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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 21, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

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

14
15 II. WORK SESSION

- 16
17 1. Hold work session with representative(s) of the city's Park Board to hear and
18 discuss update concerning the Parks & Recreation Department's marketing
19 initiatives, and take any action necessary.

20
21 Brad Bassett, Chair of the Park Board, came forth and introduced Bob Lewis, Vice Chair.
22 He then provided an update to the Council concerning a recent strategic initiative related
23 to bring more awareness to Parks and Recreation activities and amenities that are
24 available to the public. New registration software has been put in place for all programs,
25 the websites have been redesigned, and the marketing budget has really helped. "Go
26 Outside and Play" is the catch phrase that has been coined for this marketing campaign.
27 Both digital and print media communications have been in development. February 1st is
28 the target date for launching this campaign. Vehicle wraps, ads in various media, water
29 bill inserts, signage, and a YouTube message from the Mayor will all be part of the
30 campaign launch. A new website, www.playrockwall.com, will also be launched. It will
31 be internet and mobile/tablet friendly, and it will show the user everything that there is to
32 do in Rockwall. He then explained the functionality that the new website will have. The
33 City Council provided positive comments concerning the new campaign and website. It
34 was suggested that this new website link back to the portion of the city's website where
35 'outside organizations' list their events and activities taking place within the city (i.e.
36 non-city sponsored triathlons).

37
38 At 4:15 p.m. Mayor Pruitt then read the below listed discussion items into the record and
39 recessed the public meeting to hold Executive Session.

40
41 III. EXECUTIVE SESSION.

42
43 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
44 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
45 CODE:

- 46
47 1. Discussion regarding Economic Development incentives, procedures and
48 possible projects pursuant to Section 551.087 (Economic Development)

- 49 2. Discussion regarding negotiations of Access Agreement pursuant to Section
50 551.071 (Consultation with Attorney)
- 51 3. Discussion regarding land acquisition for South Community Park pursuant to
52 Section § 551.072 (Real Property).
- 53 4. Discussion regarding (re)appointments to city regulatory boards, commissions,
54 and committees - Rockwall Economic Development Corporation (REDC) Ex-
55 Officio Board Members - pursuant to Section 551.074 (personnel matters)
- 56 5. Discussion regarding purchase or lease of real property / land acquisition in the
57 vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
- 58 6. Discussion regarding legal advice associated with homeowners association
59 (HOA) regulations within the city pursuant to Section 551.071 (Consultation with
60 Attorney).
- 61 7. Discussion regarding process associated with City Manager performance
62 evaluation pursuant to Section 551.074 (personnel matters)

63
64 **IV. ADJOURN EXECUTIVE SESSION**

65
66 **Executive Session was held from 4:15 p.m. until 4:55 p.m. and then again from 5:13 p.m.**
67 **until 5:52 p.m.**

68
69 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

70
71 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**
72 **members being present.**

73
74 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

75
76 **Mayor Pro Tem Lewis made a motion to reappoint Linda Duran to serve as a non-voting,**
77 **Ex Officio board member on the Rockwall Economic Development Corporation (term to**
78 **expire in December of 2017). Mayor Pruitt seconded the motion, which passed by a vote**
79 **of 7 ayes to 0 nays.**

80
81 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

82
83 **Councilmember Townsend delivered the invocation and led the pledge of Allegiance.**

84
85 **VIII. OPEN FORUM**

86
87 **Mayor Pruitt asked if anyone would like to come forth and speak at this time. There**
88 **being no one, he then closed the Open Forum.**

89
90 **IX. CONSENT AGENDA**

- 91
- 92 1. Consider approval of the minutes from the December 7, 2015 regular city
93 council meeting, and take any action necessary.
- 94 2. Consider awarding a bid to New Star Grading and Paving Company and
95 authorizing the City Manager to execute a Purchase Order for utility cuts

96 pavement repair services for an estimated annual amount of \$75,000 to
97 be funded out of the General Fund Streets Operations Budget, and take
98 any action necessary.

99 3. Consider awarding a bid to Nortex Concrete Lift and Stabilization and
100 authorizing the City Manager to execute a Purchase Order for concrete
101 paving stabilization services for an estimated annual amount of \$50,000
102 to be funded out of the General Fund Streets Operations Budget, and
103 take any action necessary.

104 4. Consider authorizing the City Manager to execute a professional
105 engineering services contract with Birkhoff, Hendricks & Carter, LLP in
106 the amount of \$124,400 to perform a wastewater lift station evaluation
107 update on the City's wastewater lift stations to be funded by water/sewer
108 revenue bonds, and take any action necessary.

109 5. Consider awarding a bid to Hoyt Breathing Air Products and authorizing
110 the City Manager to execute a Purchase Order for new Fire Fighter SCBA
111 Air Paks and Bottles in the amount of \$343,016.20 to be funded out of the
112 General Fund, and take any action necessary.

113 6. Consider designation of the city's newspaper of record, naming the
114 Rockwall County Herald Banner, as annually required by the City's
115 Charter, and take any action necessary.

116 **Mayor Pro Tem Lewis made a motion to approve the Consent Agenda (#s 1, 2, 3, 4, 5, and**
117 **6). Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to**
118 **0 nays.**

119
120 **X. APPOINTMENTS**

121
122 1. Appointment with the Planning and Zoning Chairman to discuss and
123 answer any questions regarding cases on the agenda and related issues
124 and take any action necessary.

125 **The P&Z Chairman was not present, so this item was not addressed by Council, and no**
126 **action was taken.**

127 2. Appointment with Patricia Davis, Chief Appraiser with the Rockwall
128 Central Appraisal District, to discuss and consider CAD-related matters,
129 including a proposed interlocal agreement for assessment and collection
130 of taxes, and take any action necessary.

131 **Mrs. Davis indicated that she is here at the request of the City Council to answer any**
132 **questions the council may have concerning the proposed interlocal agreement.**

133
134 **Mrs. Smith, Assistant City Manager, provided brief comments concerning some of the**
135 **challenges with the CAD over the last year or more, for example, getting timely and**
136 **accurate information concerning the Tax Increment Financing District (TIF) and getting**
137 **the effective tax rate and associated calculations correct.**

138
139 **Mrs. Davis explained she came in the middle of things last year, and, as a new employee,**
140 **she did not have a good handle on what was going on. She generally assured the**
141 **Council that the upcoming TIF calculations spreadsheet has already been prepared, and**

142 this coming year, the city should have information from the CAD by February, which is
143 even earlier than prior years before she came.

144
145 Mayor Pruitt asked for clarification regarding how the CAD passes individual collections
146 monies onto the City and how lawyers who collect funds are paid. Mrs. Davis indicated
147 that the law provides that the lawyers can charge an additional fee directly to the
148 property owner, which does not come out of the CAD budget, and it does not come from
149 any of the taxing entities. Mayor Pruitt pointed out that the contract speaks of this issue
150 in a manner contrary to how Mrs. Davis is explaining. Mrs. Davis suggested that the
151 language in the contract can be corrected.

