health benefits coverage, and take any action necessary. **(1st reading)**

City Manager Rick Crowley provided background information pertaining to this agenda item. This ordinance amendment will essentially provide additional levels of benefit coverage for longer tenured employees as they approach retirement age. Mayor Pro Tem Hohenshelt moved to approve the ordinance. Councilmember Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 18-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ORDINANCE 10-37 REVISING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY OF ROCKWALL PRE-65 RETIREES; REPEALING ALL ORDINANCES AND OR PROVISIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

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

9. Discuss and consider (2) nominations for an "outstanding senior who is making a difference in the senior community," as requested by Meals on Wheels Senior Services of Rockwall County, and take any action necessary.

Mayor Pruitt indicated that he would like to nominate Francis White, who has done a lot for the community, including working tirelessly at the County Elections Office. Councilmember Townsend indicated that he would like to nominate (Rockwall City Council Member) Bennie Daniels.

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

1. Departmental Reports
Building Inspections Monthly Report - March 2018
Fire Department Monthly Report - March 2018
GIS Division Monthly Report - March 2018
Harbor PD Monthly Report - March 2018
Internal Operations Monthly Report - March 2018
Police Department Monthly Report - March 2018
Recreation Monthly Report - March 2018
Rockwall Animal Adoption Center Monthly Report - March 2018
Rockwall Meals on Wheels Senior Services - 2nd Quarter Report
STAR Transit Monthly Report - March 2018

2. City Manager's Report

Mayor Pruitt indicated that the city's Concert by the Lake series began last Thursday. He encouraged residents to come out and enjoy future Thursday night concerts. Also, the San Jacinto Music Series is now occurring ever Thurs., Friday and Saturday evenings from 6-9 PM thru the end of October. Mayor Pruitt shared that a Cinco de Mayo celebration was held on Saturday, and the city's election was also held on that day.

City Manager Rick Crowley thanked Councilmembers Lewis and Townsend for the good work they have done while serving on the city council. He generally expressed that it has been a pleasure working with each of them.

XV. EXECUTIVE SESSION

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

1. Discussion regarding an application to establish a MUD (municipal utility district) pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding proposed agreement pertaining to Rockwall Convention & Visitor's Bureau pursuant to Section 551.071 (Consultation with Attorney)
4. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
5. Discussion regarding purchase, acquisition, or lease of real property in the vicinity of County Line Rd. and the municipal airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) and the Board of Adjustments - pursuant to Section 551.074 (personnel matters) and possible removal of board member(s) – pursuant to Section 551.071 (Consultation with Attorney)
7. Discussion regarding potential employee claim pursuant to Section 551.071 (Consultation with Attorney).
8. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney).

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

Council did not go back into Executive Session at the conclusion of the public meeting agenda.

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 9:27 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21st DAY OF MAY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 14, 2018
5:00 p.m. Special City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. Call Public Meeting to Order

Mayor Pruitt called the meeting to order at 5:00 p.m. with himself and Councilmembers Fowler and Daniels being present. He then called upon City Secretary, Kristy Cole.

Mrs. Cole indicated that the City of Rockwall contracted with the Rockwall County Elections Office for administration of the May 5, 2018 General Election and Bond Election. She explained that the Rockwall City Council is convening today to serve as the Canvassing Authority to canvass the official returns associated with each of these elections. Furthermore, Mayor Pruitt, the chief elected official for the city, is serving as the "Presiding Officer" of the Canvassing Authority. She pointed out that the agenda for today's public meeting was duly posted 72-hours or more in advance of today's Special City Council meeting, in accordance with the Open Meetings Act and with provisions of the TX Elections Code. Also, in compliance with Section 67.004 of the TX Elections Code, for purposes of conducting the canvass, only two elected officials are needed to constitute a quorum. Mrs. Cole indicated that she did double checked with the city attorney, Frank Garza, to be sure that two members of Council constitute a quorum for the canvass and passage of the associated resolutions. Mr. Garza did concur that only two members of Council are needed for this purpose. Mrs. Cole then called for the records to show that 3 elected officials are present today, including Mayor Pruitt, Councilmember Daniels and Councilmember Fowler, with Council Members Macalik, Townsend, Hohenshelt and Lewis being absent. Mrs. Cole then turned the meeting back over to Mayor Pruitt so that Agenda Items #2 and #3 could be addressed.

II. Discuss and consider adoption of a resolution canvassing the returns and declaring the results of the May 5, 2018 City of Rockwall General Election, and take any action necessary

Mayor Pruitt indicated that the Rockwall County Elections Administrator, Christopher Lynch, has certified and delivered the Election Returns based on the tabulated ballots for the May 5, 2018 City of Rockwall General Election. Mayor Pruitt shared that the overall, tabulated returns are reported and accepted as follows:

		Total Votes "For"
City Council, Place 2	***John Hohenshelt***	***1,284***
City Council, Place 4	***Trace Johannesen***	***996***
	Enid Reyes	***661***
City Council, Place 6	***Andrew Greenberg***	***691***
	Patrick Trowbridge	***924***

Therefore, Mayor Pruitt announced that those candidates who have been newly elected to serve on the Rockwall City Council include:

- **John Hohenshelt, Place 2**
- **Trace Johannesen, Place 4 and**
- **Patrick Trowbridge, Place 6.**

Mayor Pruitt then made a motion to approve Resolution # 18-11 accepting and confirming the canvassing of the election Returns and accepting the declaration of the results of the General Municipal Election, which was held May 5, 2018. Councilmember Fowler seconded the motion, which passed unanimously of those present (3 in favor with 4 absences (Macalik, Hohenshelt, Townsend and Lewis)).

III. Discuss and consider adoption of a resolution canvassing the returns and declaring results of the May 5, 2018 City of Rockwall Bond Election, and take any action necessary.

Mayor Pruitt requested that the record show that Rockwall County Elections Administrator, Christopher Lynch, has certified and delivered the Election Returns based on the tabulated ballots for the May 5, 2018 City of Rockwall Bond Election. He indicated that the overall, tabulated returns are reported and accepted as follows:

Regarding Proposition A, which appeared on the ballot as follows:

THE ISSUANCE OF $85,000,000 TAX BONDS BY THE CITY OF ROCKWALL, TEXAS FOR STREET AND ROAD RECONSTRUCTION AND LEVYING THE TAX IN PAYMENT THEREOF

total votes cast "For" were 1,197, and total votes "Against" were 537. Therefore, Mayor Pruitt indicated that the record should reflect that "Proposition A" on the May 5, 2018 Bond Election ballot was duly passed.

Mayor Pruitt then moved to approve Resolution # 18-12, canvassing the returns and declaring the results of a Bond Election, which was held on May 5, 2018; providing for an effective date; and containing provisions necessary and incidental thereto. Councilmember Daniels seconded the motion, which passed unanimously of those present (3 in favor with 4 absences (Macalik, Hohenshelt, Townsend and Lewis)).

Mayor Pruitt indicated that newly elected city council members will take their Oaths of Office, which will be administered by the Rockwall Municipal Court Judge, Cathy Penn, on May 21 as part of the regular city council meeting.

IV. Adjournment

Mayor Pruitt adjourned the meeting at 5:05 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21st DAY OF MAY, 2018.

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, May 21, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. with the following council members being present: Mayor Jim Pruitt, Mayor Pro Tem John Hohenshelt and City Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. City Manager Rick Crowley, Assistant City Manager Mary Smith and City Attorney Frank Garza were also present. Assistant City Manager Brad Griggs was absent from the meeting.

II. WORK SESSION

1. Hold work session to discuss expenditures for fine arts projects associated with certain public construction projects (1% of Capital Improvement Project (CIP) project costs)

City Manager Rick Crowley shared that there are some proceeds that are currently available that have been accumulated from this 1%. The purpose of this work session item is to try and more clearly define the phrase, "near the site of construction" so that there is a better understanding of where said funds may be spent for public art. There is no definition in existence anywhere else in state law or in previously passed city ordinances. When essentially prompted by Mayor Pruitt to provide further clarification regarding defining this phrase, City Attorney Frank Garza shared that Rockwall is a 'home rule' city. This means that it can adopt any ordinances that are not in conflict with state law. He agrees that to define it as "the entire City of Rockwall" would not be advisable; however, as long as it is defined in a way that seems reasonable and associated rationale is provided in the record when doing so, then he believes it would be okay. He clarified for Mayor Pruitt that the council could either choose to define this phrase or not; however, he believes it would be important to be consistent in how the funding is spent, while, at the same time he acknowledged that city councils and council members do change over time (insinuating that sometimes consistency may be challenging).

Mayor Pruitt expressed the belief that defining this phrase would be prudent, especially since there will be thirty or so construction projects going on associated with the $85 million bond proposition that recently passed during the May election. Mr. Crowley shared that there is about $64,000 in funds available now, and there will be about $175,000 by the end of the bond election-related construction projects.

Kathleen Morrow
3418 Lakeside Drive
Rockwall, TX

Mrs. Morrow came forth and indicated that she currently serves on the city's ART Commission, and she has been President of the Rockwall Alliance for the Arts for many years. The intent has been to beautify the city as it has grown. She shared that the Commission's first project was the mural that is on the side of the Pruitt building downtown. The next project is one that is still in the planning stages, and it is a monument of the three men who

discovered the rock wall. This project was started several years ago, and a small version of the project is located in the city hall lobby. It will cost an estimated $250,000 and will be bronze. The monument would appear to be life size. Mrs. Morrow then provided some estimated cost comparisons of murals on a wall compared to monuments as far as art projects are concerned.

Discussion ensued regarding future bond-funded roadway reconstruction projects, and Mrs. Morrow pointed out that the County Line Road project is one that the Commission is struggling with regarding ideas for where and how 1% art monies could be spent.

Councilmember Fowler generally expressed that it would make sense to put public art in areas within the city that receive a lot of visibility, either by those driving by or by those visiting a particular location (i.e. Harry Myers Park).

Mayor Pro Tem Hohenshelt suggested that these art funds be used near any entrances to the city, at any city park, within the downtown district (as already defined), and at any city or county owned property. General discussion continued pertaining to where these types of funds could be spent, including state-owned property and/or property that may be donated for this purpose. Councilmember Macalik asked who would maintain these art projects. Mr. Crowley shared that it would be the city's responsibility to maintain them.

Mrs. Morrow shared that if the life size-like bronze monument of the three men who discovered the rock wall does come to fruition and it is placed on the downtown historic courthouse grounds, the County may agree to maintain it over time.

Mayor Pruitt shared that the city council will need to decide if it is going to keep the ordinance in place that sets aside the 1% of bond-related construction project costs for use for public art. He went on to generally indicate that he is not certain he is in favor of keeping the ordinance in place, as he wonders why art-related projects can't be (or shouldn't be) funded through the normal budgetary process.

Mrs. Smith explained that the $170,000 is an estimated amount that will be derived from the 1%, indicating that there is no way to know a more certain amount until each project is bid. The 1% is only associated with the "above the ground" costs and nothing beneath ground.

James Kuntz
3917 Mediterranean
Rockwall, TX

Mr. Kuntz came forth and sought clarification regarding the approximate, total dollar amount of public art-related funding that has been collected, to date, from contributions through city water bills. Mrs. Smith relayed that the total is just under $5,000. In addition, about $64,000 is what is left from the 1% collected in association with the downtown reconstruction project. There is an additional $7,000 or so from the Boydstun project, and there will be approximately an additional $100,000 more from 2012 bond-related projects (for 2 projects that have not yet been bid).

Following the work session discussions, Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting at 4:49 p.m. to go into Executive Session.

III. EXECUTIVE SESSION.

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

1. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters)
6. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Building & Standards Commission - pursuant to Section 551.074 (Personnel Matters)
7. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
8. **From the public meeting agenda: Action Item #5 - A2018-002 -** Discuss and consider the expiration of existing 212 Development Agreements for two (2) areas contiguous with the City of Rockwall's corporate limits and being identified as: (Area 1) approximately 177.47-acres of land generally located southeast of Hanby Lane and Buffalo Way Road; and (Area 2) approximately 24.98-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:05 with all seven city council members being present (Trowbridge, Macalik, Hohenshelt, Pruitt, Fowler, Daniels and Johannesen).

VI. SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS - MUNICIPAL COURT JUDGE, CATHY PENN

Judge Penn came forth and (ceremonially) administered the Oath of Office to the following newly elected city council members:

John Hohenshelt, Place 2
Trace Johannesen, Place 4
Patrick Trowbridge, Place 6.

VII. Take Any Action as a Result of Executive Session

Councilmember John Hohenshelt moved to name Councilmember Kevin Fowler as the new Mayor Pro Tem. Mayor Pruitt seconded the motion, which passed unanimously (7 ayes to 0 nays).

Mayor Pro Tem Fowler made a motion to authorize the city moving forward with offering contracts on parcels 2, 3, 5, 6, 7, 14, 27, 28, and 33 for the County Line Road Project. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VIII. Invocation and Pledge of Allegiance – Councilmember Hohenshelt

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

IX. Proclamations / Awards

1. EMS Week

Mayor Pruitt called forth Mitch Ownby of Rockwall County EMS (Medic Rescue). He then read and presented him with this proclamation, which recognizes "EMS (Emergency Medical Services) Week."

2. Safe Boating Week

Mayor Pruitt called forth Randy Greenlee with the U.S. Coast Guard Auxiliary. He then read and presented the proclamation for "Safe Boating Week."

3. Public Works Week

Mayor Pruitt called forth Amy Williams, City Engineer, and members of the city's Public Works staff. He then read and presented the proclamation for "Public Works Week."

X. Open Forum

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

XI. Consent Agenda

1. Consider approval of the minutes from the May 7, 2018 regular city council meeting, and take any action necessary
2. Consider approval of the minutes from the May 14, 2018 special city council meeting, and take any action necessary
3. Consider an **ordinance** amending Ordinance No. 10-37 pertaining to pre-65 (employee) retiree health benefits coverage, and take any action necessary. **(2nd reading)**
4. Consider awarding a bid to Lone Star Emergency Group and authorizing the City Manager to execute a contract for a new Fire Pumper totaling $627,647 as well as pre authorization to spend up to $100,000 for Pumper loose equipment bought from various vendors all to be funded with contractual obligations, and take any action necessary.

5. Consider Contract Amendment Number Seven for the total additional contract amount of $48,900.00 with Freese and Nichols, Inc. for the County Line Road Reconstruction Project, and take any action necessary.

6. Consider authorizing the City Manager to enter into a Cooperative Purchasing Agreement with the City of North Richland Hills and awarding a cooperative bid to Intermountain Slurry Seal Inc. for micro-surfacing in the amount of $103,826 and authorizing the City Manager to execute a contract for this work to be funded out of the General Fund Streets and Drainage Operating Budget, Construction Repairs and take any action necessary.

7. Consider directing the City Manager to enter into an Interlocal Agreement with the Texas Department of Transportation (TXDOT) to allow the placement of a gateway monument sign within TXDOT right-of-way on SH-66, and take any action necessary.

8. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 407 Ranch Trail, and take any action necessary.

9. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 118 Renee Drive, and take any action necessary.

10. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 115 Wayne Drive, and take any action necessary.

11. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 124 Wayne Drive, and take any action necessary.

12. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 121 Yvonne Drive, and take any action necessary.

13. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 121 Lynne Drive, and take any action necessary.

14. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 115 Eva Place, and take any action necessary.

15. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 124 Eva Place, and take any action necessary.

16. Consider approval of a resolution of necessity for acquiring of right-of-way for the County Line Road project located at 324 County Line Road, and take any action necessary.

Mayor Pruitt pulled item #15 to recuse himself from the vote concerning this item.

Councilmember Hohenshelt moved to approve the Consent Agenda, less item #15. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 18-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ORDINANCE 10-37 REVISING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY OF ROCKWALL PRE-65 RETIREES; REPEALING ALL ORDINANCES AND OR PROVISIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

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

Mayor Pro Tem Fowler temporarily chaired the meeting for Consent Agenda item #15. Councilmember Hohenshelt moved to approve Consent Agenda item #15. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Pruitt).

XII. APPOINTMENTS

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

Johnny Lyons, Chairman of the city's Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following brief questions and answers, the Council took no formal action pertaining to this appointment item.

XIII. PUBLIC HEARING ITEMS

1. **MIS2018-006** - Hold a public hearing to discuss and consider a City initiated request to amend the Comprehensive Plan by approving an **ordinance** changing to the Master Thoroughfare Plan Map contained within the Transportation section of the plan for the purpose of [1] reclassifying Horizon Road [FM-3097] from a M4U (minor arterial, four [4] lane, undivided roadway) to a TXDOT4D (TXDOT, four [4] lane, roadway) and [2] realigning Breezy Hill Road to reflect existing public right-of-way, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The Planning & Zoning Commission voted 5-0 to recommend approval of this item to the Council. If no action is taken by Council this evening, then the case will be automatically withdrawn, and the process will have to restart.

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

Councilmember Hohenshelt moved to approve MIS2018-006. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN CONTAINED WITHIN THE *TRANSPORTATION* SECTION OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.

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

2. **Z2018-020** - Hold a public hearing to discuss and consider a request by Chris Tarrant for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 1.5087-acre tract of land identified as Lot 22, Block A, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 1.5 (SFE-1.5) District, addressed as 3075 Golden Trail, and take any action necessary **(1st Reading).**

City Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices were sent out to all residents and property owners located within 500' of the subject property. A total of seven notices expressing 'opposition' were received back by staff. Notice was also sent to the Lofland Farms HOA. The Planning & Zoning Commission voted 4 - 3 to recommend approval of this SUP to Council.

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

Douglas Wygal
1918 Sterling Court
Rockwall, TX

Mr. Wygal came forth and indicated that he is in opposition of the Council approving this request tonight. He shared that several of his neighbors are also in opposition of this request. Furthermore, he indicated that he has provided photos to the Council that show the property owner (who is requesting the SUP) working on race cars in his driveway. He expressed that he is not okay with the property owner wanting to install a metal building in order to save cost. He generally believes it will be an eyesore.

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

Councilmember Daniels moved to deny Z2018-020. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **Z2018-021** - Hold a public hearing to discuss and consider a request by Stephanie Marshall and Natalie Kirkley on behalf of Susan Gamez for the approval of an **ordinance** for a Specific Use Permit (SUP) for a daycare facility in a Residential-Office (RO) District on a 0.23-acre parcel of land identified as Lot 1, Block A, Gamez Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 53 (PD-53) for Residential-Office (RO) District land uses, addressed as 1024 Ridge Road [FM-740], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to property owners and residents located within 500' of the property, and the Waterstone Estates HOA was also notified. Staff has received two notices back in opposition of the request and one notice in favor of approval of the request.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and address the Council.

Tom & Sue Walker
Mr. Walker shared that he and his wife own the property right adjacent to this location. He and his wife have been Rockwall residents for thirty-nine years. Mr. Walker went on to express opposition to Council approving this SUP request for various reasons. He believes that there will not be ample parking, that it will pose safety-related concerns, and the traffic will not flow well in and out of this location.

Stephanie Marshall and Natalie Kirkley (the applicants) came forth and shared that this proposed business is not a daycare, but, rather, it is a Christian-based Pre-K school. They are

both currently teachers in RISD. They went on to share details of what the business will be like, including sharing that there will be up to twenty-four (24) kids attending the school. They pointed out that the state and the city fire marshal regulations will allow up to thirty-four kids; however, they plan to have fewer. They shared that they plan to mostly follow the same school year calendar as Rockwall ISD follows. They will be open M-F from 8:30 a.m. until 2:30 p.m. They shared the details of their traffic (flow) plan. They also indicated that they plan to have a thirty-minute drop off 'window;' however, they are willing to expand that timing to an hour pickup window (of time), if needed. They do plan to have a small, fenced-in play area outside, and they explained how the noise is not expected to be excessive, and it will only be for about fifteen minutes per day.

Mrs. Terry Kirkly then came forth to speak (no address was given), sharing that she has worked as a Pre-K teacher in Dallas ISD for twenty-one years in a very busy school. She shared that she is coming forth to express support for the approval of this proposed SUP. She has the utmost confidence in the applicants and in their teaching abilities, and she strongly urged the Council to vote in favor of this request.

Amanda Jackson
1277 Waters Edge Drive
Rockwall, TX

Mrs. Jackson came forth on behalf of the applicants. She generally expressed support for the Council approving this proposed SUP. She pointed out that pre-K programs within the city are very limited, especially those that are 'faith-based,' and most of them have long wait lists. She shared that she was an educator for many years, and she has confidence that the applicants are trained to manage "drop offs" and "pick ups" pertaining to the twenty-four students who will be enrolled in the program.

Crystal Shaklee
1525 Firenza Court
(McLendon Chisholm, TX 75032)

Mrs. Shaklee shared that she believes these ladies (the applicants) are phenomenal teachers. She strongly urged the Council to approve this SUP request this evening.

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

Mrs. Jeffus shared that her daughter is a kindergarten teacher in Mesquite, and she is very torn about this request. She acknowledged that she believes that this school will greatly benefit young kids who might participate in the school. However, she expressed great concern about having this business located along this stretch of Ridge Road. She shared that she is familiar with discussions that have taken place among staff and council members in past years pertaining to these homes that have been converted to businesses and the appropriate "uses" for occupying these spaces. She has concerns about safety, especially for those parents who might be waiting to turn into the business to drop their kids off. She believes that it is too small a space. She reminded the Council that, if it approves this SUP, then precedence is going to be set. She wished these ladies 'well,' however, she would really like them to find a different location.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker seemed to generally express concerns about the Council approving this SUP, as the business owner could possibly expand and begin accepting more than twenty-four students.

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

Councilmember Trowbridge asked for details pertaining to Ridge Road. Staff shared that the speed limit is 45 miles per hour, and it is a state roadway. He asked if it is a traffic violation if cars are backed up on Ridge Road as they are trying to get into the parking lot. Chief Riggs shared that, no, that would not be a traffic violation.

Councilmember Daniels shared that he is greatly in support of a faith-based education program; however, he believes this is a terrible location to do it. He has concerns about the traffic flow as well as safety for those drivers trying to go in and come out of this location. He shared that there is a need to respect the current, adjacent business owners as well.

Councilmember Daniels moved to deny Z2018-021. Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **Z2018-018** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** for a text amendment to the Permissible Use Charts contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of allowing the Furniture Upholstery, Refinishing or Resale land use by Specific Use Permit (SUP) in the Commercial (C) District, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The Planning & Zoning Commission reviewed this case, and has recommended approval of the request by a vote of 7 to 0.

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

Councilmember Macalik moved to approve Z2018-018. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

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

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

Mayor Pruitt called for a break at 7:29 p.m. He then reconvened the meeting at 7:41 p.m.

5. **Z2018-019** - Hold a public hearing to discuss and consider a City initiated zoning request for the approval of an **ordinance** for a text amendment to the Permissible Use Charts and Use Standards contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of allowing the Brewery or Distillery (Excluding Brew Pub) land use by Specific Use Permit (SUP) in the Downtown (DT) District, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. This direction was the result of an appointment with Lorne Liechty of Liechty & McGinnis, LLP on behalf of Cory and Eva Cannon who are requesting the amendment to establish a brewery in the Downtown (DT) District. Under the City's current ordinances, the *Brewery or Distillery Excluding Brew Pub)* land use is only permitted *by-right* in the Light Industrial (LI) and Heavy Industrial (HI) Districts. The purpose of these designations is that -- *until recently* -- a brewery or distillery was viewed as a manufacturing or industrial type of use; however, in 2013 the *Texas Alcoholic Beverage Commission (TABC)* passed amendments designed to loosen the restrictions on *microbreweries* or *craft-breweries*. In response to the City Council's direction, staff brought the proposed text amendment to the Planning and Zoning Commission on April 24, 2018 for discussion. Based on the discussion at this meeting and the questions asked by the Planning and Zoning Commission, staff prepared two (2) options for the proposed text amendment. The Planning & Zoning Commission has recommended approval of this item, specifically proposed text amendment Option #2 (as outlined in the staff memo), by a unanimous vote.

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

Cory and Eva Cannon, who represent the proposed "Siren Rock Brewing Company," came forth and addressed the Council pertaining to this proposed text amendment. Mrs. Cannon spoke in favor of Council approving this text amendment this evening.

Robert Barton
Ferguson Engineering
307 N. Fannin St.
Rockwall, TX

Robert indicated that he works for the engineering firm that is located at 307 N. Fannin Street. He expressed support for the improvements that have been made to the downtown square in Rockwall, and he believes that this type of business would fit well in this area. He believes the brewery is not a bar, but instead is something more sophisticated. He expressed support for the Council approving this request.

Councilmember Hohenshelt moved to approve Z2018-019 (specifically ordinance language Option #2). Councilmember Trowbridge seconded the motion. Mayor Pruitt then expressed several strong concerns about this text amendment being approved. Councilmember Daniels expressed that he "110% agrees" with all of the concerns that Mayor Pruitt expressed. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

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

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

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

XIV. ACTION ITEMS

1. **MIS2018-009** - Discuss and consider a request by John Arnold of BH Phase 8, LLC for the approval of a variance to the minimum landscape buffer requirements stipulated by Planned Development District 74 (PD-74) [Ordinance No. 17-60] for Breezy Hill, Phase VIII on 30.785-acres of land identified as Tract 7 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located along the eastern side of Breezy Hill Lane, and take any action necessary.

Mr. Miller, Planning Director, shared that there has recently been a dispute over the alignment of Breezy Hill Road, which necessitated the city having to hire a surveyor to establish where the right-of-way is located. The survey, in part, showed that part of the right-of-way encroaches on the Breezy Hill, Phase 8 subdivision, specifically just over 5' into the prescribed 10' landscape buffer. This has caused some issues with the preliminary plat. In lieu of going to the Board of Adjustments to seek reduction in lot sizes, the applicant is requesting a variance to the minimum landscape buffer requirements. Such request is allowed for on a case-by-case basis, essentially when extenuating circumstances exist that could signify that compliance would pose a hardship. Approval of this request is a discretionary decision on the part of the Council.

Following Mr. Miller's comments, Mayor Pruitt called forth Adam Buczek from Skorburg Company. As a requirement for granting this variance, he would like them to acknowledge that the city has a prescriptive right-of-way across this piece of land, and that the company encroached upon it. Mr. Buczek acknowledged this as being correct. Mayor Pruitt indicated that he would like such acknowledgement to be "papered up" as part of granting this variance. Mayor Pruitt then moved to approve MIS2018-009. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **P2018-001** - Discuss and consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Phase 8, LLC for the approval of a preliminary plat for Breezy Hill, Phase VIII containing 72 single-family residential lots on 30.785-acres of land identified as Tract 7 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located along the eastern side of Breezy Hill Lane, and take any action necessary.

Planning Director Ryan Miller provided background information concerning this agenda item, indicating that this plat is for 72 lots, and it does meet all of the city's technical requirements.

Mayor Pruitt moved to approve P2018-001. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **SP2018-011** - Discuss and consider a request by Andy Sebacher of Forum Studio Architects, Inc. on behalf of Alan Yu of Lollicup USA, Inc. for the approval of a variance in conjunction with an approved site plan for a manufacturing facility on a 34.23-acre tract of land identified as a portion of Lot 1, Block A, Rockwall, Technology Park, Phase 2 and Tract 2-01 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southeast corner of the intersection of Corporate Crossing [FM-3549] and Capital Boulevard, situated within the FM-549 Overlay (FM-549 OV) District, and take any action necessary.

Planning Director Ryan Miller provided brief comments pertaining to this agenda item. The applicant is essentially asking to replace the natural stone that the city requires with a different product instead. The Architectural Review Board recommended denial of this request, as did the city's Planning & Zoning Commission.

Councilmember Hohenshelt moved to table action on this item. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **SP2018-008** - Discuss and consider a request by Worth Williams of Moore Worth Investment, LLC for the approval of variances in conjunction with an approved site plan for a restaurant on a 0.778-acre parcel of land identified as Lot 4, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1901 N. Goliad Street, and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item. The applicant was approved for a site plan that would allow for a restaurant. They are now asking for variances to the required roof pitch (they would like to have a flat roof, similar to all of the other buildings in this shopping center area), and they would like to have an increase in the stucco material and the use of more than 10% secondary materials (more metal panels on the front and north elevations); and a reduction in the amount of required parking spaces (40 are required, but they are asking for 34 spaces). The City's Architectural Review Board and the city's Planning & Zoning Commission have both recommended approval of all of the variances being requested.

Councilmember Hohenshelt moved to approve SP2018-008. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. **A2018-002** - Discuss and consider the expiration of existing 212 Development Agreements for two (2) areas contiguous with the City of Rockwall's corporate limits and being identified as: (Area 1) approximately 177.47-acres of land generally located southeast of Hanby Lane and Buffalo Way Road; and (Area 2) approximately 24.98-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

Mayor Pruitt indicated that Councilmember Macalik is recusing herself from the discussion and vote concerning "Area 1" as described above.
Mayor Pruitt moved to approve extending 212 agreements to property owners that the city has heard back from (in "Area 1") and to proceed with voluntary annexation associated with property owners that the city has not yet heard back from (within "Area 1"). Mayor Pruitt clarified that the 212 agreements would be for a period of three years. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Macalik).

Regarding "Area 2," Mayor Pruitt moved to approve the 212 agreements for a period of three years and then proceed with annexation of the properties that the city did not hear back from. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider appointments to the city's Architectural Review Board, and take any action necessary.

Councilmember Daniels moved to table this agenda item. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XV. EXECUTIVE SESSION

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Building & Standards Commission - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters)
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
6. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
7. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)

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

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:12 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 4th DAY OF JUNE, 2018.

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, June 04, 2018
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 Fowler called the meeting to order at 4:02 p.m. Present were Mayor Pro Tem Kevin Fowler and Councilmembers Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Mayor Jim Pruitt was absent from the meeting.

II. WORK SESSION

1. Hold a work session to discuss reconstruction of Highland Drive and the process associated with implementation of this and other projects related to the 2018 Bond Election.

Assistant City Manager Mary Smith provided information pertaining to this work session item. She explained that Highland Drive is on the list for the northern half of the City and is ranked 3rd in priority on that list. The project, in totality, is 1,880' in length. Beginning shortly, RISD will demolish Reinhardt Elementary which fronts Highland, and during the 18-19 school year will rebuild it from the ground up. It makes sense to plan to reconstruct the stretch of Highland in front of Reinhardt during this time when traffic will be light and mostly construction-related. There is only one home that fronts Highland between Driftwood and the northern terminus of the project at Bedford Falls. Mrs. Smith explained that staff has discussed with RISD's construction department and they are in agreement that our contractors and theirs can coordinate the two projects without ours being an impediment to theirs.

Mrs. Smith went on to explain that staff suggests that the Council consider moving forward with engineering the length of the Highland project with the design firm placing an early emphasis on the stretch in front of Reinhardt. Staff believes that section can be engineered, bid, and constructed before the new Reinhardt opens in August 2019. The engineering contract is on the agenda for Council's consideration and is approximately $329,000. The construction estimate for the proposed section is approximately $1million dollars.

2. Hold a work session to discuss the selection committee associated with the hiring of a ballpark feasibility study consultant.

City Manager, Mr. Crowley, and Assistant City Manager, Mr. Griggs, briefed the Council on this item. Councilmember Hohenshelt acknowledged that a "third party" (i.e. a "consultant") is certainly necessary in order to properly evaluate this topic and thoroughly assess the needs. Councilmember Daniels asked if a city council member should or should not serve on this type of committee, and it was generally indicated that this could be a possibility. Discussion ensued pertaining to whether or not this current City Council would or would not end up moving forward with implementing any recommendations that may arise as a result of any consultant-led feasibility study.

Mayor Pro Tem Fowler shared that he is not convinced that taking (approximately) $60,000 out of city funds in order to move forward with this type of study at this particular point in time, especially right after a bond election proposal was recently approved by voters, may not be the best idea. He suggested that this topic might more appropriately be discussed during the city council's annual budget work session. Furthermore, he would like for the full council to be present before moving forward with any action in this regard.

It was generally agreed that Council will have further discussions pertaining to the possibility of moving forward with a feasibility study during the upcoming budget work session this summer.

3. Hold a work session to discuss the RISD School Resource Officer (SRO) staffing program for the 2018-2019 school year.

Police Chief Kirk Riggs shared that the RISD superintendent requested an additional SRO part way through this past school year, and the city provided one (without additional charge to the RISD). He explained that other cities have a 3:1 ratio for number of officers to schools. He believes that increasing the number of SROs from six to nine will help better protect our local schools.

Mayor Pro Tem Fowler then read the following discussion items into the record before recessing the public meeting to go into Executive Session (at 4:38 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding interlocal mutual aid agreement(s) pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. Discussion regarding options to pursue fees due by franchise utility provider pursuant to Section §551.071 (Consultation with Attorney).
7. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Building & Standards Commission - pursuant to Section 551.074 (Personnel Matters)
8. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 4:37 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pro Tem Fowler reconvened the public meeting at 6:00 p.m. with six of seven council members being present (Mayor Jim Pruitt was absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Hohenshelt made a motion to direct staff to start the process for city initiated zoning on city owned property located in PD-32. Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes, 1 nay (Daniels) and 1 absent (Pruitt).

Councilmember Hohenshelt moved to approve the Parcel 10 construction easement for the price conveyed in the Executive Session. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent.

Councilmember Hohenshelt moved to direct the city attorney to pursue the 'cause of action' for the franchise fees. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VIII. OPEN FORUM

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 21, 2018 regular city council meeting, and take any action necessary.
2. **MIS2018-006** - Consider a City initiated request to amend the Comprehensive Plan by approving an **ordinance** changing to the Master Thoroughfare Plan Map contained within the Transportation section of the plan for the purpose of [1] reclassifying Horizon Road [FM-3097] from a M4U (minor arterial, four [4] lane, undivided roadway) to a TXDOT4D (TXDOT, four [4] lane, roadway) and [2] realigning Breezy Hill Road to reflect existing public right-of-way, and take any action necessary **(2nd Reading).**
3. **Z2018-018** - Consider the approval of an **ordinance** for a text amendment to the Permissible Use Charts contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of allowing the Furniture Upholstery, Refinishing or Resale land use by Specific Use Permit (SUP) in the Commercial (C) District, and take any action necessary **(2nd Reading).**
4. **P2018-010** - Consider a request by Bill Thomas of Engineering Concepts & Design on behalf of David Naylor of Rayburn Country Electric Cooperative for the approval a

replat for Lots 8 & 9, Block A, Rayburn Country Addition being a 20.415-acre tract of land identified as Lots 4 & 5, Block A, Rayburn Country Addition, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, generally located northeast of the intersection of Mims Road and Sids Road, and take any action necessary.

5. **P2018-011** - Consider a request by Billy Duckworth of A & W Surveyors, Inc. for the approval of a replat for Lots 1 & 2, Block A, Kayce Lynn Addition No. 1 being a 0.310-acre tract of land identified as Lots 33 & 34, Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, located at the southeast corner of Emma Jane Road and Sam Houston Street, and take any action necessary.

6. **P2018-012** - Consider a request by Billy Duckworth of A & W Surveyors, Inc. for the approval of a replat for Lot 1, Block A, Kayce Lynn Addition No. 2 being a 0.172-acre tract of land identified as a portion of Lot 53 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, located at the northwest corner of Emma Jane Road and Sam Houston Street, and take any action necessary.

7. **P2018-013** - Consider a request by Bart Tinsley of Adlers Rockwall SIL Property, LLC on behalf of Rob Cameron of Cameron & Cameron for the approval of a conveyance plat for Lots 1 & 2, Block A, Rockwall Seniors Addition being a 12.40-acre tract of land identified as Tract 8 of the B. J. T. Lewis, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 86 (PD-86) for Multi-Family 14 (MF-14) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located south of the intersection of TL Townsend Drive and Justin Road, and take any action necessary.

8. **P2018-014** - Consider a request by Robby Widboom for the approval of a final plat of Lot 1, Block A, Widboom Addition being a one (1) acre tract of land identified as Tract 11-2 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Single Family 1 (SF-1) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 770 SH-66, and take any action necessary.

9. **P2018-015** - Consider a request by David M. Ellis for the approval of a replat for Lot 1, Block D, Ellis Centre, Phase 2 being a 7.25-acre tract of land identified as Lot 2, Block A and Lots 4 & 5, Block C, Ellis Centre, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated at the end of Alpha Drive, and take any action necessary.

10. **P2018-016** - Consider a request by Bassam Ziada for the approval of a replat for Lot 7, Block A, Wal-Mart Supercenter Addition being a 1.0131-acre tract of land identified as Lot 5, Block A, Wal-Mart Supercenter Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 776 E. IH-30, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda. Councilmember Trowbridge seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN CONTAINED WITHIN THE *TRANSPORTATION* SECTION OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-26

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

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

X. APPOINTMENTS

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

2. Appointment with Sheena Beaver of the Dallas Builder's Association on behalf of Patriot Paws to discuss and consider a request for a waiver to the building permit fees for a proposed residential care facility on a 3.466-acre parcel of land identified as Lot 1, Block A, Patriot Paws Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 302 Ranch Trail, and take any action necessary.

Mike Mishler
1009 Ivy Lane
Rockwall, TX

Mr. Mishler came forth and briefed the Council on details associated with his request for these fees to be waived. Following Mr. Mishler's comments, Councilmember Daniels moved to approve waiving the permit fees, as requested. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

XI. ACTION ITEMS

1. **Z2018-019** - Discuss and consider the approval of an **ordinance** for a text amendment to the Permissible Use Charts and Use Standards contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of allowing the Brewery or Distillery (Excluding Brew Pub) land use by Specific Use Permit (SUP) in the Downtown (DT) District, and take any action necessary **(2nd Reading).**

Mr. Miller explained that this has been placed on Action Items (in lieu of Consent Agenda) due to it not having received a unanimous vote at the last Council meeting. Councilmember Hohenshelt then moved to approve Z2018-019, and Councilmember Johannesen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-27

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

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

2. **SP2018-011** - Discuss and consider a request by Andy Sebacher of Forum Studio Architects, Inc. on behalf of Alan Yu of Lollicup USA, Inc. for the approval of a variance in conjunction with an approved site plan for a manufacturing facility on a 34.23-acre tract of land identified as a portion of Lot 1, Block A, Rockwall, Technology Park, Phase 2 and Tract 2-01 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southeast corner of the intersection of Corporate Crossing [FM-3549] and Capital Boulevard, situated within the FM-549 Overlay (FM-549 OV) District, and take any action necessary.

Mr. Miller, Planning Director, briefed the Council on this agenda item, indicating that it was deferred at the last Council meeting. Councilmember Hohenshelt pointed out that no one from the requesting company came to the meeting last time, and – again – no one is present this evening. Councilmember Trowbridge indicated that the Planning & Zoning Commission followed the recommendation of the Architectural Review Board.

Councilmember Daniels asked what would happen if the Council were to take no action at all. Mr. Miller explained that if no action is taken by Council, then it would be considered to be "denied with prejudice," and the applicant would have to wait for one year until they could bring it back again (unless they came back with something that would be considered as a "substantive change").

The Council took no action pertaining to this agenda item.

3. Discuss and consider awarding a contract to Teague, Nall, & Perkins in the amount of $329,700 for the engineering design for Highland Drive improvements to be funded by the 2018 bond election, and take any action necessary.

Councilmember Hohenshelt moved to approve the award of the contract. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

4. Discuss and consider appointments to the city's Architectural Review Board, and take any action necessary.

Mayor Pro Tem Fowler indicated that the Council will bring this agenda item back at a later date for consideration.

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 - April 2018
   Fire Department Monthly Report - April 2018
   GIS Division Monthly Report - April 2018
   Harbor PD Monthly Report - April 2018
   Internal Operations Department Monthly Report - April 2018
   Police Department Monthly Report - April 2018
   Recreation Monthly Report - April 2018
   Rockwall Animal Adoption Center Monthly Report - April 2018
   STAR Transit Monthly Report - April 2018
2. City Manager's Report

Mr. Crowley shared that there is a substantial power outage in South and in East Rockwall. A transmission tower was struck by lightning. Oncor is aware and is working to remedy the issue. He indicated that staff reports have been made available to Council in the informational meeting packet, and he is happy to answer any questions. There were no questions asked.

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 interlocal mutual aid agreement(s) pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. Discussion regarding options to pursue fees due by franchise utility provider pursuant to Section §551.071 (Consultation with Attorney).
7. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Building & Standards Commission - pursuant to Section 551.074 (Personnel Matters)
8. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

XIV. Reconvene Public Meeting & Take Any Action as Result of Executive Session

Council did not go back into Executive Session following the close of the public meeting agenda.

XV. Adjournment

Mayor Pro Tem Fowler adjourned the meeting at 6:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18th DAY OF JUNE, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, June 18, 2018
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 Fowler called the meeting to order at 4:00 p.m. Present were Mayor Pro Tem Kevin Fowler and Council Members Dana Macalik, Patrick Trowbridge, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Mayor Jim Pruitt was absent from the meeting.

II. WORK SESSION

1. Hold work session with Rod Holland to discuss development-related requirements for property located on Fannin Street

Mr. Holland came forth and addressed the Council, indicating that he has a property that is currently owned by the city under contract (to purchase) at this time. His intent is to try and figure out exactly what he may be able to do with the property. Since the city owns the property currently, he is not able to go thru a rezoning process. So, essentially, he would like to express what his intentions are regarding the property. It is zoned SF-6 currently, and he believes that ten, possibly eleven, homes might fit on the property. The property is located between SH-66 and Heath Street (on Fannin). It backs up to the water storage facility on Heath Street. These homes would be much like the home product offered in the Park Place subdivision. He went on to share various photos of the property, including aerials as well as his vision for what these properties could potentially look like if / when developed (as single family homes). He expressed that there has been a little bit of a dilemma in that the city would like to see some street and storm water improvements take place; however, he would like to not have to put some of the improvements underground if he does not have to do so.

Mr. Crowley shared that the city bought this property in the 1980s because it was thought, at the time, to be a potential, future route for SH-205. So the city purchased it from the then owner, Mrs. King. More recently, the city decided that it no longer has a need for the property, so it was put out to bid, and Mr. Holland was the winning bidder on the sale of the property. Planning Director, Ryan Miller, clarified that it is actually zoned "Single Family 7" (rather than "6"), and it has been for quite some time.

Mayor Pro Tem Fowler shared that Mr. Holland is hoping for some general direction regarding what the Council likely will and will not be okay with if he proceeds with purchasing the property and continuing on with his vision for developing it. Various questions and comments were exchanged pertaining to the easements, drainage, setbacks, and roadway and drainage improvements. Mrs. Williams clarified that the city does not allow "cross lot drainage." She also shared that the drainage is not required to be underground (it can be in a ditch), but it can be hard to maintain if it is not underground.

Mr. Crowley clarified that Mr. Holland essentially wants some sort of indication that Council would be willing to look at the roadway related issues, the drainage in back, and some potential, related variances both in the front and the back of these properties.

Mayor Pro Tem Fowler shared that he does no hear any real objection from council members. So, the discussion concluded (and no action was taken).