152
153 Mayor Pruitt asked for clarification regarding other types of costs such as lawsuit costs
154 and how those things are paid for. Mrs. Davis explained that those types of expenses
155 come out of the appraisal budget, not the collection budget. If it has to do with
156 collection, then it comes directly from the property owner.

157
158 Mayor Pruitt explained that he has personally met with Mrs. Davis several times to try
159 and remedy some concerns that have arisen over time. Mr. Crowley requested that Mrs.
160 Davis notify the City of Rockwall once the recent CAD board nominations and votes have
161 been tallied and concluded. She assured him that she would.

162
163 Mayor Pruitt asked if the assessment of taxes is based on how many accounts or on the
164 assessed value. Mrs. Davis indicated that, prior to her coming, it was based on a per
165 parcel basis. However, when she came, the RISD pointed out to her that this was unfair
166 because everyone did not pay the same dollar amount per parcel. So, Rockwall County
167 was getting a lower rate. So, RISD did not choose to do anything about it last year, but
168 she did have discussions with the board regarding a fair way to address this issue. After
169 conducting a survey around the state and evaluating the matter, she has put the County
170 on notice that in the future, it will need to make a decision to either collect its own taxes,
171 or else get on board and pay its own fair share like every other taxing entity.

172
173 He thanked Mrs. Davis for coming, explaining that the City of Rockwall is a customer of
174 the CAD, and he would like Mrs. Davis to continue to get to know her customers,
175 including the city manager.

176
177 See very end of agenda/minutes (following Action Item #8) for Council action concerning
178 the interlocal agreement.

179
180 **XI. PUBLIC HEARING ITEMS**

- 181
182 1. **MIS2015-003** - Hold a public hearing to discuss and consider approval of
183 an **ordinance** for a City initiated request to amend the Comprehensive
184 Plan by approving changes to the Master Thoroughfare Plan Map
185 contained within the Transportation section, add a street cross section for
186 a M4U-M (minor arterial, four [4] lane, undivided roadway, modified) and
187 modify existing street cross sections in Appendix 'D', Thoroughfare Cross
188 Sections, and take any action necessary [**1st Reading**].

189 **Planning Director Ryan Miller provided background information concerning this agenda**
190 **item, explaining each of the proposed changes regarding the Master Thoroughfare Plan.**

191 The Planning & Zoning Commission reviewed these changes at its last meeting and has
192 recommended approval of all the proposed changes.

193 Mayor Pruitt asked how what is shown in these changes for SH205 / John King fits into
194 the city's desire to have John King be designated as the alternate route for SH205. It was
195 clarified that John King will remain a principal, six-lane, divided roadway, which is also
196 what the state would have in mind if it becomes a state roadway.

197
198 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
199 speak.

200
201 **Matt Parker**
202 **1118 Lubbock Lane**
203 **Melissa, Texas**

204
205 Mr. Parker came forth and explained that he is a developer with Skorburgh and is
206 wondering if proposed roadway changes will affect Phase 9 of the Breezy Hill
207 development. Mr. Miller indicated that, no, it would not affect Phase 9 at all.

208
209 Mayor Pro Tem Lewis assumed oversight of the meeting at this point (6:23 p.m.), asking
210 if anyone else would like to come forward and speak at this time. There being on one
211 indicating such, he then closed the public hearing.

212
213 Councilmember Milder explained he has concerns about the North portion of SH205
214 running up to East Fork. Mr. Miller and Mr. Crowley explained how and why it is being
215 proposed as it is at this time, especially pertaining to the city council's desire to have
216 TXDOT designate John King as the alternate route for SH205.

217 Mayor Pruitt returned to the meeting at 6:28 p.m.

218
219 Discussion ensued related to SH-205 and future modifications to the north portion of the
220 roadway, including pertaining to designation of John King Boulevard as the proposed
221 bypass route for 205.

222
223 Councilmember White made a motion to approve MIS2015-003. Councilmember
224 Townsend seconded the motion. The ordinance was read as follows:

225
226 **CITY OF ROCKWALL**
227 **ORDINANCE NO. 16-**

228
229 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
230 **ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER**
231 **THOROUGHFARE PLAN CONTAINED WITHIN THE TRANSPORTATION**
232 **SECTION, ADD A STREET CROSS SECTION FOR A M4U-M (*MINOR***
233 ***ARTERIAL, FOUR [4] LANE, UNDIVIDED ROADWAY, MODIFIED*), AND**
234 **MODIFY EXISTING STREET CROSS SECTIONS IN APPENDIX 'D',**
235 **THOROUGHFARE CROSS SECTIONS, OF THE COMPREHENSIVE**
236 **PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.**

237
238 The motion passed by a vote of 6 in favor with 1 against (Milder).
239

240 2. **Z2015-030** - Hold a public hearing to discuss and consider approval of an
241 **ordinance** for a City initiated request for a zoning amendment to Planned
242 Development District 75 (PD-75) being Ordinance No. 09-37, containing
243 329.53-acres of land, identified as the Lake Rockwall Estates Subdivision,
244 City of Rockwall, Rockwall County, Texas, zoned Planned Development
245 District 75 (PD-75) for Single Family 7 (SF-7) District land uses, being
246 situated east of Tubbs Road and north of County Line Road, and take any
247 action necessary **[1st Reading]**.

248 **Ryan Miller, Planning Director, provided brief background information concerning this**
249 **agenda item. Notifications were sent out on November 20 (qty: 1,541 notices in English**
250 **and Spanish) to property owners within 500' of the property. Also, the Linden Park, Fox**
251 **Chase and Rainbow Lakes HOAs were also notified. Eleven responses were received,**
252 **with 4 indicating opposition to the amendment and the remainder expressing they were**
253 **in favor. However, two of the opposition responses actually appeared to be in favor,**
254 **rather than opposed, based on what they actually wrote. One additional reply was**
255 **received back in favor today. The Planning & Zoning Commission did hear this case and**
256 **has unanimously recommended approval of this item.**

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

259 **Connie Powell**
260 **532 Eva Place**
261 **Rockwall, TX**
262

263 **Mrs. Powell came forth and asked for clarification regarding what these changes mean.**
264 **Mayor Pruitt explained that these changes will allow the citizens an opportunity to be**
265 **more informed about zoning changes that the Council is considering in LRE and allow**
266 **them an opportunity for their voices to be heard regarding those future, proposed**
267 **changes. Councilmember White provided some additional clarification, explaining that**
268 **this cleans up a phrase in the existing ordinance that allows the Council to do whatever it**
269 **wants without allowing for input from the neighborhood residents. The change being**
270 **considered tonight will modify that language to ensure that residents are notified and**
271 **have an ability to be heard before zoning changes are made by Council in the future.**
272

273 **Mayor Pruitt asked if anyone else would like to come forth and speak during this time.**
274 **There being no one indicating such, he then closed the public hearing.**
275

276 **Councilmember White made a motion to approve Z2015-030. Councilmember Townsend**
277 **seconded the motion. The ordinance was read as follows:**
278