2. Hold a work session to discuss the Rockwall Fire Department Strategic Plan

Fire Chief Kenneth Cullins came forth and showed a video to the Council that reflected photos of city council members attending a "Rockwall Fire Dept. 101" event this past Saturday at the Garland Fire Training Center. Chief Cullins went on to brief the Council on his department's strategic plan, which focuses on "people," "equipment," and "stations."

Following Chief Cullins' presentation, Mayor Pro Tem Fowler then read the following discussion items into the record before recessing the public meeting to into Executive Session at 4:40 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Building & Standards Commission - pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:35 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Hohenshelt moved to approve the right-of-way temporary construction easement for Parcels 4 and 36 as discussed in Executive Session. Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

Councilmember Hohenshelt moved to appoint Dr. Steve Albers to the Animal Advisory Board (term to expire in August 2020). Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

Councilmember Hohenshelt moved to reappoint Mr. G. David Smith to the Board of Adjustments (term to expire in August 2020). Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

Councilmember Hohenshelt moved to appoint John Womble to the Planning & Zoning Commission (filling vacancy left by Trowbridge – partial term thru August 2019). Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

Councilmember Hohenshelt moved to reappoint Adan Tovar and Phillip Craddock to the Architectural Review Board (both of their terms to expire in August 2020). Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

Councilmember Hohenshelt made a motion to reappoint Charles Johnson to the Park Board (term to expire in August 2020). Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

Councilmember Hohenshelt made a motion to reappoint Betty J. Hoaglund and Doug Agee to the ART Review Team (both of their terms to expire in August of 2020). Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

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

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

VIII. PROCLAMATIONS / AWARDS

Mayor Pro Tem Fowler called forth Vilma Ledferd and then read a proclamation declaring the month of June as "Immigrant Heritage Month" in the City of Rockwall.

1. Special Olympics "Athlete of the Year" - Cole Randolph

Mayor Pro Tem Fowler called forth Cole Randolph and then read and presented him with a proclamation declaring today "Cole Randolph Celebration Day" in the City of Rockwall.

IX. OPEN FORUM

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

Judith Matherne
1115 Signal Ridge Place
Rockwall, TX

Mrs. Matherne thanked the Council for reading and presenting the proclamation for "Immigrant Heritage Month."

Sol Villasana came forth (no address given) and thanked the Council for the proclamation declaring June "Immigrant Heritage Month."

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the June 4, 2018 regular city council meeting, and take any action necessary
2. Consider authorizing the City Manager to execute Contract Amendment Number Five for the additional contract amount of $20,000 with Kimley–Horn and Associates, Inc. for the S. Lakeshore Dr. / Summit Ridge Dr. Reconstruction Project, and take any action necessary.
3. Consider approval of a contract with Birkhoff, Hendricks and Carter LLP to perform the water/wastewater impact fee update and to update the Master Water/Wastewater Plans in an amount not to exceed $131,525 to be funded out of the Engineering operations budget, and take any action necessary.
4. **MIS2018-013** - Consider a request by Michael Ramsey of Ramsey Landscape Architects, LLC for the approval of an amended Treescape Plan and Alternative Tree Mitigation Plan in conjunction with an approved site plan for Reinhardt Elementary School on a 6.983-acre parcel of land identified as Lot 1, Block A, Rockwall School Addition #2, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 615 Highland Drive, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, and 4). Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes (with one (Pruitt)) absence.

XI. APPOINTMENTS

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

Johnny Lyons, the Chairman of the P&Z Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following brief questions and answers, the council took no action as a result of Mr. Lyons' presentation.

2. Appointment with Mr. Brent Nalley to request an extension of an expiring 212 Development Agreement and to discuss the potential annexation of their property.

Mr. Brent Nalley (269 Lonestar Drive - Royse City, TX 75189) came forth and gave a brief presentation to the Council concerning annexation of his property, which he indicated he purchased in the year 2000. He generally explained that he and his wife had some miscommunication (specifically, he was supposed to have followed up on the notification letter that was sent by the city, but he accidently overlooked doing so). He asked the Council to please consider allowing an extension of the 212 agreement.

Councilmember Hohenshelt moved to approve extending the 212 agreement for a period of three (3) years. Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

3. Appointment with Kelcey and Jami Barnes to request an extension of an expiring 212 Development Agreement and to discuss the potential annexation of their property.

Kelcey Barnes came forth and explained the circumstances that have brought her and her husband before the Council tonight to request extension of the agreement. Councilmember Trowbridge mad a motion to extend the 212 development for a period of three (3) years. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

4. Appointment with Mrs. Colleen Vick to hear concerns related to the Summit Ridge/Lakeshore reconstruction project, and take any action necessary.

Mrs. Vick came forth and spoke to the Council regarding the topic of "sidewalks vs. no sidewalks" associated with this reconstruction project. She reiterated that she and many of her neighbors are still not in favor of the installation of sidewalks.

Ellen Cornell
207 Summit Ridge
Rockwall, TX

Ms. Cornell then came forth and provided comments to the Council concerning various aspects of the proposed reconstruction project that many of the residents are in favor of versus those that they are not in favor of. She generally urged the Council forego the installation of sidewalks associated with this project, at least on the stretch of roadway that goes from Ridge Road to Forest Trace.

James Daffron
316 Summit Ridge Drive

Mr. Daffron indicated that his main concern about sidewalks being installed is related to safety and liability. He generally expressed opposition to the installation of sidewalks.

Wylie Giddens
207 Summit Ridge

Mr. Giddens believes that the installation of sidewalks will generally pose a safety concern. Also, he generally explained that installing sidewalks along this roadway is not logical because the roadway is so steep.

Mayor Pro Tem Fowler then reordered the agenda to next address Action Item #1 on the meeting agenda.

XII. PUBLIC HEARING ITEMS

1. **Z2018-022** - Hold a public hearing to discuss and consider a request by Tara Migneault for the approval of an **ordinance** for a zoning change from a Single Family 7 (SF-7) District to a Residential Office (RO) District on a 0.50-acre parcel of land identified as Block 79, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Historic Overlay (HOV) District, identified as a Local Landmarked Property, addressed as 506 Barnes Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The purpose of converting this 1,640 SF single-family residential home into a residential-office building for the operation of a property management company. The property is identified as a Local Landmark property known as the "Underwood House," constructed in 1905, and is situated within the Historic Overlay (HOV) District. The subject property was annexed prior to 1959, situated on a 0.59-acre parcel of land, zoned Single-Family 7 (SF-7) District, and is addressed as 506 Barnes Street. On May 17, 2018, the Historic Preservation Advisory Board (HPAB) reviewed the applicant's request [H2018-006] and recommended denial of the zoning change. In this case, the Historic Preservation Advisory Board is a recommending body for zoning changes within the Historic Overlay (HOV) District, and approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. On May 29, 2018, staff mailed 103 notices to property owners and residents within 500-feet of the subject property. Additionally, staff has notified the Bent Creek Condos and Stonebridge Meadows Homeowner's Associations, which are the only HOA's/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff also advertised the public hearings in the Rockwall Harold Banner. On June 12, 2018, the Planning and Zoning Commission approved a motion to recommend denial of the zoning change by a vote of 6-0, with one (1) vacant seat.

Ms. Migneault (applicant)
806 Agape Circle
Rockwall, TX

Mrs. Migneault came forth and explained additional background information pertaining to her reasons behind putting forth this request to the Council.

Alison Odom
405 N. Fannin Street
Rockwall, TX

Mrs. Odom generally expressed opposition to this request, indicating that she would like to preserve the residential, historic homes in this area.

Carol Crow
504 Williams Street
Rockwall, TX

Mrs. Crow indicated that her home is located within the 'city-initiated' historic district. This district, as well as the city formed and city appointed "Historic Preservation Advisory Board" is related to the preservation of the history of Rockwall. She pointed out that 506 Barnes has a historical designation and associated signage on it. She believes that the seller, buyer, lender and the realtor never bothered to ask the City what the zoning of the property is / was. She pointed out that residents in the area had complained to the city about the city-run business that was occurring out of this home. She does not believe that a "residential-office" zoning designation supports "preservation." She generally and strongly urged the Council to not approve this request and to keep the property as a "residential" zoning.

Councilmember Trowbridge asked what will happen if the Council were to take no action this evening. Mr. Miller explained that the request will be considered "denied with prejudice" if no action is taken / approved. Following this clarification, Council took no action pertaining to this agenda item.

2. **Z2018-023** - Hold a public hearing to discuss and consider a request by John Abbott for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Private School in the Downtown (DT) District on a 0.4591-acre parcel of land identified as Lots C & D, Block 1, Griffith Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 306 E. Rusk Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting approval of a Specific Use Permit (SUP) for the purpose of relocating and operating a private school [Providence Academy] in an existing church on the subject property. According to the applicant, the private school will have approximately 80 students enrolled with grades K - 5th meeting on Monday and Wednesday and grades 6th – 8th meeting on Monday, Wednesday, and Friday. The applicant is proposing to provide circulation for drop-off and pickup via public right-of-way and public parking lots. According to the applicant, the hours of operation will be Monday-Friday from 8:45 a.m. to 3:45 p.m. According to Table 3, Parking Requirement Schedule, of Section 6.5, Off-Street Loading Requirements, of Article VI, Parking and Loading, of the Unified Development Code (UDC) a private school shall provide parking in the ratio of one (1) parking space per 25 students. In this case, the subject property does not have any parking belonging to the property owner; however, there are public parking spaces adjacent to the church. According to Subsection 2.A.II, Parking Reductions, of Section 4.8, Downtown (DT) District, of Article V, District Development Standards, of the Unified Development Code (UDC), on-street public parking which is directly in front of the development site may be counted toward the parking requirement (i.e. four (4) parking spaces) for properties located within the Downtown Core. In this case, there are 26 parking spaces in front of the development which meets the parking requirement as stipulated in the Unified Development Code (UDC) for properties located within the Downtown Core. On May 29, 2018, staff sent 121 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Bent Creek Condos Homeowner's Association (HOA), which is the only HOA/Neighborhood Association within 1,500 feet of the subject property. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received one (1) notice in favor and one (1) notice in opposition of the request. On June 12, 2018, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) with an added condition that the SUP be valid for a period of two (2) years with the ability to extend the SUP after this period. The motion was approved by a vote of 4-2 with Commissioners Logan and Chodun dissenting and one (1) vacant seat.

John Abbott
408 Willow Springs Drive
Heath, TX

Mr. Abbott shared that he offices in the City of Rockwall and lives in the City of Heath. He is a local physician, and he is also Chairman of the Board for this Christian academy. He then proceeded to provide a lengthy presentation to Council pertaining to this request for an SUP. He stressed that 108 students is the most that the academy will ever have in attendance. He generally expressed that the surrounding homeowners and business owners are in support of this academy at this location.

Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time.

Amy Dunn
115 Larry Drive
(Heath, TX)

Mrs. Dunn came forth and provided additional comments to Council pertaining to future plans associated with this Christian academy. She does not believe that parking will be a problem; however, if it is, they have some ideas of how that could be addressed. She generally spoke in favor of Council approving this SUP request.

Evan Matteson
202 Gretel Place
Rockwall, TX 75032

Mr. Matteson shared that he has two kids who attend this school, he serves on the board of this private school, and he also serves on the city's Main Street Advisory Board. He is in support of Council approving this SUP, as he believes this is a good fit for the downtown area, and he believes it will result in additional revenue to the city.

Melissa and Nika Nunez
1877 Huron Drive
Rockwall, TX 75087

Mrs. Nunez came forth with her young daughter, Nika, and expressed strong support for Council's approval of this SUP request. Her daughter also provided brief comments, generally encouraging approval of this request.

Zach Pummill
1245 Ridge Road West
Rockwall, TX

Mr. Pummill expressed that he is one of the pastors at this church. He went on to generally express support of the Council approving this request. He does not believe this academy's traffic or parking will pose problems in the downtown area.

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

Councilmember Daniels shared that he feels this is a great concept; however, he does have some questions and concerns about parent drop off and pick up and how that traffic may back up.

Councilmember Trowbridge generally likes this idea.

Councilmember Macalik move to approve Z2018-023. Councilmember Hohenshelt seconded the motion. Following additional, brief Q&A, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A PRIVATE SCHOOL IN THE DOWNTOWN (DT) DISTRICT, BEING A 0.4591-ACRE PARCEL OF LAND, IDENTIFIED AS LOTS C & D, BLOCK 1, GRIFFITH ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

3. **Z2018-024** - Hold a public hearing to discuss and consider a request by Randall Eardley of Wier & Associates, Inc. on behalf of Getra Thomason-Sanders of Chick-Fil-A, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Restaurant, 2,000 SF or More with Drive Through in a General Retail (GR) District on a 1.40-acre parcel of land identified as Lot 2, Block A, Lakeshores Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1979 N. Goliad Street, and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director, explained that on January 3, 2006, the City Council adopted Ordinance No. 06-02, establishing the development requirements for Planned Development District 65 (PD-65), which allows a restaurant, 2000 SF or more with drive-through with a Specific Use Permit (SUP). The applicant, Randall Eardley of Wier & Associates, Inc., is requesting the approval of a Specific Use Permit (SUP) to allow a restaurant, 2000 SF or more with drive-through [a Chick-Fil-A] in a General Retail (GR) District. The proposed restaurant will be ~5,000 SF and situated on a 1.40-acre parcel of land. On June 12, 2018, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0, with one (1) seat vacant. The applicant then came forth to speak.

Randall Eardley
Weir and Associates
2201 E. Lamar Blvd., Suite 200E
Arlington, TX

Mr. Eardley shared that he is speaking on behalf of Chick-fil-A, and he is here to answer any questions the Council may have.

Mayor Pro Tem Fowler then opened up the public hearing, asking if anyone would like to come forth and speak.

Melissa Shaw
2140 Crestlake Drive
Rockwall, TX

Mrs. Shaw came forth and provided various comments to Council, all generally indicating strong support for approval of this SUP request.

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

Councilmember Hohenshelt moved to approve Z2018-024. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT WITH A DRIVE-THROUGH IN A GENERAL RETAIL (GR) DISTRICT, ON A 1.40-ACRE TRACT OF LAND BEING IDENTIFIED AS LOT 2, BLOCK A, LAKESHORE COMMONS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

Mayor Pro Tem Fowler then called for a brief break at 8:00 p.m. He reconvened the meeting at 8:07 p.m.

XIII. ACTION ITEMS

1. Discuss and consider authorizing staff to proceed with construction bidding and advertising for the S. Lakeshore Dr./Summit Ridge Dr. Reconstruction Project, and take any action necessary.

Renee Sneed
303 Meadowdale Drive
Rockwall, TX

Mrs. Sneed came forth and generally indicated that she is in favor of the installation of sidewalks. She believes that sidewalks will result in a much safer situation for pedestrians to walk on instead of them walking on the street itself.

Rick Dirkse
3077 N. Goliad
Rockwall, TX

Mr. Dirkse believes that no other issue that has been discussed (i.e. trees, landscaping, drainage, etc.) will 'trump' the importance of safety. He then provided the Council with some statistics related to traffic accidents involving cars and pedestrians. A pedestrian is three times more likely to get injured or hurt as a result of "no sidewalks." He generally expressed strong support for the installation of sidewalks.

G. David Smith
601 Stonebridge Drive
Rockwall, TX

Mr. Smith shared that he lives right in the middle of the project. He shared that he knows that a lot of money went into the engineering and traffic-related studies that have taken place pertaining to this reconstruction project. He went on to express that he believes that sidewalks should be installed, and he is in support of them being installed. He explained that he works outside every Saturday morning. He was recently doing so and counted no less than three couples with strollers walking along this street in the roadway itself. He understands that people will be upset on both sides of the issue; however, all things considered, he believes it makes the most sense to move forward with the plans "as is," which includes the installation of sidewalks.

Mayor Pro Tem Fowler then turned the agenda item over to Council Members for discussion. Councilmember Hohenshelt made a motion to proceed with construction bidding and advertising "as presented" by the City Engineer. Councilmember Daniels seconded the motion. Mayor Pro Tem Fowler explained that this topic has been discussed at length, and he believes that the process associated with this topic has worked. The motion passed by a vote of 6 in favor with 1 absent (Pruitt).

Public Hearing item #1 was addressed next by Council.

2. Discuss and consider a request by Samantha Renz of Evolving Texas for the waiver of all impact fees associated with a retail store with gasoline sales on a 1.67-acre tract of land identified as Tract 11-1 of the W. B. Bowles Survey, Abstract No. 12, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 48 (PD-48) for General Retail (GR) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, situated west of the intersection of W. Rusk Street [SH-66] and N. Lakeshore Drive, and take any action necessary.

Mr. Miller provided brief background information pertaining to this agenda item. On February 13, 2018, the Planning and Zoning Commission approved a site plan for a retail store with gasoline sales (i.e. 7/11) on a 1.67-acre tract of land located west of the intersection of W. Rusk Street [SH-66] and N. Lakeshore Drive. The applicant, Samantha Renz with Evolving Texas, has submitted a request asking the City Council to waive all impact fees associated with this request. Based on the civil plans submitted by the applicant staff estimates the potential impact fees to be as follows: [1] Roadway Impact Fees of $4,651.30, [2] Water Impact Fees of $7,777.64, and [3] Wastewater Impact Fees of $3,090.72. Impact Fees are collected to account for a projects impact to the system, and to

account for the costs of providing public services to the new development. This is a discretionary decision for the City Council.

The applicant then came forth to address Council.

Ron Ramirez
Evolving Texas
420 Throckmorton Street, Suite 620
Fort Worth, TX 76102

Mr. Ramirez came forth and provided a presentation to the city council pertaining to this request for fee waivers.

Following brief questions and answers among council members, staff and the applicant,

Jerry Lundy
909 Sunpoint Circle
Rockwall, TX

Mr. Lundy came forth and shared that he resides on a property directly located behind this location. He generally expressed concern about the 7-11 going in at this location, although he acknowledged the understanding that it was already previously approved by Council to be placed at this location.

Mr. Miller clarified, at the request of Council, that no action on the part of Council would be considered a "denial with prejudice." Following this clarification, no action was taken by Council (thus, it was denied with prejudice).

3. **MIS2018-011** - Discuss and consider a request by Samantha Renz of Evolving Texas for the approval of a variance to the utility placement requirements for overhead utilities in the SH-66 Overlay (SH-66 OV) District in conjunction with an approved site plan for a retail store with gasoline sales on a 1.67-acre tract of land identified as Tract 11-1 of the W. B. Bowles Survey, Abstract No. 12, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 48 (PD-48) for General Retail (GR) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, situated west of the intersection of W. Rusk Street [SH-66] and N. Lakeshore Drive, and take any action necessary.

Brief comments were made pertaining to this request. Council took no action regarding this item (thus, it was denied with prejudice).

4. Discuss and consider the fiscal year 2019 budget proposal for the Rockwall Central Appraisal District (RCAD) as well as the FY16 and FY17 audits, and take any action necessary.

Councilmember Hohenshelt provided brief comments to Council regarding the FY2019 budget proposal for the RCAD. He also indicated that audit information has been provided to Council, and he is happy to answer any questions.

There being no questions, Councilmember Daniels moved to approve support of the FY2019 budget proposal as well as the FY16 and FY17 audits. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Building & Standards Commission - pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

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

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

XVI. ADJOURNMENT

Mayor Pro Tem Hohenshelt adjourned the meeting at 8:24 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 2nd DAY OF JULY, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 02, 2018
5:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Patrick Trowbridge, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Patrick Lindner. Councilmember Dana Macalik and City Attorney, Frank Garza were absent from the meeting.

Mayor Pruitt then read the following discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Building & Standards Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
2. Discussion of legal options regarding Petition for Consent to establish Municipal Utility District in ETJ pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:48 p.m.

IV. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting with six of the seven council members being present (Macalik was absent).

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to approve the acquisition of temporary construction easements for Parcels 16, 18, and 22 for the prices recommended by staff. Councilmember

Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Mayor Pro Tem Fowler moved to authorize the mayor to execute a resolution to nominate Bill Lofland as the city's representative to fill the vacated board seat on the Rockwall Central Appraisal District (Board). Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHANNESEN

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

VII. PROCLAMATIONS / AWARDS

1. Sheriff Harold Eavenson Recognition Day

Mayor Pruitt called for Rockwall County Sheriff, Harold Eavenson and his wife, Marcia. He then read and presented him with an honorary proclamation recognizing him for his recent service as President of the National Sheriff's Association and his more than seventeen years of service as sheriff of Rockwall County.

VIII. OPEN FORUM

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the June 18, 2018 regular city council meeting, and take any action necessary.
2. **Z2018-023** - Consider a request by John Abbott for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Private School in the Downtown (DT) District on a 0.4591-acre parcel of land identified as Lots C & D, Block 1, Griffith Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 306 E. Rusk Street, and take any action necessary **(2nd Reading).**
3. **Z2018-024** - Consider a request by Randall Eardley of Wier & Associates, Inc. on behalf of Getra Thomason-Sanders of Chick-Fil-A, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Restaurant, 2,000 SF or More with Drive Through in a General Retail (GR) District on a 1.40-acre parcel of land identified as Lot 2, Block A, Lakeshores Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1979 N. Goliad Street, and take any action necessary **(2nd Reading).**
4. **P2018-017** - Consider a request by Mike Mershawn of Mershawn Associates, LLC on behalf of Doug Fox of Cornerstone Community Church of Rockwall, Inc. the approval of a final plat for Lot 1, Block A, Cornerstone Community Church Addition being a six (6) acre parcel of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the 205 By-Pass Overlay (205 BY-OV) District, addressed as 1565 Airport Road, and take any action necessary.

5. **P2018-018** - Consider a request by Robert Howman of Glenn Engineering Corporation on behalf of William Salee of Rockwall ISD for the approval of a replat for Lot 2, Block A, Rockwall School Addition #2 being a 6.983-acre parcel of land identified as Lot 1, Block A, Rockwall School Addition #2, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 615 Highland Drive, and take any action necessary.

6. **P2018-020** - Consider a request by Dwayne Zinn of Cross Engineering Consultants, Inc. on behalf of Matthew Wavering of the Rockwall Economic Development Corporation for the approval of a replat for Lots 8 & 9, Block D, Rockwall Technology Park Addition being a 15.173-acre tract of land identified as Lots 6 & 7, Block D, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 2635 Observation Trail, and take any action necessary.

7. Consider approval of Change Orders No. 1, 2, and 3 for the total additional contract amount of $50,480.21 with Red River Construction Company for the Squabble Creek Lift Station Improvements Project, from 2016 bond proceeds and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda as presented (#1, 2, 3, 4, 5, 6, and 7). Councilmember Trowbridge seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-29
SPECIFIC USE PERMIT NO. S-190

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A PRIVATE SCHOOL IN THE DOWNTOWN (DT) DISTRICT, BEING A 0.4591-ACRE PARCEL OF LAND, IDENTIFIED AS LOTS C & D, BLOCK 1, GRIFFITH ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

CITY OF ROCKWALL
ORDINANCE NO. 18-30
SPECIFIC USE PERMIT NO. S-191

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 RESTAURANT WITH A DRIVE-THROUGH IN A GENERAL RETAIL (GR) DISTRICT, ON A 1.40-ACRE TRACT OF LAND BEING IDENTIFIED AS LOT 2, BLOCK A, LAKESHORE COMMONS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

The motion passed by a vote of 6 ayes with 1 absence (Macalik).

X. APPOINTMENTS

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

Council did not address this agenda item, as the Chairman was not present at the meeting.

XI. ACTION ITEMS

1. **SP2018-014** - Discuss and consider a request by Wayne Mershawn of Mershawn Architects on behalf of Jeff Johnston of Woodhill Dental for the approval of variances to the building articulation standards in conjunction with a site plan for a medical office building on a 0.85-acre parcel of land identified as Lot 12, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 149 H. Wallace Lane, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. The applicant is requesting approval of variances associated with an approved site plan for a dentist office [Woodhill Dental]. The proposed dentist office will be situated on a 0.85-acre tract of land that is zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses and is addressed as 149 H. Wallace Lane. As a condition of approval, each building throughout the development is supposed to be constructed with a consistent design scheme and materials approved by the Architectural Review Board (ARB). In this case, the building materials are consistent with the other buildings in the development [Alliance III, Alliance V, and Alliance VI]; however, those buildings are constructed utilizing a green metal pitched roof system. Since the proposed dental office is larger than 6,000 SF, the building is not required to be constructed of a pitched roof system according to Planned Development 57 (PD-57), however, this building will be the only building in the development that utilizes a flat roof system.

The Architectural Review Board has looked over this case and has put forth a recommendation that the variance request pertaining to the vertical articulation be approved and the variance related to the horizontal articulation be denied. In addition, Mr. Miller explained, the Planning & Zoning Commission approved the site plan and also voted to recommend approval of the vertical articulation variance and deny the horizontal articulation variance request.

Following brief comments, Councilmember Trowbridge moved to approve the vertical articulation variance and deny the horizontal articulation variance request. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

2. Discuss and consider overview of the city's budget process and outlook for Fiscal Year 2019, and take any action necessary.

City Manager Rick Crowley provided brief, introductory comments pertaining to this agenda item. Mayor Pruitt indicated a desire to instruct staff to proceed with maintaining the 'effective rate' as far as the tax rate is concerned for the upcoming fiscal year budget. Mrs. Smith went on to indicate that a budget work session will likely be scheduled with Council on August 7th. She indicated that she has provided the Council with "her best guess" related to estimated appraised values that may result following the protests. She indicated that in past years the Chief Appraiser has provided the city with these estimates following the protests; however, she elected to not do so this year, and she has also not provided the new value estimates either. Mrs. Smith shared that staff is working from a lot of estimates at this point, and those are as follows:

Assessed Value	$ 5,524,132,065
Senior Property Values	526,856,112

Percentage Increase:	
Overall	6.57%
Effective Tax Rate Estimate	41.63 cents per hundred Current
FY18 Tax Rate	42.36 cents per hundred
Estimated Debt Service Tax Rate	16.67 cents per hundred (current rate is 17.62 cents)
Rollback Rate Estimate	42.96 cents per hundred

Mrs. Smith went on to share that the city anticipates issuing approximately $18,100,000 in new debt in FY2018 for which the first interest and principal payments will be due in FY19. This will provide construction dollars for the roadway bond projects approved in the 2012 bond election, the first installment of engineering and project costs for the 2018 bond election, and a fire truck which was approved earlier this year.

She stated that the city manager will soon be meeting with each department director to discuss each of their budget requests. In addition, staff will be working with the 'rate consultant' regarding the water and sewer rates that are being estimated by the North TX Municipal Water District. She indicated that the city is anticipating seeing a significant cost increase related to the sewer treatment side of the operation. The Mayor indicated that he would like to see the "effective tax rate" again be used this year to put forth a budget proposal. Councilmember Trowbridge asked for clarification in this regard, and Mr. Crowley indicated that the effective rate will be used as a "starting point" for staff to work on putting forth a balanced budget proposal; however, Council may always change direction in this regard as the process moves along. Indication was given that the budget proposal will be submitted to Council for review late this month.

3. Discuss and consider (re)appointments to city advisory boards and commissions, and take any action necessary.

Mayor Pro Tem Fowler moved to appoint Tim Wolf to fill the partial term (thru August of 2019) for the seat that was recently vacated on the city's Airport Advisory Board (by Mark Berglund) and reappoint the following board members to serve an additional two-year term on the Airport Board: Brad Bassett, Matt Murphy and Dwight Royall. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Macalik).

Councilmember Daniels moved to reappoint Ken Dickson to the Animal Advisory Board. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Councilmember Trowbridge moved to reappoint Beverly Bowlin, Dick Clark and Maurice Thompson to an additional two-year term on the Historic Preservation Advisory Board. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

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 - May 2018

GIS Division Monthly Report - May 2018
Harbor PD Monthly Report - May 2018
Internal Operations Department Monthly Report - May 2018
Police Department Monthly Report - May 2018
Recreation Monthly Report - May 2018
Rockwall Animal Adoption Center Monthly Report - May 2018
Rockwall Fire Department Monthly - May 2018
STAR Transit Monthly Report - May 2018
STAR Transit 3rd Quarter Report

2. City Manager's Report

XIII. EXECUTIVE SESSION

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Building & Standards Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
2. Discussion of legal options regarding Petition for Consent to establish Municipal Utility District in ETJ pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding process and nomination to fill vacancy on Rockwall Central Appraisal District Board pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

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

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

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:32 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th DAY OF JULY, 2018.

ATTEST:

Kristy Cole
Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

Jim Pruitt
Jim Pruitt, Mayor

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 16, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. Present was Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs as well as City Attorney Frank Garza.

II. WORK SESSION

1. Hold work session to discuss and consider establishing a legislative agenda for the city.

City Manager Rick Crowley provided brief, introductory comments to Council concerning this work session item. Mr. Crowley shared that the city has met with the Chamber of Commerce, which will do its own legislative agenda. However, the city will work with them in order to present one, legislative agenda at Rockwall County Days in Austin. Said agenda will also include the legislative concerns of all of the other cities within Rockwall County. Crowley generally indicated that staff will be bringing some legislative related items of concern and will collaborate with Council to be sure that the topics included are ones that are acceptable to the Council. Mr. Crowley mentioned that topics that will likely emerge during the legislative session are things like property tax reform (tax caps or revenue caps); school finance funding formulas; Hurricane Harvey emergency relief; teacher retirement system changes; school safety; annexation and eminent domain. Indication was given that the mayor has been appointed to a legislative committee through the TX Municipal League, and those meetings will begin in August. Mayor Pruitt interjected several comments pertaining to this topic, generally expressing his observation that state legislators in Austin are trying to stop the ability for cities in Texas to regulate things (i.e. annexation; North TX Municipal Water District issues). Council took no formal action as a result of this discussion.

2. Hold a work session to discuss short-term rentals, and take any action necessary.

Planning Director Ryan Miller briefed the Council on this work session topic. He generally provided Council with information on what some other cities in Texas are doing as far as regulation of these short-term rentals. He also shared information about staff recently receiving some concerns related to 'short term rentals' from a resident who lives in the Chandler's Landing subdivision. So, Mr. Miller indicated that staff is bringing forth this topic to make Council aware and see if there is any desire on the part of the council to regulate these rentals in any way. Mrs. Smith, Assistant City Manager/Finance Director, brought up a related topic, sharing that the city has never received any hotel/motel tax payments from short-term rentals (i.e. Air B&B; Home Away, etc.);

however, they are supposed to be paying said taxes to the city. Following lengthy discussion regarding these matters, Mr. Crowley confirmed his understanding that City Council would like staff to pursue the collection of hotel/motel taxes due to the city by these types of short-term rentals, but it does not wish to pursue instituting any regulations on the rentals themselves. Council took no formal action as a result of this work session discussion.

Following the Work Session discussion items, Mayor Pruitt read the below listed discussion items into record before recessing the public meeting to go into Executive Session (at 4:40 p.m.).

III. EXECUTIVE SESSION.

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

1. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
2. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Building & Standards Commission - pursuant to Section 551.074
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:54 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to authorize city staff to acquire parcels 17, 22, 30 and 34 for the County Line project. Councilmember Macalik seconded the motion, which passed unanimously (7-0).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TROWBRIDGE

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

VIII. PROCLAMATIONS / AWARDS

1. Proclamation in memory of Lt. Col. Gomer James Lewis

Mayor Pruitt and Councilmember Maclik came forth and invited the son of Lt. Col. Gomer James Lewis to come forward to accept this proclamation on behalf of his late father. The mayor shared that Gomer James Lewis was born on January 4, 1923, and recently passed away. He proudly served as a U.S. Army Air Force pilot in World War II: an Air Force pilot in Korea; and as an Air Force pilot for two tours in Viet Nam. He was one of the brave Air Force pilots who flew rescue missions during the Battle of Khe Sanh (Viet Nam) in 1968. Pruitt went on to explain that City flags were recently flown at half-staff in honor of his memory. Councilmember Macalik also presented Mr. Lewis with a Texas flag that was flown at half-staff over the Texas State Capitol in Austin in memory of his father, courtesy of State Representative Justin Holland. Mr. Lewis thanked the Council for this recognition of his father, expressing that he was very proud of his dad, and he hopes more young people will choose to serve their country in the military.

IX. OPEN FORUM

Mayor Pruitt opened Open Forum, asking if anyone would like to come forth and address the Council at this time.

Jay Lundy
909 Sunpoint Circle
Rockwall, TX 75087

Mr. Lundy came forth and expressed concerns about the 7-11 store that is poised to go in on SH-66 at the gateway to the city. He explained that he lives right next to this property, and his fence is positioned perhaps about 40' from this location. He went on to explain great concern about the location of this 7-11 convenience store. He provided various reasons why he is against this 7-11 at this particular location. He went on to suggest that the City consider revisiting zoning that was put in place years and years ago and perhaps attempt to work with property owners to see if the zoning might perhaps be changed if the current zoning designation (that was put in place years ago) no longer makes sense. He requested that the Council do anything possible to prevent this 7-11 from going in; however, if that is not a possibility, he asked the Council to please do everything possible to mitigate the impacts (noise, lighting, etc.).

Richard Langley
2401 Sandstone Court
Rockwall, TX

Mr. Langley came forth and expressed concerns about the 7-11 that is to go in on SH-66. He has concerns about noise, traffic, alcohol sales, etc. If it is possible for the Council to reconsider this store, he urged council members to do so.

Marilyn King
511 Sunset Hill Drive
Rockwall, TX 75087

Mrs. King came forth and thanked Fowler, Macalik and Johannesen for recently attending a neighborhood meeting that was held concerning the 7-11 convenience store that is set to go in on SH-66. She went on to express several concerns pertaining to the store going in at this location, as this is a secondary gateway into our city. She understands the gentleman that owns the land really needs to sell it; however, she wonders if there might be another potential buyer who may want to do something else with the land. She is generally not in favor of this development.

Tracy Hibbs
911 Sunpoint Circle
Rockwall, TX

Mrs. Hibbs came forth and compelled the City Council to reconsider this 7-11 convenience store. She explained that her home backs up to this 7-11, and she believes that this store will adversely affect her children and grandchildren. She understands that the Council has limitations, legally, on what it can and cannot do. However, she strongly urged the Council to put the tightest abatements possible in the hopes that this developer will perhaps decide to locate elsewhere in the city. She expressed various concerns about this property being chosen for this 7-11 development.

Amiee Pipes
910 Sunpoint Circle
Rockwall, TX

Mrs. Pipes came forth and expressed opposition to the 7-11 convenience store that is poised to go in on SH-66. She mainly shared concerns related to children living near the store perhaps being exposed to cancer-causing elements. She also has EPA-related safety concerns.

Phyllis Yount
907 Sunpoint
Rockwall, TX

Mrs. Yount came forth and expressed concern about this 7-11 convenience store. She shared that her home is located directly behind this location. Her home's fence is perhaps about 40' from this location. She has concerns about alcohol sales there as well as things like lighting.

Raylene Lundy
909 Sunpoint Circle
Rockwall, TX

Ms. Lundy pointed out that the Council has been diligent to take steps to improve the downtown area. She encouraged the Council to perhaps consider expanding 'the downtown area' to secure this land and perhaps use it as a nice location for the public to utilize.

Tom Walker
902 Lake Meadows
Rockwall, TX

Mr. Walker shared that he is the homeowner who recently came before Council to express concerns about the reconstruction of Lakeshore/Lake Meadows, the traffic that runs along this stretch of road, and patrons of the ASA Gymnastics who park on the street in front of and beside his home. He shared that he recently went in to ASA Gymnastics and spoke to them about his concerns, and they shared with him that the city had given them a lot of notice of what is poised to happen concerning reconstruction of the roadway, including that there will be no parking on the street. Their representatives shared that their organization is trying to take steps to modify class scheduling and perhaps provide shuttle services for their patrons (maybe to/from the Walmart parking lot nearby). He urged the city to please try to work with the ASA Gymnastics to help them solve their traffic and parking issues.

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the July 2, 2018 regular city council meeting, and take any action necessary.
2. Consider approval of the hotel occupancy tax subcommittee recommendation for supplemental funding of the Rockwall Summer Musicals in the amount of $3,500 and take any action necessary.
3. Consider awarding a per unit price bid to EM Construction and authorizing the City Manager to execute a Contract for this secondary concrete repairs contractor in the amount of $75,000 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.
4. Consider an amendment extending an existing land lease agreement for a cellular tower with American Towers LLC on City-owned property, authorizing the City Manager to execute the agreement, and take any action necessary.
5. Consider awarding a per unit price bid to Road Master Striping and authorizing the City Manager to execute a contract for pavement marking services in the amount of $50,000 to be funded out of the General Fund Streets and Drainage Operations Budget, and take any action necessary.
6. Consider approval of Change Orders No. 1, 2, and 3 for the total additional contract amount of $28,105.06 with McMahon Contracting, L.P. to be funded by 2016 General Obligation Bonds for the E. Boydstun Avenue & Throckmorton Street Reconstruction Project, and take any action necessary.
7. Consider approval of the Squabble Creek Lift Station Permanent Bypass Pump and authorize the City Manager to execute a contract with Heritage Constructors, Inc. in an amount of $524,796, to be funded by Water and Sewer Bonds issued in 2016, and take any action necessary.
8. **P2018-019** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of MCP Residential, LTD for the approval of a final plat for an age/restricted senior living community consisting of 46 single-family lots on a 15.826-acre tract of land identified as Lots 5 & 7, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 68 (PD-68), situated within the SH-205 Overlay (SH-205 OV) District, located on the

east side of S. Goliad Street [S. SH-205] north of the intersection of S. Goliad Street and Justin Road, and take any action necessary.

9. **P2018-021** - Consider a request by John Arnold of the Skorburg Co. on behalf of Gideon Grove Addition 2, LTD for the approval of a final plat for the Gideon Grove Subdivision consisting of 71 single-family residential lots on a 29.182-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 77 (PD-77), situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8, and 9). Mayor Pro Tem Fowler seconded the motion, which passed unanimously of Council (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.

Chairman of the P&Z Commission, Johnny Lyons, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action as a result of Mr. Lyon's comments.

XII. PUBLIC HEARING ITEMS

1. **Z2018-026** - Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant Tony Osburn of TXHWS, LLC is requesting the approval of a Specific Use Permit (SUP) for the purpose of establishing a restaurant, less than 2,000 SF, with drive-through/drive- in facilities in a 1,956 SF lease space. The lease space is located in a 10,920 SF multi-tenant, strip-retail building that was constructed in 2001 [Case No. PZ2000-128-03], is zoned Commercial (C) District, and is located at the northeast corner of the intersection White Hills Drive and the E. IH-30 frontage road. According to Article IV, Permissible Uses, of the Unified Development Code (UDC), a restaurant, less than 2,000 SF, with drive-through/drive-in facilities requires a SUP in a Commercial (C) District. The UDC goes on to require that all restaurants with drive-through/drive-in facilities meet the following two (2) criteria: [1] the restaurant shall not have access to local residential streets, and [2] the drive-through/drive-in shall provide stacking lanes capable of cueing a minimum of six (6) cars per lane. In this case, the existing building only has access via a cross access easement -- shared with the Wal-Mart Supercenter -- to the east and direct access onto White Hill Drive to the west, and does not directly access any residential streets. In addition, the applicant has provided a concept plan demonstrating that the drive-through can accommodate stacking for a minimum of six (6) cars. Staff should also point out that when this building was originally constructed, this

lease space incorporated a drive- through to accommodate a bakery; however, the bakery and drive-through were discontinued. Based on the concept plan submitted by the applicant the proposed land use appears to conform to all requirements of the UDC. Staff did send out notifications to property owners and residents located within 500' of the location as well as nearby homeowners associations. Staff has not received any notices at this time.

Mayor Pruitt opened the public hearing and invited the applicant forward to speak.

Jeff Carroll
750 E. IH-30
Rockwall, TX

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

Mayor Pro Tem Fowler moved to approve Z2018-026. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [*ORDINANCE NO. 17-03*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2018-027** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC for the approval of an **ordinance** amending Planned Development District 85 (PD-85) [Ordinance No. 17-55] and approving a zoning change from Agricultural (AG) District to Planned Development District 85 (PD-85) for a 9.789-acre tract of land being a portion of a larger 148.825-acre tract of land identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Planned Development District 85 (PD-85) being a 37.8-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District , located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided information pertaining to this case. On June 15, 2018, the applicant submitted an application proposing to amend Planned Development District 85 (PD-85) for the purpose of incorporating a 9.789-acre tract of land into Tract 2 and expanding the total single-family lot count to a maximum of 122 single-family homes. The Future Land Use Map, adopted with the Comprehensive Plan, designates the 9.789-acre tract of land being incorporated into the Planned Development District ordinance for "Low Density Residential." This would necessitate that the designation of this area be amended from a "Low Density Residential" designation to a "High Density Residential" designation. Should the City Council choose to approve the applicant's request staff has included a condition of approval that would amend the Future Land Use Map to reflect the requested designations. It should be noted that the remainder of the Planned Development District conforms with the changes approved by the City Council on October 16, 2017.

On June 27, 2018, staff mailed 20 notices to property owners and residents within 500-feet of the subject property. Staff also sent a notice to the Caruth Lakes Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization located within 1,500 feet of the subject property. Additionally, staff posted a sign along John King Boulevard -- which is the closest major roadway adjacent to the subject property -- as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) notice in favor of the applicant's request.

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

Mr. Delin of Integrity Group, LLC came forth and addressed the Council at this time. He proceeded to give a lengthy presentation to Council concerning his request(s).

Following Mr. Delin's presentation, Mayor Pruitt asked if anyone present would like to come forth and speak during the public hearing. There being no one indicating such, Mayor Pruitt then closed the public hearing.

Councilmember Hohenshelt moved to approve Z2018-027. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 85 (PD-850 [*ORDINANCE NO. 17-55*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 9.762-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT INTO PLANNED DEVELOPMENT DISTRICT 85 (PD-85) CREATING A 47.694-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS TRACTS 4-01 & 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7-0.

Mayor Pruitt called for a break and recessed the public meeting at 6:59 p.m. He reconvened the meeting at 7:12 p.m.

3. **Z2018-028** - Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing the Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. He indicated that the Planning & Zoning Commission voted 5-0 to recommend approval of this request.

Mayor Pruitt opened the public hearing, asking if the applicant would like to speak.

Dawn
Store Manager at The Rustic Warehouse
1411 S. Goliad St.
Rockwall, TX

Dawn came forth and indicated that she is here representing Al and Mattie, as they were unable to attend the meeting this evening. She went on to explain the nature of this request, indicating that the ability to refinish and reupholster furniture on site is crucial to their business

Mayor Pruitt asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the Public Hearing. Councilmember Hohenshelt moved to approve Z2018-028. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [*ORDINANCE NO. 17-03*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **Z2018-029** - Hold a public hearing to discuss and consider a request by Doug Galloway on behalf of Corey Cannon for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Craft Brewery, Distillery and/or Winery on a 1.16-acre parcel of land identified as Lot 1R of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, located north of the intersection of S. Goliad Street [SH-205] and Storrs Street, and take any action necessary **(1st Reading).**

Mr. Miller, the city's Planning Director, indicated that the applicant is currently requesting that he be allowed to withdraw the request without prejudice.