279 **CITY OF ROCKWALL**
280 **ORDINANCE NO. 16-XX**
281

282 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
283 **ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT**
284 **DISTRICT 75 [ORDINANCE NO. 09-37] AND THE UNIFIED**
285 **DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF**
286 **ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING EXHIBIT**
287 **'B' AND EXHIBIT 'C' OF ORDINANCE NO. 09-37, BEING A 329.53.00-**
288 **ACRE TRACT OF LAND IDENTIFIED AS THE LAKE ROCKWALL**
289 **ESTATES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY,**

290 TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*;
291 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
292 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
293 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
294 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
295 PROVIDING FOR AN EFFECTIVE DATE.
296

297 The motion passed by a vote of 7 ayes to 0 nays.
298

- 299 3. **Z2015-031** - Hold a public hearing to discuss and consider a request by
300 John and Lenny James on behalf of the owner Rockway Partners for the
301 approval of an **ordinance** for a Specific Use Permit (SUP) for a carwash
302 on a 0.688-acre parcel of land identified as Lot 1, Block D, La Jolla Pointe
303 Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned
304 Commercial (C) District, situated within the Scenic Overlay (SOV) District,
305 located at the northwest corner of La Jolla Pointe Drive and Ridge Road
306 [FM-740], and take any action necessary [**1st Reading**].

307 Mr. Miller, Planning Director, provided background information concerning this agenda
308 item. Notices were sent out with 21 notices being mailed out to property and
309 homeowners owners located within 500' of the subject property. In addition, the
310 Lakeside Village and Turtle Cove HOAs were also notified. Four total notices of
311 opposition have been received back, and two letters of support have been received from
312 residents. The Planning & Zoning Commission has recommended denial of this request
313 by a vote of 6 to 1. Therefore, in order for it to be approved, it will require a super
314 majority vote of the City Council (3/4 of all council members present).

315 John James
316 2283 Lafayette Lane
317 Heath, TX
318

319 Mr. James came forth and provided a presentation to the Council concerning this
320 proposed car wash, including the perceived advantages, the services it would offer
321 patrons, its hours, traffic/parking plans, a rendering of how it is proposed to look. He
322 explained that this piece of property has been on the market for a long time, most likely
323 because it is not suitable for a lot of business uses due to it being so unusual.
324

325 Councilman Hohenshelt asked if the property poses challenges. Mr. Miller indicated that,
326 yes, the topography of the property does pose some challenges.
327

328 Councilmember Milder expressed concern with not having heard from the P&Z Chairman
329 to know more about why the P&Z Commission objected to this proposal. Mr. Miller
330 indicated that the P&Z did not provide comments publicly as to their reasoning for
331 making a motion and associated vote to recommend denial.
332

333 Councilmember Fowler expressed concern with the look of the facility, expressing he
334 does not believe it aesthetically fits in with the surrounding buildings. He explained that
335 this is a gateway to our city, and he would like for it to look as optimal as possible.
336

337 Councilmember Hohenshelt expressed that there is a car wash in existence over by
338 Lowes on the S. side of IH-30. It contains a lot of nice stone on the facade, and it fits in a
339 lot better with the surrounding buildings compared to this one.

340
341 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
342 speak.

343
344 Richard Brooks came forth indicating that he owns the building located to the north of
345 this proposed car wash. He does not believe a half acre is at all sufficient for this
346 proposed car wash. He explained that he believes it will bring a lot of unwanted traffic,
347 and the vacuums will make a lot of noise, especially considering that there is a sleep
348 study office located in the adjacent medical office building. He suggested that this would
349 be a perfect place for a bank to be located instead. He expressed concern about the
350 back part of his parking lot potentially being used by employees of this car wash. He
351 does not believe this facility fits in with the scenic overlay district standards. He is
352 opposed to its approval.

353
354 Richard Harris
355 210 Glen Avenue
356 Rockwall, TX

357
358 He explained that he and his wife own the building located at 2604 Ridge Road, currently
359 occupied by Ebby Halliday. He had to grant a lot of utility easements to the city back in
360 the 1980s. He is against this proposed car wash, and he does not believe it fits in or
361 belongs in this scenic overlay district. He also expressed that the property owner next
362 door to him, who is currently in Arizona, is opposed to this as well. He believes this
363 business would degrade his property values. He also explained that Wayne Hogg, the
364 property owner next door to him, was unable to be here this evening, so he asked Mr.
365 Harris to express on his behalf that he is also opposed to this proposed car wash.

366
367 Derek Anderson
368 218 Cullins Road
369 Rockwall, TX 75032

370
371 Mr. Anderson explained that he is in favor of this proposed car wash. He believes this
372 would provide a convenient, more affordable way for him to get his truck washed. He
373 explained that he has lived here in Rockwall since 1998, and this piece of property has
374 been sitting vacant ever since he moved here. He believes that this development might
375 bring some revenue to the city, as opposed to the property continuing to sit vacant. He
376 expressed that the closest car washes of this nature, in his research, are located in
377 Mesquite on Belt Line Road by the old movie theater or in Rowlett on SH-66 just before
378 George Bush. He suggested planting a landscape buffer to hide some of the car wash
379 building on the Ridge Road side. He also suggested that it could be a different color,
380 other than red, to better fit in with the surrounding buildings and their facades. He
381 pointed out that this scenic overlay district, which is a "gateway to the City" also
382 contains a Long John Silvers, a Wendy's and an IHOP. He stated that a large, neon
383 "Rosas Café" is also located in another "gateway" area to the city, and the sign blinds
384 you. He encouraged the Council to control the way the car wash will ultimately look,
385 aesthetically, if they have concerns about it.

386
387 Mr. Ben Weible
388 215 Trout Drive
389 Rockwall, TX

390

391 Mr. Weible expressed that this item has aroused an emotional response from him,
392 explaining that he loves these types of car washes. He explained that there is no other
393 car wash of this nature in Rockwall. There is no other car wash in town that will allow
394 this sort of quick, convenient car wash at an affordable price. He expressed a desire for
395 the City Council to get out of the way and allow the free market to work as it is intended
396 to, especially considering that this property has been sitting vacant for a while because it
397 poses some challenges. He is not sure why the Planning & Zoning Commission did not
398 recommend approval of this item, but he generally encouraged the Council to approve
399 the request.

400
401 There being no one else wishing to come forth and speak, Mayor Pruitt closed the public
402 hearing.

403
404 Councilmember Milder explained that he texted the P&Z Chairman to inquire as to why
405 the Planning & Zoning Commission recommended denial. He indicated that Mr. Renfro
406 provided four reasons as follows:

- 407
- 408 • the majority of the existing properties are either commercial or medical;
- 409 • it is one of the only the vacant lots left;
- 410 • the proposed development encroaches the majority of the lot;
- 411 • there are concerns regarding increased traffic with potential backups onto Ridge.
- 412

413 Councilmember White made a motion to approve Z2015-031. Mayor Pro Tem Lewis
414 seconded the motion. Councilmember Milder expressed that he initially had some
415 reservations, mainly due to not knowing why the P&Z Commission recommended its
416 denial; however, he is now comfortable with supporting this item. Councilmember White
417 asked if the setbacks and color may be addressed during the site plan phase. Mr. Miller
418 indicated that the setback is already established, but the building itself could be
419 repositioned on the property, and the Architectural Review Board (ARB) will still review
420 it. Mayor Pro Tem Lewis expressed he would like to see it be a different color (other than
421 red) and that it be set back on the lower end of the property. Mayor Pruitt expressed that
422 this is to be located in the “scenic overlay district,” and he sees nothing “scenic” about a
423 car wash.