Mayor Pruitt invited the applicant forth to speak at this time.

Cory Cannon
421 Bedford Falls
Rockwall, TX

Mr. Cannon came forth and expressed that he is seeking permission to withdraw his request 'without prejudice' at this time, as he would like to reapply for an SUP. He would like an opportunity to address some concerns that were brought up at the Planning & Zoning Commission meeting and at other times since said meeting. He wants to be sure that the P&Z Commission really, truly understands the project and what he is trying to do.

Mayor Pruitt moved to table this item until the next city council meeting. Councilmember Trowbridge asked some clarifying questions regarding timing associated with the Council tabling this item. Mr. Miller shared that Council is required to hold the public hearing within 30 days of the tabling, so the Council can really only table action on this item until the first city council meeting in August because the second meeting falls more than 30 days from tonight. Mr. Miller further shared that if Council does not hold a public hearing at the August 6 meeting, the application will effectively be considered 'withdrawn without prejudice.'

Mr. Crowley clarified that the Council's options are:

- **To approve the applicant's request to withdraw**
- **To hold a public hearing tonight, or**
- **To table the item.**

Following these clarifications, Councilmember Daniels seconded the motion, which failed by a vote of 2 in favor with 5 against (Trowbridge, Macalik, Hohenshelt, Fowler and Hohenshelt).

Councilmember Trowbridge provided various comments, indicating that he would like to revisit this request with the Planning & Zoning Commission. Wineries have been allowed in downtown since at least 2010, so he doesn't understand why this request is being met with such confusion. He suspects there may be some prejudices between wine and beer

drinkers. He applauded Mr. Cannon for his professionalism and for not changing his concept in order to accommodate what others want.

Trowbridge then moved to accept the applicant's request to withdraw Z2018-029. Councilmember Johannesen seconded the motion.

Mayor Pruitt expressed concern about the Council allowing the applicant to withdraw the request simply because the Planning & Zoning Commission has recommended turning down the request, and the majority of the Council does not like said recommendation from the P&Z.

Lengthy discussion then ensued pertaining to this case.

Councilmember Fowler expressed concern about what the best thing might be for the applicant – to withdraw his request or to have this item tabled.

Mayor Pruitt shared that he recently visited by phone with Mr. Cannon's attorney, and the consensus seemed to be that it would be best to table this item to essentially allow for further discussion to take place. Mr. Cannon eventually came forth a second time to implore Mayor Pruitt to meet with him to have further discussions between tonight and the August 6 city council meeting, essentially to see if Mayor Pruitt might be able to become more comfortable with what he and his wife are trying to do with this proposed brewery.

Councilmember Trowbridge ultimately withdrew his motion to accept the applicant's request to withdraw this case. He then moved to table the case until the next city council meeting. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mr. Crowley asked if the Council would like to have staff involved in the discussions that will ensue between members of the Council and the applicants. Council generally indicated that they do welcome staff involvement.

XIII. ACTION ITEMS

1. **SP2018-018** - Discuss and consider a request by David Osborn of Rack Partners, LTD for the approval of a variance to the articulation requirements and an exception to the material requirements in conjunction with an approved site plan for an industrial building on a 1.50-acre tract of land identified as Tract 2-16 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 125 National Drive, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Councilmember Hohenshelt moved to approve SP2018-018. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **SP2018-016** - Discuss and consider a request by Wayne Mershawn of Mershawn Architects on behalf of Clay Shipman for the approval of a variance to the articulation requirements and an exception to the material requirements in conjunction with an approved site plan for an office

building on a 1.28-acre parcel of land identified as Lot 3, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located on La Jolla Pointe drive northeast of the intersection La Jolla Pointe Drive and Laguna Drive, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Councilmember Trowbridge moved to approve SP2018-016. Councilmember Hohenshelt seconded the motion. Following brief comments, the motion passed by a vote of 7 ayes to 0 nays.

3. **MIS2018-015** - Discuss and consider a request by Kyle Hill of Martin, Frost & Hill for the approval of a variance to Section 3.5, Alcoholic Beverage Sales, of Article IV, Permissible Uses, of the Unified Development Code to allow a retail establishment that does not meet the minimum distance requirements for beer and wine for off-premise consumption on a 1.972-acre parcel of land identified as Lot 1, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3251 N. Goliad Street [SH-205], and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item, explaining that this request is being made by an Aldi grocery store. A variance is being requested because it does not meet the distance requirements from the nearby Nebbie Williams school. The Council has the ability to grant variances to the distance requirements for various reasons, if it so chooses.

Councilmember Johannesen moved to table this item until a recommendation is received back from the Rockwall Independent School District. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider (re)appointments to city advisory boards and commissions, and take any action necessary.

Councilmember Daniels moved to appoint Gary Freedman to the Animal Advisory Board (replacing Sandra Solomon) with a term to expire in August of 2020. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding the Architectural Review Board (ARB), Councilmember Daniels moved to appoint Rick Johnson to replace Trace Johannesen thru Aug. of 2019. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Also regarding the ARB, Councilmember Daniels moved to appoint Bob Wacker to replace John Womble for a term to expire in August 2020 and appoint Lindsay Mitchell to replace Phillip Craddock thru August of 2020. Councilmember Trowbridge seconded the motion, which passed unanimously.

Councilmember Johannesen moved to appoint Margaret Maurhoff to a full, two-year term on the Park Board (to expire in August of 2020). Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIV. EXECUTIVE SESSION

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

1. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney)
2. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
3. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Building & Standards Commission - pursuant to Section 551.074
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

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

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

XVI. ADJOURNMENT

Mayor Pruitt asked City Attorney Frank Garza to report to the Council on what, legally, the city can and cannot do concerning the proposed 7-11 because he would like to pass along that information to citizens who have expressed concerns.

Mayor Pruitt then adjourned the meeting at 8:04 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th DAY OF August, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 06, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:06 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Councilmembers Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. WORK SESSION

1. Hold a work session to discuss the 2018 Comprehensive Plan update.

Chairman of the Planning & Zoning Commission, Johnny Lyons, and Bob Wacker, city resident who has been serving on the city's Comprehensive Plan Review Committee, came forth and provided a presentation to Council concerning proposed plan updates. Mr. Lyons and Mr. Wacker were very complimentary of city staff and the positive role they have played in working with the Committee on review of the Comp Plan. City Council members generally thanked Mr. Lyons and Mr. Wacker for their presentation. Indication was given that the Council will look at the updated plan in more detail and have further discussions concerning the updates after school gets back in session. Council took no formal action as a result of this work session discussion item.

Mayor Pruitt read the following discussion items into the public record before recessing the public meeting to go into Executive Session at 4:34 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
5. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

6. **Pulled from public meeting agenda - Action Item #2: P2018-008** - Discuss and consider a request by Stephen Selinger on behalf of Pham Bang Kim for the approval of a preliminary plat for Southridge Estates containing 320 single-family residential lots on a 72.6049-acre tract of land being identified as Tract 6 of the R. Dickens Survey, Abstract No. 73, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located north of the intersection of SH-276 and FM-551, and take any action necessary.

IV. ADJOURN EXECUTIVE SESSION

Executive Session was recessed at 6:02 p.m., and it reconvened later on in the evening, after the close of the public meeting agenda.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the meeting at 6:02 p.m.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MACALIK

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

VIII. OPEN FORUM

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

Tracie Hibbs
911 Sunpoint Circle
Rockwall, TX 75087

Mrs. Hibbs came forth and briefed the Council on a public information request she recently submitted and about which she subsequently conversed with the city secretary. She went on to generally express concerns about the 7-11 convenience store that is set to go in near the intersection of SH-66 and Lakeshore Drive. She went on to share that she and her neighbors have spent many, many hours combing through lots of information to determine if there is anything that can be utilized to stop this development. She pointed out what she perceived to be a conflict of interest, and, as it turned out, (via the Mayor seeking clarification) information regarding P&Z and ARB board members shown on the city's website needs to be updated. She reminded Council of its obligation to ensure the health, safety and general welfare of its citizens.

Jerry Lundy
909 Sunpoint Circle
Rockwall, TX 75087

Mr. Lundy came forth and also expressed great concern about the 7-11 convenience store that is set to go in near the intersection of SH-66 and Lakeshore Drive. He went on to share details pertaining to various city documents and information within those

documents that he indicated are essentially in conflict with this 7-11 fuel center and convenience store. He generally and strongly urged the Council to not allow this fuel center / convenience store to come to fruition.

Janice Morchower
144 Westwood Drive
Rockwall, TX

Mrs. Morchower came forth and shared that she has concerns related to Building Inspections and Code Compliance departments within the city. She believes that the city's building inspectors are a bit 'unmanned' in their quest to make sure that codes are being met and complied with due to dealing with a very large volume of new construction occurring within the city. Mrs. Morchower wonders if perhaps the city needs additional staff in order to more aptly oversee code compliance for the more than 650 building permits that were pulled during the month of June.

Marilyn King
511 Sunset Hill
Rockwall, TX 75087

Mrs. King came forth and thanked the Council for the opportunity to speak. She pointed out that the city put a lot of thought and effort into The Harbor, and it is beautiful. Also, the city's planning and zoning has ensured that the city does not appear to be cluttered – it is very well planned. She would like the entrance into the City on SH-66 to be just as beautiful. She generally expressed concerns about the proposed 7-11 fuel center and convenience store. She also has concerns about the alcohol that will likely be sold to those who may leave that convenience store to then go boating.

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 16, 2018 regular city council meeting, and take any action necessary.
2. Consider approval of Change Orders No. 1 and 2 for the total additional contract amount of $57,953.00 with Wildstone Construction, LLC for the Quail Run and Memorial Bypass Trunk Sewer Project, and take any action necessary.
3. **Z2018-026** - Consider a request by Tony Osburn of TXHWS, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary **(2nd Reading).**
4. **Z2018-027**- Consider a request by John Delin of Integrity Group, LLC for the approval of an **ordinance** amending Planned Development District 85 (PD-85) [Ordinance No. 17-55] and approving a zoning change from Agricultural (AG) District to Planned Development District 85 (PD-85) for a 9.789-acre tract of land being a portion of a larger 148.825-acre tract of land identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Planned Development District 85 (PD-85) being

a 37.8-acre tract of land identified as Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District , located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(2nd Reading).**

5. **Z2018-028** - Consider a request by Al and Mattie Vivo for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing the Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], and take any action necessary **(2nd Reading)**

6. **P2018-022** - Consider a request by Juan Vasquez of Vasquez Engineering, LLC on behalf of Deepak Gandhi of Rockwall Inn Keepers I, LTD for the approval of a replat for Lots 18, 19 & 20, Block A, La Jolla Pointe Addition, Phase 2 being a 5.769-acre tract of land currently identified as Lots 8, 9 & 11, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and take any action necessary.

Councilmember Fowler moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, and 6). Councilmember Hohenshelt seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-31
SPECIFIC USE PERMIT NO. S-192

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 85 (PD-850 [*ORDINANCE NO. 17-55*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 9.762-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT INTO PLANNED DEVELOPMENT DISTRICT 85 (PD-85) CREATING A 47.694-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS TRACTS 4-01 & 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE

NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (*$2,000.00*) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-33
SPECIFIC USE PERMIT NO. S-193

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENTS

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

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

XI. PUBLIC HEARING ITEMS

1. **Z2018-029** - Hold a public hearing to discuss and consider a request by Doug Galloway on behalf of Corey Cannon for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Craft Brewery, Distillery and/or Winery on a 1.16-acre parcel of land identified as Lot 1R of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, located north of the intersection of S. Goliad Street [SH-205] and Storrs Street, and take any action necessary **(1st Reading).**

Mayor Pruitt indicated that this item was tabled by Council at its last, regular meeting.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is seeking approval of a Specific Use Permit (SUP) to allow for a craft brewery to be built and operated at this location. He reminded Council that prior to this particular application, an ordinance was passed that essentially made it possible for a brewery, winery and/or distillery to be allowed within the downtown district via approval and issuance of a specific use permit (SUP). Any proposed business of this type in the downtown area must meet three criteria. The total building area must be less than 12,000 square feet. The total floor area dedicated to the direct sale of the onsite manufactured

product be limited to less than 40% of the entire floor area of the building. The last stipulation is that accessory uses include a tap room, taste room, meeting or banquet facility, a restaurant and/or retail sales of the onsite manufactured product (where applicable under the TX Alcoholic Beverage Commission's laws). Mr. Miller shared that the applicant's proposal does meet all three of these criteria, and some additional terms have been included in the ordinance that is before Council this evening for consideration. Mr. Miller went on to explain those various, additional terms and conditions. Mr. Miller shared that one hundred nineteen (119) property notifications were mailed out to property owners and businesses located within 500' of the subject property. Two notices have been received in favor of the request, and one notice was received in opposition. In addition, staff has received about 25 emails, which have been provided to Council for review. The Planning & Zoning Commission has previously recommended denial of this request. As such, in order to be approved, it must receive a 'super majority' vote of the Council (6 of the 7 council members must vote in favor of its approval in order for it to pass).

Mayor Pruitt then invited the applicant or applicant's representative to come for tand speak at this time.

Lorne Liechty
502 Terry Lane
Heath, TX

Mr. Liechty came forth and indicated that he is the attorney that has been working with and on behalf of the Cannons related to their application associated with building and opening this proposed brewery. He went on to share various details pertaining to craft breweries, including the benefits associated with these types of businesses throughout the State of Texas. Mr. Liechty acknowledged that the ordinance that is before the Council for consideration this evening is different than the ordinance that was previously brought before the Council at its last meeting, when the Council chose to table the item. This is the result of various meetings and conversations that have taken place between himself, the city manager, the mayor and others. He went on to also acknowledge various concerns that individuals have expressed over time pertaining to this proposed SUP and the brewery. He pointed out that several of those concerns have been addressed within this updated/revised SUP ordinance. He generally indicated that his clients desire to be good citizens and provide a good business, which is a craft brewery.

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

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and expressed concern about safety, especially considering that there will be a lot of foot traffic associated with patrons coming to and from this business. For that reason, he believes the City Council should not approve the SUP this eveing.

Jerry Lundy
909 Sunpoint Circle
Rockwall, TX

Mr. Lundy came forth and generally expressed support for approval of this SUP this evening. He has visited several around the country and has observed that they are typically well run, reputable establishments. He believes that there is more concern with alcohol being sold at a 7-11 than that which will be served at a micro brewery.

Vince Zubras
9015 Angora Street
Dallas, TX

Mr. Zubras shared that he is a former Rockwall resident and is looking forward to being one again some time soon. He is a law enforcement officer and is in the legal business (attorneys are his clients and litigation services is his business. He shared that he takes clients out a lot, and about 30-35% of his business is done within the City of Rockwall. He believes that all of the issues about which the Planning & Zoning Commission may have had concerns have been addressed. He generally seemed to express that people walking around the micro brewery is not a truly valid concern. He pointed out that less alcohol is sold in a micro brewery than that which is sold in a 7-11 store. He believes this business will only benefit the tax base. He generally and very strongly urged the Council to move forward with approving this SUP request and to leave politics out of it.

Stuart Smith
676 Bryn Mahr Lane
Rockwall, TX

Mr. Smith came forth and indicated that he is a business owner (The School of Rock) in downtown Rockwall, and he is also a resident. He expressed that traffic-related concerns will be present no matter what sort of business goes in at this particular location. He generally expressed that he has no concerns about this proposed micro brewery, and he is highly in favor of this business being approved.

Diedra Rowe
1100 Ridge Road West
Rockwall, TX

Mrs. Rowe shared that she has attended every public meeting (both Planning & Zoning and Council meetings) that has occurred related to this proposed micro brewery since it first came forth in January (eight months ago). She spoke in strong support of the Council approving this SUP tonight. She indicated that if the Council fails to listen to its residents and approve this SUP, then perhaps there may need to be some changes made on the city council.

Johnny Lyons
101 Becky Lane
Rockwall, TX

Mr. Lyons came forth and indicated that he is coming forth to speak as a citizen. He expressed concern about safety, especially since this piece of land (on which the brewery is to be built) is so sloped, and he knows that this will pose challenges for drivers, especially those who have been being served alcohol.

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

Councilmember Trowbridge moved to approve Z2018-029 with the changes reflected within the updated ordinance. Councilmember Hohenshelt seconded the motion.

Councilmember Daniels then conveyed the following statement:

> ***For me, the craft brewery subject has been one of the most agonizing issues discussed while I have been on the City Council. Having many good friends on either side of the issue has made the matter even more difficult to deal with.***
> ***I am not going to review the entire process the date but would like to make a few general observations on this issue.***
>
> ***I sincerely appreciate the efforts made by the Cannon's and their legal counsel, my friend Lorne Liechty, for working to accomplish a compromise solution regarding the SUP. In no way do I doubt their sincerity, honesty and willingness to abide by the proposed SUP.***
>
> ***In defense of the P&Z Commission: Yes, the P&Z commissioners knew the proposed location when they voted to approve the Zoning change to allow Craft/Microbreweries to be included as a SUP. However, that hearing concerned only the inclusion of craft/microbreweries for the Downtown zoning. Location should not have been considered at the hearing.***
>
> ***During the applicant's SUP request, a specific location was identified. The request was denied 4-1; reason given by four commissioners: location. I add as a comparison: Not many Council meetings ago, a SUP request for a day care/kindergarten to be located on Ridge Road was denied by the City Council—reason: location.***
>
> ***Yes, there is citizen opposition to this request. When there are a significant number of citizens on each side of an issue, no one council member can satisfy both sides with one vote. I would like to remind ALL: Every story has two tales. I appreciate Council member Trace Johannesen statement in reply to an email and I quote:***
>
> ***"...I think it's important that perhaps the objective you mentioned below may originate from the dissenters' voting constituents and they could be voting accordingly. That is indeed the point of a representative democracy/ republic. The goal is not for everyone to agree. If that was the case, we wouldn't need a council at all" (Source: 08/06/2018 Council Package, page 274)."***
>
> ***Thank you, Trace, for your insight.***
>
> ***We recently had a Council member who had some core values and he executed them faithfully and consistently. Although, I disagreed with the Council member – on more than one occasion, I respected his opinion, his thought process and commitment to his non-wavering core values. Likewise, I will not compromise my core values on this or any other issue***

and at the same time respect all those who have different values and/or opinions.

Now a word especially to those who have expressed to me their opposition to this SUP request. First, I know you are significant in number and should be heard. Second, although I have heard from many in opposition to the request, I cannot say that is true for the public and especially for the P&Z Commission and the City Council. In the future, please make your opinions, etc. known on a timely basis. In the future, speak up and be heard especially by the P&Z Commission and the City Council. This personal request applies to all issues no matter whether you are FOR or AGAINST a proposed action.

Concluding—I am convinced there is a significant opposition to this request, and a unanimous vote by the Council to approve would not be representative of ALL Rockwall citizens. Thank you.

Mayor Pruitt then spoke, indicating that he owns a business downtown, and it is located within the 'public notice' notification area associated with this zoning request. He shared that the main issue he has had with the proposed brewery location is that it will be located at the "entrance to downtown." He went on to express various concerns pertaining to this proposed SUP for the micro brewery. He explained that his number one goal is to ensure that this business establishment does not end up turning into a bar (selling hard liquor) at some point in the future. He personally does not believe that the term "family friendly environment" should ever be associated with a micro brewery. He acknowledged that the Cannons and their attorney have gone to great lengths to make certain concessions, which have been included in the language of the SUP ordinance, in order to ensure this business will be one that will work for the City of Rockwall.

Following Council's comments, the motion to approve the ordinance passed by a vote of 6 ayes with 1 against (Daniels).

Mayor Pruitt called for a brief break at 7:05 p.m. and then reconvened the meeting at 7:18 p.m.

The ordinance associated with Z2018-029 was then read into the public record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *CRAFT BREWERY, DISTILLERY AND/OR WINERY* ON A 1.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1R OF THE CAIN PROPERTIES ADDITION #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Pruitt then reordered the agenda to address Action Item #3 next.

XII. ACTION ITEMS

1. **MIS2018-017** - Discuss and consider a request by Manny Romero for the approval of a special request in accordance with Planned Development District 75 (PD-75) [Ordinance No. 16-01] for the purpose of permitting the construction of a carport and covered porch on a 0.115-acre property that is identified as Lot 419, Block D of Rockwall Lake Estates #1 Addition, City of Rockwall, Rockwall County, Texas, is zoned Planned Development District 75 (PD-75) for Single Family 7 (SF-7) District land uses, is generally located at 406 Bass Road, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is seeking permission to construct a carport in front of an existing single-family home. In addition, the applicant is requesting that the front yard building setback be reduced to accommodate the carport and a proposed covered porch. According to the information provided by the applicant, the carport will be adjacent to the front façade of the existing home and extend toward the front property line 14-feet. The structure will be 14-feet x 16-feet (*or 224 SF*) and be supported by wooden post. The roof will be integrated into the existing roofline of the home, and utilize an asphalt shingle matching the shingles used on the primary structure. The proposed covered porch will be constructed in the same manner as the carport (*i.e. integrated into the existing roof line and supported by wood columns*), and will be 8-feet x 8-feet (*or 64 SF*). Mr. Miller went on to explain that this property is located within the Lake Rockwall Estates Subdivision, and the Council is allowed to review and approve exceptions, when there are certain, unique circumstances, on a case by case basis. This request would likely not affect the general look and feel of the neighborhood. Approval is a discretionary decision on the part of Council.

The applicant then came forth to speak.

Manuel Silva
1041 E. FM 552

Mr. Silva came forth (assumingly on behalf of the applicant) to see if the Council will approve this request.

Councilmember Hohenshelt moved to approve MIS2018-017. Mayor Pro Tem Fowler seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

2. **P2018-008** - Discuss and consider a request by Stephen Selinger on behalf of Pham Bang Kim for the approval of a preliminary plat for Southridge Estates containing 320 single-family residential lots on a 72.6049-acre tract of land being identified as Tract 6 of the R. Dickens Survey, Abstract No. 73, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located north of the intersection of SH-276 and FM-551, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. He explained that this piece of property is located within the city's extraterritorial

jurisdiction (ETJ) just north of Southern Junction. The city has an interlocal agreement (ILA) in place with Rockwall County for review of issues such as this (preliminary plat) within the city's ETJ. In accordance with the terms of the Inter-Local Agreement (ILA) between Rockwall County and the City of Rockwall, City staff accepted the application and reviewed it against the technical criteria established in the agreement. As part of this review, staff provided the applicant with comments stating that the requested preliminary plat was not in compliance with the technical requirements of the ILA and would require approval of certain variances from Rockwall County. According to Section 4.06 of this agreement, "(a)ny variance from the City's subdivision regulations to be enforced in the ETJ ceive approval by the Commissioner's Court prior to the City taking action on the plat application."

On July 24, 2018, the County Commissioner's Court reviewed the variances associated with the preliminary plat and approved a motion to deny the request by a vote of 4-0, with Commissioner Bailey absent. The motion to deny the request was made by Commissioner Magnus, and seconded by Commissioner Gilbert. Since the Commissioner's Court denied the requested variances and the applicant has failed to submit a preliminary plat adhering to the technical requirements, staff is obligated to recommend the Planning and Zoning Commission and City Council take action to deny the plat based on Subsection (g), Criteria for Approval, of Section 38-8, Preliminary Plat, of Chapter 38, Subdivisions, of the Municipal Code of Ordinances. Subsection (g) lays out the specific approval and denial criteria for plats in accordance with the subdivision requirements and Subsection (g)(7) is directly related to the approval of plats under the interlocal agreement. After receiving the memorandum from staff for the scheduled Planning and Zoning Commission meeting, the applicant submitted a letter requesting postponement (see attached letter). Based on this letter and correspondence with the applicant, staff conferred with the City Attorney concerning the process being followed. The City Attorney assured staff that proper procedure was being followed and that the City is obligated to deny the preliminary plat due to it not meeting the technical requirements. In accordance with this, staff brought the case forward to the Planning and Zoning Commission on July 31, 2018. At this meeting the Planning and roved a motion to recommend denial by a vote of 5-0, with Commissioners Logan and Chodun absent.

Following brief comments from the city attorney, Councilmember Hohenshelt moved to deny P2018-008. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **MIS2018-015** - Discuss and consider a request by Kyle Hill of Martin, Frost & Hill for the approval of a variance to Section 3.5, Alcoholic Beverage Sales, of Article IV, Permissible Uses, of the Unified Development Code to allow a retail establishment that does not meet the minimum distance requirements for beer and wine for off-premise consumption on a 1.972-acre parcel of land identified as Lot 1, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3251 N. Goliad Street [SH-205], and take any action necessary.

Mayor Pruitt moved to table this item, indicating that he is expecting a memo to arrive to the city from the school district in the coming days concerning this request. Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider recommendations from the Airport Advisory Board regarding future airport development planning, and take any action necessary.

Joey Boyd, Director of Internal Operations, briefed the Council on details pertaining to this agenda item. The President of the U.S. singed a funding bill in March allocating $1 billion for small and rural airports that mainly serve general aviation pilots. In June, the FAA released a list of airports with priority consideration and the eligibility requirements for funding. Rockwall's airport was not included on that list because it is located within the Dallas/Fort Worth metropolitan area. He generally explained that while our airport is not eligible at this time, there may be an opportunity to apply for funds in future years. The Airport Advisory Board is generally recommending that the Council consider amending the budget to cover the cost of all expenses necessary to begin the process of acquiring land adjacent to the airport. Also, the Board is recommending that the Council consider sending a 'letter of interest' to TXDOT Aviation, along with the Airport Development Plan, requesting funding for improvements identified in said plan.

Dwight Royall
1995 Hidden Valley
Rockwall, TX

Mr. Royall came forth and shared that he has received indication that all of these funds may in fact not end up being utilized at other airports around the state and nation. He pointed out that all that needs to be done is that a letter of interest be submitted to TXDOT Aviation in order to get in the cue for this potential opportunity for 90/10 match grant funding.

General discussion took place concerning these matters. Mayor Pruitt expressed that he is 'all for' these two things; however, he has sincere concerns regarding the property condemnation that would be necessary in order to acquire the land.

Mr. Crowley shared that a directive and/or a motion on the part of the Council would be necessary in order to instruct staff to move forward with making any sort of financial offer to the property owner in order to attempt to acquire this piece of property. He explained that this is best discussed in the context of an Executive Session. Any acquisition of said property would need to take place after a public vote. Mayor Pruitt shared that an Executive Session item should be included on the next meeting agenda regarding possible land acquisition. Mayor Pruitt shared that his is okay with staff moving forward with sending a 'letter of interest.' Also, staff should try to approach the property owner and give that 'one last shot.'

Mayor Pruitt acknowledged a guest in the audience - Brad Bens with Boy Scout Troop 401. Mayor Pruitt thanked him for attending the council meeting and for being a part of the scouting program.

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

1. Departmental Reports
   Building Inspections Monthly Report - June 2018
   Fire Department Monthly - June 2018

GIS Division Monthly Report - June 2018
Harbor PD Monthly Report - June 2018
Internal Operations Department Monthly Report - June 2018
Police Department Monthly Report - June 2018
Recreation Monthly Report - June 2018
Rockwall Animal Adoption Center Monthly Report - June 2018
Rockwall Meals on Wheels Senior Services - 3rd Quarter Report
STAR Transit Monthly Report - June 2018

2. City Manager's Report

Mr. Crowley provided comments, including clarification that the amount of funds shown to have been collected by the Building inspections Department in its monthly report is reflective of more than just inspection-related fees. It represents all fees collected by that department (i.e. roadway impact and other misc. fees). He shared that staff will look into concerns expressed during tonight's Open Forum.

Mayor Pruitt thanked fire chief, Kenneth Cullins, for his and his team's hard work on a fire that took place over the weekend. He also thanked staff for their help in hosting a young man who is a second grader at Reinhardt Elementary and was named "Mayor for the Day." He explained that he and the boy visited with several city departments last week, and it all went very well. The mayor reminded everyone that a budget work session will be taking place tomorrow at the Rockwall Municipal Court after the RISD new teachers' breakfast concludes.

Mayor Pruitt adjourned the public portion of the meeting at 7:44 p.m. He then indicated that Council will go back into Executive Session to finish up discussions regarding item #5 listed below (Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (personnel matters).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding purchase or lease of real property in the vicinity of County Line Rd. pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
5. 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

Mayor Pruitt reconvened the public meeting at 8:30 p.m. and took no action as a result of said discussion.

XVI. Adjournment

Mayor Pruitt adjourned the meeting at 8:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 20th DAY OF AUGUST, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, August 7, 2018
9:30 a.m. Budget Work Session
Municipal Court Building, 2860 SH-66 Rockwall, TX 75087

1. Call to Order

Mayor Pruitt called the meeting to order at 9:47 a.m. The following Council Members and staff were present: Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Councilmembers Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen; City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and various other department directors and staff.

2. Hold budget work session to discuss and consider the City of Rockwall's proposed fiscal year 2019 budget.

City Manager Rick Crowley began discussion of the proposed budget, indicating that staff has prepared the budget based on the 'effective tax rate,' which is in accordance with direction previously conveyed to staff by Council. Thereafter, each area of the overall proposed budget was discussed, one-by-one, with questions and answers transpiring throughout the work session. Clarification was provided by departmental directors, as requested by Council, on various items.

Mayor Pruitt recessed the meeting, calling for a lunch break at 12:06 p.m. The mayor reconvened the meeting at 12:45 p.m.

Following the discussions, Council took no action as a result of the work session.

Assistant City Manager/Finance Director, Mary Smith indicated that a public hearing regarding the proposed budget will be scheduled for the Tuesday, September 4 regular city council meeting. Then, City Council will be asked to ultimately approve the budget at its Monday, September 17 regular council meeting.

3. Adjournment

Mayor Pruitt adjourned the meeting at 2:42 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 20th DAY OF AUGUST, 2018.

Jim Pruitt

Jim Pruitt, Mayor

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 20, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:06 p.m. Present were Mayor Jim Pruitt, Council Members Patrick Trowbridge, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney, Frank Garza. Councilmembers Kevin Fowler and Dana Macalik were absent from the meeting.

II. WORK SESSION

1. Hold a work session to discuss and consider a small business/real estate tool created by the GIS Division.

Planning Director Ryan Miller showed a detailed presentation to the Council pertaining to the new GIS tool (demographics software) created by the GIS Division. The department wanted to get feedback from the Council before releasing it to the general public. Mr. Miller presented several aspects of the tool on the screen to the City Council. Mr. Miller stated the tool is aimed at real estate brokers to advertise vacancies in shopping centers and also to potentially help small to mid-sized businesses who don't have access to the same demographics software that the City and larger retailers do. The tool displays the three trade areas with detailed information such as drive times, neighborhoods and the population of the City of Rockwall. Also it is a fairly easy tool for staff to manage.

Councilmember Trowbridge asked for clarification regarding why the tool doesn't reflect information pertaining to areas in cities such as Plano, Mesquite, or Garland. Mr. Miller generally explained how staff calculated the trade areas and associated models, clarifying that an effort was made to not skew the information. Councilmember Johannesen asked Mr. Miller to forward the Council a link so they can view the tool. Mayor Pruitt asked Mr. Miller is the area you are talking about putting the real estate things into specifically the City of Rockwall? Mr. Miller stated, yes. Mr. Miller confirmed that they have only included shopping centers in the City of Rockwall.

Councilmember Hohenshelt asked Mr. Miller who this tool will be used by. Mr. Miller stated it will be not only be available for real estate agents but also to small businesses looking to relocate here but can't afford to use expensive demographic software and for small businesses that want to move within the community to a more appropriate area pertaining to what they are selling. Mr. Miller also stated the demographic reports could be used by the Chamber of Commerce and potentially by the Rockwall Economic Development Corporation. Mr. Miller confirmed to Councilmember Trowbridge that they are using the most current GIS map. General discussion took place regarding utilizing the tool to advertise properties with vacant lease space availability, such as, for example, areas in the downtown.

Councilmember Trowbridge questioned the cost of the tool. Mr. Miller stated that the cost would only be related to staff time. It has been created so that updates may be run in bulk, so staff will only need to update the numbers annually. Essentially, it will be easy to update manually and maintain by staff. Following general discussion pertaining to anticipated costs and periodic updates, Council took no formal action as a result of this work session discussion.

Following the Work Session discussion item, Mayor Pruitt read the below listed discussion items into record before recessing the public meeting to go into Executive Session (at 4:21 p.m.).

III. Executive Session.

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding the purchase of real property in the vicinity of Harry Myers Park pursuant to Section §551.072 (Real Property).
3. Discussion regarding the purchase of real property in the vicinity of The Ralph M. Hall Municipal Airport pursuant to Section §551.072 (Real Property).
4. Discussion regarding (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
6. Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

IV. Adjourn Executive Session

Executive Session was recessed at 5:45 p.m., and it reconvened later on in the evening, after the close of the public meeting agenda.

V. Reconvene Public Meeting

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

VI. Take Any Action as a Result of Executive Session

The Council took no action as a result of Executive Session.

VII. Invocation and Pledge of Allegiance – Councilmember Hohenshelt

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

VIII. OPEN FORUM

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

Jerry Lundy
909 Sunpoint Circle
Rockwall, TX 75087

Mr. Lundy came forth and also expressed great concern about the 7-11 convenience store that is set to go in near the intersection of SH-66 and Lakeshore Drive. He thanked the Council and staff for working with him on this item. Mr. Miller recently sent Mr. Lundy some additional information on this subject after the last council meeting. However, Mr. Lundy stated he still had an item that he would like to present. He went on to share with the Council the U.S. Supreme Court's definition of a "taking" and a "regulatory taking." He stated he is aware that he may be taking things out of context, but it seems to him that some of the items that are in the city's unified development code and ordinances allow the public to go back and re-review a PD when the property in question hasn't been built on for years. Furthermore, he believes that the public should have an opportunity to do so. He asked the Council and the City Attorney to dig a little bit deeper on the subject of "regulatory taking" and make certain that this would be considered a "regulatory taking" before the 7-11 convenience store begins to break ground, which he understands will be taking place soon. He stated that the Planning & Zoning Commission received their final plat this morning, so it has been submitted and accepted but has not been thru the final review yet. Mayor Pruitt responded back to Mr. Lundy and stated he has spoken with the City Attorney and will have a legal opinion for Mr. Lundy at the next Council meeting. He assured Mr. Lundy that he will know what that is before the City Council votes on the final plat.

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the August 6, 2018 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the August 7, 2018 city council budget work session meeting, and take any action necessary.
3. **P2018-023** - Consider a request by Pan S. Sribhen, P. E. of PSA Engineering on behalf of Shailesh C. Vora of DFW Hospitality of Rockwall, LLC for the approval of a preliminary plat for a 5.65-acre tract of land identified as a portion Lots 6 & 8 and all of Lot 7, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, situated south of the intersection of Carmel Circle and Laguna Drive, and take any action necessary.

Councilmember Hohenshelt made a motion to approve the entire Consent Agenda (#s 1, 2, and 3). Councilmember Trowbridge seconded the motion. The motion unanimously passed by a vote of 5 ayes to 0 nays, 2 absent (Fowler, Macalik).

X. APPOINTMENTS

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

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

XI. PUBLIC HEARING ITEMS

1. **Z2018-030** - Hold a public hearing to discuss and consider a request by Pat Atkins of Saddlestar Land Development on behalf of the Stagliano Family Trust for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District to a Planned Development District for commercial/retail and single-family land uses on a 63.71-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Commercial (C) District and Heavy Commercial (HC) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of S. Goliad Street [SH-205] and Mims Road, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed into the City of Rockwall and zoned Agricultural (AG) District on May 19, 1986. In 2016, the Texas Department of Transportation (TXDOT) established a staging area for the SH-205 improvements at the southwestern corner of the subject property (i.e. at the corner of Mims Road and S. Goliad Street). On March 16, 2018, an application was submitted requesting to rezone the property from Agricultural (AG), Heavy Commercial (HC), and Commercial (C) Districts to a Planned Development District for single-family, townhome and commercial land uses. Based on the concept plan, this would establish a horizontal mixed use development with commercial/retail at the northwest corner of S. Goliad Street and Mims Road, while transitioning to a 196 lot townhome (i.e. 22' x 75' min. lot size) development and continuing west to a 65 lot (i.e. 50' x 120' min. lot size) single-family development. The applicant submitted a similar zoning change request in October 2017. After postponing the public hearings on two (2) separate occasions -- one (1) meeting in which the Planning and Zoning Commission requested a traffic impact analysis -- the Planning and Zoning Commission ultimately denied the case on January 30, 2018. The applicant then requested that the City Council withdraw the case. Since the original case was withdrawn, the applicant was not restricted from submitting the same request.

The applicant then submitted a subsequent application in March of 2018 proposing the same zoning change that was requested in the prior case which had been withdrawn. This application was denied by the City Council on April 16, 2018. Since the request was denied without an indication of prejudice, the action was considered to be a "denial with prejudice" (§8.3.B, Article II). This motion restricts the ability of the

applicant to submit a zoning application for any portion of the subject property -- unless the application is for a more restrictive, less intense use or development (§8.3.B, Article II) -- for a period of one (1) year from the date of denial. In accordance with Section 8.3.D, Council Approval or Denial, of Article II, Authority and Administrative Procedures, of the Unified Development Code, the applicant submitted a subsequent request for a change of conditions on May 29, 2018. This request was denied by the Planning and Zoning Commission after a finding that the request did not represent a substantial change. A subsequent application was filed on proposing to eliminate the townhome use, decrease the amount of dwelling units from 263 units (i.e. townhome & single-family mix) to 123 units (i.e. single-family residential), and reduce the density from 4.13-du/ac to 2.10 du/ac. Based on this request, the Planning and Zoning Commission approved a motion to allow the applicant to submit an application requesting to rezone the property on June 26, 2018. On July 3, 2018, the applicant re-filed an application requesting a Planned Development District.

Along with the application, the applicant has submitted a concept plan and development standards outlining the proposed development. The concept plan shows that an approximately 5.30-acre tract of commercial/retail land will be situated at the hard corner of Mims Road and S. Goliad Street. Adjacent to and west of the commercial/retail portion is Tract 2 on the concept plan, which is composed of a 37.21-acre tract of land reserved for the construction of 123 single-family home lots that will measure 60' x 120'. A portion of this development will be located adjacent to the Highland Meadows Subdivision.

In addition, the concept plan shows that approximately 21.2-acres of open space will be provided; however, staff should note that the majority of this open space is situated within existing floodplain and would only count at a rate of ½-acre for every acre (i.e. 50%) of the 20% open space requirement. The floodplain totals 16.56-acres and will equate to 8.28-acres of total open space based on the 50% maximum allowed by the UDC; therefore, the adjusted acreage of open space for the development will equal to 12.92-acres (i.e. 20.28%), which meets the minimum 20% requirement stipulated by the Unified Development Code (UDC). Additionally, the applicant has indicated an amenity center will be constructed at the northeast quadrant of the property, and a proposed eight (8) foot hike and bike trail which will be situated along the outer edge of the development. This will provide access to SH-205 and Mims Road and is generally in conformance with the City Master Trail Plan.

Staff noted that the requested overall density for this development would equal 2.10-dwelling units per acre for the Single-Family Residential development. In addition, on Tract 1 the applicant is requesting limited General Retail (GR) District land uses. Specifically, the applicant is proposing to prohibit the following land uses, which are currently permitted by-right or by Specific Use Permit (SUP) within the General Retail (GR) District, with the exception of the following:

This property would be subject to the density and development standards for the General Retail (GR) District and the SH-205 Overlay (SH-205 OV) District. Based on consultation with the city's engineering consultant, an infrastructure study pertaining to water distribution and wastewater collection would need to be conducted for any zoning change proposing a more intense land use than what is depicted on the City's Future Land Use Plan because it could have implications for the City's existing infrastructure (i.e. streets, water, and wastewater) capacities. The applicant will also be responsible for

dedicating the ROW for this roadway and paving twenty- four (24) feet of the proposed roadway where the property abuts one portion of the roadway. The applicant will also be responsible for all of the right-of-way and the entire road section where the property abuts both sides of the roadway.

It should be noted that the development standards contained within the PD Ordinance deviate from the requirements of the Unified Development Code (UDC) and the Engineering Department's Standards of Design and Construction Manual in the following ways:

According to the Engineering Department's Standards of Design and Construction Manual, "(t)he City Council may waive the residential alley requirement upon determination by the Council, if it is in the best interest of the City." In addition, the UDC requires all garages accessible from the street be configured in a J-Swing (Traditional Swing) or recessed garage format (i.e. the garage is setback a minimum of 20-feet from the front façade of the primary structure). Currently, the applicant is requesting to allow 40% Flat Front Entry garages even with the front façade of the primary structure in lieu of alleyways, and 60% J-Swing garage formats. By approving the proposed Planned Development District, the City Council is waiving this standard.

The subject property is zoned for Agricultural (AG), Commercial (C) and Heavy Commercial (HC) land uses. The Future Land Use Map, adopted with the Comprehensive Plan, designates the majority of the subject property for Commercial/Industrial land uses and a portion of Tract 2 (i.e. 2.21-acres) located east of Mims Road for Medium Density Residential land uses. The proposed zoning change would necessitate that the designation of Tract 1 be changed from a Commercial/Industrial designation to a Commercial designation and Tract 2 be changed from a Commercial/Industrial designation to a Low Density Residential designation and the 2.21-acre portion of Tract 2 from Medium Density Residential to the designation as Low Density Residential.

With regard to Tract 1, and according to the Comprehensive Plan, a Commercial land use is defined as an area "...where commercial is indicated at the intersection of major roadways and development have not occurred." The Comprehensive Plan goes on to state that "(z)oning should only be allowed where the commercial use is eminent and where it would be planned and integrated with the adjacent residential neighborhoods. Furthermore, the Comprehensive Plan states "(t)he amount of retail and the size of the area to be designated for commercial or mixed use development may be large or small depending on the service area it will serve and the style and quality of development." In this case, the proposed development is adjacent to heavy commercial and single-family residential land uses, which is east of the subject property and buffered by S. Goliad Street.

With regard to Tract 2, and according to the Comprehensive Plan, a Low Density Residential land use is defined as an area consisting of less than two (2) units per acre; however, a density up to two and one-half (i.e. 2 ½) per gross acre may be allowed within a residential Planned Development District that includes the dedication and/or development of additional amenities. In this case, the proposed density of the single-family lots being 2.10-dwelling units per gross acre, could qualify as Low Density Residential based on the amenities provided for the development, which includes a trail

system, amenity center, flood plain & open space dedication. The zoning proposal conforms to the majority of the residential policies and guidelines contained in the Comprehensive Plan for a single- family residential development and the Low Density Residential land use.

With regard to the overall development, it should be noted that the applicant's proposal would decrease the amount of land zoned Heavy Commercial (HC) District within the City of Rockwall. With this being said, the approval of any changes to the Future Land Use Map by allowing the zoning change would be a discretionary decision for the City Council. Should the City Council choose to approve the applicant's request, staff has included a condition of approval that would amend the Future Land Use Map to reflect the requested designations.

On August 1, 2018, staff mailed 156 notices to property owners and residents within 500-feet of the subject property. Staff also sent a notice to the Flagstone Estates, Lynden Park, Hickory Ridge, and Hickory Ridge East Homeowner's Association (HOA), which are the only HOA/Neighborhood Organizations located within 1,500 feet of the subject property. Additionally, staff posted a sign along S. Goliad Street -- adjacent to the subject property -- as required by the Unified Development Code (UDC). At the time this case memo was drafted staff had received two (2) notices in opposition and one (1) e-mail in support of the applicant's request.

If the City Council chooses to recommend approval of the applicant's request to change the zoning of the subject property from an Agricultural (AG) District, Commercial (C) District, and Heavy Commercial (HC) District to a Planned Development District with limited General Retail (GR) District and Single-Family 7 (SF-7) District land uses, then staff would propose the following conditions of approval:

1) The applicant shall be responsible for maintaining compliance with the conditions contained within the Planned Development District ordinance;

2) By approving this zoning change, the City Council will effectively be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of Tract 1 from a Commercial/Industrial designation to a Commercial designation and Tract 2 from a Commercial/Industrial designation to a Low Density Residential designation, and a portion of Tract 2 (i.e. 2.21-acre) from a Medium Density Residential designation to a Low Density Residential designation;

3) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

On August 14, 2018, the Planning and Zoning Commission's motion to recommend approval of the zoning change from Agricultural (AG) District, Heavy Commercial (HC) District, and Commercial (C) District to a Planned Development District with limited General Retail (GR) District and Single-Family 7 (SF-7) land uses, and with staff conditions passed by a vote of 4 to 2 with Commissioners Chodun and Moeller dissenting, and Commissioner Fishman absent.

Mayor Pruitt opened the public hearing and invited the applicant forward to speak.

Pat Atkins
3076 Hays Lane
Rockwall TX

Mr. Atkins came forth and provided a very lengthy presentation to Council concerning this agenda item / request.

Councilmember Trowbridge asked the following question to Mr. Miller: Are we changing the land use map for something less intense i.e. residential land (is residential land less intense vs. commercial land)? Mr. Miler stated, yes. Councilmember had a question directed at Mr. Atkins. On the package you had 50 ft. lot sizes? Mr. Atkins clarified that they are 60 ft. lots with 40% of them having flat face garage entries.

Mayor Pruitt stated the following regarding this piece of property: What this Council is having to decide is do we want this area of town to remain industrial/heaving commercial, which it was always intended to be, or do we want to change this to become an all residential area? He continued to state that the City cannot go back to heavy industrial after a neighborhood moves in. If they try to do that then the neighbors will come back to the Council and question why that was allowed to take place. The Mayor stated he is not against it, but the Council as a whole needs to decide what the right decision should be. Councilmember Hohenshelt agreed with the Mayor, stating that a significant demand exists for products that are offered and require a heavy commercial designation. Councilman Hohenshelt wonders what percentage of heavy commercially zoned land would be left if this area were taken out of that zoning classification. Mr. Miller stated he does not have a breakdown of the new comp plan regarding heavy commercial because the update to the plan has not yet been approved. Councilmember Daniels inquired on why some of the Planning & Zoning board members said "no" to this request. Johnny Lyons, Chairman of the Planning & Zoning Commission stepped forward to answer Councilmember Daniels' question. He state that Commission Moeller had concerns regarding taking away from heavy commercial, similar to Councilmember Hohenshelt's concerns. Commissioner Chodun was more concerned about the traffic. He stated that 'residential' would be adding more traffic than the heavy commercial. Mr. Lyons voted for it. Mayor Pruitt asked about the property to the North - is it zoned heavy commercial? Mr. Atkins confirmed it is heavy commercial. The property on Mims is proposed for residential. Mr. Miller answered Councilmember Hohenshelt's previous question. Under the new comprehensive plan, there is about 126 acres (of 'heavy commercial') less the 40 acres that is currently being considered for rezoning, meaning it would drop the available "heavy commercial" available land down to about 80+ acres, (which is about a 32% reduction). Mr. Miller clarified for Councilmember Johannesen that the acreage stated is based on a draft of the updates to the city's comprehensive plan. There is no breakdown of the number of 'heavy commercial' zoned acres in the city within the current comprehensive plan.

Mayor Pruitt expressed concern, indicating that if he were moving into or living in this neighborhood, he would not like 'heavy commercially' zoned properties next door.

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

Tracie Hibbs

911 Sun Circle
Rockwall TX

Ms. Hibbs stated she has lived in Rockwall all her life. She mentioned that when she was in high school, a young man drowned in the creek which is on this area's flood plain. She wants to make sure that public safety is the foremost concern with the Council concerning this vote. She also stated that this creek runs into Lake Rockwall Estates and asked the City Council to be mindful of residential flooding that occurs in that area.

Resident Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker mentioned that Pat is persistent and has done a wonderful job presenting and updating his plans. He mentioned the 60 ft. lots and restated that he hates full front garages. He acknowledged that Pat's plans included 25 ft. of driveway space, which is great. Mr. Atkins has met some of the future requirements for the new comprehensive plan. Mr. Wacker stated he has done some research since then and thinks the Council has a hard decision to make. Mr. Wacker generally expressed that he believes this is a bad area. With heavy traffic, construction on 276 and Mims being only a 2 lane gravel road heading into a sub-division, it will be risky to drive in that area. He also noted that there are currently 120 acres of heavy duty commercial in the area. He questions if the city should give up this heavy commercial opportunity and instead convert it to a residential area.

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

Mayor Pruitt made a motion to approve Z2018-030. Councilmember Trowbridge seconded the motion. Following brief, additional comments by Council, the motion failed by a vote of 2 ayes to 3 nays (Hohenshelt, Johannesen, and Daniels) 2 absent (Fowler, Macalik).

2. **Z2018-031** - Hold a public hearing to discuss and consider a request by Jessye Jean Woody for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family Estate 1.5 (SFE-1.5) District for a 1.342-acre parcel of land identified as Lot 1, Block A, Zion Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 853 Zion Hills Circle, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. According to Section 2.1, Agricultural (AG) District, of Article V, District Development Standards, of the Unified Development Code (UDC), a single-family dwelling is allowed on any Agricultural (AG) District zoned property that is more than ten (10) acres. Since the subject property is less than ten (10) acres and considered to be legally non-conforming, the applicant will need to rezone the property to make it conforming in order to add the guest quarters/secondary living unit. Comments pertaining to the adjacent land uses and roadways were briefly discussed, as was current district development standards contained within the UDC. Mr. Miller indicated that the Future Land Use Map, adopted with the Comprehensive Plan, designates the subject property for Low Density Residential land uses which is defined as

developments with two (2) units per acre or less. The applicant's request is in conformance with the Future Land Use Map.

On August 2, 2018, staff mailed 16 notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff also advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted staff had received one (1) notice in favor of this request.

On August 14, 2018, the Planning and Zoning Commission's motion to recommend approval of the zoning change passed by a vote of 6-0 with Commissioner Fishman absent.

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

Councilmember Hohenshelt made a motion to approve Z2018-031. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT ON A 1.342-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, ZION ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 853 ZION HILLS CIRCLE AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion unanimously passed a vote of 5 ayes to 0 nays, 2 absent (Fowler, Macalik)

3. **Z2018-032** - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for commercial, light industrial and townhome land uses on a 16.26-acre tract of land identified as Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary **(1st Reading) [Postponed to September 4, 2018].**

The above public hearing is being postponed till the September 4, 2018 Council Meeting. No action was taken by the City Council.

4. **Z2018-033** - Hold a public hearing to discuss and consider approval of an **ordinance** for a text amendment to the Use Standards contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of amending the land use conditions for the Craft/Micro Brewery, Distillery and/or Winery land use, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. At the July 16, 2018 City Council meeting, the City Council directed staff to make minor changes to Ordinance No. 18-27, which amended the Permissible Use Charts in the Unified Development Code (UDC) to add the Craft/Micro Brewery, Distillery and/or Winery land use and land use standards. Specifically, under the land use standards for this use, the current ordinance allows for the retail sales of "beer" for off-premise consumption; however, under the Texas Alcohol Beverage Commission's (TABC's) Alcoholic Beverage Code, Craft/Micro Breweries are not permitted to have on-site package sales available directly to the general public. The purpose of this section was to acknowledge that TABC's Alcoholic Beverage Code does permit wineries and distilleries the ability to have on-site package sales available directly to the general public, and the use of the word "beer" was incorporated erroneously. The proposed ordinance would replace the use of "beer" with "on-site manufactured product." For further clarification, staff has added a reference to the TABC's Alcoholic Beverage Code sections that deal with licenses for breweries, distilleries, and wineries. In addition, staff has made two (2) additional changes for grammar and clarification. A marked up copy of the changes is attached to staff's memorandum.

On August 14, 2018, the Planning and Zoning Commission approved a motion to recommend approval of the amendment to the City Council by a vote of 6-0, with Commissioner Fishman absent. Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, Authority and Administrative Procedures, of the UDC.

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

Following some comments and clarifications regarding what is being voted on, Mayor Pruitt made a motion to approve Z2018-033. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

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

The motion passed by a vote of 3 ayes to 2 nays (Hohenshelt, Trowbridge), and 2 absent (Fowler, Macalik).

5. **Z2018-034** - Hold a public hearing to discuss and consider a request by Dean Cathey on behalf of Judy K. Larson for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family Estate 1.5 (SFE-1.5) District for a 6.96-acre parcel of land identified as Tract 26-2 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 556 FM-549, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting a change in zoning for the purpose of constructing a single-family home. The subject property was annexed in 1998, is situated on a 6.96-acre parcel of land, zoned Agricultural (AG) District, and is addressed as 556 FM 549.

Mr. Miller indicated that on August 2, 2018, staff mailed 43 notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff also advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted, staff had not received any notices concerning this case. On August 14, 2018, the Planning and Zoning Commission's motion to recommend approval of the zoning change passed by a vote of 6-0 with Commission Fishman being absent.

Mayor Pruitt opened the public hearing and invited the applicant forward to speak.

Judy K Larson
1721 Briar Oaks Dr.
Flower Mound, TX

Ms. Larson stated that her father passed away 12 years ago, and he left this land to her and her twin her sister. Her sister has been in Rockwall for 9 years. She wants to move down to the City of Rockwall and live next door to her sister.

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

Councilmember Hohenshelt made a motion to approve Z2018-034. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT ON A 6.96-ACRE PARCEL OF LAND IDENTIFIED AS TRACT 26-2 OF THE E. M. ELLIOTT SURVEY, ABSTRACT NO. 77, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 556 FM-549

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

The motion unanimously passed by a vote of 5 ayes to 0 nays, 2 absent (Fowler, Macalik)

XII. ACTION ITEMS

1. **Z2018-029** - Discuss and consider a request by Doug Galloway on behalf of Corey Cannon for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Craft Brewery, Distillery and/or Winery on a 1.16-acre parcel of land identified as Lot 1R of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, located north of the intersection of S. Goliad Street [SH-205] and Storrs Street, and take any action necessary **(2nd Reading).**

Mr. Miller explained that this has been placed on Action Items (in lieu of a Consent Agenda item) due to it not having received a unanimous vote at the last Council meeting. Councilmember Hohenshelt then moved to approve Z2018-029, and Councilmember Johannesen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-34
SPECIFIC USE PERMIT NO. S-194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *CRAFT BREWERY, DISTILLERY AND/OR WINERY* ON A 1.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1R OF THE CAIN PROPERTIES ADDITION #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes, 1 nay (Daniels), and 2 absent (Fowler, Macalik).

2. **MIS2018-015** - Discuss and consider a request by Kyle Hill of Martin, Frost & Hill for the approval of a variance to Section 3.5, Alcoholic Beverage Sales, of Article IV, Permissible Uses, of the Unified Development Code to allow a retail establishment that does not meet the minimum distance requirements for beer and wine for off-premise consumption on a 1.972-acre parcel of land identified as Lot 1, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3251 N. Goliad Street [SH-205], and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. On August 15, 2018, the applicant -- Kyle Hill of Martin, Frost & Hill -- submitted a letter requesting to withdraw the request from consideration. According to Section 5, Application Withdrawal, of Article II, Authority and Administrative Procedures, of the Unified Development Code (UDC), "(o)nce an application for a...variance, special exception or appeal going before the City Council has been published in a newspaper or notifications of public hearing have been mailed, such request for withdrawal must be placed on the public hearing agenda and acted upon by the applicable body." Since this case does not require notification to be published in a newspaper or a public hearing, the City Council does not need to take action to withdraw the item. Indication was given that a letter was received by the Rockwall ISD that essentially expressed that the school district does not support approval of this request for a variance.

Councilmember Hohenshelt made a motion to deny MIS2018-015, and Trowbridge seconded the motion. The motion passed by a vote of 5 ayes and 2 absent (Fowler, Macalik).

3. **SP2018-024** - Discuss and consider a request by Pan S. Sribhen, P. E. of PSA Engineering on behalf of Shailesh C. Vora of DFW Hospitality of Rockwall, LLC for the approval of variances to the articulation and overlay district requirements in conjunction with an approved site plan for a medical office building on a 1.003-acre tract of land identified as a portion of Lot 6, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, situated east of the intersection of Carmel Circle and Laguna Drive, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The request is in conjunction with an approved site plan for the purpose of constructing a single-story, 3,920 SF medical office building (MOB). The proposed MOB will be situated on a 1.003-acre parcel of land. The applicant is requesting variances to the requirements of the Scenic Overlay (SOV) District and the Unified Development Code (UDC). It was noted, that some of these variance requests will require approval by a ¾ majority vote of those City Council members present due to the subject property being located within an established overlay district. Mr. Miller went on to explain the nature of each variance request, one of which was pertaining to the building elevations, and one of which was pertaining to the roof pitch standards. He explained that approval of the variance requests is a discretionary decision for the Council.

On July 31, 2018, the Architectural Review Board (ARB) reviewed the proposed building elevations for the site. General discussion concerning the proposed appearance amid all buildings within the area took place between the board members and the applicant. The board reviewed the building materials and additional elements associated with this buildings' design. The board ultimately made a motion to approve the elevations as presented, which included the request for variance to the articulation and roof design. The motion passed unanimously 7 to 0.

On August 14, 2018, the Planning and Zoning Commission's motion to approve the site plan with staff conditions passed by a vote of 5 to 1 with Commissioner Welch dissenting and Commissioner Fishman absent. Additionally, the motion included a recommendation of approval to the variances being requested, with the exception of

the request for a variance to the required trees that would be placed at the perimeter behind the building.

Councilmember Daniels stated at the last Council meeting he voted for this item, and during the recess, he spoke to the engineering company's representative and stated he would support this if it had no variances, but now they are requesting variances. So because of this, Councilmember Daniels will be voting "no" on this item.

The applicant then came forth to speak.

Pan S. Sribhen
17819 Davenport Road

Mr. Sribhen came forth and briefly spoke. Councilmember Daniels indicated that a difference of opinion exists regarding the nature of what he and the applicant had previously discussed.

Councilmember Hohenshelt moved to approve SP2018-024. Mayor Pruitt seconded the motion. The motion passed by a vote of 4 ayes, 1 nay (Daniels), and 2 absent (Fowler, Macalik).

4. **SP2018-025** - Discuss and consider a request by Pan S. Sribhen, P. E. of PSA Engineering on behalf of Shailesh C. Vora of DFW Hospitality of Rockwall, LLC for the approval of variances to the articulation and parking requirements in conjunction with an approved site plan for an office building on a 1.174-acre tract of land identified as a portion of Lots 6 & 7, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, situated on the eastside of La Jolla Pointe Drive, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting approval of variances to the (UDC) pertaining to constructing a three (3) story, 18,000 SF office building. Indication was given that the requested variances may be approved by a simple majority vote of those City Council members present. Mr. Miller went on to explain the nature of the variances being requested, which were essentially related to building elevations/facades and the minimum number of parking spaces required. Approval of the variances being requested is a discretionary decision for the City Council.

On July 31, 2018 and then again on August 14, the Architectural Review Board (ARB) reviewed the proposed building elevations for the site. After reviewing revised elevations, the ARB made a motion recommending approval of the elevations, which passed by a vote of 6 to 0 with Board Member Mitchell absent. This motion included a condition of approval that the applicant provide Austin Stone as depicted on the elevations and not a synthetic stone as was attached to the materials sample board. Additionally, the motion included a recommendation of approval of the variance being requested regarding vertical articulation.

On August 14, 2018, the Planning and Zoning Commission's motion to approve the site plan with staff conditions, and the Architectural Review Board's

recommendations, passed by a vote of 6 to 0 with Commissioner Fishman absent. Additionally, the motion included a recommendation of approval of the variances being requested.

Councilmember Trowbridge moved to approve the variance request pertaining to the building's vertical articulations. Councilmember Hohenshelt seconded the motion. The motion passed by a vote of 4 ayes, 1 nay (Daniels), and 2 absent (Fowler, Macalik).

Councilmember Trowbridge moved to deny the variance request pertaining to the parking requirements. Councilmember Daniels seconded the motion. The motion passed unanimously of those present (5 ayes to 0 nays, 2 absent (Fowler, Macalik)).

5. **SP2018-020** - Discuss and consider a request by Randall Eardley of Wier & Associates, Inc. on behalf of Getra Thomason-Sanders of Chick-Fil-A, Inc. for the approval of a variance to the pitched roof requirements in conjunction with an approved site plan for a Restaurant, 2,000 SF or More with Drive Through on a 1.40-acre parcel of land identified as Lot 2, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1979 N. Goliad Street, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. On March 5, 2018, the City Council approved a Specific Use Permit (SUP) allowing a restaurant with a drive-through on the subject property. Mr. Miller essentially explained that the city required a pitched roof. However, according to the submitted site plan, the restaurant will be constructed utilizing a flat roof design. The purpose of this design is to match the existing retail strip center and proposed restaurants situated within the development. Since the subject property is located in the North SH-205 Overlay District, this variance will require a ¾ majority vote of the City Council members present to be approved.

On July 31, 2018 the Architectural Review Board (ARB) reviewed the proposed building elevations and requested more vertical and horizontal articulation and revisions to the color of brick and to add stone to blend with the rest of the commercial development. In addition, the ARB expressed agreement with the requested variance to the pitched roof requirement. On August 14, 2018, the Planning and Zoning Commission's motion to approve the site plan and recommend approval of the variance to the pitched roof requirement passed by a vote of 6- 0 with Commissioner Fishman absent.

Councilmember Johannesen moved to approve SP2018-020. Hohenshelt seconded the motion. The motion passed unanimously of those present - 5 ayes to 0 nays, 2 absent (Fowler, Macalik).

6. **SP2018-022** - Discuss and consider a request by Matilyn Vivo of Rustic Warehouse for the approval of a variance in conjunction with a site plan to allow for outside sales and display on a 1.9175-acre parcel of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is "The Rustic Warehouse." According to the applicant's submitted site plan, the proposed outside sales and display will not be fully covered on the existing sidewalk, however, the applicant is providing an approximately one (1)-foot roof overhang with the remaining sidewalk uncovered. The Unified Development Code (UDC) requires outside sales and display to be screened from view of adjacent roadways, public areas, and adjacent properties, should the merchandise not be located under a covered sidewalk. In this case, the applicant states the purpose of the outside sales and display is to allow the displayed merchandise to be visible to people passing by to display examples of the merchandise being sold inside the retail store. Since the proposed outside sales and display will be visible, a variance is required.

On August 14, 2018, the Planning and Zoning Commission's motion to approve the site plan and recommend approval of the variance to the screening requirement passed by a vote of 6-0 with Commissioner Fishman absent.

Mayor Pruitt showed a photograph and expressed concern about approving the variance to the screening requirement, especially since the city does not allow them at other retail locations located elsewhere in the city. Following brief comments, Councilmember Trowbridge made a motion move to deny SP2018-022. Councilmember Johannesen seconded the motion. The motion passed by a vote of 5 ayes to 0 nays, 2 absent (Fowler, Macalik)

7. Discuss and consider the proposed City of Rockwall budget and tax rate for Fiscal Year 2019, and take any action necessary.

Mr. Crowley inquired if the Council would like to exceed the effective tax rate, which was not something that was reflected in the budget proposal that has previously been presented to Council and recently discussed. Indication was given that none of the Council wishes to raise the taxes above the effective rate.

Mayor Pruitt adjourned the public portion of the meeting at 7:29 p.m. He then indicated that Council will go back into Executive Session to finish up discussions regarding item #5 listed below (Discussion regarding City Manager performance evaluation pursuant to Section 551.074 (personnel matters).

XIII. EXECUTIVE SESSION

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding the purchase of real property in the vicinity of Harry Myers Park pursuant to Section §551.072 (Real Property).
3. Discussion regarding the purchase of real property in the vicinity of The Ralph M. Hall Municipal Airport pursuant to Section §551.072 (Real Property).
4. Discussion regarding (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters

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

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

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

Mayor Pruitt reconvened the public meeting at 8:03 p.m. and took no action as a result of the Executive Session discussion.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:03 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 4th DAY OF SEPTEMBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 04, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:05 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Councilmembers Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs, and the city's legal counsel, Richard Lindner.

II. WORK SESSION

1. Hold a work session to hear and discuss update regarding the Highland Drive Reconstruction Project from Bedford Falls Lane to Valley Drive.

Mrs. Williams, City Engineer, came forth and briefed Council on this work session item. She indicated that a public meeting was held with residents and property owners along this roadway back in July. Also, a survey was sent out to those individuals. The results are included in Council's information packet. She mentioned that there is a '50/50 split' on certain items within the survey results. She shared that staff has asked the Police Department to increase its presence on this street since speed has been expressed as a large concern. A subsequent resident/property owner meeting was held on August 21, and about seventeen residents attended. Also, the school district submitted a letter expressing support for the installation of sidewalks, specifically in the interest of child safety. Clarification was given that Highland Drive is already a 'through street.' Mrs. Williams shared that this is a 'fast track' project, with bids anticipated to open in November and award of the bid to take place in December.

Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:13 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas

Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

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

IV. ADJOURN EXECUTIVE SESSION

Executive Session adjourned at 5:59 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:02 p.m. with all seven council members being present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

Mayor Pruitt delivered the invocation and led the Pledge of Allegiance. Mayor Pruitt recognized County Judge David Sweet who was present in the audience.

VIII. OPEN FORUM

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

Tracy Hibbs
911 Sunpoint Circle
Rockwall, TX

Mrs. Hibbs shared that she recently met with representatives of 7-11 who indicated that they are doing their best to keep up with maintenance, landscaping and upkeep of their stores within the city. They further shared with her that they are trying to be more like a QT (QuickTrip) or a Racetrac in this regard. She pointed out that there are a lot of convenience stores on this side of town already. She generally expressed concerns about the 7-11 that is set to be built near the intersection on SH-66 and Lakeshore Drive, as she is opposed to it.

Jerry Lundy
909 Sunpoint Circle
Rockwall, TX 75087

Mr. Lundy came forth to express concern related to the 7-11 convenience store that is slated to go in near SH-66 and Lakeshore Drive. He went on to share that he has read over some of the Supreme Court cases that pertain to "takings" (of property), and he went on to share some of the specific content pertaining to said cases. He pointed out that last month, he urged the Council to consider going back over past PDs and past zoning to revisit them and determine if those zoning designations still make sense. He pointed out that the municipality can place a time limit on how long a developer has to

move forward with building after a zoning change has been granted. He clarified that all economic, viable options on the property have to have been totally diminished in order for it to be considered a governmental 'taking.' He asked for everyone in the audience who is present pertaining to the 7-11 store to please stand up. Several members of the audience did so. He commented that the city attorney's opinion that was recently shared with some of the concerned residents was not sufficient. He is opposed to the 7-11 store being constructed at this location.

Christiana Voorhes
306 Greenhill Lane
Rockwall, TX 75087

Mrs. Voorhes came forth and indicated that she has a special needs child. She is generally not in favor of a sidewalk being built on both sides of Highland Drive during the upcoming reconstruction. She pointed out that half the residents want sidewalks installed, and half do not want them. So, she urged the Council to only install them on one side of the road. She has concerns about traffic speeding down this street, and she does not believe that a "police presence" on the part of the city has been increased. She has concerns about alleyways not being fixed with past bond monies, and she believes that public dollars are being misspent.

Hani & Maritza Bekdash
612 Highland Drive
Rockwall, TX

Mr. and Mrs. Bekdash came forth and expressed that they are not in favor of sidewalks being installed as part of the reconstruction of Highland Drive.

Mrs. Marilyn King
511 Sunset Hill Drive
Rockwall, TX 75087

Mrs. King came forth and thanked the Council and staff for all the assistance they have given to concerned citizens regarding the 7-11 convenience store (to be placed off SH-66). She believes that The Harbor is a very beautiful feature at the IH-30 entryway to the city on that side of town. However, if this 7-11 is built at the entryway to the city located on SH-66, it will not be as aesthetically pleasing. She is generally in opposition to the 7-11 going in at this location.

Michelle Case
902 Alta Mesa Circle
Rockwall, TX

Mrs. Case thanked the Planning Director, Ryan Miller, for meeting with concerned citizens pertaining to the 7-11 store. She does not believe that an additional gas station is needed, and she has concerns about this store going in at the entryway to the city. She does not believe that a commercial gas station fits well at this location. She believes that fuel tanks being placed underground will also pose an environmental concern. She also has concerns about increased traffic that will accompany this gas station. She is opposed to it being built.

Ben Weible
215 Trout Street
Rockwall, TX

Mr. Weible expressed concern about the city becoming involved in private property transactions. He shared that he would not like the city to go looking for more and more ways to interfere with two parties who aim to conduct a private transaction (i.e. a property owner selling his land to a developer). He pointed out that a convenience store/ gas station was built several years ago outside of the neighborhood in which he lives, and no one has been hit by a car, it is utilized by drivers, and it seems to be going okay. He generally has no concerns about the new 7-11 store that is slated to go in on SH-66.

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the August 20, 2018 regular city council meeting, and take any action necessary.
2. **Z2018-031** - Consider a request by Jessye Jean Woody for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family Estate 1.5 (SFE-1.5) District for a 1.342-acre parcel of land identified as Lot 1, Block A, Zion Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 853 Zion Hills Circle, and take any action necessary **(2nd Reading).**
3. **Z2018-034** - Consider a request by Dean Cathey on behalf of Judy K. Larson for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family Estate 1.5 (SFE-1.5) District for a 6.96-acre parcel of land identified as Tract 26-2 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, addressed as 556 FM-549, and take any action necessary **(2nd Reading).**
4. Consider awarding a bid to Tucker Roofing Systems and authorizing the City Manager to execute a contract for various building roof repairs in the amount of $101,848.99 to be funded out of the General Fund Internal Operations Budget, and take any action necessary.
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9. Consider awarding a bid to Lone Star Emergency Group and authorizing the City Manager to execute a Purchase Order for a new 2018 Fire Rescue Pumper totaling $626,458 to be funded with Contractual Obligations, and take any action necessary.

Mayor Pruitt pulled item #8 to discuss it separately. Councilmember Hohenshelt then moved to approve the remainder of the Consent Agenda (#1, 2, 3, 4, 5, 6, 7, and 9). Mayor Pro Tem Fowler seconded the motion.

Mayor Pruitt shared that he was the city attorney in Sunnyvale, TX when the case that Mr. Lundy referenced made its way all the way to the Supreme Court for review. It ended up costing tax payers in that city almost $1 million. So, he is very familiar with the case. He pointed out that prior city councils took certain actions that the current council may not necessarily agree with. He went on to share that he does not believe that disapproving the final plat for this 7-11 convenience store would be in the city's best interest. He believes that doing so would be putting the city in the position of fighting what would very likely end up being a losing battle.

Councilmember Macalik shared that she lives behind this proposed 7-11, and she does not necessarily want it to be built at this location either. However, she has had extensive discussions with the city attorney pertaining to this topic. She generally explained her understanding that, legally, the city would be compromising itself if it did not approve this plat.

Following brief, additional comments, Mayor Pruitt stated that he will entertain a motion pertaining to Consent Agenda item #8. There being no one (initially) making a motion, he then stated that he would move on to "Appointment Items." However, Councilmember Fowler then spoke up, asking what the result of Consent Agenda item #8 will be if the Council takes no action on it at all.

Mayor Pruitt again entertained the making of a motion. Councilmember Hohenshelt moved to approve Consent Agenda item #8. Councilmember Trowbridge seconded the motion.

The city's legal counsel, Mr. Richard Lindner provided clarification, generally indicating that if the Council takes no action at all on this proposed final plat (Consent Agenda item #8), then it would effectively be denied. Following the brief clarification, the motion to approve Consent Agenda item #8 passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENTS

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

Johnny Lyons, Chairman of the Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following brief questions and answers between Mr. Lyons and the Council, no action was taken as a result of this particular appointment item.

XI. PUBLIC HEARING ITEMS

1. **Z2018-032** - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for commercial, light industrial and townhome land uses on a 16.26-acre tract of land identified as Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller indicated that the applicant has asked to postpone this item until the September 17 city council meeting. It was pointed out that this item was recommended for denial by the Planning & Zoning Commission.

Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak pertaining to this item.

John P. Wardell
880 Ivy Lane
Rockwall, TX

Mr. Wardell came forth to speak, generally expressing support for the Council's approval of this proposed zoning change. He believes that this will be the best possible use of this land for the Park Place neighborhood. He is concerned that if this is denied, as the P&Z Commission has recommended, then it would potentially end up being developed as "light industrial." That would result in less property values and taxes for the City. He is in favor of the Council approving this zoning change request.

Mr. Weible
215 Trout Street
Rockwall, TX

Mr. Weible came forth and generally expressed support for the Council approving this zoning change request. He believes this is an opportunity for the city to not step in and get involved in preventing the private market to move forward and for the city to be able to continue to develop and grow organically.

Jerry Lundy
909 Sunpoint Circle
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Mr. Lundy came forth and generally expressed opposition to this zoning change request. He urged the Council to consider the aesthetics of the city. He pointed out his belief that the applicant currently financially benefits from use of the property when he charges drivers a fee to utilize the land for parking during certain special events that take place at Harry Meyers Park. He believes this zoning change will result in increased traffic on that section of SH-66, and it will adversely impact the city's Harry Myers Park.

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Mr. Rasmussen came forth and shared that he currently lives in the Park Place neighborhood. He generally expressed support for this zoning change and the proposed development of this piece of property. He believes it will be an 'eloquent solution' for use of this property.

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Mr. Mishler came forth and shared that he also currently lives in the Park Place subdivision. He asked the city to go back and review the thoroughfare plan and analyze current and future traffic projections. He expressed that he hopes SH-66 does not end up expanding to be a four-lane highway through this area, especially since Harry Meyers Park is located along this stretch of roadway.

Bill Bricker (the applicant) came forth and expressed that he had to leave town and work on a different project right after the Planning & Zoning Commission meeting transpired. As a result of his obligations in that regard, unfortunately, he has personally been unable to prepare some additional information to present to the city council prior to it taking action on this item. He was shocked at some of the concerns expressed at the P&Z Commission meeting. In part, he went on to share that every amount of money that has been collected for parking (at July 4 and other city sponsored events) has been donated to charity (100%). However, he pointed out that it is not a private property owner's obligation to provide public parking for public events.

Mayor Pruitt then made a motion to continue the public hearing until the September 17, 2018 city council meeting. Councilman Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Hold a public hearing to receive comments regarding the proposed FY 2019 City of Rockwall budget and tax rate, and take any action necessary

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

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Mr. Weible expressed his understanding that Council is proposing to stay with the current 'effective tax rate' if not back down from it just a little bit. The Council affirmed

Mr. Weible's understanding of the proposed tax rate. Therefore, he generally expressed that he is not in opposition to the proposed budget and tax rate.

There being no one else wishing to come forth and speak, Mayor Pruitt closed the public hearing. He indicated that Council will take action to approve the budget and tax rate at the next city council meeting (on Sept. 17).

XII. ACTION ITEMS

1. Discuss and consider the proposed City of Rockwall budget and tax rate for Fiscal Year 2019, and take any action necessary.

Mayor Pruitt shared that Council will take action to approve the budget and tax rate at the next city council meeting (on Sept. 17). No action was taken at this time.

2. **Z2018-033** - Discuss and consider approval of an **ordinance** for a text amendment to the Use Standards contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of amending the land use conditions for the Craft/Micro Brewery, Distillery and/or Winery land use, and take any action necessary **(2nd Reading).**

Mr. Miller, Planning Director, generally explained that this item has been placed as an "Action Item" this evening since it did not receive unanimous approval at the last city council meeting. Following some brief clarifications, Councilmember Daniels moved to approve Z2018-033. Mayor Pruitt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *PERMISSIBLE USES* FOR THE PURPOSE OF AMENDING THE LAND USE CONDITIONS FOR THE CRAFT/MICRO BREWERY, AND/OR WINERY LAND USE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 3 ayes with 4 nays (Trowbridge, Macalik, Hohenshelt, and Johannesen).

Councilmember Trowbridge moved to approve Z2018-033 but unstrike ("add back") the word "distillery" in the draft ordinance (so that the city would have the ability to have a distillery only when Council has had a chance to review any proposed distillery through an SUP process). Councilmember Hohenshelt seconded the motion.

Mayor Pruitt generally expressed concern about the word 'distillery' not being struck from the draft ordinance language. Councilmember Johannesen pointed out that a distillery could only exist if it meets TABC's regulations and the city council grants an SUP to approve a proposed distillery. Brief comments were made related to clarification

MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 04, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:05 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Councilmembers Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs, and the city's legal counsel, Richard Lindner.

II. WORK SESSION

1. Hold a work session to hear and discuss update regarding the Highland Drive Reconstruction Project from Bedford Falls Lane to Valley Drive.

Mrs. Williams, City Engineer, came forth and briefed Council on this work session item. She indicated that a public meeting was held with residents and property owners along this roadway back in July. Also, a survey was sent out to those individuals. The results are included in Council's information packet. She mentioned that there is a '50/50 split' on certain items within the survey results. She shared that staff has asked the Police Department to increase its presence on this street since speed has been expressed as a large concern. A subsequent resident/property owner meeting was held on August 21, and about seventeen residents attended. Also, the school district submitted a letter expressing support for the installation of sidewalks, specifically in the interest of child safety. Clarification was given that Highland Drive is already a 'through street.' Mrs. Williams shared that this is a 'fast track' project, with bids anticipated to open in November and award of the bid to take place in December.

Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:13 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas

Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

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

IV. ADJOURN EXECUTIVE SESSION

Executive Session adjourned at 5:59 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:02 p.m. with all seven council members being present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

Mayor Pruitt delivered the invocation and led the Pledge of Allegiance. Mayor Pruitt recognized County Judge David Sweet who was present in the audience.

VIII. OPEN FORUM

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

Tracy Hibbs
911 Sunpoint Circle
Rockwall, TX

Mrs. Hibbs shared that she recently met with representatives of 7-11 who indicated that they are doing their best to keep up with maintenance, landscaping and upkeep of their stores within the city. They further shared with her that they are trying to be more like a QT (QuickTrip) or a Racetrac in this regard. She pointed out that there are a lot of convenience stores on this side of town already. She generally expressed concerns about the 7-11 that is set to be built near the intersection on SH-66 and Lakeshore Drive, as she is opposed to it.

Jerry Lundy
909 Sunpoint Circle
Rockwall, TX 75087

Mr. Lundy came forth to express concern related to the 7-11 convenience store that is slated to go in near SH-66 and Lakeshore Drive. He went on to share that he has read over some of the Supreme Court cases that pertain to "takings" (of property), and he went on to share some of the specific content pertaining to said cases. He pointed out that last month, he urged the Council to consider going back over past PDs and past zoning to revisit them and determine if those zoning designations still make sense. He pointed out that the municipality can place a time limit on how long a developer has to

move forward with building after a zoning change has been granted. He clarified that all economic, viable options on the property have to have been totally diminished in order for it to be considered a governmental 'taking.' He asked for everyone in the audience who is present pertaining to the 7-11 store to please stand up. Several members of the audience did so. He commented that the city attorney's opinion that was recently shared with some of the concerned residents was not sufficient. He is opposed to the 7-11 store being constructed at this location.

Christiana Voorhes
306 Greenhill Lane
Rockwall, TX 75087

Mrs. Voorhes came forth and indicated that she has a special needs child. She is generally not in favor of a sidewalk being built on both sides of Highland Drive during the upcoming reconstruction. She pointed out that half the residents want sidewalks installed, and half do not want them. So, she urged the Council to only install them on one side of the road. She has concerns about traffic speeding down this street, and she does not believe that a "police presence" on the part of the city has been increased. She has concerns about alleyways not being fixed with past bond monies, and she believes that public dollars are being misspent.

Hani & Maritza Bekdash
612 Highland Drive
Rockwall, TX

Mr. and Mrs. Bekdash came forth and expressed that they are not in favor of sidewalks being installed as part of the reconstruction of Highland Drive.

Mrs. Marilyn King
511 Sunset Hill Drive
Rockwall, TX 75087

Mrs. King came forth and thanked the Council and staff for all the assistance they have given to concerned citizens regarding the 7-11 convenience store (to be placed off SH-66). She believes that The Harbor is a very beautiful feature at the IH-30 entryway to the city on that side of town. However, if this 7-11 is built at the entryway to the city located on SH-66, it will not be as aesthetically pleasing. She is generally in opposition to the 7-11 going in at this location.

Michelle Case
902 Alta Mesa Circle
Rockwall, TX

Mrs. Case thanked the Planning Director, Ryan Miller, for meeting with concerned citizens pertaining to the 7-11 store. She does not believe that an additional gas station is needed, and she has concerns about this store going in at the entryway to the city. She does not believe that a commercial gas station fits well at this location. She believes that fuel tanks being placed underground will also pose an environmental concern. She also has concerns about increased traffic that will accompany this gas station. She is opposed to it being built.

Ben Weible
215 Trout Street
Rockwall, TX

Mr. Weible expressed concern about the city becoming involved in private property transactions. He shared that he would not like the city to go looking for more and more ways to interfere with two parties who aim to conduct a private transaction (i.e. a property owner selling his land to a developer). He pointed out that a convenience store/ gas station was built several years ago outside of the neighborhood in which he lives, and no one has been hit by a car, it is utilized by drivers, and it seems to be going okay. He generally has no concerns about the new 7-11 store that is slated to go in on SH-66.

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

IX. CONSENT AGENDA

1. Consider approval of the minutes from the August 20, 2018 regular city council meeting, and take any action necessary.
2. **Z2018-031** - Consider a request by Jessye Jean Woody for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family Estate 1.5 (SFE-1.5) District for a 1.342-acre parcel of land identified as Lot 1, Block A, Zion Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 853 Zion Hills Circle, and take any action necessary **(2nd Reading).**
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CITY OF ROCKWALL
ORDINANCE NO. 18-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *PERMISSIBLE USES* FOR THE PURPOSE OF AMENDING THE LAND USE CONDITIONS FOR THE CRAFT/MICRO BREWERY, AND/OR WINERY LAND USE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion failed by a vote of 3 ayes with 4 nays (Trowbridge, Macalik, Hohenshelt, and Johannesen).

Councilmember Trowbridge moved to approve Z2018-033 but unstrike ("add back") the word "distillery" in the draft ordinance (so that the city would have the ability to have a distillery only when Council has had a chance to review any proposed distillery through an SUP process). Councilmember Hohenshelt seconded the motion.

Mayor Pruitt generally expressed concern about the word 'distillery' not being struck from the draft ordinance language. Councilmember Johannesen pointed out that a distillery could only exist if it meets TABC's regulations and the city council grants an SUP to approve a proposed distillery. Brief comments were made related to clarification

of state law. Mayor Pruitt shared that he can never imagine having a 'hard liquor' distillery near downtown Rockwall.

Mayor Pruitt asked for clarification concerning if this reading of the ordinance will be considered to be a "first reading" or a "second reading." The city's legal counsel generally clarified that since this topic has previously been discussed (in addition to the discussion that has transpired this evening), then this 'reading' can in fact be considered a "second reading." The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, *PERMISSIBLE USES* FOR THE PURPOSE OF AMENDING THE LAND USE CONDITIONS FOR THE CRAFT/MICRO BREWERY, DISTILLERY AND/OR WINERY LAND USE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 ayes with 3 nays (Pruitt, Fowler, and Daniels).

3. **MIS2018-018** - Discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Rockwall Rental Properties, LP for the approval of an Alternative Tree Mitigation Settlement Agreement for a 2.713-acre portion of a larger 6.536-acre tract of land identified as Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located at the northeast corner of Greencrest Boulevard and the E. IH-30 Frontage Road, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting to amend its tree mitigation plan. At the Planning and Zoning Commission meeting on August 28, 2018, the Planning and Zoning Commission approved a motion recommending the approval of the Alternative Tree Mitigation Settlement Agreement by a vote of 7 to 0. Mayor Pruitt asked several clarifying questions concerning this request and the city's tree mitigation requirements.

Chris Cuny of C.F. Cuny Corporation
2 Horizon Court
Heath, TX

Mr. Cuny came forth on behalf of the applicant. He explained that this land is located adjacent to where the TX Roadhouse restaurant is slated to be built. Two separate restaurants are looking at this piece of property at this time. He went on to explain the reasoning behind putting forth this request.

Following Mr. Cuny's comments, Mayor Pruitt moved to approve MIS2018-018 and the associated, proposed Alternative Tree Mitigation Settlement Agreement. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider a resolution approving a negotiated settlement between cities in the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2018 Rate Review Mechanism filings, adopting tariffs as part of the settlement, and take any necessary action.

Director of Internal Operations, Joey Boyd, briefed the Council on this item. Mayor Pruitt asked for clarification concerning what happens if the City of Rockwall (or other cities) do not approve the resolution. Mr. Boyd shared that staff will be happy to seek clarification on this answer. He also pointed out that the Council has the option to postpone this item until the next city council meeting if it prefers. Mayor Pruitt shared that he would like for the legal firm that represents Rockwall and the other cities to be invited to the September 17 council meeting to address the Council concerning this agenda item. Rochel Ditmore, Public Affairs Specialist with Atmos Energy, stood up, pointing out that she is present and would be happy to try and answer any questions the Council may have. Mayor Pruitt indicated that Council does not necessarily have questions of Atmos but rather of the legal firm that represents the City (and other cities). Council took no action pertaining to this item at this time, with indication given that it will be placed back on the September 17 agenda for consideration at that time, and staff will invite the legal firm to attend the meeting.

5. Discuss and consider approval of the proposed typical section and roadway schematics associated with the Highland Drive Reconstruction Project from Bedford Falls Lane to Valley Drive, and take any action necessary.