424
425 The ordinance was read as follows:

426
427 CITY OF ROCKWALL
428 ORDINANCE NO. 16-__
429 SPECIFIC USE PERMIT NO. S-__
430

431 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
432 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
433 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
434 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A
435 CAR WASH WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A
436 0.688-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK D, LA
437 JOLLA POINTE ADDITION, PHASE 2, CITY OF ROCKWALL, ROCKWALL
438 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
439 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO
440 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING

441 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
442 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
443

444 The motion passed by a vote of 6 in favor with 1 against (Pruitt).
445

- 446 4. **Z2015-032** - Hold a public hearing to discuss and consider a request by
447 Lloyd Waldrop of Rockwall Gold & Silver on behalf of the owner Donna
448 Pritchard for the approval of an renewal of Specific Use Permit (SUP) No.
449 S-115 (**Ordinance** No. 13-46) allowing a pawn shop on a portion of a
450 0.423-acre parcel of land identified as Lot 1, Block 1 of the Garland
451 Federal Savings & Loan Addition, City of Rockwall, Rockwall County,
452 Texas, zoned Commercial (C) District, situated within the SH-205 Overlay
453 (SH-205 OV) District, address as Suite 1 of 1901 S. Goliad Street, and
454 take any action necessary [**1st Reading**].

455 Mr. Miller indicated that this SUP was first approved in December of 2013. The applicant
456 is now requesting extension of the SUP for a period of five (5) years with the ability to
457 extend rather than expire. Thirty-four notices were mailed out to adjacent properties
458 located within 500' of the subject property, and a notice was placed on site on the
459 property itself. One notice was received back in favor, and one notice was received back
460 in opposition. The P&Z Commission has voted to recommend approval for an extension
461 for a period of five years with the option to extend it at that time rather than have it
462 expire.

463
464 Mr. Waldrop came forth and stood prepared to answer any questions of the Council.

465
466 Mayor Pruitt opened the public hearing.

467
468 Mr. John White
469 1929 S. Lakeshore
470 Rockwall, TX

471
472 Mr. White explained that he is fully in favor of this request. He expressed that the owners
473 are first class individuals who run a very good business.

474
475 Mr. Ben Weible
476 215 Trout Drive
477 Rockwall, TX

478
479 Mr. Weible explained that he is speaking on behalf of the Waldrops, explaining that these
480 business owners are good folks who are involved in a positive way in the community. He
481 spoke in favor of the Council approving this request.

482
483 Mayor Pruitt closed the public hearing.

484
485 Mayor Pro Tem Lewis asked for clarification regarding "extend" versus "expire." Mr.
486 Miller indicated that if it "expires," the owner would have to go back through the full
487 process (i.e. notifications to adjacent property owners).

488
489 Mayor Pro Tem Lewis made a motion to approve this request. Councilmember White
490 seconded the motion.

491
492 Mayor Pruitt asked why the notification signage on the property is insufficient (there's
493 nothing that says, "zoning change from (blank) to (blank).") Mr. Miller's indicated that
494 there have been various complications associated with signage, and staff is working to
495 spend some money on some alternative signs to rectify these complications. The
496 ordinance was read as follows:

497
498 CITY OF ROCKWALL
499 ORDINANCE NO. 16-XX
500 SPECIFIC USE PERMIT NO. S-XXX
501

502 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
503 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
504 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
505 SO AS GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A
506 "PAWNSHOP" ON A PORTION OF A 0.423-ACRE PARCEL OF LAND,
507 AND MORE SPECIFICALLY IDENTIFIED AS "SUITE 1" AS DEPICTED
508 IN EXHIBIT "A" ATTACHED HERETO, AND LOCATED AT 1901 S.
509 GOLIAD STREET, AND ZONED COMMERCIAL (C) DISTRICT, AND
510 DESCRIBED AS LOT 1, BLOCK 1 OF THE GARLAND FEDERAL
511 SAVINGS & LOAN ADDITION, CITY OF ROCKWALL, ROCKWALL
512 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
513 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
514 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
515 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
516 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
517

518 The motion passed by a vote of 7 ayes to 0 nays.
519

520 Mayor Pruitt explained that he initially voted against this SUP when it was first approved
521 two years ago; however, he has since observed this to be a very nice business, one of
522 the best he has ever seen.
523

- 524 5. **Z2015-033** - Hold a public hearing to discuss and consider a request by
525 Stephen B. North for the approval of an **ordinance** for a Specific Use
526 Permit (SUP) for an accessory building not meeting the standards
527 stipulated by the Unified Development Code on a 0.23-acre parcel of land
528 identified as Lot 14, Block F, Harlan Park Addition, Phase 1, City of
529 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10)
530 District, situated within the North SH-205 Overlay (N. SH-205 OV) District,
531 addressed as 513 Windsor Way, and take any action necessary [**1st**
532 **Reading**].

533 Mr. Miller, Planning Director, provided background information concerning this agenda
534 item. The applicant is asking to place a 288 sq. foot accessory structure in order to put a
535 decorative porch on front (exceeds the allowable max. of 250 sq. ft.). Also, he is
536 proposing to use 100% hardy plank siding, which does not match materials on the
537 primary structure. Seventy-two notices were sent out to adjacent property owners. Two
538 notices were received back in favor, and two were received back in opposition. The P&Z
539 Commission did unanimously recommend approval of this request.

540 Stephen North
541 513 Windsor Way

542
543 Mr. North came forth and indicated that he initially wanted to have the structure be even
544 larger than what's being ultimately proposed now. The only reason for the decorative
545 'front porch' is so that his wife may hang plants there. He explained that the back of his
546 house does have siding on it, and it is not as durable as the hardy plank that will be
547 utilized on this accessory building. So the hardy plank is above and beyond the material
548 on the back of his house.

549
550 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and
551 speak. There being no one, he closed the public hearing.

552
553 Mayor Pro Tem Lewis made a motion to approve Z2015-033. Councilmember White
554 seconded the motion. The ordinance was read as follows:

555
556 CITY OF ROCKWALL
557 ORDINANCE NO. 16-____
558 SPECIFIC USE PERMIT NO. _____

559
560 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
561 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
562 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
563 SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE SINGLE-
564 FAMILY RESIDENTIAL (SF-10) DISTRICT ALLOWING FOR AN
565 ACCESSORY BUILDING NOT MEETING THE STANDARDS
566 STIPULATED BY THE UNIFIED DEVELOPMENT CODE, ON THE
567 PROPERTY ADDRESSED AS 513 WINDSOR WAY, BEING A 0.23-ACRE
568 PARCEL OF LAND IDENTIFIED AS LOT 14, BLOCK F, HARLAN PARK
569 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;
570 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
571 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
572 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
573 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
574 PROVIDING FOR AN EFFECTIVE DATE.