Amy Williams, City Engineer, provided comments pertaining to this agenda item. Mr. Crowley shared that the Council needs to decide if it will or won't support installation of sidewalks associated with this reconstruction project. Also, he clarified that city bond proceeds do allow for monies to be utilized for this purpose. General discussion took place pertaining to what the city does or does not require pertaining to installation of sidewalks.

Councilmember Johannesen indicated that he believes the installation of sidewalks will be in the best interest of the city and its citizens twenty or thirty years from now in the future. He wonders if not moving forward with installing sidewalks here would potentially set an undesirable precedence. Following brief comments, Councilmember Trowbridge moved to approve this agenda item. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider directing staff to amend Article V, District Development Standards, of the Unified Development Code (UDC), and take any action necessary.

The city's Planning Director, Mr. Miller, provided background information pertaining to this agenda item.

7. Discuss and consider appointments to the city's Youth Advisory Council (YAC) for the 2018-2019 school year, and take any action necessary.

Councilmember Kevin Fowler provided brief comments pertaining to this agenda item. He shared that several of the existing YAC students led the interviews of the student applicants. He pointed out that this a student run council, and the students are the ones

who have chosen to recommend these students for appointment. He clarified that the City of Fate has agreed to sponsor the students that live in its city. Councilmember Fowler then moved to accept the recommended slate of students (for YAC for the 2018-2019 school year). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays. The slate of students includes the following:

	New or Reappt.	First Name	Last Name	Grade / School
1	Re-appointment	Mary Claire	Weible	Junior (HmSch)
2	Re-appointment	Caleb	Davis	Senior (HmSch)
3	Re-appointment	Parker	Yarbrough	Junior (HmSch)
4	Re-appointment	Emily	Williams	Senior (RHS)
5	Re-appointment	Addison	Schale	Senior (RHS)
6	Re-appointment	Brenden	Ivey	Senior (RHS)
7	***NEW*** appointment	Kendall	Braddock	Senior (RHS)
8	***NEW*** appointment	Susie	Wilson	Junior (RHS)
9	***NEW*** appointment	Mazie	Johnson	Freshman (RHS)
10	***NEW*** appointment	Kavya	Venugopalan	Junior (RHS)
11	***NEW*** appointment	Peyton	Nielsen	Freshman (RHS)
12	***NEW*** appointment	Nicholas	Alverson	Senior (RHS)

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

1. Report on status of the TxDoT IH-30 Improvement Project

City Manager Rick Crowley shared that the mayor and he recently learned good news regarding this project. TxDOT is close enough to secure funding for all three phases of the project in Rockwall County, so the 'letting' of the contract will be in 2021 or 2022 or perhaps some in each year. This will be the largest public works investment in the county and in the city's history. It will result in additional capacity to accommodate traffic on IH-30 with three additional access roads across the lake, additional access lanes within the city and additional main lanes on this portion of IH-30. He clarified that TxDOT anticipating 2021 and 2022 dates is actually "very quick" in "TxDOT terms." He generally expressed positivity concerning this news update and also pointed out that it is uncertain at this point how long the project will take once it gets started. It is a large project that spans the entirety of IH-30 that runs through Rockwall County, so it will definitely take several years to complete. Mr. Crowley shared that the city will work with TxDOT and the businesses that will be affected along the road construction project in an effort to minimize the adverse impacts.

2. Departmental Reports
   Building Inspections Monthly Report - July 2018
   Fire Department Monthly Report - July 2018
   GIS Division Monthly Report - July 2018
   Harbor PD Monthly Report - July 2018
   Internal Operations Department Monthly Report - July 2018

Police Department Monthly Report - July 2018
Recreation Monthly Report - July 2018
Rockwall Animal Adoption Center Monthly Report - July 2018
STAR Transit Monthly Report - July 2018

3. City Manager's Report

There was no further discussion pertaining to departmental or city manager's reports.

XIV. Executive Session

The City of Rockwall City Council will Recess into Executive Session to discuss the following matters as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
5. 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 did not reconvene in Executive Session following the close of the public meeting agenda.

XVI. Adjournment

Mayor Pruitt adjourned the meeting at 7:41 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th DAY OF SEPTEMBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, September 17, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:02 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and City Council Member Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. WORK SESSION

1. Hold work session to hear report from the city's consultant regarding water / wastewater rates.

The city's Assistant City Manager, Mary Smith, introduced Mr. Dan Jackson and Dan Lanning with Willdan Financial Services, the city's longtime rate consultant. Mr. Jackson then came forth and provided a lengthy presentation related to the city's current water / wastewater rates and future projected rates. Council took no action following the presentation.

2. Hold work session to hear from Republic Waste concerning the city's recycling program.

Rick Bernas with Republic Waste came forth and provided a presentation to Council concerning recycling. He shared details of a lot of changes that have been recently occurring pertaining to recycling, generally indicating that demand for recycled products is not as high as it used to be, and the process to recycle has become quite expensive. He suggested that Council may wish to consider working with Republic to review and modify the city's current recycling program. Council took no action following Mr. Burnis' presentation.

3. Hold a work session to discuss the 2018 Comprehensive Plan update.

Following brief introductory comments from City Manager Rick Crowley, Jerry Welch and Bob Wacker, volunteers serving on the city's Comprehensive Plan Advisory Committee came forth and addressed the Council concerning updates to the comp. plan. General discussion took place pertaining to "density" related topics in the draft plan update. The possibility of scheduling a joint meeting with members of the city council and of the advisory committee was also briefly discussed. Mayor Pruitt expressed a desire to have additional clarification provided pertaining to potential, future "high density" residential areas. He went on to express concern that oftentimes citizens and developers seem to characterize the city's Comp Plan as a "contract" rather than as a "guiding document." The possibility of a subcommittee of Council meeting with the Comp Plan Advisory Committee was also discussed. Council took no action pertaining to this work session item at this time.

Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:20 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
2. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)
5. **From Public Meeting Agenda: Action Item #6 -** Discuss and consider a resolution approving a negotiated settlement between cities in the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2018 Rate Review Mechanism filings, adopting tariffs as part of the settlement, and take any necessary action. (Pursuant to §Section 551.071 (Consultation with Attorney))

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:48 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:02 p.m. with all seven members of Council being present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler made a motion to authorize the right-of-way purchase for County Line Road on Parcel 8. Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

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

VIII. PROCLAMATIONS / AWARDS

1. American Legion Recognition Day
2. Constitution Week

3. Hispanic Heritage Month

Mayor Pruitt called forth various representatives who were in attendance for each of the above listed proclamations. He then read and presented each of these proclamations.

IX. OPEN FORUM

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

Paul Johnson
P.O. Box 543
Rockwall, TX 75087

Mr. Johnson, Vice President of the Rockwall Police Officers Association, came forth and provided Council with a brief description of this organization. He went on to encourage the Council to pay close attention to this upcoming year's budget and future budgets, particularly pertaining to compensation, not just for police employees, but for all city employees. He provided positive comments about all city employees, including their professionalism and how hard they work in their respective positions. He explained that employees in Rockwall are not paid "average pay," but, rather, they are consistently paid lower than average. He indicated that there are fifteen positions within the city that have not had the pay adjusted in over ten years. The police department currently has ten open positions, which he believes is a big number. He urged Council to help overcome the struggle of recruitment and retention that has been resulting, in part, from "lower than average" employee pay.

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the September 4, 2018 regular city council meeting, and take any action necessary
2. Consider authorizing the City Manager to enter into contracts with paintless dent and body repair companies in the amount of $344,518.14 related to damage to the City fleet as a result of the April 2018 hail storm to be funded by insurance proceeds and take any action necessary.
3. **P2018-027** - Consider a request by John Delin of Integrity Group, LLC for the approval of a preliminary plat for Lot 1, Block A, Ladera Rockwall Addition being a 37.8-acre tract of land identified as a portion of Tract 4-01 and all of Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.

Councilmember Trowbridge moved to approve the entire Consent Agenda (#s 1, 2 and 3). Councilmember Macalik seconded the motion, which passed unanimously of Council (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.

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

XII. PUBLIC HEARING ITEMS

1. **Z2018-035** - Hold a public hearing to discuss and consider a request by Gregory S. Braden for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 3.02-acre tract of land identified as Lot 7R of the Lofland Lake Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, addressed as 2914 S. FM-549, and take any action necessary **[1st Reading].**

Planning Director Ryan Miller provided background information pertaining to this agenda item. On August 31, 2018, staff mailed 14 notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Organizations that are within 1,500- feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received one (1) email in opposition of this request. On September 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the applicant's request failed for lack of a second. The Commission's motion to recommend denial of the applicant's request passed by a vote of 3-0 with Commissioners Chodun and Welch dissenting and Chairman Lyons and Commissioner Moeller absent.

Gregory S. Braden
2914 S. FM 549
Rockwall, TX

Mr. Braden, the applicant, came forth and provided some brief clarification concerning his request for this accessory building.

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

Sean Pettiford
2884 S. FM-549
Rockwall, TX

Mr. Pettiford came forth and stated that he lives directly next to Mr. Braden's property, and he has no problem with this request.

There being no one else wishing to come forth and speak, Mayor Pruitt closed the public hearing. Following brief comments, Councilmember Daniels moved to approve Z2018-035. Councilmember Trowbridge seconded the motion. Councilmember Hohenshelt expressed strong concern for having these regulations in place if the city is just going to keep on approving variances. Following his comments, the ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-__
SPECIFIC USE PERMIT NO. S-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2018-036** - Hold a public hearing to discuss and consider a request by Reubin E. Harle for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family 1 (SF-1) District for a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 825 Zion Hills Circle, and take any action necessary **[1st Reading].**

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting a change in zoning from an Agricultural (AG) District to a Single-Family One (SF-1) District for the purpose of constructing an accessory building on the subject property. On August 31, 2018, staff mailed 30 notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff also advertised the public hearings in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At the time this case memo was drafted staff had not received any notices concerning this case. On September 11, 2018, the Planning and Zoning Commission's motion to recommend approval in the change in zoning passed by a vote of 5-0 with Chairman Lyons and Commissioner Moeller absent.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one wishing to speak, he then closed the public hearing. Councilmember Johannesen moved to approve Z2018-036. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE

CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT ON A 4.623-ACRE PARCEL OF LAND IDENTIFIED AS LOT 5R, BLOCK A, ZION ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 825 ZION HILLS CIRCLE AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2018-038** - Hold a public hearing to discuss and consider a request by Scott A. Simonts on behalf of Ridgeview Church for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Commercial (C) District for a 7.67-acre parcel of land identified as Lot 28 of the Skyview Country Estates #3 Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 1362 E. FM-552, and take any action necessary **[1st Reading].**

Planning Director Ryan Miller provided background information pertaining to this agenda item. On August 30, 2018, staff sent 38 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Stoney Hollow and Breezy Hill Homeowner's Associations (HOA's) which are the only HOA's/Neighborhood Associations within 1,500 feet. Additionally, staff posted a sign on the subject property as required by the UDC. Staff has received three notices in favor and one notice in opposition of the request. In addition, On September 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the zoning change from Agricultural (AG) District to General Retail (GR) District with staff conditions passed by a vote of 5 to 0 with Commissioners Lyons and Moeller absent.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one wishing to come forth and speak, he then closed the public hearing. Following brief comments, Mayor Pro Tem Fowler moved to approve Z2018-038. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A GENERAL RETAIL (GR) DISTRICT FOR A 7.67-ACRE PARCEL OF LAND IDENTIFIED AS LOT 28, SKYVIEW COUNTRY ESTATES NO.3 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DEPICTED IN EXHIBIT *'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **Z2018-039** - Hold a public hearing to discuss and consider a request by Brandon Waldrum of CEI Engineering Associates, Inc. on behalf of Kelly Cannell of Murphy Road, LTD for the approval of an **ordinance** for a Specific Use Permit (SUP) for a carwash in conjunction with an existing retail store with gasoline sales on a 0.996-acre tract of land being identified as a portion of Lot 2 and all of Lot 1, Block B, Horizon Ridge Center Addition, City of Rockwall, Rockwall, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, addressed as 3520 Horizon Road [FM-3097], and take any action necessary **[1st Reading].**

Planning Director Ryan Miller provided background information pertaining to this agenda item. On August 30, 2018, staff mailed 279 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Hunter's Glenn North, Benton Woods, and Rainbow Lakes Homeowner's Associations (HOA's), which are the only HOA's/Neighborhood Organizations that are within 1,500-feet of the subject property participating in the city's Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received two (2) notices in favor of the request and two (2) notices in opposition of the request. On September 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the Specific Use Permit (SUP) for a carwash in conjunction with an existing retail store with gasoline sales passed by a vote of 5-0 with Chairman Lyons and Commissioner Moeller absent.

Mayor Pruitt asked what is currently located on the corner next door. Mr. Miller indicated that it is an existing 7-11 convenience store.

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

Jan Morchower
134 Westwood
Rockwall, TX

She has opposition to the dumpster being located so close to the park and the nearby medical district.

Ben Weible
215 Trout Street
Rockwall, TX 75032

Mr. Weible came forth and shared that he feels it is ironic that the city is recognizing "Constitution Week" and our associated liberties while also getting involved in a private property business transaction via apparent 'democracy.' He believes that the existing 7-11 has provided a valuable market and has been a 'good neighbor.' Also, they provided access to the adjacent park, which has made the kids safer. He is in favor of approval of this request this evening.

Michael Hampton
1828 Tumbleweed Circle
Rockwall, TX

Mr. Hampton came forth and shared that he is present this evening to represent 7-11 in this request. He expressed that they prefer to not move the proposed dumpster location. Also, he believes that development of the adjacent property will eventually hide most of the store anyway.

There being no one else wishing to come forth and speak, Mayor Pruitt closed the public hearing. Councilmember Hohenshelt moved to approve Z2018-039. Councilmember Johannesen seconded the motion. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING SPECIFIC USE PERMIT NO. S-072 [ORDINANCE NO. 10-09] AND THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CARWASH IN CONJUNCTION WITH AN EXISTING RETAIL STORE WITH GASOLINE SALES IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.996-ACRE TRACT OF LAND. IDENTIFIED AS A PORTION OF LOT 2 AND ALL OF LOT 1, BLOCK B, HORIZON RIDGE CENTER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Following brief comments, the motion passed by a vote of 7 ayes to 0 nays.

Mayor Pruitt then reordered the agenda to address Public Hearing item #6 next.

5. **Z2018-040** - Hold a public hearing to discuss and consider a request by John David of Express Oil Change, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Minor Auto Repair Garage (i.e. Brakes Plus) on a 0.656-acre tract of land being identified as Lots 1 & 2, Block A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary **[1st Reading].**

Planning Director Ryan Miller provided background information pertaining to this agenda item, explaining that a minor auto repair garage is permitted as a stand-alone use in a General Retail (GR) District with a Specific Use Permit (SUP). The Unified Development Code (UDC) goes on the state that "...the garage doors or bays shall not face a public street or a residential lot..." The applicant has provided a concept plan showing the garage bays facing west toward the existing shopping center (*i.e. facing away from S. Goliad Street [SH-205] and the residential development north of the subject property*). Additionally, the Unified Development Code (UDC) states that "...no vehicles, equipment, parts, and/or inventory shall be stored outside overnight..." and "...all work must be completed in an enclosed building..." These have been made conditions of approval in the SUP ordinance. Based on the submitted concept plan, the applicant does appear to

be in conformance with the requirements for a minor auto repair garage within a General Retail (GR) District; however, approval of a Specific Use Permit (SUP) is a discretionary decision for the Planning and Zoning Commission and the City Council. Should this request be approved, this will be the first minor auto repair garage in a General Retail (GR) District. Additionally, the applicant would be required to submit a site plan for approval by the Architectural Review Board (ARB), the Planning and Zoning Commission, and if necessary the City Council. On August 30, 2018, staff mailed 39 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Waterstone Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received one (1) notice in opposition of this request. On September 11, 2018, the Planning and Zoning Commission's motion to recommend approval of the Specific Use Permit (SUP) for a minor auto repair garage in a General Retail (GR) District passed by a vote of 4-1 with Commissioner Fishman dissenting and Chairman Lyons and Commissioner Moeller absent.

Mayor Pruitt then called the applicant forward to speak.

George Gonzales
Bohler Engineering
6017 Main Street
Frisco, TX

Mr. Gonzales came forth and indicated that this proposed "Brakes Plus" will be situated on the corner of Yellow Jacket and Goliad. He shared that only about twenty-five customers per day are anticipated. Also, they are looking to clean up the driveways in this area by pulling them back away from the intersection. He explained that Brakes Plus uses 'low impact' tools, and their staff members don't have to wear ear protection. So noise shouldn't be a problem. Also, their employees are drug tested. He believes this will be an aesthetically pleasing building.

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

Councilmember Trowbridge clarified that this location is the same location where a previously proposed Chick Fil A drive-thru restaurant was voted down. He also sought clarification on which direction the garages will be facing. Mr. Miller indicated that they will face the state office facility.

Councilmember Macalik moved to approve Z2018-040. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-__
SPECIFIC USE PERMIT NO. S-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT

(SUP) TO ALLOW FOR A MINOR AUTO REPAIR GARAGE IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.656-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1 & 2, BLOCK A, BILLY PEOPLES #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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.

6. **Z2018-041** - Hold a public hearing to discuss and consider a request by Michael McDonald of Pavilion Development Company on behalf of Jay Homan of Rockwall 205-552, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Minor Auto Repair Garage (i.e. Firestone Complete Auto Care) on a 1.17-acre portion of a larger 5.683-acre parcel of land identified as Lot 2, Block A, Dalton-Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3255 Dalton Road and take any action necessary **[1st Reading].**

Planning Director, Ryan Miller, shared that the applicant requested this afternoon to postpone this item. Mayor Pruitt, however, indicated a desire to open the public hearing and hear from those who may be present this evening to speak concerning this agenda item. Mr. Miller then proceeded to provide background information pertaining to this request. On August 30, 2018, staff mailed 17 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Shores/Ray Hubbard and Stone Creek Homeowner's Associations (*HOA's*), which are the only HOA's located within 1,500-feet of the subject property participating in the city's notification program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required. As of this evening, staff has received two notices back in favor and thirty-four notices in opposition of the request. On September 11, 2018, the Planning and Zoning Commission approved a motion to deny the Specific Use Permit (SUP) by a vote of 3-2 with Commissioners Chodun and Welch dissenting, and Commissioners Lyon and Moeller absent. Therefore, approval of this request will require a ¾ majority vote of Council this evening.

Laura Hoffman
2728 N. Harwood Street
Dallas, TX

Ms. Hoffman came forth and explained that she is speaking on behalf of the applicant. She further shared that the reason the applicant has requested to postpone the public hearing and associated vote is to allow time for the applicant to meet with the school district and some of the concerned residents in order to try and address a lot of the concerns that have been expressed by both members of the public and the school/PTA. She believes there may be some misunderstandings pertaining to the traffic, noise and some of the site design. She has tried to schedule a meeting but has not yet received a reply back from the PTA or others at this point.

Following Ms. Hoffman's brief comments, Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Mr. Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and expressed that this business is a 'much needed' one up north in this area of town. He does not believe that anymore hair or nail salons or more donut shops are needed. He observes that this is a very busy intersection. In general, he seemed to speak in favor of approval of this item.

Megan Trevino
2041 Glencoe Drive
Rockwall, TX

Ms. Trevino indicated that she moved to The Shores neighborhood specifically so that her children can attend Nebbie Williams Elementary School. She pointed out that a lot of kids at the school have sensory issues that are impacted by noise, and she does believe this will post a problem.

Jen Neuhring
1215 Islemere Drive
Rockwall, TX

Ms. Neuhring came forth and shared that she and her family recently moved here from Florida. She spoke in opposition to this request.

Lori Turley
838 Cedarbluff
Rockwall, TX

Ms. Turley shared that she has worked in education for the past nineteen years. She does not believe that placing this proposed Firestone at this location would be what is 'best for kids.' She believes it will put the kids at danger, the noise and traffic will be negative factors. She also has concerns about water and air pollution. She is overall opposed to approval of this request.

Dennis Dayman
519 Cellars Court
Rockwall, TX

Mr. Dayman came forth and generally expressed opposition to approval of this request.

Ryan Phelan
782 Bordeaux Drive
Rockwall, TX 75087

Mr. Phelan came forth and shared that he believes approval of this request would really bring the value of the area down. He is generally opposed to the request.

Brent Dunklau
2070 Belfrey Court
Rockwall, TX

Mr. Dunklau shared that he has two autistic boys, and he believes noise will be of concern. He generally spoke in opposition to this request.

Jason Dugdale
828 Windham Road
Rockwall, TX

Mr. Dugdale came forth and shared that he is opposed to approval of this Firestone.

Shawn Hughes
2631 Nova Park Court
Rockwall, TX

Mr. Hughes came forth and expressed strong opposition to approval of this request.

Tim Greenawalt
335 Dalton Road
Rockwall, TX

Mr. Greenawalt came forth and shared that he has done business at Firestone before; however, he does have issues with a Firestone being built at this particular, proposed location. He does not believe this is a good fit at this location. He expressed opposition to this request.

Amy Binns
2651 Nova Park Court
Rockwall, TX

Ms. Binns shared that she believes noise will be a problem for the neighboring elementary school. She generally expressed opposition to this request.

Todd White
1735 Plummer Drive
Rockwall, TX

Mr. White came forth and shared that he has lived here for forty-one years. He expressed that he is not aware of any noise study conducted for this particular location. He believes it would not be desirable to have garage doors facing a major thoroughfare. In addition, he believes the screening requirement is not met. Overall, he does not believe that this proposed Firestone is not ideal at this particular location, especially being that it would be located next door to Nebbie Williams (school).

Ben Weible
215 Trout Street
Rockwall, TX

Mr. Weible came forth and shared that he has concerns about the government potentially dictating what will be approved to go in at this location. He pointed out that no noise study has been conducted, so it is truly not known if noise would in fact be a factor. Also, he does not believe that who Firestone hires is of anyone's concern. Overall, he

does not believe the government should get involved with any business that wishes to locate at this location.

Annie Fishman
915 Chestnut Lane
Rockwall, TX

Ms. Fishman shared that she is a member of the city's Planning & Zoning Commission; however, this evening she is coming forth – not as a member of the Commission – but as a concerned resident and parent. She went on to share various reasons why she is opposed to approval of this request.

Amanda Pospisil
3906 Betty Street
Rockwall, TX 75087

Ms. Pospisil shared that she lives in Castle Ridge, but she was not notified. She and several of those present this evening found out thru Facebook. Also, the school district was not notified. Mr. Miller pointed out that Castle Ridge HOA has not registered with the city, so that is why the HOA did not receive notification from the city. She is generally opposed to this request being approved.

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

Councilmember Johannesen then moved to deny Z2018-041. Councilmember Trowbridge seconded the motion. Following additional comments by several council members, including Councilmember Hohenshelt making it abundantly clear that there are a lot of other types of businesses that could potentially go in at this location "by right," and the Council would have no input on those (if an SUP associated with said potential business was not being requested). Following Hohenshelts comments, the motion to deny the request passed by a vote of 7 ayes to 0 nays.

7. **Z2018-025** - Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of an **ordinance** amending Planned Development District 32 (PD-32) [Ordinance No. 17-22] for the purpose of increasing the number of Urban Residential Units permitted within the district being a ~78.89-acre tract of land identified as the Harbor District, being zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) and IH-30 Overlay (IH-30 OV) Districts, located at the southwest corner of Horizon Road [FM-3097] and IH-30, and take any action necessary **[1st Reading].**

Mayor Pruitt shared that Councilmember Hohenshelt will be abstaining from this agenda item. Mayor Pruitt then moved to withdraw this request. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Hohenshelt).

XIII. ACTION ITEMS

1. Discuss and consider the bid for purchase of city-owned land in PD-32, and take any action necessary.

Mayor Pruitt then indicated that he will address Action Items # 1, 2, and 3 together all at once. Councilmember Hohenshelt will recuse himself from said discussions. Pruitt then moved to formally reject the bid that was put forth to purchase the city's property in PD-32. Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Hohenshelt).

The mayor went on to explain that the next two agenda items resulted from the last Planning & Zoning Commission meeting. He explained that plans were in the works before he ever even got on the city council for the city to build a parking garage for the retail customers at The Harbor to utilize. He explained that at the recent Planning & Zoning Commission Meeting, Mr. Hickman conveyed that parking is no longer an issue and that they are controlling it effectively with their valet service. He indicated that the city council will be further discussing this piece of city owned property because he does not believe the city should be holding land that could otherwise be developed and result in taxable property.

The other topic the mayor discussed had to do with possible time limits and a phased approach to the future development that will occur in The Harbor area. He asked the city attorney if the city is able to place time limits on when developments there should occur within future granted Special Use Permits (SUPs). The mayor went on to share the definition of "condominiums" contained within the city's ordinance, indicating that he disagrees with Mr. Hickman characterizing "condominiums" as "apartments."

Regarding Atticus Real Estate, which is the company developing up on the hill above The Harbor, the mayor pointed out that several citizens have sent him screen shots of how the company is advertising the housing units at that location, which are described as "Harbor Urban Center Apartments and Condos." He went on to convey that such characterization ("apartments") is absolutely against the city's zoning ordinance regulations. He shared that he went and pulled the building-related applications that each of the developers (Mr. Hickman, Mr. Phillips and for the Atticus project). He further conveyed that each of those documents reflects "condominiums" – NOT "apartments." He went on to share that he believes that these individuals misled the Rockwall City Council because when each of them came before the Council, they all said they planned to build "condominiums" – not "apartments." He went on to share that he submitted an Open Records Request to the (Department of) Housing and Urban Development to see what each of these developers conveyed would be built when they submitted for their financing. He indicated that HUD does not extend financing to build apartments, but rather to build condominiums. The mayor went on to give indication that the City will likely respond to its citizens' concerns by having these developers perform traffic studies pertaining to their zoning / their projects.

2. Discuss and consider directing the city staff to propose amendments to change the requirements for conducting and submitting traffic impact analysis studies in relation to zoning requests and site plans and take any action necessary.

See Action Item #1 above.

3. Discuss and consider the difference between apartments and condominiums under the City's present zoning ordinance and applicable law, and take any action necessary.

See Action Item #1 above.

Council recessed the public meeting, calling for a break at 7:52 p.m. Mayor Pro Tem Fowler then called the meeting back to order at 8:00 p.m. He indicated that Mayor Pruitt had to briefly leave the meeting; however, he will return to the meeting shortly.

4. **SP2018-017** - Discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Phillip McNeill of Summer Lee Rockwall, LLC for the approval of variances, waivers and exceptions in conjunction with an approved site plan for a hotel on a 2.12-acre tract of land identified as portions of Lot 2A, Isaac Brown Addition and Lot 2, Block A, Harbor Village Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District and the Interior, Horizon/Summer Lee and Residential Subdistricts of Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District, located adjacent to Summer Lee Drive southwest of the intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take any action necessary.

Mr. Miller, Planning Director, provided background information pertaining to this agenda item, indicating that the Planning & Zoning Commission approved a site plan for this property back on Sept. 11, 2018 that reflected a four (4) story, ~45,900 SF hotel that will incorporate 98 traditional hotel rooms (*not extended stay*) and will be located at the northwest corner of Summer Lee Drive and Glenn Hill Way. Council had granted an SUP for this hotel back on Jan. 2, 2018. The applicant is now seeking variances or waivers on the following - Building Material Variances on the stone and masonry material requirements, including secondary material requirements; a lighting variance; waivers related to the building form and placement ('build to lines,' setbacks and height); and waivers pertaining to landscaping, parking and streetscaping.

Mayor Pruitt returned and rejoined the meeting at this time.

The architect / interior designer on the project came forth and briefly answered some questions on behalf of the applicant pertaining to the requested lighting variance. He generally indicated that the lighting will minimize the impact(s) on the adjacent neighbors.

Councilmember Hohenshelt moved to approve the building material variances including stone requirements, masonry material requirements and secondary material requirements, which all require ¾ majority vote for approval. Mayor Pro Tem Fowler seconded the motion, which failed by a vote of 5 ayes with 2 nays (Pruitt and Trowbridge).

Councilmember Hohenshelt then moved to approve the variance pertaining to lighting. Mayor Pro Tem Fowler seconded the motion. Following brief comments from the applicant, the motion passed by a vote of 4 ayes with 3 nays (Trowbridge, Macalik, Pruitt).

Councilmember Hohenshelt moved to approve all of the waiver requests, including the building form and placement requirements, landscaping requirements, parking requirements and the streetscape plan. Mayor Pro Tem Fowler seconded the motion,

which, after brief discussion, passed by a vote 5 ayes with 2 nays (Trowbridge and Pruitt).

5. **Z2018-032** - Discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for commercial, light industrial and townhome land uses on a 16.26-acre tract of land identified as Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is proposing to entitle the subject property for 12 townhomes on 2.02-acres, limited commercial land uses on 6.57-acres, and limited light industrial land uses on 7.67-acres. These areas would be subject to the requirements and land uses of the Single-Family 10 (SF-10), General Retail (GR), and Light Industrial (LI) Districts unless specifically indicated in the Planned Development District ordinance. The applicant has submitted a concept plan and development standards for the proposed development. According to the concept plan, the subject property will be broken down into five (5) tracts of land that will include commercial, light industrial and townhome land uses. The applicant would need to perform an infrastructure study - at the applicant's expense -- to ensure that all water and wastewater improvements necessary to serve the proposed developments are incorporated. Furthermore, if City Council choose to approve the applicant's request, the Master Thoroughfare Plan will need to be amended to show a revised alignment of SH-66. The new alignment will require coordination between the Texas Department of Transportation (TXDOT), the City of Rockwall, and any affected property owners. Staff has added this as a condition of approval for this case.

On August 1, 2018, staff mailed 40 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Park Place Homeowner's Associations (HOA), which is the only HOA/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received seven (7) notices in support of the request, and one (1) in opposition. Furthermore, on August 28, 2018, the Planning and Zoning Commission approved a motion to recommend denial of the applicant's request by a vote of 4-3, with Commissioners Welch, Womble and Fishman dissenting.

Mayor Pruitt reopened the public hearing, asking if anyone who didn't speak last time would like to come forth and speak at this time.

Mr. Chad Cain
P.O. Box 2345
Rowlett, TX

This speaker indicated that he owns the property at 404 E. Rusk, which is alongside the proposed realignment of SH-66. He went on to express that he currently likes the proposed realignment of SH-66, and he does not believe an additional, different

realignment of the roadway is necessary. He is concerned about the number of variances that are being requested related to this proposed development. Also, he believes that several people in Park Place are opposed to this, especially since it is proposed to be such high density. He is in opposition of this request.

Cynthia Olson
1039 St. Thomas Court
Rockwall, TX

Mrs. Olson came forth and shared that she lives in the Park Place Subdivision. She has concerns pertaining to the realignment of SH-66. She asked the Council to reconsider the proposed realignment, especially pertaining to the impact it will have on citizens who live nearby and utilize Harry Myers Park.

Michael Rasmussen
507 Park Place
Rockwall, TX

Mr. Rasmussen came forth and indicated that he lives in the Park Place subdivision. He went on to share several photographs with the Council, mainly of the adjacent, main roadways and associated traffic. He is generally in support of what is being proposed with this request, as he believes that it very well could be much better than other things which might otherwise be placed / developed there.

Cassi Marietti
5505 Vagas Drive
Rockwall, TX 75087

She indicated that she and her sister own a childcare center in this area (at 305 E. Rusk), and they purchased it twenty-three years ago. She went on to express that they are opposed to SH-66 being realigned to be situated nearer to her business. She generally has concerns about traffic and safety.

Mayor Pruitt clarified for the citizens that the Council is not specifically considering a future realignment plan for SH-66 this evening. The discussions will only pertain to Mr. Bricker's zoning change request. There being no one else wishing to come forth and speak, Mayor Pruitt then closed the public hearing.

Councilmember Hohenshelt left the meeting at this time (8:37 p.m.) for the duration of the meeting.

Councilmember Trowbridge also generally expressed concern about a potential, future realignment of SH-66 and how that may affect the proposed "general retail" portion of Mr. Bricker's request. He also has concerns because he does not want to adversely impact the city's park.

Mayor Pruitt called forth the applicant at this time.

Mr. Bill Bricker came forth and shared that, although the city prepared its Master Thoroughfare Plan in good faith, its content is in error. All of the data indicates that there will not be a need for the realignment of SH-66 between and at least the year 2044.

Part of his request is that the city revisit and reevaluate the Master Thoroughfare Plan. He then went on to provide a detailed presentation to Council pertaining to his proposal(s).

Tom Jones
5815 Meadowcrest
Dallas, TX

Mr. Jones, Mr. Bricker's engineer consultant, then came forth and provided comments to Council pertaining to the future, proposed SH-66 realignment. He provided 2010 and 2014 daily and hourly traffic counts that he obtained from the City of Rockwall. He generally expressed the belief that the need for a four-lane highway is not supported by the traffic counts. He believes that FM-549 and John King Boulevard both absorb a lot of the traffic that might otherwise travel along SH-66. Mayor Pruitt pointed out that TXDOT has already agreed to turn John King into the future SH-205. So, he questions the belief that drivers will not utilize SH-66 to get across the bridge/lake into Rowlett once that change occurs. Mayor Pruitt clarified that the traffic study numbers that Mr. Jones has referred to in his presentation are not the traffic counts that he and others have been seeing as part of the countywide traffic consortium / planning forum of which he and others are a part. Mr. Jones went on to propose a new, secondary access point to John King by realigning and extending E Washington Street through property owned by Columbia (as a four-lane, undivided road). This would take out the potentially dangerous curve near the park and solve several other concerns.

Lengthy discussion ensued pertaining to future traffic counts and future roadway plans in and around this area.

Councilmember Trowbridge expressed that he really likes and wants this proposed project. Councilmember Daniels generally expressed that he is in support of this proposal as well. He has concerns that it may be quite a number of years before any roadway changes are made to SH-66. He feels that what may or may not happen with SH-66 in the future is, in essence, holding this landowner hostage as far as Mr. Bricker's desire to develop it.

Mayor Pruitt shared that the Council would like to try and work with Mr. Bricker on some possible solutions without the city having to change its adopted Master Thoroughfare Plan, which, he pointed out, has also been approved by Rockwall County.

When asked by Mayor Pruitt why he is not considering 'phasing' the project, Mr. Bricker indicated that for financing and several other reasons, he really needs to do the entire project all in one phase.

Ultimately, the Council and Mr. Bricker agreed to meet and try to come up with mutually amicable, viable solutions pertaining to the effects of the proposed, future roadway realignment.

Mayor Pruitt moved to postpone this agenda item until the second city council meeting in October. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

6. Discuss and consider a resolution approving a negotiated settlement between cities in the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2018 Rate Review Mechanism filings, adopting tariffs as part of the settlement, and take any necessary action.

Director of Internal Operations, Joey Boyd, provided background information pertaining to this agenda item. He indicated that Council had previously delayed taking action on this resolution because they wanted some additional information from the Lloyd Gosselink law firm pertaining to attorney and consultant fees. He generally indicated that this additional information has been provided to the Council by the law firm at this time.

Mrs. Crump from the Lloyd Gosselink Law Firm then came forth and addressed the Council. The mayor shared that about three years ago, there was a different attorney from the Lloyd Gosselink law firm that was present at a city council meeting. At that time, the mayor had asked the gentleman to get back to him regarding how much money the law firm has collected from the various cities that it represents pertaining to attorney's fees and other related fees. He never received that information until just now. He wishes that it had not been necessary for the city to resort to submitting an open records request in order to obtain this information.

Mayor Pro Tem Fowler moved to approve the resolution approving a negotiated settlement between cities in the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2018 Rate Review Mechanism filings. Councilmember Johannesen seconded the motion, which passed by a vote of 5 ayes 1 against (Pruitt) and 1 absent (Hohenshelt).

Mrs. Crump offered to provide any type of information that the city might wish to receive in the future, indicating that she is the city's point of contact.

7. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2019 and amended budget for fiscal year 2018, and take any action necessary

Following brief comments, Mayor Pro Tem Fowler moved to approve the proposed REDC budget for FY19. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

8. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2019 and amended budget for fiscal year 2018, and take any action necessary.

Mayor Pro Tem Fowler moved to approve both the amended and the proposed Tech Park budgets. Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

9. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2019, including authorizing the City Manager to execute associated funding agreements, and take any action necessary.

Mayor Pro Tem Fowler briefed the Council on this agenda item, indicating that, at some point, the Council will need to decide how it would like to handle certain requests for

funding in future years. Councilmember Macalik then moved to approve the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2019, including authorizing the City Manager to execute associated funding agreements. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

10. Discuss and consider approval of an **ordinance** amending the budget for fiscal year 2018, and take any action necessary.

Councilmember Macalik made a motion to approve the ordinance amending the budget. Councilmember Trowbridge seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 18-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

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

11. Discuss and consider approval of an **ordinance** adopting the proposed budget for fiscal year 2019, and take any action necessary.

Mayor Pruitt moved to approve the ordinance adopting the proposed FY2019 budget. He indicated that he wants to be sure that the record shows that general fund expenditure analysis and the debt side tax rate implications, which show that this increase (a 3.35% increase in the general fund budget) falls within the 1.9% population increase and a 2.95% inflation rate. It also goes on to show all of the debt that the city didn't take on, including not taking on bond debt. He wants the citizens to see that the city is not spending money frivolously but is rather using funds to avoid debt in the long run.

Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-39

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, 2018, THROUGH SEPTEMBER 30, 2019; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

12. Discuss and consider approval of an **ordinance** levying ad valorem taxes for the tax year 2018, and take any action necessary.

Mayor Pro Tem Fowler moved to adopt the ordinance levying ad valorem taxes for tax year 2018. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 18-40

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2018 AT A RATE OF $.4021 PER ONE HUNDRED DOLLARS ($100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2018 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 2018 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

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

13. Discuss and consider directing staff to proceed with the 2018 Comprehensive Plan amendment and take any action necessary.

The Council did not discuss or take action at this time concerning this agenda item.

14. Discuss and consider the official ballot for the election of Places 11 - 14 of the Board of Trustees for the Texas Municipal League (TML) Intergovernmental Risk Pool, and take any action necessary.

City Manager Rick Crowley provided brief comments pertaining to this Action Item. Mayor Pro Tem Fowler then moved to nominate the following candidates for the Board of Trustees of the TML Intergovernmental Risk Pool:

- **Randy Criswell, City Manager, City of Canyon (Region 2) – Place 11**
- **Bert Lumbreras, City Manager, City of San Marcos (Region 10) – Place 12**
- **Byron Black, Chair, Central Appraisal District, Johnson County (Region 8) – Place 13**
- **David Harris, City Administrator, City of Balcones Heights (Region 7) – Place 14**

Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absent (Hohenshelt).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
2. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with Attorney).
3. Discussion regarding possible sale of real property / land in PD-32 pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to §Section 551.071 (Consultation with Attorney)

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

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 9:47 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st DAY OF OCTOBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, October 01, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:04 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Dana Macalik, John Hohenshelt, Patrick Trowbridge, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza. Councilmember Johannesen was absent from the meeting.

Mayor Pruitt reordered the work session agenda to address item #2 first.

II. WORK SESSION

1. Hold a work session to discuss providing TxDOT a local preferred option of having a continuous left turn lane on the proposed section of FM 549 from FM 1139 to Haymaker Drive rather than a raised curbed median.

City Engineer Amy Williams provided brief comments pertaining to this work session item. Mayor Pruitt described the lane as being more like a "suicide lane." Ms. Williams shared brief details of the homes in the area, including commenting that some have large lots with barns and horse trailers. She indicated that Council will have an opportunity to take action on this topic during the 'Action Item' that's scheduled later on this evening.

2. Hold a work session with Kent Donahue of Donahue Development Corporation to discuss a potential Public Improvement District (PID).

Kent Donahue with Donahue Development Corp. came forth and addressed the council during this work session item. He explained that the project they are working on is called "Heritage Park," and it is located near the intersection of SH-205 and SH-(3)549 (SW corner). He went on to share details of the project, including a proposed regional park that would highlight the State of Texas (a water feature/pond) as well as the various regions of the state (i.e. prairies & plains; hills & highlands; woods & streams; coastal waters, etc.). It would also contain hike and bike trails and some ball fields. The 545 lots (residential, single family homes) within the development would be in the $400,000-$750,000 price range. Two to three high quality builders would be involved. An amenity center will also be included within the development.

Mr. Donahue went on to share details of the proposed "Public Improvement District" (PID). General discussion also took place pertaining to the utility-related needs associated with this potential development (i.e. wastewater lift station). Discussion also ensued pertaining to how the PID would be structured and approximately how much it might cost the residents within this development. Questions and answers also took place related to the proposed park, including who would maintain it and who would 'own' it (the developer or neighborhood vs. the city).

Council took no action as a result of this work session discussion item.

Mayor Pruitt read the following discussion items into the record before recessing the public meeting to go into Executive Session at 4:53 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible lease of real property on city owned land at Yellowjacket Park pursuant to Section §551.072 (Real Property).
3. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:52 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:01 p.m. with six of the seven council members being present (Johannesen was absent).

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to approve the temporary construction easement on parcels 11, 12, 13 and 14 associated with the County Line Road construction project. Councilmember Trowbridge seconded the motion, which passed unanimously of those present (Johannesen absent).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VIII. PROCLAMATIONS / AWARDS

1. Presentation by Lakeshore Composite Squadron of Civil Air Patrol

Members of this organization came forth and thanked the City of Rockwall, including the city council members and staff, for all of their support over the years. A framed certificate of appreciation was then presented to the mayor and the city by the organization.

2. Domestic Violence Awareness Month

Mayor Pruitt invited several individuals forward, including County District Attorney, Kenda Culpepper, Rockwall Police Chief, Kirk Riggs, Assistant Chief, Kirk Aldridge, and representatives from the Rockwall Children's Advocacy Center and Women in Need as well as family violence detectives from the Rockwall Police Department. He then read the proclamation for Domestic Violence Awareness Month.

Mrs. Culpepper pointed out that several organizations are involved in helping with the prosecution of domestic violence and child related violent crimes in Rockwall County. She expressed sincere appreciation for the various organizations, and asked Mrs. Pettit from "Women in Need" to briefly speak. She expressed that Women in Need in Rockwall see about twenty-five new clients per month (as compared to about 15 clients per month when the organization was first formed). She went on to explain the various services that "Women in Need" provides, encouraging those who may be victims of domestic violence to reach out to them for help.

3. Presentation by Rockwall Firefighters Association

Michael Caffey, President of the Rockwall Professional Firefighters Association came forth, along with several other members of the department/association. Caffey explained that back in June, several members of the Rockwall City Council participated in a half day of simulated fire-related training in Garland. He then presented fire helmets to each of those council members who participated in the training day, thanking them for doing so and expressing appreciation for their support.

4. Fire Prevention Month

Chief Kenneth Cullins, Assistant Chief Ariana Hargrove, and others from the Rockwall Fire Department came forth at this time. The chief introduced each person and explained that October is "Fire Prevention Month." The mayor then read the proclamation. Chief Cullins encouraged all residents to be certain they have an adequate number of smoke alarms in their homes and that they are in proper working order. He also encouraged everyone to have a pre-planned fire escape plan, ensuring that everyone has at least two ways out in case of a fire.

IX. OPEN FORUM

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the September 17, 2018 regular city council meeting, and take any action necessary
2. **Z2018-036** - Consider a request by Reubin E. Harle for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family 1 (SF-1) District for a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion

Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 825 Zion Hills Circle, and take any action necessary **[2nd Reading].**

3. **Z2018-035** - Consider a request by Gregory S. Braden for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 3.02-acre tract of land identified as Lot 7R of the Lofland Lake Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, addressed as 2914 S. FM-549, and take any action necessary **[2nd Reading].**

4. **Z2018-038** - Consider a request by Scott A. Simonts on behalf of Ridgeview Church for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Commercial (C) District for a 7.67-acre parcel of land identified as Lot 28 of the Skyview Country Estates #3 Addition, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, addressed as 1362 E. FM-552, and take any action necessary **[2nd Reading].**

5. **Z2018-039** - Consider a request by Brandon Waldrum of CEI Engineering Associates, Inc. on behalf of Kelly Cannell of Murphy Road, LTD for the approval of an **ordinance** for a Specific Use Permit (SUP) for a carwash in conjunction with an existing retail store with gasoline sales on a 0.996-acre tract of land being identified as a portion of Lot 2 and all of Lot 1, Block B, Horizon Ridge Center Addition, City of Rockwall, Rockwall, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, addressed as 3520 Horizon Road [FM-3097], and take any action necessary **[2nd Reading].**

6. **Z2018-040** - Consider a request by John David of Express Oil Change, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Minor Auto Repair Garage (i.e. Brakes Plus) on a 0.656-acre tract of land being identified as Lots 1 & 2, Block A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary **[2nd Reading].**

7. Consider authorizing the City Manager to execute a professional engineering services contract with Binkley & Barfield, Inc. to perform the engineering design services and specifications for the South Lakeshore Drive Reconstruction Project from Summit Ridge Drive to Tanya Drive in an amount not to exceed $508,770.00, to be funded by 2018 Street Bond funds and water/wastewater funds, and take any action necessary.

8. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City Manager to execute a Purchase Order for a new 2019 Animal Services truck totaling $56,546 to be funded out of General Fund Reserves, and take any action necessary.

9. Consider awarding bids to Caldwell Country Chevrolet, Kubota Tractor and Quality Turf Renovation and authorizing the City Manager to execute Purchase Orders for Parks Department vehicles and equipment totaling $140,820.96 to be funded out of General Fund Reserves, and take any action necessary.

10. Consider awarding a bid to Chastang Ford and authorizing the City Manager to execute a Purchase Order for a new Fire Response Unit (1-ton truck) totaling $70,888 for Fire Operations to be funded out of General Fund Reserves, and take any action necessary.

11. Consider entering into a cooperative purchasing agreement with the City of Rowlett and awarding a bid to American Pavement Solutions for pavement crack sealing services; authorizing the City Manager to execute the Cooperative Purchasing agreement and contract totaling $100,000 funded out of the Streets and Drainage department operating budget , and take any action necessary.

12. Consider approval of the Engineering Services Agreement with HydroLogical Support Services, L.L.P. to provide general engineering services for flood plain impacts in the City of Rockwall, to be funded by the 2018-2019 Engineering Consulting budget and developer reimbursement, and take any action necessary.

13. Consider awarding bids to Caldwell Country Chevrolet and Grapevine Dodge and authorizing the City Manager to execute Purchase Orders for three new 2019 model vehicles totaling $74,022 for Police CID to be funded out of General Fund Reserves, and take any action necessary.

14. Consider authorizing the City Manager to execute a contract with the Texas Department of Transportation, Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.

15. Consider authorizing the City Manager to execute a contract between the City of Rockwall and STAR Transit for transportation services for fiscal year 2019 in the amount of $99,960 to be funded by the Administration Department Operating Budget, and take any action necessary.

16. Consider authorizing the City Manager to execute a contract with Meals on Wheels Senior Services for certain nutritional and senior service programs for fiscal year 2019 in the amount of $35,000 to be funded from the Administration Department Operating Budget, and take any action necessary.

17. Consider awarding a bid to My Computer Guy for purchase, installation, and support of information technology data backup and storage solutions in the amount of $62,925 to be funded by the Internal Operations Department operating budget, authorizing the City Manager to execute a contract on the City's behalf, and take any action necessary.

Councilmember Trowbridge commented that there are a lot of things on the agenda that are 'purchasing' related. He assumes this is due to the start of a new fiscal year. He wonders what the turnaround time is for receiving some of these items from the time they're ordered. Mrs. Smith clarified his questions, indicating that Trowbridge's assumptions are correct and that the items are paid for after they actually arrive/are received.

Councilmember Trowbridge moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17). Councilmember Macalik seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-42

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1)

DISTRICT ON A 4.623-ACRE PARCEL OF LAND IDENTIFIED AS LOT 5R, BLOCK A, ZION ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ADDRESSED AS 825 ZION HILLS CIRCLE AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-41
SPECIFIC USE PERMIT NO. S-195

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-43

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 GENERAL RETAIL (GR) DISTRICT FOR A 7.67-ACRE PARCEL OF LAND IDENTIFIED AS LOT 28, SKYVIEW COUNTRY ESTATES NO.3 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DEPICTED 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. 18-44
SPECIFIC USE PERMIT NO. S-196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING SPECIFIC USE PERMIT NO. S-072 [ORDINANCE NO. 10-09] A N D THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CARWASH IN CONJUNCTION WITH AN EXISTING RETAIL STORE WITH GASOLINE SALES IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.996-ACRE TRACT OF LAND. IDENTIFIED AS A PORTION OF LOT 2 AND ALL OF LOT 1, BLOCK B,

HORIZON RIDGE CENTER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 18-45
SPECIFIC USE PERMIT NO. S-197

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 MINOR AUTO REPAIR GARAGE IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.656-ACRE TRACT OF LAND BEING IDENTIFIED AS LOTS 1 & 2, BLOCK A, BILLY PEOPLES #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 absence (Johannesen).

Mayor Pruitt introduced representatives from STAR Transit and the local Meals on Wheels organization who were present this evening, thanking them for their partnerships and for all they do for the community.

XI. ACTION ITEMS

1. Discuss and consider approval of a resolution creating a Regional Emergency Communication District and consider acting on the Emergency Communication District Questionnaire, and take any action necessary.

Mark Poindexter came forth and shared that he serves on a committee at the North Central TX Council of Governments (NCTCOG) pertaining to the creation of a regional emergency communication district. He explained that the Council does not actually need to take action on the resolution this evening and that it may be acted upon at a later date. He went on to explain how emergency communication is funded via phone carrier fees that are funneled to the State Comptroller's Office and then distributed to the regional councils of government. He generally explained that the money that is supposed to be being distributed back to the COGs is not actually being distributed. He generally explained that a new board is being formed that will require elected representation from either the Rockwall City Council or Rockwall County. This new board will essentially ensure that monies that fund emergency communications in our region will be fairly budgeted and will stay in our region. Mr. Poindexter further explained that a questionnaire that was included in the council meeting packet does need to be answered by the City at this time, although the resolution does not need to be acted upon until the December 3 city council meeting. At the conclusion of the comments, questions and answers, Mayor Pruitt indicated to Mr. Poindexter that the City is in support of formation of this district.

2. **SP2018-023** - Discuss and consider a request by Pan S. Sribhen, P. E. of PSA Engineering on behalf of Shailesh C. Vora of DFW Hospitality of Rockwall, LLC for the approval of a variance to the vertical articulation requirements in conjunction with an approved site plan for a hotel on a 2.111-acre tract of land identified as a portion of Lots 7 & 8, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, situated south of the intersection of Carmel Circle and Laguna Drive, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting variances related to the city's vertical articulation requirements. Specifically Section 4.1.C.1.b, of Article V, of the UDC require all building facades to not extend for a distance more than three (3) times the walls height without having an off-set vertically. The elevations depicted for the north and south facades do not meet this requirement. This will require approval by the City Council by a "simple majority" vote. On July 31, 2018, the Architectural Review Board (ARB) reviewed the proposed building elevations for the site. General discussion concerning a thematic appearance amid all buildings within the Vora Addition took place between the board members and the applicant. The board requested the applicant incorporate the Coronado stone with the wood appearance at the main entrance where the AVID logo is located. The board shared their concern for the lack of vertical and horizontal elements that provide relief for the building. The ARB provided a recommendation to the Planning and Zoning Commission during its August 14, 2018. On August 14, 2018, the applicant provided elevations meeting the intent of the ARB's recommendations, with the exception of the use of the Coronado Stone, which has the "wood" appearance, to be located on the element where the hotels logo would be inserted. The applicant indicated they would not be able to meet this request due to corporate branding. After reviewing the revised elevations, the Architectural Review Board made a motion recommending approval of the elevations, which passed by a vote of 6 to 0 with Board Member Mitchell absent. This motion included a condition of approval that the applicant provide Austin Stone as depicted on the elevations and not the synthetic stone that was attached to the materials sample board. Additionally, the motion included a recommendation of approval for the variance being requested regarding the lack of horizontal and vertical articulation for the north and south elevations.

After being remanded back to the ARB by the Planning and Zoning Commission for the purpose of meeting the technical requirements of the UDC, the applicant made the changes requested by the ARB and the Planning and Zoning Commission, and the plan was in conformance with the UDC. On September 25, 2018, the ARB made a motion to deny the resubmitted elevations, meeting the technical requirements of the UDC, based on aesthetics. Additionally, the motion included a recommendation for the approval of the revised elevations originally reviewed during August 14, 2018 meeting, which included a recommendation of the variance to the vertical articulation by a vote of 5 to 0, with Board Members Neill and Mitchell being absent.

Following brief comments, Councilmember Trowbridge moved to approve the requested variances. Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes, 1 against (Daniels) and 1 absence (Johannesen).

3. **A2018-004** – Discuss and consider a request by Pat Atkins on behalf of the owner C.D.T. Rockwall/2017 LLC for the voluntary annexation of a 15.0-acre tract of land identified as Tracts 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary.

Following Mr. Miller's brief, introductory comments, Councilmember Trowbridge moved to approve this request for voluntary annexation. Councilmember Hohenshelt seconded the motion, which passed unanimously of those present (6 ayes with 1 absence (Johannesen)).

4. Discuss and consider establishing a policy regarding Traffic Impact Analysis (TIA) requirements in Planned Development District 32 (PD-32), and take any action necessary.

Mayor Pruitt provided comments pertaining to this agenda item. He expressed that he believes the City itself needs to be the one to hire the consultants to conduct Traffic Impact Analysis (TIA) studies and then be reimbursed by the developers. He believes TIAs should take place as part of the (re)zoning process. Mr. Miller commented that waiting until the zoning application and associated process before having TIAs conducted would be too late in the development process. Instead, it would perhaps be best for TIAs to be conducted during the "pre-development" timeframe. Lengthy dialogue ensued related to the optimal time for conducting TIAs, whether or not they should be required citywide (or just in PD-32), whether the size of a project should be a factor in triggerring a TIA (or not), and how the process of conducting TIAs might work. Mr. Crowley, City Manager, suggested that Council allow staff an opportunity to bring some ideas and suggestions back for consideration in two weeks. Council took no formal action pertaining to this agenda item at this time.

5. Discuss and consider providing TxDOT a local preferred option of having a continuous left turn lane on the proposed section of FM 549 from FM 1139 to Haymaker Drive rather than a raised curbed median, and take any action necessary.

Mayor Pruitt indicated that the Council held a work session earlier this afternoon to discuss this item. Councilmember Hohenshelt moved to approve the local preferred option of having a continuous left turn lane on the proposed section of FM 549 from FM 1139 to Haymaker Drive. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

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 - August 2018
   Fire Department Monthly Report - August 2018
   GIS Division Monthly Report - August 2018
   Harbor PD Monthly Report - August 2018
   Internal Operations Department Monthly Report - August 2018
   Police Department Monthly Report - August 2018
   Recreation Monthly Report - August 2018
   Rockwall Animal Adoption Center Monthly Report - August 2018
2. City Manager's Report

Mr. Crowley reminded the Council that tomorrow night is "National Night Out" in the City, and several neighborhoods will be hosting events. He encouraged everyone to attend. No questions or comments took place pertaining to monthly reports.

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 Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible lease of real property on city owned land at Yellowjacket Park pursuant to Section §551.072 (Real Property).
3. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

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

The Council did not go into Executive Session at the conclusion of the public meeting agenda.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th DAY OF OCTOBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, October 15, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:01 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. EXECUTIVE SESSION.

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

1. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
2. Discussion regarding potential litigation associated with Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding restaurant permitting and inspections pursuant to §551.071 (Consultation with Attorney).
5. Discussion regarding management personnel and organization pursuant to §551.071 (Consultation with Attorney).
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Executive Session adjourned at 4:55 p.m.

IV. RECONVENE PUBLIC MEETING

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

Mayor Pruitt then acknowledged eleven guests who are current members of the city's Youth Advisory Council (YAC). He had each one introduce him/herself, including what grade they are in currently and what school they attend.

V. Take Any Action as a Result of Executive Session

Mayor Pro Tem Fowler moved to authorize the purchase of parcels 1a and 1b for the County Line Road project. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes with 0 absent.

VI. Invocation and Pledge of Allegiance – Mayor Pro Tem Fowler

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

VII. Proclamations / Awards

1. Breast Cancer Awareness Month

Mayor Pruitt read the proclamation for Breast Cancer Awareness Month.

2. Community Planning Month

Mayor Pruitt called forth members of the city's (ad hoc) Comprehensive Plan Advisory Committee, including Jerry Welch, Bob Wacker and Johnny Lyons (also P&Z Chairman). He then read and presented them with this proclamation.

3. Chamber of Commerce Week

Mayor Pruitt called forth representatives of the Rockwall Area Chamber of Commerce. After brief introductions, he then read and presented them with this proclamation.

4. T.A.A.F. Region 7 Athlete of the Year (Keviah Ealy Recognition Day)

Mayor Pruitt indicated that this proclamation will be delayed until next month at the request of this family.

VIII. Open Forum

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

IX. Consent Agenda

1. Consider approval of the minutes from the October 1, 2018 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the October 8, 2018 joint work session meeting with the City Council, Planning & Zoning Commission, and the Comprehensive Plan Advisory Committee, and take any action necessary.
3. Consider approval of professional engineering services contract for Cobb, Fendley & Associates, Inc. to perform the engineering design services and specifications for the Turtle Cove Blvd from Ridge Rd to Railroad Tracks and W. Yellow Jacket Lane from Ridge Road to Greencrest Boulevard Reconstruction Project in an amount not to exceed $196,718.50, to be paid for out of the 2018 Street Bond funds, and take any action necessary.

4. Consider approval of professional engineering services contract for Teague Nall and Perkins, Inc. to perform the engineering design services and specifications for the Alta Vista Drive from Lakeshore Drive to Westway Drive and West Street from Rusk Street to Highland Drive Reconstruction Project in an amount not to exceed $313,500.00, to be paid for out of the 2018 Street Bond funds and water wastewater funds, and take any action necessary.

5. Consider awarding multiple bids to Trade Contractors for the construction of a Pickle Ball Court at Myers Park and authorizing the City Manager to execute contracts totaling $125,000 including project contingency to be funded out of the Recreation Development Fund, and take any action necessary.

6. Consider approving a five-year contract with Axon Enterprise Inc. and authorizing the City Manager to execute the contract for Police Taser Replacement in the amount of $116,687 to be funded out of General Fund Reserves first year cost of $17,400, and take any action necessary.

7. Consider awarding bids to Caldwell Country Chevrolet and Grapevine Dodge and authorizing the City Manager to execute Purchase Orders for multiple vehicle purchases totaling $349,003 to be funded out of the General Fund Reserves ($304,785), Water and Sewer Fund ($21,345) and Seized Funds ($22,873), and take any action necessary.

8. Consider awarding a bid to Waukesha-Pearce Industries Inc. and authorizing the City Manager to execute a Contract for the purchase and install of fixed generators at three lift stations in the amount of $234,714.80 to be funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any action necessary.

9. **P2018-029** - Consider a request by Derek Jones of Munson Partners, LLC for the approval of a replat for Lots 1 & 2, Block A, Jones Addition, being a 0.488-acre tract of land currently identified as Lot 47A of the BF Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District and the Historic Overlay (HOV) District, addressed as 201 S. Clark Street, and take any action necessary.

10. **P2018-033** - Consider a request by Matthew St. Marie of G&A Consultants, LLC on behalf of Spencer Byington of SWBC Rockwall, LP for the approval of a final plat for Lot 1, Block A, SWBC Rockwall Addition, Phase 1 being currently identified as a 21.280-acre tract of a larger 42.555-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development 83 (PD-83) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary.

Councilmember Trowbridge pulled item #9 for further discussion. Mayor Pruitt pulled item #10 for further discussion.

Councilmember Trowbridge moved to approve the entire Consent Agenda (except for item #9 and item #10). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding item #9, Councilmember Trowbridge asked for clarification about splitting this existing lot since it is considered a "highly contributing" structure within the city's "Historic District." Mr. Miller clarified that the existing structure will still retain said designation; however, the back portion will no longer be considered as such. Trowbridge asked if this property will interfere with the future realignment / expansion of SH-66. Mr. Miller indicated that it will not. Following brief, additional comments, Mayor Pro Tem Fowler moved to approve

Consent Agenda item #9 (P2018-029). Councilmember Daniels seconded the motion, which passed by a vote of 5 ayes to 2 nays (Macalik and Trowbridge).

Mayor Pruitt asked questions concerning Consent Agenda item #10. Mr. Miller shared hat the first phase will consist of 295 (apartment) units, and the second phase will have an additional 295 units. Mayor Pruitt believes that these additional 600 (approximately) units will result in additional traffic, so he is not in favor of it. Councilmember Hohenshelt moved to approve Consent Agenda item #10 (P2018-033). Mayor Pro Tem Fowler seconded the motion. Councilmember Johannesen clarified with Mr. Miller that this was approved for "multifamily" back in August of 2017. Councilmember Macalik asked if this reflects the same number of units as when the item was discussed back in August. Mr. Miller and Mayor Pruitt confirmed that it does reflect the same number of units. The motion to approve Consent Agenda item #10 (P2018-033) passed by a vote of 4 in favor with 3 against (Pruitt, Fowler and Daniels against).

X. APPOINTMENTS

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

Planning & Zoning Commissioner Johnny Lyons came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action as a result of his briefing.

2. Appointment with County Elections Administrator, Christopher Lynch, to hear about the Precinct 1 polling location changing from Reinhardt Elementary School to the Rockwall Golf & Athletic Club Conference Center (2600 Champions Drive).

County Elections Administrator, Chris Lynch came forth and shared that Reinhardt Elementary has been torn down, and that was previously a location where residents were able to vote. In lieu of this location, voters who would have otherwise voted at Reinhardt will instead need to cast their ballot at the Rockwall Golf & Athletic Club (RGAC) Conference Room, which also commonly known as The Shores Country Club. Information about early and election day voting, including times and locations may be found on the County Election Administrator's webpage (www.rockwallvotes.com).

XI. PUBLIC HEARING ITEMS

1. **Z2018-032** - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for commercial, light industrial and townhome land uses on a 16.26-acre tract of land identified as a portion of Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided brief background information pertaining to this agenda item. Mayor Pruitt then called forth the applicant to speak.

Tom Jones
5815 Meadowcrest
Dallas, TX

Mr. Jones came forth and briefly shared that Mr. Bricker is out of town this evening, so he is here representing him.

Following brief comments, Mayor Pruitt moved to remand this item back to the Planning & Zoning Commission. Councilmember Macalik seconded the motion. Clarification was provided by Mr. Miller that this action will resent the public hearing at Planning & Zoning, and a subsequent public hearing will occur at a future Council meeting. The motion to remand back to the P&Z passed by a vote of 7 ayes with 0 nays.

2. **Z2018-042** - Hold a public hearing to discuss and consider the approval of an **ordinance** for a text amendment affecting various sections of the Unified Development Code [Ordinance No. 04-38] for the purpose of generally amending the Development Standards and procedural processes for the approval of Variances, Exceptions, and Waivers, and take any action necessary **(1st Reading)** ***[Postponed to the November 5, 2018 City Council Meeting].***

See motion / action taken on Public Hearing item #3 below.

3. **Z2018-043** - Hold a public hearing to discuss and consider a request by Michael Worrell of Rockwall Honda for the approval of an **ordinance** amending SUP No. S-76 (Ordinance No. 10-26) to allow changes to be made to an existing Motorcycle Dealership with Accessory Boat and Trailer Sales being a 1.152-acre parcel of land identified as Lot 6, Block A, Newman Center #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary **(1st Reading) [*Postponed to the November 5, 2018 City Council Meeting].***

Mayor Pruitt moved to postpone Public Hearing item #2 and Public Hearing item #3 until the November 5 city council meeting. Councilmember Johannesen seconded the motion.

XII. ACTION ITEMS

1. **SP2018-028** - Discuss and consider a request by Debora Allegranti of CBOCS Texas, LLC on behalf of Eric Borkenhagen of Kohls Illinois, Inc. for the approval of variances to the articulation and materials requirements in conjunction with an approved site plan for a restaurant on a 1.61-acre portion of a larger 9.0142-acre parcel of land identified as Lot 1, Block A, Rockwall Market Center East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated west of the intersection of Mims Road and the frontage road for E. IH-30, and take any action necessary.

Mr. Miller provided brief background information concerning this agenda item, sharing that this item is pertaining to a Cracker Barrel restaurant, which will be located in the Kohl's parking lot adjacent to IH-30. He indicated that approval of this item will require a ¾ majority vote of Council since it is located in an existing 'overlay district.' Councilmember Trowbridge moved to approve Variance request #1, which pertains to Horizontal Articulation associated

with the 4-sided architectural requirements. Councilmember Hohenshelt seconded the motion, which passed unanimously (7 ayes to 0 nays).

Mayor Pruitt indicated that, regarding the variance request related to "Vertical Articulation," no horizontal wall shall extend for a distance greater than three (3) times the height of the wall without a change in height by a minimum of 25% (i.e. five (5) feet) of the wall's height. In this case, the change in height for the front façade is 3 ½-feet (i.e. 1 ½-feet shorter than the requirement). Councilmember Hohenshelt moved to approve this variance request associated with "vertical articulation," and Councilmember Daniels seconded the motion. The motion passed unanimously (7 ayes to 0 nays).

Regarding the variance related to masonry requirements, Mayor Pruitt stated that the city's standards call for each façade to be limited to 50% cementitious materials. In this case, the applicant is proposing to utilize between 63% to 80% cementitious material (i.e. hardie board) on the building façades. Mayor Pro Tem Fowler moved to approve this variance request. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider directing staff to proceed with the 2018 Comprehensive Plan amendment, and take any action necessary.

Mr. Miller explained that this item has been placed on tonight's meeting agenda as a result of the discussions that took place at the recent joint meeting that was held with the city council, Planning & Zoning Commission and the Comprehensive Plan Advisory Committee (CPAC).

Mayor Pruitt made a motion to send the Comp. Plan to the Planning & Zoning Commission for review and consideration. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider a policy for requiring a Traffic Impact Analysis (TIA), and take any action necessary.

Mr. Miller provided brief introductory comments pertaining to this agenda item. He indicated that this topic was initially discussed at the last council meeting. At Council's request, staff evaluated some options pertaining to creation of a policy regarding conducting of Traffic Impact Analyses associated with new, proposed development projects.

Extensive dialogue took place pertaining to when TIAs should be required and when they should not be required, especially pertaining to the timing associated with land entitlements and the proposed density. Discussion also took place pertaining to who currently pays for TIAs, when they are currently required, and who pays for those (the developer or the city). Mayor Pruitt suggested that TIAs should be paid for by the developer with the city choosing the engineer(ing firm). Mayor Pruitt expressed a desire to discuss PD-32 as related to the powers that the city's Planning & Zoning Commission currently has (or does not have) related to requiring a developer conduct a TIA.

Mr. Miller shared that any new policy that the Council may institute pertaining to requiring TIAs will not affect PD-32 unless a zoning change is requested within PD-32.

Mayor Pruitt summarized that the Council may wish to require a developer to conduct a TIA if the project will affect the future land use map (basically if it changes it to a 'more intense use' in instances where conducting a TIA would make logical sense).

Mayor Pruitt summarized a desire to have staff draft a policy and bring it back to Council for further discussion and consideration. He also asked staff to create an explanatory document that clarifies what would trigger a TIA in PD-32 and what powers the P&Z Commission and Council currently have relative to requesting TIAs.

XIII. EXECUTIVE SESSION

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

1. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
2. Discussion regarding potential litigation associated with Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding restaurant permitting and inspections pursuant to §551.071 (Consultation with Attorney).
5. Discussion regarding management personnel and organization pursuant to §551.071 (Consultation with Attorney).
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

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

The Council did not reconvene in Executive Session following the close of the public meeting agenda. (See start of the 6:00 p.m. meeting (above) for action taken as a result of Executive Session).

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th DAY OF NOVEMBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 05, 2018
4:15 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:15 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Patrick Lindner.

Mayor Pruitt then read the following discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding (re)appointment of municipal court judge and associate judge and related interviews, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding land acquisition adjacent to N. Goliad pursuant to Section §551.072 (Real Property).
4. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
5. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:35 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler shared that no action was needed as a result of Executive Session this evening.

VI. Invocation and Pledge of Allegiance – Councilmember Johannesen

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

VII. Proclamations / Awards

1. T.A.A.F. Region 7 Athlete of the Year (Keviah Ealy Recognition Day)

Mayor Pruitt called forth Keviah, her mom and her coach. He then read and presented Keviah with this proclamation, recognizing her for beating a state record in the "long jump" in track and field at the Texas Amateur Athletic Federation's summer games.

2. GIS Day Proclamation

Mayor Pruitt called forth staff members from the Planning Department's Geographical Information Systems (GIS) division. He then read and presented the proclamation for "GIS Day."

VIII. Open Forum

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

Jim Turner
1691 Old E. Quail Run Road
Rockwall, TX 75087

Mr. Turner came forth and shared that he has read the draft of the city's updated comprehensive plan, and he has some concerns pertaining to drainage, retention and detention. He explained that as the city continues to grow, build and develop, flooding created by nearby reservoirs is going to increasingly become even more problematic than it already is today. He went on to encourage the City to look into potential grant opportunities to help address these types of concerns.

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

IX. Consent Agenda

1. Consider approval of the minutes from the October 15, 2018 regular city council meeting, and take any action necessary
2. Consider approval of a resolution authorizing and consenting to the City of Forney, TX providing sanitary sewer service to 114.446 acres of land (the "Evans Tract") through an amendment to the City of Forney's Wastewater Service Contract with the Kaufman Co. Municipal Utility District No. 3 (Devonshire Development), and take any action necessary.
3. Consider entering into a cooperative purchasing agreement with the Public Procurement Authority, awarding a bid to ESCI and authorizing the City Manager to execute Contracts for (1) cooperative purchasing; (2) Community Risk Assessment Services for $47,346 to be funded with the previously awarded Homeland Security Grant funds, and take any action necessary.

4. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City Manager to execute a Purchase Order for a new Streets and Drainage Service Truck in the amount of $45,524 to be funded out of the Street Operations budget, and take any action necessary.

5. Consider approval of the total alternate Base Bid of Highland Drive Phase 1 Reconstruction Project (Bedford Falls Lane to Driftwood Street) and authorize the City Manager to execute a contract with Tiseo Paving Company in an amount of $1,095,983.25, to be funded by Street Bond Fund and the Water / Sewer Fund, and take any action necessary.

6. Consider approval of the Construction Materials Testing for Highland Drive Phase 1 Reconstruction Project and authorize the City Manager to execute a contract with Alliance Geotechnical Group for an amount of $16,484.00 to be funded by Street Bond Funds, and take any action necessary.

7. Consider approval of a professional engineering services contract for BW2 Engineers, Inc. to perform the engineering design services and specifications for the Lakedale Drive (Lakeview Drive to Ridge Road), South Lakeshore Drive (2000 Block), and Woodpark Lane (Spring Creek to S. Alamo Drive) Reconstruction Project in an amount not to exceed $184,300.00, to be paid for out of the 2018 Street Bond funds and water wastewater funds, and take any action necessary.

8. Consider approval of a professional engineering services contract for Dannenbaum Engineering Company – Dallas LLC. to perform the engineering design services and specifications for the Ridge Road West (Shores Boulevard to N. Goliad Street) Reconstruction Project in an amount not to exceed $370,047.49, to be paid for out of the 2018 Street Bond funds, and take any action necessary.

9. Consider authorizing the City Manager to execute a contract with MHS Planning and Design for engineering and design services in the amount of $51,600 as budgeted and funded by the Recreation Development Fund to develop a neighborhood park in The Harbor area, and take any action necessary.

10. **P2018-031** - Consider a request by First Christian Church Disciples of Christ for the approval of a replat for Lot 2, Block A, First Christian Church Disciples of Christ Addition, being a 5.231-acre parcel of land currently identified as Lot 1, Block A, First Christian Church Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 3375 Ridge Road (FM-740), and take any action necessary.

11. **P2018-034** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of Trevor Arterburn of Teasdale Investments, LLC for the approval of a conveyance plat for Lot 1, Block A, Rustic Warehouse & Town Center Addition and Lot 9, Block 1, First United Methodist Church Addition being an 11.774-acre tract of land currently identified as Lot 8, Block 1 First United Methodist Church Addition and Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located in between S. Goliad Street [SH-205] and T. L. Townsend Drive, north of E. Yellow Jacket Lane, and take any action necessary.

12. **P2018-036** - Consider a request by Priya Acharya, PE of Weir & Associates, Inc. on behalf of Getra Thomason-Sanders of Chick-Fil-A, Inc. for the approval of a replat for Lot 8, Block A, Lakeshore Commons Addition, being a 1.401-acre parcel of land currently identified as Lot 2, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1979 N. Goliad Street [SH-205], and take any action necessary.

Councilmember Trowbridge moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12). Councilmember Daniels seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

X. APPOINTMENTS

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

The Chairman was unable to attend this evening, so this item was not discussed, and no action was taken.

XI. PUBLIC HEARING ITEMS

1. **Z2018-032** - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for commercial, light industrial and townhome land uses on a 16.26-acre tract of land identified as Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. On September 17, 2018, the City Council approved a motion to continue the public hearing for this case and directed staff to work with the applicant to resolve the SH-66 right-of-way issue prior to the City Council taking action on the proposed zoning change. In accordance with this direction, staff met with the applicant on October 2, 2018. Through this meeting, staff and the applicant came to a consensus concerning SH-66, which involved minor revisions to the schematic alignment of this roadway. In accordance with this agreement, the applicant has revised the concept plan to show the full dedication of right-of-way for SH-66, which will be landscaped and irrigated by the City -- at the time of dedication -- until the roadway is constructed. On October 30, 2018, the Planning and Zoning Commission reviewed the changes and approved a motion to recommend approval of the zoning change by a vote of 6-0, with Chairman Lyons absent.

Following Mr. Miller's comments, Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Bill Bricker, the applicant, came forth and briefly commented.

Councilmember Trowbridge moved to approve Z2018-032 with staff recommendations. Councilmembers Daniels seconded the motion. Daniels thanked staff for working so diligently with Mr. Bricker between the time he initially came before Council concerning this matter and now. The ordinance was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR TOWNHOMES, COMMERCIAL/RETAIL, AND LIGHT INDUSTRIAL LAND USES ON THE SUBJECT PROPERTY, BEING A 16.26-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, INDALLOY ADDITION AND TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2018-042** - Hold a public hearing to discuss and consider the approval of an **ordinance** for a text amendment affecting various sections of the Unified Development Code [Ordinance No. 04-38] for the purpose of generally amending the Development Standards and procedural processes for the approval of Variances, Exceptions, and Waivers, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller briefed the Council on the draft text amendments/updates that are contained in this draft ordinance and the reasoning behind them. Councilmember Macalik thanked Mr. Miller for all the hard work that he performed in getting this prepared, especially in such a short amount of time. Councilmember Trowbridge commented that he, overall, likes the "look and feel" of these draft text amendments. Discussion ensued pertaining to the role(s) of the Planning & Zoning Commission (technical review) and the City Council (would serve as sort of an appeals board). Mayor Pro Tem Fowler stressed that it will be very important for councilmembers to be sure to appoint 'the right' people to serve on the P&Z Commission.

Mayor Pro Tem Fowler moved to approve the ordinance. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, ARTICLE III, *ZONING DISTRICTS AND MAPS*, ARTICLE IV, *PERMISSIBLE USES*, ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*, AND APPENDIX F, *LANDSCAPE GUIDELINES AND REQUIREMENTS*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A

REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XII. ACTION ITEMS

1. **SP2018-033** - Discuss and consider a request by Mahbub H. Dewan of D1 Architect & Associates, Inc. on behalf of Deepak Gandhi of Rockwall Inn Keepers I, LTD for the approval of variances to the material and parking requirements in conjunction with an approved site plan for a hotel on a 2.681-acre identified as Lot 1, Block A, Hyatt Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, located at the southeast corner of the intersection of Laguna Drive and La Jolla Pointe Drive, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this item. The applicant is requesting approval of variances to the exterior material requirements and the parking requirements of the Unified Development Code (UDC). This request is in conjunction with an approved amending site plan [Case No. SP2018-033] -- approved by the Planning and Zoning Commission on October 30, 2018 -- for the purpose of constructing a four (4) story hotel [Hyatt Place Hotel] that will contain a total of 100 rooms and an 1,800 SF meeting room. The SUP allows for an overall height not exceed 60-feet and limits the hotel to suites that do not contain kitchen facilities or cooktops. The hotel will be located at the southeast corner of the intersection of Laguna Drive and La Jolla Pointe Drive and is within the IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts.

Originally, this site plan was approved without variances. By amending the site plan and increasing the amount of stucco on the north (i.e. 58%) and west (i.e. 51%) elevations, the applicant will require approval of a variance to allow for cementitous materials to exceed a maximum 50% of the masonry requirement. Since this site is within the IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts, this will require approval by a ¾ majority vote of City Council. Approval of variances to the SOV and IH-30 OV is discretionary for the City Council.

The off-street parking requirements for a hotel requires one (1) space for each room (i.e. 100 parking spaces) and one (1) space for each 100-SF of the meeting room area at 50% of the total square footage [i.e. (1800-SF/100)*50% = 9 parking spaces]. The total number of parking spaces required for the site is 109 spaces; however, due to site constraints, the applicant will be parking deficient by three (3) parking spaces (i.e. only providing 106 of the 109 required parking spaces). This requires approval of a variance by a simple majority vote of City Council.

On October 30, 2018, the Architectural Review Board (ARB) recommended approval of the request by a vote of 4-0, with board members Neil, Meyrat and Wacker absent. Subsequently, on October 30, 2018, the Planning and Zoning Commission approved a motion to recommend approval per staff conditions. This motion was approved by a vote of 5-1, with Commissioner Logan dissenting and Chairman Lyons absent.

Following brief clarifications, Councilmember Trowbridge moved to approve all of the variance requests for SP2018-033, including staff recommendations. Councilmember Hohenshelt seconded the motion. Mayor Pro Tem Fowler asked for the ability to please address each variance request separately – one for the stucco-related variance request and one for the parking-related variance request.

Councilmember Trowbridge then amended his motion to only call for approval of the stucco-related variance. The motion passed by a vote of 6 in favor with 1 (Fowler) against. Councilmember Trowbridge then moved to approve the parking related variance request, including staff recommendations. Councilmember Macalik seconded the motion, which passed by a vote of 6 in favor with 1 against (Pruitt).

2. **SP2018-029** - Discuss and consider a request by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of TEKMAK Development Company for the approval of a variance to the cementitious material requirements in conjunction with a site plan for a residence hotel on a 2.8-acre tract of land being a portion of a larger 8.613-acre tract of land Tract 4 of the J. D. McFarland Survey, Abstract No. 145, and Lot 1, Block B, Goldencrest Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, situated north of the intersection of Greencrest Boulevard and the IH-30 Frontage Road, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item and the associated request. The applicant is requesting a variance to the cementitious materials requirements associated with an approved sited plan for a 16,210 sq. foot residence hotel on the subject property. On February 6, 2017, the City Council approved a Specific Use Permit (SUP) [Ordinance No. 17- 07] allowing a residence hotel on the subject property. The proposed residence hotel will be situated on a 2.8-acre portion of a larger 8.613-acre tract of land (i.e. a portion of Tract 4 of the J. D. McFarland Survey, Abstract No. 145, and Lot 1, Block B, Goldencrest Addition). The proposed residence hotel will be situated behind an existing restaurant (Texas Roadhouse). The residence hotel will be four (4) stories (49-feet high), approximately 16,210 SF, and have 112 units with kitchen facilities. The hotel will be accessible from IH-30 via a mutual access easement and the main driveway located on Greencrest Boulevard. The hotel will utilize underground parking as well as surface parking. The subject property is zoned Commercial (C) District and situated within the IH-30 Overlay (IH-30 OV) District.

Based on the applicant's submittal, staff has identified the following variance:

1) IH-30 Overlay (IH-30 OV) District Standards

a. Cementitious Material. According to Subsection 6.6C.1, Masonry Requirements, of Section 6.6, IH-30 Overlay (IH-30 OV) District, of Article V, District Development Standards, of the Unified Development Code (UDC), cementitious materials (i.e. stucco) shall be limited to 50% of each building façade. In this case, the applicant is proposing to utilize between 69% to 79% stucco on each building façade. This variance will require a ¾ majority vote of the City Council members

On September 25, 2018 the Architectural Review Board (ARB) reviewed the proposed building elevations and requested 20% natural stone in-lieu of brick on each façade. Additionally, the Architectural Review Board (ARB) requested that the applicant utilize 3-part stucco in-lieu of EIFS.

On October 9, 2018, the Architectural Review Board (ARB) reviewed the revised building elevations. The applicant proposed cultured stone on all facades; however, the rear façade only utilized 13%. Additionally, the applicant proposed a secondary material that exceeded the 10% maximum as well as stucco that exceeded the maximum of 50% on all facades. The Architectural Review Board (ARB) requested additional revisions from the applicant and made a motion to postpone action on the site plan to allow the Architectural Review Board (ARB) to review the revisions. This motion passed by a vote of 6-0 with Board Member Meyrat absent.

On October 30, 2018, the Architectural Review Board (ARB) reviewed the revised building elevations. The applicant's revisions eliminated the secondary materials, and utilized at least 20% natural stone on all facades. The Architectural Review Board's (ARB's) motion to recommend approval of the variance to the cementitious materials passed by a vote of 4-0 with Board Members Meyrat, Wacker, and Neill absent.

On October 9, 2018, the Planning and Zoning Commission's motion to postpone action on the site plan passed by a vote of 6-0 with Commissioner Fishman absent.

On October 30, 2018, the Planning and Zoning Commission's motion to approve the site plan and to recommend approval of the variance to the cementitious materials requirements passed by a vote of 6-0 with Commissioner Lyons absent.

Tom Kirkland
613 Willow Springs Dr.
Heath, TX

The applicant, Mr. Kirkland, came forth and briefed the Council on the "high points" of his variance requests. Extensive dialogue took place pertaining to these variance requests, including questions pertaining to why the city has standards in place to begin with if variance requests are always going to be coming before Council for consideration. Mayor Pruitt clarified with Mr. Miller, confirming that variance requests are typically brought forth due to financial considerations on the part of the developer (they want to build things for less money).

Following extensive dialogue, Councilman Daniels made a motion to deny SP2018-029. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider establishing a policy for requiring a Traffic Impact Analysis (TIA), and take any action necessary.

Mayor Pruitt indicated that he would like to address this item as well as Action item #4 at the same time.

Planning Director, Mr. Miller briefed the Council on the following draft policy:

Traffic Impact Analysis Policy

A Traffic Impact Analysis (TIA) shall be required to be submitted with a zoning applications if: [*1*] a proposed Planned Development District is 25-acres or greater, or [*2*] when a proposed zoning change necessitates a change in the Future Land Use Map that is considered to be more intense than the current designation (*e.g. a change from a Low Density Residential designation to a Medium Density Residential designation*). The TIA may be waived: [*1*] by City staff if the proposed zoning change is five (5) acres or less, or [*2*] in all circumstances by the City Council. In cases where a TIA is waived, there should be a finding that sufficient public roadway facilities are in existence.

In addition to providing direction on the proposed policy, the City Council also directed staff to require that a TIA be prepared by an engineer chosen by the City, and that a retainer would be required from an applicant to initiate the study. This is similar to how the City's infrastructure studies are currently being required and prepared. In response to this direction, staff requested a rough estimate of cost from an engineer that currently has an engineering services contract with the City. The estimate for preparing a TIA is as follows:

Small TIA: $6,000.00 - $9,000.00
Large TIA: $9,001.00 - $15,000.00+

Mr. Miller explained that the typical estimated turnaround time on a TIA was estimated to be two (2) weeks for traffic counts and an addition five (5) weeks for the preparation of the TIA. This means that before an applicant would be able to submit a zoning application, they would need to submit a request to perform a TIA a minimum two (2) months prior. During this two (2) months staff would also have the applicant submit a request for an infrastructure study if necessary.

As part of this quote, staff also requested a quote for reviewing an existing TIA prepared by an outside engineer. This was done to give the City Council an alternative to engaging an in-house engineer. The estimate for review of a TIA is as follows:

Small TIA: $2,000.00 - $3,500.00
Large TIA: $3,501.00 - $5,500.00

In addition, to these costs the engineering company also quoted a $1,000.00 fee per meeting that the engineer was required to attend.

Following additional, extensive comments, Mayor Pruitt moved to approve establishing this policy as presented, calling for a TIA to be required in the following two circumstances - [1] when a proposed Planned Development District is 25-acres or greater, or [2] when a proposed zoning change necessitates a change in the Future Land Use Map that is considered to be more intense than the current designation. Councilmember Hohenshelt seconded the motion. Following brief comments, the motion passed unanimously.

4. Discuss the requirements for a Traffic Impact Analysis (TIA) as related to Planned Development District 32 (PD-32), and take any action necessary.

Mayor Pruitt commented that he is fine with the way staff has proposed to handle TIAs related to development in PD-32. He summarized that the Planning & Zoning Commission will be able to request traffic impact analyses at the time of site plan submittal. Mayor Pruitt asked Planning Director, Mr. Miller, if any action on the part of the Council is needed pertaining to this particular agenda item. Mr. Miller indicated that no action is necessary.

5. Discuss and consider nomination of a Board Member (Place 2) and associated "alternate" to the STAR Transit Board of Directors, and take any action necessary.