575
576 The motion passed by a vote of 7 ayes to 0 nays.

577
578 Mayor Pruitt recessed the meeting for a break at 7:30 p.m. He called the meeting back to
579 order at 7:47 p.m.

580
581 6. Z2015-034 - Hold a public hearing to discuss and consider a request by
582 Pat Atkins of Saddle Star Land Development Inc. on behalf of the owner
583 Randa Hance of R&R Hance Investment LP for the approval of an
584 ordinance for a zoning change from an Agricultural (AG) District to a
585 Planned Development District for Single Family 8.4 (SF-8.4) District land
586 uses for a 45.318-acre tract of land identified as Tract 2-03 of the P. B.
587 Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County,
588 Texas, zoned Agricultural (AG) District, situated within the SH-205 By-
589 Pass Overlay (SH-205 BY-OV) District, located on the north side of John
590 King Boulevard south of FM-552, and take any action necessary [1st
591 Reading].

592 Mr. Miller, Planning Director, provided background information related to this agenda
593 item. The applicant has submitted an application requesting to rezone a 45.318-acre tract
594 of land from an Agricultural (AG) District to a Planned Development District for a single-
595 family, residential subdivision that will consist of 113 single-family lots. The subject
596 property, which was annexed into the City on March 16, 1998 by Ordinance No. 98-10, is
597 located on the west side of John King Boulevard -- south of Featherstone Drive and north
598 of E. Quail Run Road -- and is currently vacant agricultural land.
599

600 The concept plan shows that in addition to the 45.318-acre 247 tract of land being
601 considered under this zoning case, two (2) additional tracts (north of the subject
602 property) will be included as future phases for the proposed subdivision. Currently, both
603 of these tracts are outside of the City's corporate boundaries; however, they are located
604 within the City's Extraterritorial Jurisdiction (ETJ) and can be annexed. The applicant has
605 stated that the intent of this project is to receive entitlement on the 45.318-acre tract of
606 land and then initiate a voluntary annexation case to bring the remaining tracts of land
607 into the City. The applicant will also be requesting that the proposed PD (if approved) be
608 amended to incorporate this area. The current request is for 113, 70' x 125' lots or a
609 gross residential density of ~2.49 units/acre. Incorporated within the development will be
610 6.73-acres of open space (or ~14.85%), which includes a 3.64-acre neighborhood park
611 [the applicant has revised the plan to show 17% open space. In addition, the applicant is
612 proposing to incorporate a ten (10) foot trail and trail rest area along John King
613 Boulevard in conformance with the John King Boulevard Design Concept Plan contained
614 in the Comprehensive Plan (staff has incorporated this into the proposed ordinance). It
615 should be pointed out that the proposed PD Ordinance has similar standards as were
616 approved in the adjacent Planned Development District 77 (PD-77), and according to the
617 applicant will incorporate a similar product as those in the Stone Creek and Breezy Hill
618 Subdivisions.
619

620 The applicant is requesting variances to allow for j-swing and front entry garages in lieu
621 of alleyways. On November 20, 2015, staff mailed three (3) notices to property owners
622 and residents within 500-feet of the subject property. Staff also emailed notices to the
623 Stoney Hollow and Stone Creek Homeowner's Associations (HOA's), which are the only
624 HOA's located within 1,500 feet of the subject property. Additionally, staff posted a sign
625 along John King Boulevard, and advertised the public hearings in the Rockwall Harold
626 Banner as required by the Unified Development Code (UDC). At the time this case memo
627 was drafted no responses were received by staff. On December 8, 2015, the Planning
628 and Zoning Commission approved a motion to recommend approval of the zoning
629 change by a vote of 7-0; however, the Planning and Zoning Commission did also
630 recommend that Section 12, Open Space, of Exhibit 'C' of the PD Ordinance be amended
631 to reflect a minimum of 20% open space. The applicant has agreed to increase the
632 proposed open space from ~14.85% to a minimum of 17%, but has stated that an
633 increase to 20% is not feasible for this project. Staff has changed the ordinance to reflect
634 the 17% requested by the applicant.
635

636 Pat Atkins
637 3076 Hays Lane
638

639 Mr. Atkins indicated that he is representing Saddlestar Estates. He then shared an
640 animated PowerPoint presentation with the Council and explained various aspects of his
641 request associated with this PD.

642
643 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and
644 speak. There being no one, he then closed the public hearing.
645

646 Councilmember Hohenshelt asked for clarification on the proposed open space. The
647 proposal is for 17%, which is 3% less than the required 20% suggested in the city's
648 Comp Plan. Councilmember Hohenshelt, after asking several questions, indicated that
649 the change in open space being requested (to be lowered) equates to about 3 residential
650 lots. He clarified that the anticipated added property tax value expressed are for the two
651 developments combined.
652

653 Brief discussion took place regarding who owns the adjacent tracts.
654

655 Mr. Miller indicated that once this approval is secured, Mr. Atkins will be coming forth
656 with a request for voluntary annexation on the other tract of land, likely as soon as
657 January 4th. Mr. Atkins clarified that the pool and amenities center are anticipated to go
658 on the ground once about 100 units have been constructed. It was clarified that the open
659 space land will not meet the 11 acre minimum required to be used as a neighborhood
660 park. It will only be designated as "open space," not a park.
661

662 Various comments took place concerning the proposal. Then, Councilmember White
663 made a motion to approve Z2015-034, granting the 17% open space variance.
664 Councilmember Milder seconded the motion. After brief comments, the ordinance was
665 read as follows:
666

667 CITY OF ROCKWALL
668 ORDINANCE NO. 16-XX
669

670 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
671 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*
672 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,
673 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)
674 DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR
675 SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT
676 PROPERTY, BEING A 45.318-ACRE TRACT OF LAND IDENTIFIED AS
677 TRACT 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY
678 OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
679 DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL
680 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
681 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
682 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
683 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
684

685 The motion passed by a vote of 7 ayes to 0 nays.
686

- 687 7. **Z2015-035** - Hold a public hearing to discuss and consider a request by
688 Pat Atkins of Saddle Star Land Development Inc. on behalf of the owner
689 Larry Hance for the approval of an **ordinance** for a zoning change from
690 an Agricultural (AG) District to a Planned Development District for Single
691 Family 8.4 (SF-8.4) District land uses for a 44.56-acre tract of land
692 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of
693 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,

694 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,
695 located at the northwest corner of FM-552 and John King Boulevard, and
696 take any action necessary [1st Reading].