Mayor Pruitt shared that he believes Councilmember Macalik has been doing a good job in this role, and Councilmember Fowler has been serving well as an "alternate." He then motioned to resubmit Councilmember Macalik to serve and to have Councilmember Fowler be an "alternate." Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
   Fire Department Monthly Report - September 2018
   GIS Division Monthly Report - September 2018

Harbor PD Monthly Report - September 2018
Internal Operations Department Monthly Report - September 2018
Police Department Monthly Report - September 2018
Recreation Monthly Report - September 2018
Rockwall Animal Adoption Center Monthly Report - September 2018
Rockwall Meals on Wheels / Senior Services 4th Quarter Report - 2018
STAR Transit Monthly Report - September 2018

2. City Manager's Report

Councilmember Hohenshelt requested an update from staff concerning strategic planning. Mr. Crowley shared that this information is ready and will be provided to Council at the next meeting.

Mayor Pruitt reminded everyone to get out and vote tomorrow between 7 AM and 7 PM.

XIV. EXECUTIVE SESSION

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

1. Discussion regarding (re)appointment of municipal court judge and associate judge, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding land acquisition adjacent to N. Goliad pursuant to Section §551.072 (Real Property).
4. Discussion regarding possible sale or lease of real property / land in the vicinity of County Line Road pursuant to Section §551.072 (Real Property).
5. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
6. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

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

XVI. ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19th DAY OF NOVEMBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, November 19, 2018
4:15 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Fowler called the public meeting to order at 4:00 p.m. Present were Mayor Pro Tem Fowler and Council Members Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Councilmember Patrick Trowbridge and Mayor Jim Pruitt were absent from the meeting.

II. WORK SESSION

1. Hold work session to discuss the city's Hotel Occupancy Tax (HOT) program.

City Manager Rick Crowley came forth and provided brief, introductory comments pertaining to this work session item. General discussion then ensued pertaining to the possibility of utilizing HOT funding for the purpose of creating a Convention Visitors Bureau (CVB) or utilizing the funds in a manner related to attracting visitors to come to our community. Councilmember Hohenshelt generally indicated that he is not necessarily opposed to creating some form of CVB; however, he is not in favor of creating a stand alone, civic center type of facility. He believes that such facilities likely struggle to "break even" annually. Councilmember Macalik pointed out that as the city grows, the need for smaller meeting spaces will likely arise; however, she agrees with Councilmember Hohenshelt that traditional civic centers do struggle to break even. Councilmember Hohenshelt and Councilmember Macalik indicated they believe it would be a good idea to create an "ad hoc" committee made up of members from the city, the Chamber, the EDC, the hotels and others who may have valid input to contribute, to further discuss this topic. Mr. Crowley shared that staff will draft a resolution to create said ad hoc committee and will bring it back to Council for consideration of approval before moving forward.

General discussion then ensued pertaining to the idea of allowing funds to be used to "put heads in beds," acknowledging that such standard is difficult to measure. Councilmember Daniels pointed out the importance of being sure that the legal definitions and rules pertaining to use of these types of funds is clearly understood by all.

Council took no formal action as a result of this discussion item.

2. Hold work session to hear update on the departmental strategic business plans.

City Manager Rick Crowley briefed the Council on the updated strategic initiatives, pointing out that the format of how those are being provided to Council has changed. Following brief comments, the Council took no action concerning this work session discussion item.

3. Hold a work session to discuss the recommendation for a sub-committee to discuss the comprehensive review of compensation.

Mr. Crowley shared that some concerns about the current compensation plan have been discussed. He went on to suggest that the Council may wish to consider formation of a subcommittee of the Council to work with staff on evaluating the compensation plan and then taking any recommendations to the full council for consideration. Councilmember Johannesen volunteered to serve on this subcommittee. Mayor Pro Tem Fowler indicated that Councilmember Hohenshelt would be a good person to serve as well. Councilmember Daniels suggested that Council consider appointing Johannesen, Hohenshelt and Trowbridge to serve on the subcommittee. It was pointed out that an agenda item has been included later on in tonight's agenda so that Council may take formal action to form such subcommittee and make appointments to it. No action was taken at this time.

Mayor Pro Tem Fowler then read the following discussion items into the record before recessing the public meeting to go into Executive Session at 4:28 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding potential litigation associated with Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding Chapter 12, Article X of the Code of Ordinances as related to inspection of food service establishments pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding possible lease of real property on city owned land at Yellowjacket Park pursuant to Section §551.072 (Real Property).
5. Discussion regarding land acquisition adjacent to N. Goliad pursuant to Section §551.072 (Real Property).
6. Discussion regarding (re)appointment of municipal court judge and associate judge and related interviews, pursuant to Section 551.074 (Personnel Matters)
7. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:55 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pro Tem Fowler called the public meeting back to order at 6:00 p.m.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Hohenshelt moved to (newly) appoint Matt Neyland and Rick Johnson to serve a one-year term on the Rockwall Economic Development Corporation Board (REDC), beginning January 1, 2019 (replacing Stewart Storms and Bob Amick, who have termed out) and reappoint Gary Bunch, Dale Cherry, Craig Renfro, and Matthew Nielsen, each for an additional two-year term (also starting January 1, 2019). Councilmember Macalik seconded the motion, which passed by a vote of 5 in favor with 2 absent (Pruitt and Trowbridge).

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TROWBRIDGE

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

VIII. PROCLAMATIONS / AWARDS

1. Diabetes Awareness Month

Mayor Pro Tem Fowler called forth several visitors who were in attendance. He then read and presented the proclamation for Diabetes Awareness Month.

IX. OPEN FORUM

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

Bob Wacker
309 Featherstone
Rockwall, TX 75087

Mr. Wacker came forth and suggested that the Council consider placing a list and associated schedule and updates related to streets that are set to be reconstructed. City Engineer, Amy Williams, indicated that this information is already available on the city's website as part of the city's Capital Improvement Program (CIP) map. Mr. Crowley shared that staff can work to make that information more prominent on the city's website.

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

X. CONSENT AGENDA

1. Consider approval of the minutes from the November 5, 2018 regular city council meeting, and take any action necessary.

2. **Z2018-032** - Consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a zoning change from a Light Industrial (LI) District to a Planned Development District for commercial, light industrial and townhome land uses on a 16.26-acre tract of land identified as Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any action necessary **(2nd Reading).**

3. **Z2018-042** - Consider the approval of an **ordinance** for a text amendment affecting various sections of the Unified Development Code [Ordinance No. 04-38] for the purpose of generally amending the Development Standards and procedural processes for the approval of Variances, Exceptions, and Waivers, and take any action necessary **(2nd Reading).**

4. Consider approval of a resolution supporting the Rockwall Fire Department's application to FEMA's "Assistance to Firefighters Grant" for the purpose of funding the future purchase and installation of a vehicle exhaust capture and removal system in all City of Rockwall fire stations, and take any action necessary.

5. Consider approval of the County Line Road Reconstruction Project and authorize the City Manager to execute a contract with McMahon Contracting, LP. in an amount of $5,335,467.51, to be funded by Street Bond Fund and the Water / Sewer Fund, and take any action necessary.

6. Consider approval of the Construction Materials Testing for County Line Road Reconstruction Project and authorize the City Manager to execute a contract with Alliance Geotechnical Group for an amount of $54,883.50 to be funded by Street Bond Funds, and take any action necessary.

7. Consider approval of the S. Lakeshore Drive and Summit Ridge Drive Reconstruction Project and authorize the City Manager to execute a contract with Tiseo Paving Co. for the Base Bid and add Alternate Bid A for a total amount of $9,343,280.80, to be funded by Street Bond Fund and the Water / Sewer Fund, and take any action necessary.

8. Consider approval of the Construction Materials Testing for S. Lakeshore Drive/Summit Ridge Drive Reconstruction Project and authorize the City Manager to execute a contract with Alliance Geotechnical Group for an amount of $77,426.50 to be funded by Street Bond Funds, and take any action necessary.

9. Consider awarding a bid to IWC Texas and authorizing the City Manager to execute a Contract for SH 66 Boat Ramp and Myers Park light pole replacement in the amount of $42,000 to be funded out of the General Fund Parks Operations Budget, and take any action necessary.

10. Consider approval of Contract Amendments Number Eight for the total additional contract amount of $49,115.00 with Freese and Nichols, Inc. for the County Line Road Reconstruction Project, and take any action necessary.

11. **P2018-037** - Consider a request by Cameron Slown of F. C. Cuny Corporation on behalf of Phillip McNeill of MHC Rockwall, LLC and Jason Lentz of Atticus of Atticus Summer Lee Townhomes for the approval of a replat for Lots 3 & 4, Block A, Harbor Village Addition, being a 6.196-acre tract of land currently identified as Lot 2A of the Isaac Brown Addition and Lot 2, Block A, Harbor Village Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Scenic Overlay (SOV) District, located adjacent to Summer Lee Drive southwest of the intersection of Horizon Road [FM-3097] and Summer Lee Drive, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Daniels seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 87 (PD-87) FOR TOWNHOMES, COMMERCIAL/RETAIL, AND LIGHT INDUSTRIAL LAND USES ON THE SUBJECT PROPERTY, BEING A 16.26-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, INDALLOY ADDITION AND TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *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.

CITY OF ROCKWALL
ORDINANCE NO. 18-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, ARTICLE III, *ZONING DISTRICTS AND MAPS*, ARTICLE IV, *PERMISSIBLE USES*, ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*, AND APPENDIX F, *LANDSCAPE GUIDELINES AND REQUIREMENTS*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Pruitt and Trowbridge).

XI. APPOINTMENTS

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

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

2. Appointment with Jenny Krueger of the Boys & Girls Club to hear report on the 2018 Duck Regatta.

Ms. Krueger came forth and briefed the Council on the Boys & Girls Club, explaining that it is a "youth development organization." The Rockwall club is part of a North Texas chapter that operates in the cities of Rockwall, Commerce and Greenville. She went on to brief the Council on the Duck Regatta fundraiser, indicating that despite the rain, the club did experience a 6-7% increase in net proceeds from the event this year. At the conclusion of Ms. Krueger's presentation, Mayor Pro Tem Fowler thanked her for the thoroughness of her presentation and for the material she presented this evening. Council took no formal action as a result of this presentation.

XII. PUBLIC HEARING ITEMS

1. **Z2018-047** - Hold a public hearing to discuss and consider the approval of an **ordinance** adopting the OURHometown Vision 2040 Comprehensive Plan (i.e. 2018 Comprehensive Plan Update) and take any action necessary **(1st Reading).**

City Planning Director, Ryan Miller, provided brief introductory comments pertaining to this agenda item. Mayor Pro Tem Fowler opened the public hearing and asked if anyone would like to come forth and speak at this time.

Mr. Hinkley
12300 Park Central Drive
Dallas, TX 75251

Mr. Hinkley came forth and indicated that he represents "Rockwall 227 and Ridgeview Capital Group," which owns a great deal of acreage, generally located southeast of FM550 and northwest of FM548 (next to the Chisholm Trail mobile home park). He explained that it is in the furthest, most eastern portion of the City of Rockwall's extraterritorial jurisdiction (ETJ). He went on to request that Council consider modifying the city's draft comp plan to accurately reflect plans that are in place related to future development of this area.

Mayor Pro Tem Fowler asked if anyone else would like to come forth and speak at this time. There being no one else wishing to do so, he then closed the Public Hearing.

Mayor Pro Tem Fowler asked for clarification regarding the purpose of the plan. Mr. Miller shared that the city's comp. plan is a policy guideline, and its contents and guidelines may be modified by Council at any time in the future at its discretion.

Councilmember Hohenshelt moved to approve Z2018-047 (the OURHometown Vision 2040 Comprehensive Plan (i.e. 2018 Comprehensive Plan Update)) as presented. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absent (Pruitt and Trowbridge).

2. **Z2018-044** - Hold a public hearing to discuss and consider a request by Reubin E. Harle for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing an accessory building that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family One (SF-1) District, addressed as 825 Zion Hills Circle, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information related to this agenda item. The approximately 3,000 SF (i.e. 50' x 60') structure will stand approximately 16-feet in height, and have a roll-up door, and an overhang on the left and right sides of the structure. According to the submitted site plan, the accessory building will be situated to the rear of the primary structure, and the existing concrete driveway will be extended to the new accessory building. The accessory building will be more than 150-feet from the front, side, and rear property lines. According to the applicant, the accessory building will be utilized as a barn to store equipment (e.g. lawnmower, garden tools, etc.) and will not be used for commercial land uses. Currently the subject property has two (2) accessory buildings that do not conform to the requirements of the Unified Development Code (UDC), and--according to the applicant--one (1) of the buildings will be removed once construction of the new accessory building has been completed. The applicant is proposing to keep the second accessory building (i.e. metal carport), which is approximately 400 SF.

On October 19, 2018, staff mailed 28 notices to property owners and residents within 500-feet of the subject property. There are no HOA's/Neighborhood Organizations that are within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had received one (1) email in favor of the request. On November 13, 2018, the Planning and Zoning Commission's motion to recommend approval of the Specific Use Permit (SUP) passed by a vote of 6-0 with Vice-Chair Chodun being absent.

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

Mr. Reubin Harle
825 Zion Hills Circle

Rockwall, TX

Mr. Harle, the applicant, came forth and shared that the purpose of this accessory building will be to house items in an effort to clean up his property. Also, he recently retired, so he would like to utilize the accessory building to tinker with some old cars that he has accumulated over the years.

Councilmember Macalik moved to approve Z2018-044. Councilmember Hohenshelt seconded the motion. Councilmember Hohenshelt expressed concern about the city either having rules or not having them (he is generally dissatisfied with so many variance requests coming forth). Councilmember Daniels expressed concern about this request being so very far removed from what the city's requirements call for. He encouraged the applicant to reconsider what he is proposing and return to the Council at a future date with a proposal that more closely complies with the city's requirements.

Following brief comments, the motion to approve the item failed by a vote of two in favor with three against (Hohenshelt, Fowler and Daniels) and two absent (Pruitt and Trowbridge).

3. **Z2018-045** - Hold a public hearing to discuss and consider a request by Kira Bauman of Bauman Consultants on behalf of John Gatz of EcoSite for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Freestanding Commercial Antenna on a 0.0826-acre portion of a larger 7.64-acre tract of land, known as Yellow Jacket Park, identified as Tract 11 of the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated on the south side of Yellow Jacket Lane, west of the intersection of S. Goliad Street [SH-205] and Yellow Jacket Lane, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. Mr. Bauman came forth and provided a presentation to Council related to this request for placement of a cellular tower at Yellow Jacket Park. The proposed monopole will be a freestanding structure that will be 150-feet in overall height. An antenna (i.e. T-Mobile) and lighting rod will be affixed to the top of the monopole, which will extend the overall height to 160-feet. The applicant has stated that the proposed monopole will incorporate an additional three (3) antennas for different carriers in the future. The additional antennas will not increase the overall height of the structure, and a maximum height of 160-feet has been incorporated as an operational condition in the Specific Use Permit (SUP) ordinance. The antennas will have ground-mounted equipment that will be enclosed within a metal cabinet. The proposed monopole, metal cabinets, and any accessory equipment will be enclosed in a 50-foot by 50-foot compound that will be secured by an eight (8) foot high wrought iron fence, and screened by Nellie R. Stevens Holly trees that will be planted on eight (8) to ten (10) foot centers. Prior to constructing the proposed freestanding commercial antenna, the applicant has stated that an additional 30 public parking spaces will be constructed along the western property line of the park. This will increase the total number of public parking spaces in the park from 80 parking spaces to 110 parking spaces. The addition of the public parking spaces has been included as an operational condition in the SUP ordinance.

Bill Bauman
2300 Springer Drive
Arlington, TX

Mr. Bauman came forth and provided a lengthy presentation to Council related to this request. Following the presentation, Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the Public Hearing.

Councilmember Daniels moved to approve Z2018-045. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-___
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A FREE STANDING COMMERCIAL ANTENNA, ON A 0.08-ACRE PORTION OF A LARGER 7.64-ACRE TRACT OF LAND KNOWN AS YELLOW JACKET PARK AND IDENTIFED AS TRACT 11 OF THE J. CADLE SURVEY, ABSTRACT NO. 65, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFIALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 in favor with 2 absent (Pruitt and Trowbridge).

4. **Z2018-046** - Hold a public hearing to discuss and consider a request by Brad Helmer on behalf of Heritage Christian Academy (HCA) for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing existing temporary educational buildings in conjunction with a private school to remain on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street [SH- 205], and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. In 1999, the City Council approved a Conditional Use Permit (CUP) to allow one (1) temporary educational building on the subject property for a period of five (5) years. The CUP stipulated that after a period of three (3) years, the City Council could review the CUP to determine if permanent buildings were planned to replace the temporary

educational buildings. In 2003, the City Council approved a Conditional Use Permit (CUP) to allow additional temporary educational buildings on the subject property for a period of five (5) years. In 2009, the City Council approved a Specific Use Permit (SUP) to allow three (3) temporary educational buildings on the subject property. At that time, the Specific Use Permit (SUP) ordinance stipulated that it shall be valid for a period of one (1) year, at which time the City Council shall review the Specific Use Permit (SUP) to determine if an extension is warranted. On September 20, 2010, the City Council reviewed the Specific Use Permit (SUP) and approved an extension for three (3) years (i.e. ending September 7, 2013). In November, 2013, the City Council approved a five (5) year extension (i.e. ending November 4, 2018). Staff should note, at the time of the approval of the five (5) year extension, staff, the Planning and Zoning Commission, and the City Council were informed that this would be the last request for extension of the Specific Use Permit (SUP) and that permanent educational buildings would be constructed within that time. Should this request be approved, it will be the fifth extension for temporary educational buildings on the subject property. Should the City Council choose to approve this, request, the applicant would be allowed five (5) additional years to continue the use of the temporary educational buildings on the subject property, and shall be required to provide an updated schedule indicating the expected phasing-out of the temporary educational buildings. Should the City Council deny this request, the applicant shall be required to remove the temporary educational buildings within a reasonable amount of time. On October 19, 2018, staff mailed 34 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Waterstone Estates Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization that is within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had not received any notices returned.

Mayor Pro Tem Fowler called the applicant forth to address the Council at this time.

Brad Helmer
2917 Chuckwagon Drive
Rockwall, TX

Mr. Helmer came forth and provided a lengthy presentation to Council pertaining to this request. He explained that any staff members from HCA who have may previously come before the city council to request time extensions on the use of portable buildings are no longer employed by HCA. Therefore, he was not aware that a plan (schedule) needed to be presented to the City as part of a request to obtain an additional extension for use of temporary portable buildings. He went on to explain the proposal he plans to present to his board of directors later this month pertaining to future planning for the addition of classrooms, a P.E. gym and a future "competition" gymnasium. He went on to explain that he will commit to attempting to complete this plan for future expansion and addition of classrooms within three to four years; however, he would not be able to do so within one year. He shared that $750,000 has been raised so far for a competition gymnasium; however, the board and school can reapproach the donors to ask that the funding be redirected to be used for additional classrooms instead.

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

public hearing.

Councilmember Johannesen provided brief comments and clarified that the applicant is now requesting a renewal of the SUP to allow for the use of portable buildings for an additional five-year period. Mr. Helmer indicated that, yes, he believes that the school will be able to complete needed expansions within three and no more than five years.

Councilmember Daniels shared that he understands Mr. Helmer inherited this issue when he began working for HCA; however, he does still have concerns about the Council outright granting a five-year extension without having some sort of benchmarks in place to ensure HCA's plans are progressing forward towards eliminating the need for these temporary, portable buildings. Mr. Miller shared that he can work with the applicant to develop conditions to include within the SUP ordinance that will identify benchmark events and dates to ensure that HCA will in fact move forward with its plans to eventually eliminate these portable buildings.

Councilmember Macalik expressed that she has concerns that are similar to those expressed by Councilman Daniels. On top of those concerns, she pointed out that this school is likely to continue to grow its student population. She generally feels that giving HCA an additional five years is too much time. She would like to see it be granted for less time.

Mayor Pro Tem Fowler clarified that the city will want to see very detailed, concrete plans and benchmarks identified within the ordinance.

Councilmember Hohenshelt shared his strong belief that he does not believe that an additional five years should be granted. He does not wish to extend it for longer than one year, as the school has had nineteen years at this point to get rid of the temporary buildings. He does not expect that the applicant will have newly built classrooms ready and open within one year; however, he does believe it will be prudent to grant it for only one year and then require the applicant to again appear before the Council to report on its progress in implementing its plans to work towards eliminating the portable buildings.

Councilmember Hohenshelt moved to continue the public hearing for a period of thirty days to allow the applicant time to work with staff to identify measurable benchmarks for inclusion in the ordinance language. Councilmember Johannesen seconded the motion, which passed by a vote of 5 ayes with 2 absences (Pruitt and Trowbridge).

XIII. ACTION ITEMS

1. **SP2018-032** - Discuss and consider a request by William Salee of the Rockwall Independent School District (RISD) for the approval of variances to the material and articulation requirements in conjunction with an approved site plan for an Elementary School on a 17.2922-acre tract of land being identified as Lot 1, Block A, RISD Elementary School Addition and Tract 2-7 of the W. T. Deweese Survey, Abstract No. 71, City of Rockwall, Rockwall, Texas, zoned Planned Development District 70 (PD-70) for single family land uses, located at the southeast corner of Greenway Boulevard and FM-552, and take any action necessary.

The applicant is requesting variances to Article V, of the Unified Development Code (UDC) for not meeting the minimum stone requirement and horizontal articulation requirements as outlined below. As a note, a variance request to the UDC requires approval of a simple majority vote of City Council.

The variance requests are as follows:

1. Section 4.1.A.1, of Article V, of the UDC requires each exterior wall to consist of 90% masonry materials including a minimum of 20 percent stone on walls visible from a public street or open space. The applicant is requesting to allow the elevations as submitted with no stone depicted on the exterior of the building. [Simple Majority]

2. Section 4.1.C.1.a, of Article V, of the UDC requires that no wall shall extend for a distance equal to three (3) times the walls height without having an off-set that creates an articulated horizontal element. The applicant is requesting to allow the north facing elevation to extend beyond the distance requirement as depicted on the elevations. [Simple Majority]

Requests for the variances as outlined above are considered discretionary decisions for the City Council. On November 13, 2018, the Architectural Review Board (ARB) reviewed the building elevations and rendering provided by the applicant. After review, the ARB made a motion to recommend approval of the elevations, which passed by a vote of 5 to 0 with Board Members Mitchell and Miller absent. On November 13, 2018, the Planning and Zoning Commission's motion to approve the site plan with staff conditions and Architectural Review Board (ARB) recommendations passed by a vote of 6-0 with Commissioner Chodun absent.

The applicant came forth and provided brief comments to Council concerning his request for variances.

Councilmember Johannesen moved to approve the requested variances associated with SP2018-032. Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Trowbridge).

2. **SP2018-030** - Discuss and consider a request by John David of Express Oil Change, LLC for the approval of a variance to the articulation requirements in conjunction with an approved site plan for a Minor Auto Repair Garage (i.e. Brakes Plus) on a 0.656-acre tract of land being identified as Lots 1 & 2, Block A, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary.

The proposed minor auto repair garage (i.e. Brakes Plus) is permitted in a General Retail (GR) District with a Specific Use Permit (SUP). On October 13, 2018, the City Council approved a Specific Use Permit (SUP) [Ordinance No. 18-45] to allow a minor auto repair garage in a General Retail (GR) District. The proposed garage will have eight (8) bays that will face west (i.e. face away from S. Goliad Street [SH-205]) and will be screened with

landscaping (e.g. pampas grass, trees, etc.). The proposed Brakes Plus will be accessible via a drive aisle on Yellow Jacket Road, a drive aisle on S. Goliad Street [SH-205], and will also have cross-access with the adjacent shopping center. Currently, the subject property has one (1) large drive approach on Yellow Jacket Lane and two (2) drive approaches on S. Goliad Street [SH-205]. The applicant is proposing to narrow the drive approach on Yellow Jacket Lane and eliminate one (1) of the drive approaches on S. Goliad Street [SH-205]. The subject property is zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, and addressed as 1902 and 2000 S. Goliad Street [SH-205].

The applicant is requesting the following variances to the SH-205 Overlay (SH-205 OV) District standards. These variances require a ¾ majority vote of the City Council members present to be passed.

A) *Four (4)-Sided Architecture*

Horizontal Articulation. Subsection 4.1.C, Building Articulation, of Section 4, Commercial District Standards, of Article V, District Development Standards, of the Unified Development Code (UDC) states that no building wall shall extend for a distance equal to three (3) times the wall's height without having an offset of 25% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane. In this case, the rear elevation does not provide projections or recesses. According to the applicant, this is due to the rear elevation being primarily garage bays. Since (UDC) a variance is required.

b. *Vertical Articulation*. Subsection 4.1.C, Building Articulation, of Section 4, Commercial District Standards, of Article V, District Development Standards, of the Unified Development Code (UDC) states that no horizontal wall shall extend for a distance greater than three (3) times the height of the wall without a change in height by a minimum of 25% (i.e. five (5) feet) of the wall's height. In this case, the rear elevation provides a change in height of approximately two (2) feet to provide some articulation. Since this does not meet the minimum requirement of five (5)-feet, a variance is required.

B) Architectural Standards

a. Pitched Roof. Subsection 2, Roof Design Standards, of Subsection C, Architectural Standards, of Section 6.7, SH 205 Corridor Overlay (SH-205 OV) District, of Article V, District Development Standards, of the Unified Development Code (UDC) states that structures having a footprint of 6,000 SF or less shall be constructed with a pitched roof system. In this case, the applicant is proposing to utilize a flat roof design. Since this does not conform to the requirements of the Unified Development Code (UDC), a variance is required.

On November 13, 2018, the Architectural Review Board (ARB) reviewed the revised building elevations and made a motion to recommend approval of the variances to the vertical articulation, horizontal articulation, and pitched roof requirements, with the condition that two (2) faux windows be added to the east elevation. The motion passed by a vote of 5-0 with Board Members Miller and Mitchell absent. On November 13, 2018, the Planning and Zoning Commission's motion to recommend approval of the variances to the vertical articulation, horizontal articulation, and pitched roof requirements, with the condition that two (2) faux windows be added to the east elevation, passed by a vote of 6-0 with Vice-Chair Chodun absent.

Mathias Albert
6017 Main Street
Frisco, TX

Mr. Albert came forth and expressed that the horizontal articulation has an associated safety concern, and that is the reason a variance is being requested on it. Large vans and trucks would have difficulty turning and exiting the eight bay doors if the variance were not granted.

Regarding the vertical articulation variance request, Mr. Albert seemed to generally explain that it is being requested for aesthetic reasons.

Following brief discussion, Councilmember Hohenshelt moved to approve all of the variances requested. Councilmember Johannesen seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Trowbridge).

3. A2018-004 – Discuss and consider a request by Suresh Shridharani on behalf Harlan Properties, Inc. for the approval of annexation of an 69.679- acre tract of land identified as Tract 3 of the J. Merriman Survey, Abstract No. 155, Rockwall County, Texas, and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item, pointing out that since the property is not contiguous with the City's corporate limits, an additional 9.885-acres of SH-276 right-of-way will also need to be annexed along with the subject property (an Annexation Map/Property Boundary exhibit was attached in the meeting packet for Council's review). Staff has conferred with the City Attorney and verified that the additional right-of-way would not be subject to the 1,000-foot rule stipulated by TLGC §43.054. Should the City Council choose to annex this property and once the first reading of the ordinance is read into the record, the City Council will have 90 days to approve the annexation ordinance (i.e. May 19, 2019).

If the City Council elects to move forward with this (voluntary) annexation request, the annexation schedule (per the requirements of Chapter 43 of the Texas Local Government Code) would be as follows:

- **December 21, 2018: Staff will have a preliminary Service Plan prepared.**
- **January 4, 2019: Notice of the first and second public hearings will be posted in the Herald Banner and on the City's website.**
- **January 22, 2019 (Tuesday): First (6:00 PM) and second (6:30 PM) public hearing held in the City Council Chambers.**
- **February 18, 2019: City Council approves first reading of the annexation ordinance.**
- **March 4, 2019: City Council approves second reading of the annexation ordinance.**

Mayor Pro Tem Fowler called the applicant forward at this time.

Aaron Graves
260 E. Davis Street
McKinney, TX

Mr. Graves came forth and provided brief, clarifying comments to Council. Following brief questions and answers, Councilmember Daniels moved to approve A2018-004. Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Trowbridge).

4. Discuss and consider the appointment of a subcommittee to discuss the compensation plan.

Mayor Pro Tem Fowler shared that this item is related to a work session the Council held earlier this afternoon. He then moved to appoint Councilmember Trowbridge, Councilmember Johannesen and Councilmember Hohenshelt to serve on this Compensation Plan Subcommittee of Council. Councilmember Daniels seconded the motion, which passed by those present (5 ayes with 2 absences (Pruitt and Trowbridge)).

5. Discuss and consider a request from Texas Department of Transportation regarding the City's preference on the time of day for concrete repair along FM 740/Ridge Road and SH 66, and take any action necessary.

City Engineer Amy Williams briefed the Council on the options that TXDOT has conveyed to the city pertaining to the time of day that the repairs could be performed. Ms. Williams shared that if it is done at night, there could be some noise disruptions. If the repairs are done during the day, it will result in traffic being shut down to one lane during the day, off and on, for four months.

Following brief comments, Mayor Pro Tem Fowler moved to have the road repairs on both roads performed from 7 AM to 6 PM. Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes with 2 absent (Pruitt and Trowbridge).

XIV. EXECUTIVE SESSION

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

1. Discussion regarding potential litigation associated with Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding Chapter 12, Article X of the Code of Ordinances as related to inspection of food service establishments pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding possible lease of real property on city owned land at Yellowjacket Park pursuant to Section §551.072 (Real Property).
5. Discussion regarding land acquisition adjacent to N. Goliad pursuant to Section §551.072 (Real Property).

6. Discussion regarding (re)appointment of municipal court judge and associate judge and related interviews, pursuant to Section 551.074 (Personnel Matters)

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

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

The Council did not reconvene in Executive Session following the close of the public meeting agenda. See the start of the public meeting for action taken as a result of the earlier Executive Session.

XVI. ADJOURNMENT

Mayor Pro Tem Fowler adjourned the meeting at 7:54 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd DAY OF DECEMBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 03, 2018
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. HEARING / WORK SESSION

1. Hold a hearing with Jon Weygandt of "Get Healthy" to discuss city health inspections related to food service establishments.

Mr. and Mrs. Weygandt came forth and generally explained their belief that the city's routine health inspections no longer apply to their business, as it has recently changed to a private membership association (a "PMA"). They believe that the 1st and 14th amendments to the U.S. Constitution protect their business from certain government regulations. Council engaged in extensive dialogue with Mr. and Mrs. Weygandt. City Attorney Frank Garza also spoke, generally explaining the city's health inspection regulations and how and why he believes the PMA designation does not exempt them from inspections.

Council took no action as a result of this discussion.

2. Hold a work session to discuss a study of the IH-30 Corridor.

Mayor Pruitt then read the following discussion items in to the record before recessing the public meeting at 5:01 p.m. to go into Executive Session.

III. EXECUTIVE SESSION.

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

1. Discussion regarding potential litigation associated with Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding Chapter 12, Article X of the Code of Ordinances as related to inspection of food service establishments pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding (re)appointment of municipal court judge and associate judge and related interviews, pursuant to Section 551.074 (Personnel Matters)

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

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:32 p.m.

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

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to appoint Matt Scott as Associate Judge of the Rockwall Municipal Court. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Fowler moved to appoint David Mallard as Municipal Court Judge. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

City Manager Rick Crowley indicated that staff will bring a contract related to Mallard's appointment to the Council for review at a coming meeting.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

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

VIII. PROCLAMATIONS / AWARDS

1. Our Lady of Guadalupe Week

Mayor Pruitt called forth Adan Tovar, sharing that he is a member of the Knights of Columbus. He then read and presented him with this proclamation.

IX. OPEN FORUM

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

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and expressed that he really enjoyed the city's tree lighting ceremony this past weekend. He thanked the Council and staff for hosting such a wonderful event for the citizens.

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

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Mr. and Mrs. Weygandt came forth and generally explained their belief that the city's routine health inspections no longer apply to their business, as it has recently changed to a private membership association (a "PMA"). They believe that the 1st and 14th amendments to the U.S. Constitution protect their business from certain government regulations. Council engaged in extensive dialogue with Mr. and Mrs. Weygandt. City Attorney Frank Garza also spoke, generally explaining the city's health inspection regulations and how and why he believes the PMA designation does not exempt them from inspections.

Council took no action as a result of this discussion.

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

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Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and expressed that he really enjoyed the city's tree lighting ceremony this past weekend. He thanked the Council and staff for hosting such a wonderful event for the citizens.

X. CONSENT AGENDA

1. Consider approval of the minutes from the November 19, 2018 regular city council meeting, and take any action necessary.
2. **Z2018-045** - Consider a request by Kira Bauman of Bauman Consultants on behalf of John Gatz of EcoSite for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Freestanding Commercial Antenna on a 0.0826-acre portion of a larger 7.64-acre tract of land, known as Yellow Jacket Park, identified as Tract 11 of the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated on the south side of Yellow Jacket Lane, west of the intersection of S. Goliad Street [SH-205] and Yellow Jacket Lane, and take any action necessary **(2nd Reading)**.
3. **P2018-038** - Consider a request by Mitchell Lenamond, PE of Eric L. Davis Engineering, Inc. on behalf of Jeff Johnston of Woodhill Dental for the approval of a replat for Lot 16, Block 2, Alliance Addition, Phase 2 being a 0.85-acre parcel of land currently identified as Lot 12, Block 2, Alliance Addition, City of Rockwall, Rockwall County, Texas zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 149 H. Wallace Lane, and take any action necessary.
4. **P2018-039** - Consider a request by Clay Shipman for the approval of a replat for Lot 21, Block A, La Jolla Pointe Addition, Phase 2, being a 1.28-acre parcel of land currently identified as Lot 3, Block A, La Jolla Pointe Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located on La Jolla Pointe drive northeast of the intersection La Jolla Pointe Drive and Laguna Drive, and take any action necessary.
5. **P2018-040** - Consider a request by Stephen A. Lamastra on behalf of 4TP Rockwall, LLC for the approval of a final plat for Lot 1, Block A, Village Green Residence Addition, being a 2.0896-acre parcel of land identified as Lot 1, Block A, Rockwall Seniors Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 86 (PD-86) for Multi-Family 14 (MF-14) District land uses, generally located south of the intersection of T. L. Townsend Drive and Justin Road, and take any action necessary.

Councilmember Trowbridge moved to approve the entire Consent Agenda. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-49
SPECIFIC USE PERMIT NO. S-198

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) ALLOWING FOR A FREE STANDING COMMERCIAL ANTENNA, ON A 0.08-ACRE PORTION OF A LARGER 7.64-ACRE TRACT OF LAND KNOWN AS YELLOW JACKET PARK AND IDENTIFED AS TRACT 11 OF THE J. CADLE SURVEY, ABSTRACT NO. 65, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFIALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE;

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

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

XI. PUBLIC HEARING ITEMS

1. **A2018-004** ***(6:00 PM)*** – Hold a public hearing to discuss and consider a request by Pat Atkins on behalf of the owner CDT Rockwall/2017 LLC for the approval of a voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary.

Planning Director Ryan Miller explained that this is a voluntary annexation of 14.995-acres of land situated east of the intersection of Featherstone Drive and John King Boulevard. The subject property is located within the City's Extraterritorial Jurisdiction (ETJ). Pat Atkins, on behalf of C.D.T. Rockwall/2017 LLC, is requesting this annexation for the purpose of adding additional area to the approved Development District 79 (PD-79), which is also referred to as the Saddle Star Estates Subdivision. Staff has followed the procedures for annexations as set forth in Chapter 43, Municipal Annexations, of the Texas Local Government Code relative to notifying affected property owners and publishing notices in the newspaper and on the City's website. No action on this matter is required by the City Council on December 3, 2018. The first reading of the annexation ordinance is scheduled for January 7, 2019 and the second (and final) reading of the ordinance is scheduled for January 21, 2019.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the Public Hearing. Council took no action related to this agenda item at this time.

2. **A2018-004** ***(6:30 PM)*** – Hold a public hearing to discuss and consider a request by Pat Atkins on behalf of the owner CDT Rockwall/2017 LLC for the approval of a voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary.

Initially, Mayor Pruitt skipped over this item, as Mr. Miller indicated that the second public hearing could not be held until 6:30 p.m.

After recessing the public meeting at 6:20 p.m. and calling it back to order at 6:30 p.m., Mayor Pruitt asked if anyone would like to come forth and speak during this public hearing item. There being no one indicating such, he then closed the public hearing. Council took no action related to this agenda item at this time.

XII. ACTION ITEMS

1. **Z2018-047** - Discuss and consider approval of an **ordinance** adopting the OURHometown Vision 2040 Comprehensive Plan (i.e. 2018

Comprehensive Plan Update), and take any action necessary **(2nd Reading).**

Planning Director Ryan Miller provided brief comments related to this agenda item. He shared that minor changes were made to the "history" section of the Comp Plan to reflect information about the local aluminum plant. Mayor Pruitt moved to approve this agenda item. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 18-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

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

2. Discuss and consider approval of a land lease agreement with Eco-Site II, LLC and authorize the City Manager to execute the agreement on behalf of the City for a new monopole cellular tower on City-owned property at Yellowjacket Park, and take any action necessary.

Director of Internal Operations, Joey Boyd, provided brief background information concerning this agenda item. Councilmember Trowbridge moved to approve this item. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider approval of a resolution authorizing the creation of a Regional Emergency Communication District, and take any action necessary.

City Manager Rick Crowley provided background information pertaining to this agenda item. Councilmember Hohenshelt moved to adopt the resolution authorizing the creation of a Regional Emergency Communication District. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

1. Departmental Reports
   Building Inspections Monthly Report - October 2018
   GIS Division Monthly Report - October 2018
   Harbor PD Monthly Report - October 2018
   Internal Operations Monthly Report - October 2018
   Parks & Rec Monthly Report - October 2018
   Police Department Monthly Report - October 2018
   Rockwall Animal Adoption Center Monthly Report - October 2018
   Fire Department Monthly Report - October 2018
   STAR Transit Monthly Report - October 2018
2. City Manager's Report

City Manager Rick Crowley provided brief comments, indicating that he is happy to answer any questions Council may have related to monthly reports they have received. There being none, Mayor Pruitt commented that the city's Christmas tree lighting festivities went very well this past weekend. It was well attended....Mayor Pruitt also thanked Assistant City Manager Mary Smith for her efforts in helping to organize and carry out the annual Kiwanis Christmas Parade. Councilmember Daniels commented that the new parade route was wonderful. He observed that it passed by one of the local nursing homes, and a lot of the residents really seemed to enjoy it. Councilmember Macalik echoed the positive sentiments pertaining to the Christmas tree lighting. Mayor Pruitt thanked the Rockwall Women's League, who has been heavily involved in the city's tree lighting ceremony for the last thirty-five years.

At 6:20 p.m., Mayor Pruitt called for a brief break. He resumed the meeting at 6:30 p.m. and addressed Public Hearing item #2 (A2018-004 *(6:30 PM)).*

XIV. EXECUTIVE SESSION

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

1. Discussion regarding potential litigation associated with Breezy Hill Road pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding Chapter 12, Article X of the Code of Ordinances as related to inspection of food service establishments pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding (re)appointment of municipal court judge and associate judge and related interviews, pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.07

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

Council did not reconvene into Executive Session following the close of the public meeting agenda. (See action taken at the start of the 6:00 p.m. public meeting).

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th DAY OF DECEMBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 17, 2018
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

The public meeting was called to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.

II. WORK SESSION

1. Hold a work session with Rick Bernas of Republic Waste.

Rick Bernas of Republic Waste came forth and briefed the Council on proposed modifications to the city's recycling program and associated services. He also indicated that it is now time for the city to consider Republic's annual rate increase, in accordance with the contract. An Action Item regarding the rate increase has been included on this evening's agenda for the Council to consider.

Assistant City Manager Mary Smith went on to share that the city has annually offered a "Household Hazardous Waste (Collection) Day." She explained that there has been an unexpected increase in cost from the vendor ("Clean Harbors") that has been used for the last several years. They will be increasing the cost from approximately $105,000 to $170,000. The city has been evaluating the possibility of providing an "on demand" curbside program to assist residents in disposing of hazardous waste disposal. Disposal of tires, electronics, and shredding has traditionally been a part of the city's annual collection event; however, these particular collection services may not be able to be offered curbside if in fact the city moves to curbside. Mrs. Smith shared that the city budgeted $120,000 in the current fiscal year budget for the annual event. She went on to explain that the event has been very popular among our residents, with lines being consistently long all day long and cars not being able to make it through the line for at least an hour after the event was supposed to have ended. Mrs. Smith indicated that this topic may be further discussed by Council at a later date; however, she wanted the council members to be aware and to be thinking about it.

Council took no action as a result of this discussion item.

2. Hold a work session with the city's utility rate consultant to discuss utility rates.

Dan Jackson of Willdan, the city's utility rate consultant, came forth and made a presentation concerning a recent water and wastewater rate study and associated financial forecast. The goal, overall, is to minimize the impact on users while also ensuring that the city achieves the revenue it needs to fund the system, including future capital improvement projects (which are costly). He went on to share details pertaining to different rate structure options the city may wish to consider when setting water/wastewater rates moving forward.

He spoke at length about ways the city may be able to minimize the impact on users, especially those who are on fixed incomes and/or do not utilize as much water.

Following the consultant's presentation, Council held brief discussion, generally indicating a preference for Scenario 2 that the consultant outlined.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session at 4:35 p.m.

III. EXECUTIVE SESSION.

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

1. Discussion regarding possible purchase, sale or lease of real property/land in the vicinity of SH 205 and Washington pursuant to Section §551.072 (Real Property).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 4:45 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

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

VIII. PROCLAMATIONS / AWARDS

1. Presentation of Award by TX Turfgrass Association

Two representatives from the Texas Turfgrass Association came forth and presented an award to Parks Director, Andy Hesser and his staff in recognition of Tuttle ball fields.

Following this brief presentation, Mayor Pruitt called forth Assistant City Manager Brad Griggs. He then spoke favorably about Brad's past work history, mainly related to Parks & Recreation, and thanked him for his years of service to the city. He announced that Mr. Griggs is retiring and moving to Boerne, TX. So this is the last Rockwall city council meeting he will be attending.

Councilmember Daniels commented that the city council's "naming" subcommittee will be recommending at the first meeting in January that the Council consider approving the naming of the amphitheater/stage at the Harbor the "Brad Griggs Amphitheater and Stage at the Harbor."