697 Mr. Miller provided background information concerning this request. On November 16,
698 2015, the applicant submitted an application requesting to rezone a 44.56-acre tract of
699 land from an Agricultural (AG) District to a Planned Development District for a single-
700 family, residential subdivision that will consist of 109 single-family lots. The subject
701 property, which was annexed into the City on February 4, 2008 by *Ordinance No. 08-10*, is
702 located at the northwest corner of John King Boulevard, north of FM 552 and is currently
703 vacant land zoned Agricultural (AG) district. According to the concept plan, it is the
704 intent of the development to provide 109 single-family residential lots that are to be a
705 minimum of 10,000 sq. ft. (*i.e. 80' x 125' lots*) in area; however, the development does not
706 include a neighborhood park, rather a trail system meanders through the floodplain area
707 and is to be the developments primary amenity. The applicant has stated that the
708 neighborhood park to be located within the South Saddle Star Estates Addition will be
709 available to this development. In addition, the concept plan shows the inclusion of 5.61-
710 acres of net open space, the majority of which is situated within a 100-year floodplain,
711 which transects the property from the north to the south. Additionally, the applicant has
712 also agreed to provide a corner enhancement that will incorporate a seat wall and
713 additional landscaping at the corner of the intersection of John King Boulevard and FM-
714 552 (*see the Corner Enhancement Concept contained in the John King Boulevard Design
715 Concept Plan*). Staff has included these as development requirements within the Planned
716 Development District Ordinance. In addition, the applicant has also indicated that a
717 minimum of a 50-foot landscape buffer will be provided along John King Blvd, and a
718 minimum of a ten (10) foot meandering sidewalk will be constructed within this
719 landscape buffer. It should be pointed out that the proposed PD Ordinance has similar
720 standards as were approved in the in the Stone Creek and Breezy Hill Subdivisions. The
721 applicant is requesting to allow J-Swing and/or Front Entry garages that comply with
722 Article VI, Parking and Loading, of the Unified Development Code (UDC) in lieu of alleys.
723 This requirement has been waived for other subdivisions throughout the City when the
724 PD Ordinance conforms to the requirements stipulated by the UDC.

725
726 The proposed zoning does appear to conform to the majority of the Comprehensive
727 Plan's policies and guidelines with the exception of the proposed open space
728 requirement. The applicant is proposing a total 5.61 acres of open space (or 12.59%)
729 which is primarily flood plain. It should be noted that if the floodplain were calculated at
730 100% (as opposed to 50%) the development would meet the minimum 20% requirement.
731 With this being said, the proposed open space standard is a discretionary decision for
732 the City Council. On November 20, 2015, staff mailed twenty-four (24) notices to property
733 owners and residents within 500-feet of the subject property. Staff also emailed notices
734 to the Stoney Hollow and Stone Creek Homeowner's Associations (HOA's), which are the
735 only HOA's located within 1,500 feet of the subject property. Additionally, staff posted a
736 sign at the corner of John King Boulevard and FM552 and advertised the public hearings
737 in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At
738 the time this case memo was drafted no responses were received by staff.

744 **Pat Atkins**
745 **3076 Hays Lane**

746
747 **Mr. Atkins came forth and provided comments, requesting that the Council consider**
748 **approval of this item.**

749
750 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and**
751 **speak at this time.**

752
753 **Caroline Newton**
754 **304 Wooded Trail**
755 **Rockwall, TX (in Hidden Valley Estates, on the W. side)**

756
757 **She would like the developer to commit to larger lot sizes near the side that abuts Hidden**
758 **Valley Estates. She explained that these new homes would be “invading her backyard,”**
759 **and where she lives is characteristic of ‘country living’ with a lot of open space. She has**
760 **some concern about the floodplain area, especially for homeowners that will be living**
761 **down by the creek, expressing she believes those homeowners may have problems. She**
762 **would like some answers to ensure that these concerns are being considered and**
763 **addressed. She generally expressed concern about the density. She would like the area**
764 **where the larger homes are to be built to have larger lots than what are currently being**
765 **proposed for approval. She encouraged the Council to consider quality of life, rather**
766 **than just tax money.**

767
768 **Jonas Odom**
769 **303 Wooded Trail**
770 **Rockwall, TX**

771
772 **Mr. Odom asked for the 3,200 square footage to be added to the ordinance, as well as**
773 **larger lots to be added like his neighbor who also spoke, Mrs. Newton, has requested.**
774 **He expressed that he has some neighbors who are living by the floodplain, and flooding**
775 **has been a concern for them. He is concerned about this public hearing being held the**
776 **week of Christmas, as several homeowners may be out of town.**

777
778 **Mayor Pruitt indicated that he has received emails from several homeowners expressing**
779 **concern about the floodplain area.**

780
781 **Mr. Tumulty, City Engineer, indicated that with any development, the developer hires a**
782 **consultant to conduct a hydraulics study in order to verify that it meets all of the city’s**
783 **requirements.**

784
785 **Jennifer Huber**
786 **400 Country Ridge**
787 **Rockwall, TX**

788
789 **Mrs. Huber indicated that she and her neighbors live in the county, so they do not**
790 **receive notification of requests like this (including Mrs. Newton). She is concerned about**
791 **the floodplain area, also expressing that she is very frustrated with this development**
792 **because it will consist of a lot of houses built on top of one another. She expressed**
793 **strong opposition to this request.**

794

795 Ben Weible
796 215 Trout
797 Rockwall, TX
798

799 Mrs. Weible indicated that he is a citizen of the City of Rockwall and has been living in
800 Rockwall County for about 15 years. He knew when he moved in that he would be able to
801 control his own property, but he would not be able to control what happens to the
802 properties around him that may change and develop over time. He generally expressed
803 support for this request, especially because it will allow the property owner to develop it
804 and use the property as he sees fit. He believes this request is representative of 'bit lots'
805 and 'big homes,' which is something he has understood to be of importance to the city.
806 He believes, as a citizen of Rockwall, that this is a very good use of the land.
807

808 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
809 public hearing.
810

811 Councilmember Fowler asked what the price point of the homes will be. Mr. Atkins
812 indicated that the price point will be a little more expensive in this area as compared to
813 the development addressed in the previous public hearing item.
814

815 Councilmember Milder expressed that even though those who spoke during the public
816 hearing do not live within the City limits, they are part of the Rockwall community, and he
817 does want to be a 'good neighbor' to those residents. He asked what sort of buffer may
818 exist between this development and the existing, adjacent homes/neighborhood. Mr.
819 Atkins expressed that he is happy to work with the adjacent homeowners to, for example,
820 install fencing and/or a retaining wall (perhaps wrought iron fencing or board-on-board
821 with adjacent retaining walls...whatever the adjacent property owners might want).
822

823 Mayor Pruitt expressed that the 12.5% of open space being proposed here is quite
824 significantly less than the required 20%. Allowing for larger lots abutting to the adjacent,
825 existing homes, will result in about 4 less lots for Mr. Atkins' development. He
826 suggested that Mr. Atkins consider putting in the larger lots along this area in exchange
827 for the city approving the lowered amount of open space.
828

829 Councilmember Hohenshelt generally expressed concern about ongoing requests to
830 reduce the city's required 20% of open space, suggesting that the city may need to
831 amend this requirement if the Council continues to grant variances, allowing for less
832 open space to be dedicated associated with proposed developments.
833

834 The Council and Mr. Atkins proceeded to go back and forth concerning proposed lot
835 sizes and the percentage of open space that will or won't be permissible associated with
836 approval of his request.
837

838 Councilmember White spoke briefly to the open space requirement, indicating that the
839 floodplain is working against him. He again pointed out that this request represents
840 exactly what the Council has been wanting for a long time – larger lots and larger homes.
841

842 Mayor Pro Tem Lewis expressed that this property proposes challenges because of the
843 topography and the creek. He explained that the Council reviewed a preliminary
844 proposal during a previous work session in which putting townhomes on this particular
845 piece of property was suggested. He believes this proposal is a great improvement.