IX. Open Forum

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

X. Consent Agenda

1. Consider approval of the minutes from the December 03, 2018 regular city council meeting, and take any action necessary
2. Consider approval of agreements related to the provision of Rockwall Municipal Court Judge and Associate Judge services, and take any action necessary.
3. Consider approval of Engineering Service Agreement with Pipeline Analysis, LLC, to provide engineering services for Sanitary Sewer Condition Assessments and authorize the City Manager to execute a contract for $134,797.80, to be funded by the Sewer Operations Budget, and take any action necessary.
4. Consider approval of an interlocal agreement for municipal judge services between Rockwall County and the City of Rockwall pertaining to "No Refusal Weekends," and take any action necessary.
5. Consider approval of an Engineering Services Agreement with Binkley & Barfield, Inc. to provide general engineering services for the preparation and review of all Traffic Impact Analysis (TIAs) submitted to the City of Rockwall to be funded by the 2018-2019 Engineering Consulting budget with developer reimbursements, and take any action necessary.
6. Consider awarding a bid to Interstate Trailers Inc. and authorizing the City Manager to execute a Purchase Order for a new heavy equipment trailer in the amount of $26,105 to be funded out of the General Fund Streets and Drainage Operating budget, and take any action necessary.
7. Consider awarding a bid to Maverick Harley Davidson and authorizing the City Manager to execute a Purchase Order for a new 2019 Police Pursuit Motorcycle in the amount of $34,979.84 to be funded out of the General Fund Police Patrol budget, and take any action necessary.
8. Consider awarding contracts and authorizing the City Manager to execute said contracts for the purchase and install of new Ticket Writer Hardware in the amount of $72,039 to be funded out of the Public Safety Fund, and take any action necessary.
9. **P2018-035** - Consider a request by Bart A. Tinsley of the Alders at Rockwall Property, LLC for the approval of a final plat for Lot 1, Block A, Alders at Rockwall Addition, being a 10.310-acre parcel of land identified as Lot 2, Block A, Rockwall Seniors Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 86 (PD-86) for Multi-Family 14

(MF-14) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located south of the intersection of T. L. Townsend Drive and Justin Road, and take any action necessary.

10. **P2018-041** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Balance III, LLC. for the approval of a preliminary plat for the Breezy Hill, Phase XI containing 78 single-family lots on a 23.849-acre tract of land identified as a portion of Tract 7 and all of Tract 7-06 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located adjacent to Breezy Hill Road north of the intersection of Breezy Hill Road and FM-552, and take any action necessary.

11. **P2018-042** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Phase 8, LLC for the approval of a final plat for Breezy Hill, Phase VIII containing 61 single-family residential lots on 27.822-acres of land identified as a portion of Tract 7 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single Family 10 (SF-10) District land uses, located along the eastern side of Breezy Hill Lane, and take any action necessary.

12. P2018-043 - Consider a request by Matt Atkins of Engineering Concepts on behalf of Scott Lewis of RRDC, LTD. for the approval of a final plat for the Whisper Rock Subdivision containing 28 single-family lots on a 9.477-acre tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 3231 Ridge Road, and take any action necessary.

13. Consider Park Board recommendation to authorize the City Manager to negotiate a contract with PROS Consulting to perform an athletic facility feasibility study in an amount not to exceed $70,000 to be funded in the Recreation Development budget, and take any action necessary.

Councilmember Trowbridge moved to approve all of the Consent Agenda items (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13). Following brief comments, Councilmember Hohenshelt seconded the motion, which 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.

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

2. Appointment with William Spencer of MHS Planning and Design to view a presentation regarding recommendation for the Harbor Urban Beach neighborhood park concept plan, and take any action necessary.

Mr. Spencer from MHS Planning & Design came forth and made a presentation to Council regarding a proposed Harbor Urban Beach neighborhood park along the Lake Ray Hubbard shoreline (behind what is currently the "Eclipse Fitness" and adjacent offices). The proposed park is being planned to serve the approximately 1,200 residential units that are being developed in the PD-32 area. It is anticipated that the primary residents of this area will be young professionals and "empty nesters". This implies that the percentage of school aged children may be minimal as compared to typical single family home developments. With this unique situation in mind, the park development plan attempts to design for these nearby residents in mind as well as a potential destination area for other local residents and potential visitors to The Harbor area. The approved budget for phase 1 development costs is $484,000 to be paid from Developer Fee contributions in accordance with the Mandatory Park Land Dedication Ordinance. At the December 4th Park Board meeting, a public hearing was held to review and hear input regarding the concept plan. A summary of the input was provided to the Council in its meeting packet. Indication was given that the city's Park Board voted unanimously to recommend that Council approve the concept plan as submitted, with particular attention to addressing concerns raised by adjacent business owners regarding restrooms, parking and fencing to separate the park from the buildings. Following a set of questions and answers among the council members, Mr. Spencer, and city Parks Director Andy Hesser, the Council took no formal action concerning this agenda item. It will be brought back to the Council at a later date for further consideration, as some concerns expressed by the Council will need to first be addressed.

3. Appointment with resident Jillian Gaines to hear concerns related to water around her home and neighborhood (address: 1305 Clear Meadow Court), and take any action necessary.

Ms. Gaines came forth and generally explained that there are water-related leaks that are adversely impacting her home, the adjacent retaining wall and her neighbors' homes. She would like the city's help in stopping the water that is leaking. Ms. Williams, City Engineer, commented that city crews have gone out to this location three times and have used specialized equipment to test for leaks. No leaks have been detected. Also, the HOA's irrigation meter was deactivated / turned off towards the end of October. Since that time, it was turned on one time (towards the end of November). Ms. Gaines shared that there is proof of leaking water because her front yard and the portion of her back yard that abuts to Dalton Road is consistently saturated.

Councilmember Fowler asked how Ms. Gaines has ruled out that the water is not naturally occurring "ground water." Ms. Gaines and her neighbor offered a brief explanation. Brief discussion took place related to the possibility of putting a lock on the city's supply line (re: the HOA water supply).

The mayor conveyed to Ms. Gaines that the city has cut off the water. So, he does not believe there is much more that the city can do at this point. Ms. Williams shared that the city Building Official, Jeffrey Widmer, indicated to staff on Friday that the HOA is aware of the concerns, and they are working to address the issue of possible leaks within its irrigation system. When asked by Ms. Gaines if the city will put a lock on the supply line (water meter box), the mayor indicated that it is a possibility; however, he pointed out that it cannot be locked during the time when the HOA is working to address any leak(s).

Following the discussion, Council took no formal action related to this appointment item.

XII. PUBLIC HEARING ITEMS

1. **Z2018-046** - Hold a public hearing to discuss and consider a request by Brad Helmer on behalf of Heritage Christian Academy (HCA) for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing existing temporary educational buildings in conjunction with a private school to remain on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408 S. Goliad Street [SH-205], and take any action necessary **(1st Reading).**

On November 19, 2018, the City Council continued the public hearing for Case No. Z2018-046 for the purpose of allowing the applicant time to provide a plan concerning the temporary education buildings on the subject property. On December 11, 2018, Brad Helmer of Heritage Christian Academy (HCA) submitted a plan to staff laying out a timeline for the construction of a new building and the removal of the temporary educational buildings. In Mr. Helmer's plan, he has laid out several items that need to be accomplished in the next 180-days, which will be followed by a presentation to the City Council concerning the course of action HCA will take moving forward. In response to this proposal, staff has adjusted the SUP Ordinance to expire in six months, in June of 2019 (i.e. 180 days). Based on the ordinance and HCA's presentation, the City Council will have the discretion to extend the ordinance for a two (2) year period, which should be a sufficient amount of time for the applicant to complete construction of the proposed educational building and remove the temporary education buildings.

Mayor Pruitt opened the public hearing, calling the applicant forth to speak at this time.

Mr. Brad Helmer
2917 Chuckwagon Drive
Rockwall, TX

Mr. Helmer came forth and provided explanatory comments to the Council related to the school's plan to phase out the temporary, portable classroom buildings. He expressed that getting a new building funded and built by 2021 is a hefty goal; however, they will be working on it. He offered to provide quarterly updates to the city council between Sept. 2019 and December of 2022.

Following the public hearing, Councilmember Fowler moved to approve Z2018-046. Councilmember Daniels seconded the motion. Following additional dialogue, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-___
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THREE (3)

TEMPORARY EDUCATIONAL BUILDINGS ON A 6.64-ACRE PARCEL OF LAND ZONED MULTI-FAMILY 14 (MF-14) DISTRICT AND IDENTIFIED AS LOT 1, BLOCK A, HERITAGE CHRISTIAN ACADEMY ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2018-043** - Hold a public hearing to discuss and consider a request by Michael Worrell of Rockwall Honda for the approval of an **ordinance** amending SUP No. S-76 (Ordinance No. 10-26) to allow changes to be made to an existing Motorcycle Dealership with Accessory Boat and Trailer Sales being a 1.152-acre parcel of land identified as Lot 6, Block A, Newman Center #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He explained that the proposed shade structures will be located on the east side of the property and will be utilized provide shade for the display of vehicles. The applicant is also requesting to provide decomposed granite with a hard edge in order to contain the material -- along IH-30 -- for the display areas, which are located on the east and south sides of the property (see Exhibit 'C' of the draft ordinance). These areas are currently grass surfaces and once constructed using the decomposed granite, will provide stability for the displayed vehicles. Additionally, the applicant is requesting to allow for the display area to be expanded within the ten (10) foot landscape buffer along East IH-30. It should be known that staff has met with the applicant regarding the landscaping of this display area and Mr. Worrell has agreed to provide potted trees and plantings within the display area along IH-30. The purpose of this type of landscape scheme is due to a 16-inch water main that runs parallel within an existing 20-ft water easement located at the property line. This solution is to mimic the use of trees and other landscaping that would normally appear within the ten (10) foot landscape buffer, and has been included as a condition of approval.

Seventeen public notices were sent out to adjacent property owners; however, no responses have been received back by city staff at this time. The Planning & Zoning Commission has recommended approval of this request.

The applicant, Mr. Worrell, came forth and provided brief comments to Council concerning his request. Councilmember Macalik then moved to approve Z2018-043. Councilmember Trowbridge seconded the motion. Mayor Pruitt opened the public hearing, asking if anyone would like to speak. There being no one wishing to come forth and speak, Mayor Pruitt then closed the public hearing.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-__
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND

SPECIFIC USE PERMIT NO. S-76 [*ORDINANCE NO. 10-26*], WHICH ALLOWS FOR A MOTORCYCLE DEALERSHIP WITH ACCESSORY BOAT AND TRAILER SALES ON A 1.152-ACRE PARCEL OF LAND IDENTIFIED AS LOT 6, BLOCK A, NEWMAN CENTER #1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

3. **Z2018-048** - Hold a public hearing to discuss and consider a request by Amanda Henry for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 0.253-acre tract of land identified as part of Lot 47B of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 205 S. Clark Street, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided information concerning this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a metal accessory building that does not meet the requirements stipulated by Article IV, Permissible Uses, of the Unified Development Code (UDC) on a 0.253-acre tract of land. Currently, there is an existing metal accessory building in disrepair that is approximately the same size as the proposed accessory building and will be demolished in order to construct the new structure. According to the submitted site plan, the accessory building will be ~910 SF, 15-feet in height, and be situated to the rear of the primary structure roughly in the same location as the existing accessory building. The accessory building will be at least 20-feet from the side property lines and more than 60-feet from the front and rear property lines. According to the applicant, the current accessory building will be utilized as storage and will not be used for commercial land uses. According to Section 2.1.2, Residential and Lodging Use Conditions, of Article IV, Permissible Uses, of the Unified Development Code (UDC), no more than two (2) accessory buildings no larger than 225 SF each are permitted in a Single-Family 7 (SF-7) District, provided the exterior cladding contains materials found on the main structure. In this case, since the applicant is proposing to utilize metal and exceeds the maximum allowable size for accessory buildings in a Single-Family 7 (SF-7) District, a Specific Use Permit (SUP) is required. Staff should note the property located to the north of the subject property is located within the Historic District and approval of this request is a discretionary decision for the Planning and Zoning Commission and the City Council. Sixty-nine notices were sent out to adjacent property owners. One notice was received back in favor. The Planning & Zoning Commission has recommended approval of this request. Should the City Council choose the applicant's request, staff offered the following conditions of approval for the council to consider:

1) **The accessory building shall be subject to the following operational conditions, which are contained in the SUP ordinance:**
    a) **The accessory building shall generally conform to the building elevations and site plan depicted in *Exhibits 'B'* & *'C'* of the attached ordinance.**
    b) **The accessory building shall not exceed a maximum size of 910 SF;**
    c) **The existing accessory building situated toward the rear of the property shall be removed prior to the construction of the new accessory building;**
    d) **The subject property shall not have more than two (2) accessory buildings;**

e) **The accessory building shall not exceed a maximum overall height of 15-feet;**

f) **The accessory building shall not be operated as a commercial land use; and,**

g) **The accessory building is subject to administrative review in the event that the *Subject Property* is sold, conveyed or altered in any manner.**

2) **Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.**

Following brief comments by Councilman Trowbridge, Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the public hearing.

Councilmember Trowbridge moved to approve Z2018-048 with staff recommendations. Mayor Pro Tem Fowler seconded the motion. Following brief clarification, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-___
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING THAT DOES NOT MEET THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE (UDC) ON A 0.253-ACRE PARCEL OF LAND ZONED SINGLE-FAMILY 7 (SF-7) DISTRICT AND IDENTIFIED AS LOT 47B, B. F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 5 ayes with 2 nays (Hohenshelt and Daniels).

4. **Z2018-049** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an **ordinance** for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item.

Mike Peoples
1700 E. SH-66
Rockwall, TX

Mr. Peoples came forth and shared that the current structure was placed there after a previously existing structure (at the same location) sustained wind damage. Following Mr. Peoples' brief comments, Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

Mayor Pruitt moved to approve the SUP for Z2018-049. Councilmember Macalik seconded the motion. Councilmember Daniels expressed concern related to this request and its outright approval at this time. Mr. Peoples shared that he is waiting on a surveyor to come out to his property to provide him with some of the information that the city has requested.

Mayor Pruitt withdrew his initial motion and offered a new, replacement motion – that the public hearing be "continued" to allow the applicant time to get information submitted to the city that the city has previously requested. The motion passed by a vote of 7 ayes to 0 nays.

Council addressed Public Hearing item #7 next.

5. **Z2018-050** - Hold a public hearing to discuss and consider a request by David Rains for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a covered patio that exceeds the maximum requirements for property located within the Lake Ray Hubbard Takeline leased area that is adjacent to a parcel of land identified as Lot 12, Block A, Chandlers Landing, Phase 18, Section 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development 8 (PD-8) District for single family land uses, addressed as 5808 Constellation Circle, and take any action necessary **(1st Reading).**

Mayor Pro Tem Fowler called the public meeting back to order at 7:55 p.m. He noted that Mayor Pruitt has recused himself from this agenda item. Mr. Miller, Planning Director, explained that the applicant is requesting the approval of a Specific Use Permit (SUP) to allow a covered patio that exceeds the maximum requirements for properties in the Lake Ray Hubbard Takeline leased area.

Sixty notices were sent out to adjacent property owners. Overall, staff received four notices back in opposition. One person indicated support, and one notice expressed neutrality concerning approval of this request.

Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to come forth and speak.

Vincent Walters
608 Severige Court

Mr. Walters came forth and indicated that he has lived at this property since 2017. He showed two photographs and expressed that if this request is approved, he will lose part of his lake view, which will ultimately result in loss of his property's value. (He generally expressed opposition to approval of this request.)

Carol Inman
5806 Constellation
Rockwall, TX

Ms. Inman came forth and shared a photograph of the view she sees of the lake outside of her back window. She generally expressed opposition to approval of this request, as it will be in direct view of her view of the lake. If it is approved, she prefers that it be situated in a different location. She encouraged Council to keep within the guidelines of the takeline.

Mr. Rains, the applicant, came forth to address Council at this time. He explained that this proposed structure is 11' tall. He shared what appeared to be an architectural rendering of the structure he is proposing. He pointed out that he could place another type of structure (gazebo / pergola) in this area without having to receive approval from the city. He went on to request that the Council consider 'continuing' the public hearing at this time.

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

Councilmember Johannesen moved to table (continue) the public hearing for Z2018-050 to the January 21 city council meeting. Councilmember Trowbridge seconded the motion. Councilmember Daniels engaged in brief, clarifying dialogue with resident Carol Inman.

Mayor Pro Tem Fowler strongly encouraged Mr. Rains and his neighbors to try their best to come to some sort of mutually agreeable proposal concerning building of a structure within the takeline. Following Fowler's brief comments, the motion to continue the public hearing passed by a vote of 6 in favor with 1 abstention (Pruitt).

6. **Z2018-052** - Hold a public hearing to discuss and consider a request by Russell Phillips on behalf of Rockwall Retail Investors, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for a mini-warehouse facility on a 7.489-acre tract of land identified as Lot 23, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally situated north of Horizon Road and east of Ranch Trail Road, and take any action necessary **(1st Reading).**

Indication was given that Mayor Pro Tem Fowler will be excusing himself from this discussion and associated action. Planning Director Ryan Miller then provided background information pertaining to this agenda item. On October 16, 2017, the City Council approved a Specific Use Permit (SUP) for a mini-warehouse on the subject property. Since that approval, the applicant has not made any subsequent submittals, and the Specific Use Permit (SUP) expired on November 6, 2018. In response to this expiration, the applicant has resubmitted a request for a Specific Use Permit (SUP) to allow a 575-unit mini-warehouse facility. According to the concept plan, the subject property will be developed in two (2) phases. Phase 1 will have seven (7) buildings totaling 293 units ranging from 16 units to 121 units per building. Phase 2 will have 12 buildings totaling 282 units ranging from ten (10) units to 32 units per building. The proposed mini-warehouse will have perimeter building that utilizes masonry on all exterior facades visible from the street. The interior buildings will utilize metal and will not be visible from the street. Staff should note that most of the surrounding buildings are constructed of metal. Building One will include the leasing office and climate-controlled units that are accessible internally in the building. The remaining buildings will have drive-up units with roll-up doors, which will be oriented so the roll-up doors will not face Ranch Trail or Horizon Road. The applicant is proposing to utilize landscape screening for the mini-warehouse facility to limit the visibility of the facility from Ranch Trail and Horizon Road. Additionally, the northeast portion of the subject property is wooded and will be preserved to provide landscape screening for adjacent properties. On November 30, 2018, staff sent 29 notices to property owners and residents within 500-feet of the subject property. Two notices in favor

and one notice in opposition were received back by staff. In addition, the Planning & Zoning Commission has recommended approval of this item.

Should the City Council choose to approve the applicant's request for a Specific Use Permit (SUP), Mr. Miller suggested that following conditions of approval be adopted with this case:

1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and summarized as follows:

a) The development shall generally conform to the Concept Plan depicted in Exhibit 'B' of the attached Specific Use Permit (SUP).

b) The building elevations shall generally conform to the Concept Building Elevations depicted in Exhibit 'D' of the attached ordinance.

c) The maximum number of storage units provided shall not exceed 575 units for the facility.

d) The residential unit/caretaker's quarters shall not exceed 1,600 square feet.

e) The residential unit/caretaker's quarters shall not be greater than 36 feet in height.

f) No outside storage of any kind shall be allowed (including, but not limited to the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles).

g) Businesses shall not be allowed to operate within individual storage units.

h) The commercial operation of rental trucks and trailers shall be prohibited

2) Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Mayor Pruitt opened the public hearing, asking if anyone would like to speak at this time. There being no one indicating such, he then closed the public hearing and called the applicant forward.

Russell Phillips
521 Moraine Way
Heath, TX

Mr. Phillips came forth and addressed the Council, providing additional explanation concerning his request. He provided a diagram of a plan reflecting what he is proposing to build as far as the mini warehouse facility and associated office are concerned.

Mayor Pruitt moved to approve Z2018-052. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-__
SPECIFIC USE PERMIT NO. S-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 7.489-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 23, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

7. **Z2018-053** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an **ordinance** for a Specific Use Permit (SUP) for a detached garage that does not meet the requirements stipulated by the Unified Development Code (UDC) on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary **(1st Reading).**

The applicant, Mike Peoples is requesting the approval of a Specific Use Permit (SUP) to allow for a detached garage that does not meet the requirements stipulated by Article VI, Permissible Uses, of the Unified Development Code (UDC). The ~2,500 SF [i.e. 50-ft x 50-ft] structure stands approximately 16-feet in height and is situated southwest of the primary structure, adjacent to the City of Rockwall Municipal Airport. The detached garage was built without a permit in 2013, and has increase in size by two (2) times structures according to aerial images (see Exhibit 'B' of the draft ordinance). These additions appear to have taken place in the years 2015 & 2017. This has created one (1) large structure, of which the exact measurements are not known. With this being said, there are a total of three (3) structures that have been built concurrently with this request [i.e. Z2018-049]. The other structure lies within the designated 100-year flood plain. This structure is required to be demolished and has been added as a condition of approval of the SUP for the third structure (i.e. the detached garage).

Although Section 2, of Article V, Agricultural (AG) District of the Unified Development Code (UDC), allows for an accessory use (i.e. detached garage) to be a permitted with a main use (i.e. single-family home) on more than ten (10)-acres within an Agricultural (AG) District, Section 2.1.2, of Article IV, Permissible Uses, of the UDC, allows for one (1) detached garage that does not exceed 900 SF in area or 15 feet in height provided the exterior cladding contains the same materials as is found on the main structure. In this case, the detached garage appears to be a metal structure (see attached photos). Accessory buildings (i.e. detached garage) not meeting these standards shall require approval of an SUP. The existing detached garage does not meet the material or size requirements as stipulated by the UDC. Approval of a SUP is discretionary for the City Council. On November 30, 2018 staff mailed 33 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Rolling Meadows Homeowner's Association (HOA), which is the only HOA's/Neighborhood Organization that is within 1,500-feet of the subject property

participating in the Neighborhood Notification Program. Staff has received three noticed back in favor and one in opposition of the request.

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

Following additional dialogue, Mayor Pro Tem Fowler moved to approve Z2018-053. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

SPECIFIC USE PERMIT NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A DETACHED GARAGE THAT DOES NOT MEET THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE (UDC), ON A 4 2 .66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSRACT NO. 102, 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 (to approve) failed by a vote of 2 in favor (Macalik and Fowler) with 5 against (Trowbridge, Hohenshelt, Pruitt, Daniels and Johannesen).

Mayor Pruitt called for a break and recessed the meeting at 7:41 p.m.

8. **Z2018-054** - Hold a public hearing to discuss and consider a request by Andrew Bennett of BOKA Powell, LLC on behalf of the owner Vinod Miranda for the approval of an **ordinance** for a Specific Use Permit (SUP) for an office building that will exceed 36-feet in height within the Scenic Overlay (SOV) District on a 9.7-acre tract of land identified at Tract 15 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller explained that the subject property is located at the southwest corner of Ridge Road [FM-740] and Turtle Cove Boulevard and is zoned Commercial (C) District. The proposed 80,000 SF office building will be comprised of three (3) stories of office space and a single-story of parking that will be located below grade. The office building will reach an overall height of 60-feet; however, the building will be located approximately 156-feet from the right-of-way of Ridge Road and due to the slope of the property the finished floor of the building will be set approximately five (5) to seven (7) feet below the surface of Ridge Road. This means that the first floor of the office building may not be visible from Ridge Road. According to the Special Use Standards located in Section 6.8, Scenic Overlay (SOV) District, of Article V, of the Unified Development Code (UDC), any

structure over 36-feet in height requires a Specific Use Permit (SUP). Should the applicants request be approved, staff has included a condition of approval allowing the structure to have an overall height of four (4) stories, not to exceed 60-feet. Approval of the SUP remains a discretionary act of the City Council. If approved, the applicant will be required to submit a site plan. On November 30, 2018, staff mailed 107 notices to property owners and residents within 500-feet of the subject property. Staff also emailed a notice to the Turtle Cove and Lakeside Village Homeowner's Associations (HOA's), which are the only HOAs within 500-feet of the subject property participating in the notification program. Staff received two notices back in favor and one in opposition. The Planning & Zoning Commission has recommended approval of this request.

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

Andrew Bennett
1400 Highline
Dallas, TX

Mr. Bennett came forth (on behalf of the applicant) and shared that his company was hired to assist with attempts to obtain this SUP. He went on to provide additional explanation concerning this request for an SUP.

There being no one else wishing to come forth and speak, Councilmember Hohenshelt moved to approve Z2018-054. The motion was seconded by Mayor Pro Tem Fowler. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX
SPECIFIC USE PERMIT NO. S-1XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT IN A COMMERCIAL (C) DISTRICT, ON A 9.70-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 15 OF THE E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 in favor with 3 against (Macalik, Pruitt and Daniels).

XIII. ACTION ITEMS

1. **SP2018-039** - Discuss and consider a request by Matt Moore of Claymoore Engineering on behalf of Phil Wagner of Rockwall Economic Development Corporation (REDC) for the approval of variances and an exception in conjunction with an approved site plan for an industrial building on a 3.634-

acre parcel of land identified as Lot 1, Block E, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, located at the northwest corner of the intersection of Technology Way and Observation Trail, and take any action necessary.

Planning Director Ryan Miller came forth and provided brief background information about this item. On Dec. 11, the Planning & Zoning Commission did approve the placement of a 35, 500 square feet office building at this location. The applicant is asking for variances / exceptions that would allow the applicant to use tilt wall and less than 20% natural stone. The Architectural review s Board and the Planning & Zoning Commission have reviewed these requests and have recommended approval of these requested variances.

Brian Berry
2 Essux Court

Mr. Berry came forth and provided brief comments, generally asking that Council consider approving these variances. Councilmember Hohenshelt moved to approve SP2018-039. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **SP2018-037** - Discuss and consider a request by Russell Phillips of Sterling One for the approval of waivers and variances in conjunction with an approved site plan for a 265 unit, condo development situated on a 7.58-acre tract of land identified as Lots 6A, 7A & 8A, Isaac Brown Addition, and a portion of Lots 3 & 4, Block 16 and Lot 4, Block 18, Moton Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the Interior Subdistrict of PD-32, located south of the intersection of Summer Lee Drive and Glen Hill Way, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. On March 10, 2015, the Planning and Zoning Commission approved a site plan for a 265-unit condominium building [Case No. SP2015-004] on a 7.58-acre tract of land. Subsequently, the City Council approved waivers to the building height requirements and variances to the material requirements on March 16, 2015. Following these approvals, the applicant submitted civil engineering plans to the Engineering Department on June 23, 2016. Staff reviewed this submittal and returned the plans to the applicant on July 11, 2016. The applicant made subsequent submittals on September 20, 2016 and January 30, 2017, with staff returning those submittals with comments on October 5, 2016 and February 14, 2017. The last action taken on this case is considered to be February 14, 2017. Based on the inactivity on the civil plans for a period of one (1) year the engineering submittal automatically expired on February 14, 2018. Due to the expiration of the civil engineering plans, the Planning and Zoning Department expired the site plan based on the requirements of Section 2.5.A, Site Plan Expiration, of Article IX, Zoning Related Applications, of the Unified Development Code (UDC). In response to the expiration of the original site plan, the applicant resubmitted the site plan on November 16, 2018 with minor changes.

Requirements of the Unified Development Code (UDC):

1) **Building Material Variances.**

a) Stone Requirements. According to Section 6.8, Scenic Overlay (SOV) District, of theUDC each exterior wall should incorporate a minimum of 20% natural or quarried stone. In this case, the applicant's building elevations indicate the use of Eldorado Stone Veneer, which is a simulated manufactured stone product replicating natural ledge stone. The use of this simulated stone product was approved by the Planning and Zoning Commission on December 11, 2018. Staff should also point out that the north, east and south building elevations fail to provide 20% stone. These elevations incorporate the following percentages of stone: (1) north building elevation contains 19.44%, (2) the east building elevation contains 17.63%, and (3) the south building elevation only contains 17.63%. This variance will require a ¾-majority vote of all City Council members present.
b) Masonry Material Requirements. According to Section 6.8, Scenic Overlay (SOV) District, of the UDC exterior walls should be constructed utilizing a minimum of 90% masonry materials with a maximum of 50% of the building's exterior façade being permitted to be a cementitous material (e.g. Hardy Plank, stucco, or similar material). In this case, the applicant is proposing to use between 72.86% and 82.37% stucco (i.e. the west elevation at 72.86%, the north elevation at 80.56%, the east elevation at 82.37%, and the south elevation at 80.51%). This variance will require a ¾-majority vote of all City Council members present. According to the Unified Development Code (UDC), the approval of any variances is discretionary to the City Council pending a recommendation from the Planning and Zoning Commission. Staff should point out that the variances relating to materials have been granted to other buildings within the Harbor District; however, variances are to be considered on a case-by-case basis by the City Council.

In addition, staff identified the following waivers to the requirements of Ordinance No. 17-22:

1) Building Form and Placement Requirements.

    1) Building Form. According to the Interior Subdistrict all buildings must have a minimum of 30% of the length of its façade fronting on Summer Lee Drive located on the 20-foot building setback line. Staff requested the applicant show conformance to this information on the site plan; however, this information was not submitted with the revisions. Based on staff's estimates the building is not in conformance with this requirement and will require a waiver.

    2) Build-To-Lines and Building Setbacks. According to the Interior Subdistrict all buildings should be setback a minimum of five (5) feet from the Summer Lee Drive right-of-way line, but have an average setback of 20-feet. In this case, the proposed condominium building does meet the minimum setback, but is exceeding the average setback by more than 22-feet. The applicant is requesting a waiver to this requirement.

    3) 1st Floor Height. According to the Interior Subdistrict all buildings should incorporate a first floor that is built to a commercial height with a minimum height of 15-feet. The proposed building incorporates a ~10'-6" first floor height. The applicant is requesting a waiver to this requirement.

    4) Building Height. According to the Interior Subdistrict all buildings are permitted to be a maximum height of five (5) stories or 75-feet. Based on the building elevations submitted by the applicant staff estimates the building to have a total building height 81'-8". The applicant is requesting a wavier to this requirement. 81'-8". The applicant is requesting a wavier to this requirement.

2) Parking Requirements.

i. Surface Parking Setback. According to the Interior Subdistrict all surface parking should be setback a minimum of ten (10) feet from the right-of-way line. The site plan shows that the parking is setback an estimated 3'-2" from the right-of-way line. The applicant is requesting a waiver to this requirement.

3) Streetscape Plan

i. Streetscape Plan. According to Planned Development District 32 (PD-32) a streetscape plan showing elements contained in Exhibit 'C-4' of Ordinance No. 17-22 shall be provided with the site plan. In this case, the applicant has not submitted a streetscape plan showing the provision of any street furnishings or enhanced paving. The landscape plan submitted by the applicant does show a tree-planting plan for Glen Hill Way, but fails to show a detail for street furniture or tree leave-outs. In addition, the lighting plan does not show the pedestrian scale street standards or the locations where these standards will be provided. Staff included this as a condition of approval for the site plan case.

With regard to granting waivers, Ordinance No. 17-22 states that "... (w)aivers may only be approved by the City Council following a recommendation by the Planning and Zoning Commission ... [and] In order to approve a waiver, the City Council must find that the waiver:

1) Meets the general intent of the PD District or Subdistrict in which the property is located; and,
2) Will result in an improved project which will be an attractive contribution to the PD District or Subdistrict; and,
3) Will not prevent the implementation of the intent of this PD District."

In this case, the proposed project does appear to meet the general intent of the Interior Subdistrict; however, granting any waivers to the requirements of Ordinance No. 17-22 is a discretionary decision for the City Council. Also, the applicant is requesting a waiver in order to be excused from having to provide a "traffic impact analysis" (TIA) to the city associated with this request.

On November 27, 2018, the Architectural Review Board (ARB) reviewed the proposed site plan and building elevations. The ARB did not state any specific issues with the building elevations; however, the board did request that the applicant submit a color rendering and materials sample board for their review. On December 11, 2018, the ARB reviewed the revised building elevations, material samples, and color rendering and approved a motion to recommend approval of the case pending [1] the building elevations are amended to match the color scheme in the color rendering, and [2] the arched windows on the third floor are removed. The motion was approved by a vote of 4-0.

In addition, on December 11, 2018, the Planning and Zoning Commission made a motion to approve the site plan with all staff and ARB recommendations and recommend approval of all variances and waivers requested by the applicant to the City Council. The motion was approved by a vote of 6-0, with Commissioner Moeller absent.

Extensive dialogue and clarifying comments took place between Mayor Pruitt and the applicant. Mayor Pruitt shared that a business partner of Mr. Phillips previously came before Council and made it very clear that these are "apartments" and not condominiums.

Furthermore, the mayor indicated, there is someone out there who is marketing them as "apartments." The mayor explained that this has caused the Council to receive a lot of inquiries and opposition from the public, many of whom have insinuated that the Council has misled the public (or has outright accused the Council of such).

Following extensive back-and-forth dialogue, Mayor Pro Tem Fowler made a motion to approve waiver 1, 2, 3 and 4 (building form, building height, the first floor minimum height and surface parking setbacks). Councilmember Johannesen seconded the motion, which passed by a vote of 5 ayes, 1 nay (Pruitt) and 1 abstention (Hohenshelt).

Mayor Pro Tem Fowler moved to approve variances 1 and 2, which are related to the minimum masonry percentage and the stone requirements. Councilmember Trowbridge seconded the motion, which passed by a vote of 5 ayes, 1 nay (Pruitt) and 1 abstention (Hohenshelt).

3. Discuss and consider a request by Kent Donahue of Donahue Development Corporation for direction concerning the creation of a Public Improvement District (PID), and take any action necessary.

Mr. Miller, Planning Director, indicated that on October 1, 2018, the City Council held a work session with Kent Donahue of Donahue Development Corporation to discuss the potential of establishing a Public Improvement District (PID) in conjunction with a proposed residential subdivision. The proposed PID and residential subdivision would be on a 264.61-acre tract of land (i.e. Tracts 17-13 [50.00-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.3-acres], and 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80), which is currently zoned Agricultural (AG) District and located at the northwest corner of the intersection of Wylie Lane and S. Goliad Street [SH-205] (see attached location map). Based on the work session, the applicant has submitted a petition for the creation of a PID, a legal description of the property, and a Resolution that would set a public hearing to consider the petition on Monday, January 21, 2019. Staff should note that the City Council is not approving the applicant's Resolution and that an additional Resolution may need to be considered by the City Council, depending on the review by staff and the City Attorney. Staff should also point out that regardless of the City Council's direction to the applicant, a zoning case would need to be filed for the subdivision, and that the City Council's direction at the meeting on December 17, 2018 does not constitute approval of any zoning request/application (i.e. the City Council would retain discretion with regard to the proposed zoning case regardless of the direction concerning the PID).

Mr. Donahue came forth and provided a presentation to Council, reminding them of his project proposal and that which was discussed with Council at the October 1st work session that was held. He went on to provide an explanation of what a PID is and how this development would be financed via the establishment of a PID (at Council's approval).

Extensive discussion ensued pertaining to the developer's offer to establish a large (100 acre) regional park. City staff and council acknowledged that the city has $1.3 million dollars in bond dollars for use related to the establishment of a south city park.

Mr. Crowley clarified that the Council is being asked tonight to vote on the creation of the PID. The applicant would then work with a third party to issue debt related to the PID (for a period of thirty (30) years). Dialogue then took place pertaining to annual property assessments of properties located within the PID. Mr. Crowley, City Manager, asked if this

will be a gated community. Mr. Donahue indicated that no, it will not be gated. Councilmember Johannesen asked if the city will or will not own the park. Clarification was given that yes, the city would own the park. Mr. Donahue shared that the price point of the homes in this development will characterize it as a pretty affluent community.

Dialogue took place between the mayor and Mr. Donahue pertaining to some mishaps that have recently occurred with a PID over in McLendon Chisholm.

Mr. Crowley shared that no PIDs currently exist within the city.

Mr. Donahue clarified that this request for a PID mainly focuses on "amenities" rather than "infrastructure." However, he acknowledged that part of it is in fact related to infrastructure. He shared that if the PID is not approved, the zoning application that would be submitted would be characterized by no regional park (only a residential park) and an increase in proposed density.

Councilmember Trowbridge sought direction on what type of motion would be appropriate at this point related to instructing the applicant to move forward with the PID.

Councilmember Hohenshelt made a motion to allow the applicant to apply for his zoning change with the inclusion of creating a PID. Councilmember Trowbridge seconded the motion. Following extensive, additional discussion, the motion passed by a vote of 5 ayes with 2 against (Pruitt and Macalik).

4. Discuss and consider a request by The Standard MCP, LTD. for the approval of a waiver to a facilities agreement with Rockwall Senior Community, L.P., and take any action necessary.

City Engineer Amy Williams provided brief comments pertaining to this waiver request. Mayor Pruitt moved to approve a waiver to a facilities agreement with Rockwall Senior Community, L.P. Councilmember Johannesen seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

5. Discuss and consider adoption of a resolution setting solid waste collection rates, and take any action necessary

Councilmember Macalik moved to approve the resolution. Councilmember Hohenshelt seconded the motion, which, after brief clarifications, passed by a vote of 7 ayes to 0 nays.

6. Discuss and consider adoption of a resolution fixing the water and wastewater rates of the city, and take any action necessary.

Indication was given that a work session was previously held this afternoon concerning this topic. The city's utility rate consultant, Dan Jackson of Willdan, again came forth and provided extensive clarification regarding the impacts associated with each of the scenarios that reflect changes to the city's current rate structure. He explained that this will be a three year plan, with the first year's rates going into effect in January of 2019.

Councilmember Hohenshelt moved to adopt the resolution to reflect the 2019 rate as "scenario 2." Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes with 0 nays.

7. Discuss and consider the City's selection of nominees to the Texas Coalition for Affordable Power (TCAP) Board of Directors for the 2019-2020 term of office, and take any action necessary.

Mayor Pruitt moved to instruct staff member Joey Boyd to select the city's nominees. Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes with 0 nays.

XIV. EXECUTIVE SESSION

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

1. Discussion regarding possible purchase, sale or lease of real property/land in the vicinity of SH 205 and Washington pursuant to Section §551.072 (Real Property).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 10:19 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 7th DAY OF JANUARY, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

MINUTES

ROCKWALL CITY COUNCIL
PLANNING AND ZONING COMMISSION, AND
COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC)
JOINT WORK SESSION MEETING

City Hall, 385 South Goliad, Rockwall, Texas
Foyer/Main Entry of City Hall
October 8, 2018 - 6:00 PM

I. CALL TO ORDER

Mayor Pruitt called the meeting to order. Present were the following City Council Members:

- **Mayor Jim Pruitt**
- **Mayor Pro Tem Kevin Fowler**
- **Councilmember Patrick Trowbridge**
- **Councilmember Bennie Daniels**
- **Councilmember John Hohenshelt**
- **Councilmember Dana Macalik (arrived at 6:06 p.m.)**
- **Councilmember Trace Johannesen (arrived at 6:14 p.m.)**

Present from the Planning & Zoning Commission were the following:

- **Chairman Johnny Lyons**
- **Vice Chairman Eric Chodun**
- **Commissioner John Womble**
- **Commissioner Mark Moeller**
- **Commissioner Tracey Logan**
- **Commissioner Jerry Welch**

Commissioner Annie Fishman was absent from the meeting.

Present from the Comprehensive Plan Advisory Committee (CPAC) were the following:

- **Chairman Jerry Welch (also on the P&Z Commission)**
- **Vice Chairman Bob Wacker**
- **Committee Member Donna Dorman**
- **Committee Member Dale Cherry**
- **Committee Member Mike Larivierre**
- **Committee Member Shannon Nerren**
- **Committee Member Johnny Lyons (also on the P&Z Commission)**

The following city staff members were also present:

- **Rick Crowley, City Manager**
- **Mary Smith, Assistant City Manager**
- **Brad Griggs, Assistant City Manager**
- **Joey Boyd, Director of Internal Operations**
- **Kristy Cole, City Secretary**

- Ryan Miller, Planning Director
- David Gonzales, Senior Planner
- Korey Brooks, Senior Planner

II. WORK SESSION

1. **Work Session Concerning the DRAFT Comprehensive Plan Update for the OURHometown Vision 2040 Comprehensive Plan.**

    - The CPAC Chairman, Vice Chairman and Committee members will update the City Council and Planning and Zoning Commission on the DRAFT Comprehensive Plan, and answer any questions.

Following the call to order, general discussion took place among and between City Council, Planning & Zoning Commission, and Comprehensive Plan Advisory Committee members and city staff concerning the draft plan.

Commissioner/Chairman Jerry Welch indicated that the CPAC has held regular meetings to extensively review and draft proposed updates to the Comp. Plan since February of 2017. Indication was given that a great deal of work, time, thought and logic has gone into the draft plan.

Regarding the proposed "annual review" of the Comp. Plan, Councilmember Hohenshelt indicated that he believes an annual review is likely too often, even though our city continues to rapidly grow and change. He believes to do so would be burdensome and not altogether necessary. He suggested a review of the plan on an "as needed" basis but at least once every two (2) years instead.

Planning Director Ryan Miller and Chairman/Committee Member Johnny Lyons briefed everyone on the phased timeline associated with implementation of the Comp. Plan. Welch noted that the plan is strictly a guideline – its contents do not reflect things that are "written in stone." Mr. Miller pointed out that City Attorney Frank Garza has written some verbiage into the plan that, in part, generally makes it clear that it is to be utilized as a guideline. Mayor Pruitt strongly agreed that the Comp. Plan is a guideline and that it should not be something by which citizens or developers attempt to hold the P&Z Commission and/or City Council "hostage."

General discussion ensued pertaining to the various districts, land uses and zoning designations contained within the draft plan. Mayor Pruitt inquired about the city's downtown area / historic district. City Manager Rick Crowley indicated that money was budgeted in this fiscal year budget for an economic study and a zoning-related evaluation of those areas to be conducted. Staff and the Council want to ensure that downtown Rockwall and that area, in general, remains lively and vibrant. This study would also review and evaluate the city's policies pertaining to these areas.

Following the discussions concerning the draft plan, Mr. Crowley explained that the next step in the process will be for the draft plan to be placed on an upcoming City Council meeting agenda so that the Council may take formal action to forward the draft plan to the Planning & Zoning Commission for consideration. Thereafter, the plan would come back to City Council for formal approval. Those present indicated a strong desire to seek and obtain public input regarding the proposed plan. Mr. Miller shared that a public

hearing will be advertised and held at an upcoming Planning & Zoning Commission meeting, likely in the month of November. Also, a draft of the Comp. Plan will be made available on the main page of the City's website. In addition, staff will send out various notices (i.e. on "E-News," "NextDoor," "Facebook," etc.) advertising the draft plan and encouraging public input. Mr. Miller indicated that staff may also host an "open house" of sorts before the public hearing(s) are held in order to meet with any interested citizens to try and help answer any questions they may have concerning the plan.

III. ADJOURNMENT

There being no further questions or discussion, Mayor Pruitt adjourned the meeting at 6:56 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th DAY OF OCTOBER, 2018.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

CITY OF ROCKWALL TEXAS SEAL

PASSED AND APPROVED BY THE CITY OF ROCKWALL, TEXAS, PLANNING & ZONING COMMISSION THIS 30th DAY OF OCTOBER, 2018.

Johnny Lyons, Chairman

ATTEST:

Laura Morales, Planning Coordinator