846
847 Mayor Pro Tem Lewis made a motion to approve Z2015-035, maintaining the 12.59% open
848 space, with 100' lots on the west side of the property and a minimum of 3,200 square foot
849 houses on the west side. Mayor Pruitt seconded the motion. Councilmember White
850 asked if this motion passes, will Mr. Atkins choose to not build. Mr. Atkins indicated
851 that, no, it does not mean he will not build; however, he is not truly in favor of the motion
852 on the floor. He prefers to somehow achieve the same number of lot sizes.

853
854 Councilmember Milder requested that Lewis consider amending his motion.

855
856 After brief discussion, Mayor Pro Tem Lewis amended his original motion to allow for
857 thirty (30) of the interior lots to be changed to 70' lots with all of the other provisions
858 stated in his original motion remaining unchanged. Mayor Pruitt seconded the amended
859 motion. The ordinance was read as follows:

860
861 CITY OF ROCKWALL
862 ORDINANCE NO. 16-XX

863
864 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
865 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
866 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
867 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM
868 AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT
869 DISTRICT XX (PD-XX) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT
870 LAND USES ON THE SUBJECT PROPERTY, BEING A 44.56-ACRE
871 TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE T. R. BAILEY
872 SURVEY, ABSTRACT NO. 30, CITY OF ROCKWALL, ROCKWALL
873 COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT
874 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
875 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
876 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
877 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
878 PROVIDING FOR AN EFFECTIVE DATE.

879
880 The motion passed by a vote of 7 ayes to 0 nays.

881
882 XII. ACTION ITEMS

- 883
884 1. **SP2015-018** - Discuss and consider a request by Michael Liang of the
885 Dimension Group on behalf of Jeffery Baird of RaceTrac for the approval
886 of a variance to the secondary material requirements stipulated by
887 Section 6.8 of Article V, District Development Standards, of the Unified
888 Development Code in conjunction with an approved site plan for a retail
889 store with gasoline sales on a 2.46-acre parcel of land identified as Lots
890 1R & 2R of the Woods at Rockwall Addition, City of Rockwall, Rockwall
891 County, Texas, zoned Commercial (C) District, situated within the Scenic
892 Overlay (SOV) District, located at the southeast corner of the intersection
893 of Ridge Road and Yellow Jacket Lane, and take any action necessary.

894 Mr. Miller explained that the applicant is requesting approval of an amended site plan for
895 a retail store with gasoline sales located at the southeast corner of the intersection of
896 Ridge Road and Yellow Jacket Lane. The property is zoned Commercial (C) District and

897 is located within the Scenic Overlay (SOV) District. If approved, the amendment would
898 allow RaceTrac convenience store to change the approved exterior elevations to appear
899 as represented in the drawings submitted along with this request. Staff has provided a
900 copy of the exterior elevations that were approved back in December 2013 and the
901 exterior elevations that are now being proposed for Council's review. They essentially
902 would like to change the material proposed to be used.

903
904 Councilmember White made a motion to approve SP2015-018. Councilmember
905 Townsend seconded the motion.

906
907 The motion passed by a vote of 6 in favor with 1 against (Pruitt).

908
909 2. P2015-041 - Discuss and consider a request by Tony Rangel of Rangel
910 Land Surveying on behalf of the owner Shawn Valk of Platinum Storage,
911 LLC for the approval of a replat for Lots 2 & 3, Block A, Platinum Storage
912 Addition being a 5.549-acre parcel of land currently identified as Lot 1,
913 Block A, Platinum Storage Addition, City of Rockwall, Rockwall County,
914 Texas, zoned Commercial (C) District, situated within the IH-30 Overlay
915 (IH-30 OV) District, located east of Townsend Drive and north of SH-276,
916 and take any action necessary.

917 Mr. Miller provided background information concerning this agenda item.

918 Tony Rangel
919 1012 Timberline
920 Heath, TX

921
922 Mr. Rangel came forth and provided brief comments pertaining to his request.
923 Councilmember White made a motion to approve P2015-041. Mayor Pro Tem Lewis
924 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

925 3. Discuss and consider adoption of a resolution fixing the water and
926 wastewater rates of the city, and take any action necessary.

927 Assistant City Manager Mary Smith explained that this is the rate schedule that has been
928 being discussed since budget time. It reflects a just over 10% increase for water and
929 sewer rates. It also includes a rate increase for the city's wholesale customers.
930 Councilmember White asked how much of the rate increase is going towards NTMWD's
931 fancy new building or its new employees. Mrs. Smith indicated that she does not know.
932 Councilmember Fowler indicated that this rate increase is about a 10.79%, and it will
933 raise roughly a million and a half or a million nine in revenue. Mr. Crowley indicated that
934 the NTWD is anticipating increases in water rates for the foreseeable future years.
935 Councilmember Fowler expressed concern about the public mistakenly believing that the
936 Council is arbitrarily raising water rates by more than 10% each year. Mayor Pruitt
937 indicated that staff is working to put out educational information to our citizens to better
938 explain various aspects concerning water rates and reading water meters when the city
939 assesses fees to customers. Mayor Pruitt explained he has heard from a lot of people on
940 fixed incomes. Perhaps those using 2,000 – 5,000 gallons of water could be given a little
941 break before the rates then jump up for those who utilize over 5k gallons. Mrs. Smith
942 indicated that the city will likely hire a firm to conduct another rate study next year,
943 however, we will have to choose another firm since the gentleman we have previously
944 used recently passed away.

945 Councilmember Milder expressed that this is his third water rate increase discussion in
946 three years, and each time it's gone up in double digit percentages. He has a lot of
947 concern about NTMWD continuing to increase its water rates, knowing that its member
948 cities have no alternative and are not able to 'pull out.' He is irritated with the NTMWD
949 organization and believes it is most concerned about self-preservation rather than the
950 interests of its customers. Therefore, he suggested that paragraph 2 of the resolution
951 be changed to read as follows:

952 *Whereas city council finds itself with its back against the*
953 *wall; and Whereas the NTMWD is mandating water rate*
954 *increases, it is under duress and reluctantly that the*
955 *council raises its water rates to accommodate the*
956 *NTMWD's mandated rate increase.*

957 Mayor Pruitt suggested that the Council consider having staff draft a separate resolution
958 to express its dissatisfaction associated with NTMWD and its continued increases in
959 water rates and bring that back for the Council to consider at the next meeting.

960 Councilmember Townsend clarified that if the Council does not approve this rate
961 increase, then the city's budget 'takes the hit' for the increases in water rates charged to
962 the City. Yes, Mr. Crowley, indicated that this is true.

963 Councilmember Townsend made a motion to approve the resolution as is.
964 Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes to 1
965 nays (White).

966 4. Discuss and consider adoption of a resolution setting solid waste
967 collection rates, and take any action necessary.

968 Assistant City Manager Mary Smith provided brief comments concerning this agenda
969 item. Councilmember Townsend made a motion to approve the resolution. Mayor Pro
970 Tem Lewis seconded the motion. Councilmember Milder expressed strong opposition to
971 this item, explaining he believes the city should have gone out for bid. The motion
972 passed by a vote of 5 ayes to 2 nays (White and Milder).

973 5. Consider approval of an ordinance modifying Chapter 38. Subdivisions,
974 Article 1. In General, Section 38-19. Street Improvements and Oversizing,
975 of the Municipal Code of Ordinances to require a 41-foot street adjacent
976 to schools and parks, and take any action necessary. (1st reading)

977 Mr. Milder indicated that at the last meeting, Council directed staff to draft this ordinance.
978 It is being brought forth as an Action Item since it was not unanimously approved by the
979 Council to move forward with this ordinance. Councilmember Milder asked where this
980 concern came from. Mr. Miller indicated that residents living next to a school in Fontana
981 Ranch brought this concern forth to staff. He expressed concern about future
982 developers having to spend a lot of money to build wider roads next to schools and
983 parks. He does not believe that the wider roads are going to represent a positive benefit
984 concerning traffic that occurs in and around schools. Mayor Pro Tem Lewis indicated
985 that this has to do with more than just a handful of complaints from Fontana Ranch
986 residents. He expressed that this has been a concern in other areas of the city too, and it
987 represents a safety concern. Lewis expressed that widening the road by 3' is not going
988 to 'kill' a developer. When sports teams have been practicing in parks, other residents in
989 the past have also expressed concern about not being able to move around due to the
990 congestion.

991

992 Councilmember Townsend left the meeting for a few minutes at this time (9:29 p.m.)

993
994 Mayor Pro Tem Lewis made a motion to approve the ordinance. Mayor Pruitt seconded
995 the motion. The ordinance was read as follows:

996
997 CITY OF ROCKWALL
998 ORDINANCE NO. 16-XX
999

1000 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
1001 ROCKWALL, TEXAS, AMENDING SECTION 38-19, *STREET*
1002 *IMPROVEMENTS AND OVERSIZING*, OF CHAPTER 38, SUBDIVISIONS
1003 OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING
1004 FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
1005 PROVIDING FOR AN EFFECTIVE DATE.
1006

1007 The motion passed by a vote of 4 in favor, 2 against (Milder and White), and 1 absent
1008 (Townsend).
1009

- 1010 6. Discuss and consider the City's selection of nominees to the Texas
1011 Coalition for Affordable Power (TCAP) Board of Directors for the 2016-
1012 2017 term of office, and take any necessary action.

1013 Councilmember Townsend rejoined the meeting at this time (9:32 p.m.). Mr. Crowley
1014 provided brief background information concerning this agenda item. After brief
1015 comments, the Council chose not to take any action concerning this agenda item.

- 016 7. Discuss and consider the final report presented by Aecom related to
017 transit services in the City of Rockwall, and take any necessary action.

1018 Mr. Crowley expressed that this item was placed on the agenda to have a follow-up
1019 discussion after the Aecom consultant provided its findings to the Council at the last
1020 regular meeting. Council had expressed a desire to discuss this a bit more before
1021 passing along the report to Rockwall County. The Council generally indicated that it is
1022 ok with the City Manager sending the study findings to the County for its information and
1023 consideration. Councilmember Townsend suggested that the city needs to sit down with
1024 the County and with STAR in the coming months to figure out a preferred, agreed upon
1025 'fixed route.' The Council took no formal action concerning this agenda item.

- 1026 8. Discuss and consider the formation of an Airport Advisory Board at the
1027 Ralph M. Hall / Rockwall Municipal Airport, and take any necessary
1028 action.

1029 Councilmember White indicated that some citizens and users of the airport have
1030 expressed concern that the Council does not have any seasoned pilots and/or airport
1031 users to advise the Council when it discusses airport-related matters and makes airport-
1032 related decisions. Councilmember White made a motion to instruct staff to draft an
1033 ordinance to bring back to the Council for consideration concerning formation of an
1034 Airport Advisory Board. Mr. Crowley pointed out that the city's charter stipulates that
1035 any board members who serve will need to be residents of the City of Rockwall.
1036 Councilmember Hohenshelt seconded the motion, which passed unanimously of Council
1037 present (7 ayes to 0 nays).
1038

1039 Regarding Appointment Item #2, Mayor Pruitt made a motion to approve the interlocal
1040 agreement with the Central Appraisal District for collection of taxes. Councilmember
1041 Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.
1042

1043 The Council did not go back into Executive Session following conclusion of the public
1044 meeting agenda.
1045

1046 **XIII. EXECUTIVE SESSION**
1047

1048 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
1049 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
1050 CODE:
1051

- 1052 1. Discussion regarding Economic Development incentives, procedures and possible
1053 projects pursuant to Section 551.087 (Economic Development)
- 1054 2. Discussion regarding negotiations of Access Agreement pursuant to Section 551.071
1055 (Consultation with Attorney)
- 1056 3. Discussion regarding land acquisition for South Community Park pursuant to Section
1057 § 551.072 (Real Property).
- 1058 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and
1059 committees - Rockwall Economic Development Corporation (REDC) Ex-Officio
1060 Board Members - pursuant to Section 551.074 (personnel matters)
- 1061 5. Discussion regarding purchase or lease of real property / land acquisition in the
1062 vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
- 1063 6. Discussion regarding legal advice associated with homeowners association (HOA)
1064 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
- 1065 7. Discussion regarding process associated with City Manager performance evaluation
1066 pursuant to Section 551.074 (personnel matters)

1067 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
1068

1069 **XV. ADJOURNMENT**
1070

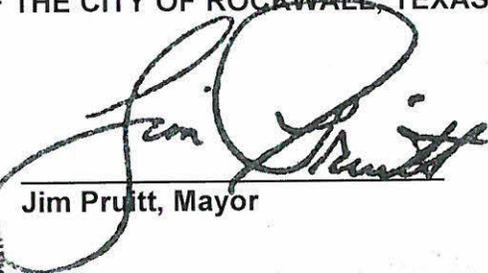
1071 The meeting was adjourned at 9:39 p.m.
1072

1073 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
1074 THIS 4th day of January, 2016.
1075

1076
1077
1078
1079 ATTEST:

1080 
1081 _____
1082 Kristy Cole, City Secretary





Jim Pruitt, Mayor