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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 01, 2016
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. It was noted that Councilmember Milder's plane was not scheduled to land in Dallas until 4:30 p.m.; therefore, he will be late arriving to today's meeting(s).

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II. WORK SESSION

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1. Hold work session to discuss and consider the City's ordinance provisions related to the Structure Tax Preservation Incentive, and take any action necessary.

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Planning Director Ryan Miller provided background information concerning this work session item, giving a history of when the ordinance was initially created back in 2002 and amended in 2003. Since the last ordinance was drafted in 2003, the city council has approved four of these tax abatement-type requests, with two of them being 'contributing properties' and two being 'non-contributing properties.' The largest incentives have been granted to 'non-contributing properties' for total remodels. Mr. Miller suggested that Council may wish to provide clarity as to if it wishes to use these ordinance provisions as a general reinvestment tool, or as primarily an historic restoration tool. He pointed out that the Southside Overlay District is included in the provisions; however, it has no properties recognized as 'historic' by the city. It was suggested that, for example, with the five year / \$5,000 provision, the Council may wish to consider making this a percentage of the overall value of the home.

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Councilmember Fowler offered various comments related to the intent of the ordinance provisions, suggesting that a recent case the council review and approved was likely a perfect fit for application of these ordinance provisions because it involved restoration of a home to take it back to its original, historic condition (take off the brick).

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Mayor Pruitt suggested that as it stands now, if someone needs general maintenance, such as a new roof, they may come in and apply under this program. However, he feels that the intent should be that it is for restoration, not general maintenance that comes with home ownership. He indicated that perhaps the council should consider moving to a percentage of the value of the home.

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Councilmember Hohenshelt clarified that the current provisions are applicable to properties which are geographically located in certain areas, regardless of if they are considered 'historic' or not. Mr. Miller concurred. Hohenshelt indicated that he does not believe the city needs to be in the business of 'subsidizing' housing costs regardless of whether or not they are historic structures or are located in a certain geographic area of the city.

51 After some additional discussion, Mayor Pruitt indicated that people moving into homes
52 that are located in the historic district would likely aim to fix them up and improve them
53 anyway, regardless of whether or not the city offers some sort of financial incentive in the
54 form of a tax abatement. Councilmember Fowler concurred with this sentiment; however,
55 he wants to ensure the city is not setting the standard for letting structures in the 'old town'
56 or Southside areas to go into disrepair. Councilmember White generally expressed
57 concerns related to the council having to be subjective regarding if a structure should or
58 should not be approved for taxes to be frozen under this program.

59
60 City Manager Rick Crowley reiterated that only four applications have been received and
61 reviewed by the city and city council since the time these provisions went into effect. Mr.
62 Crowley generally indicated that a lot of changes have taken place in the historic district
63 over the years, with a vast majority of improvements having been made without any sort of
64 city-issued incentive. He shared that these ordinance provisions originated via a city
65 council member at the time that the historic overlay district was created.

66
67 City attorney, Frank Garza, suggested that if the city council would like to repeal the
68 ordinance provisions, he would feel most comfortable if the Council instructs staff to bring
69 this back for consideration at a future council meeting so that a more clear caption could
70 appear on the agenda (so as to ensure compliance with the Open Meetings Act).

71
72 After brief comments, Mayor Pruitt asked the city staff to bring back a draft ordinance to
73 consider repealing the provisions of these ordinance regulations. Council would also like
74 staff to bring back information for the council to review and consider other sorts of
75 incentives or programs that could be offered in order to encourage redevelopment and/or
76 preservation.

77
78 The Council took no formal action concerning this work session item.

- 79
80 2. Hold work session to discuss and consider consultant's findings for the John King
81 Boulevard/DGNO Railroad Grade Separation Feasibility Study, and take any action
82 necessary.

83 City Manager Rick Crowley provided brief background information concerning this agenda
84 item. He shared that if this roadway is to become the re-route for SH-205, the state will
85 require that there be no 'at grade' rail road crossing. Thus, the rail line will need to be re-
86 routed either over or under John King. He shared that going over the roadway with the rail
87 line will likely not be an option because of the limitations related to height restrictions
88 associated with the nearby airport.

89
90 City Engineer Tim Tumulty then came forth and indicated that staff hired TranSystems
91 Consultants to determine if the at-grade crossing can be constructed as an
92 Overpass/Underpass should the John King Boulevard be considered as a possible
93 alignment for SH 205. He then briefed the council on the results of the feasibility study,
94 generally indicating that there is a way that it can be graded to drain properly without the
95 need for a gravity lift station.

96
97 Mayor Pruitt indicated that he recently provided indication to TXDOT (verbally in a
98 discussion) that the city is likely not in favor of a couplet down Alamo and up Goliad to East
99 Fork (north of town). He indicated that it was stressed during the discussion that the city
100 really does prefer that John King Blvd. be the designated route. TXDOT seemed receptive

101 to this, indicating that within the next month or so, they will plan to present various
102 alternatives to the city.

103
104 Councilmember White asked who would fund the estimated \$8 million in improvements
105 associated with this rail line re-route. Mr. Crowley generally indicated that TXDOT will in
106 some fashion fund the improvements of SH-205 from Lavon to Terrell. Furthermore, there
107 will be participation from the counties and cities in relocating facilities, and this will be just
108 a part of funding the overall project.

109
110 Councilmember Townsend asked if the city has evaluated the idea of lowering John King to
111 go underneath the railroad and do so in a manner that is associated with improvements that
112 would benefit the airport. Mr. Crowley indicated that several local business do still take
113 service off the railroad (i.e. Channel and Whitmore), and making changes to it in the way of
114 lowering the grade of the rail line may inhibit the ability of these companies to continue
115 receiving benefit from the rail line. However, staff can revisit this idea and further evaluate
116 this possibility.

117
118 Mayor Pro Tem Lewis suggested it may require a combination of dropping the railroad line
119 and raising the road; however ensuring the ability to have proper gravity flow will remain
120 important as far as adjustments to the grade are concerned.

121
122 Councilmember Hohenshelt recalled having evaluated the possibility of making changes to
123 a rail line in the past when he was serving on the REDC board, and he recalls that doing so
124 was extremely cost prohibitive.

125
126 The Council took no action concerning this work session item.

127
128 3. Hold work session to discuss the IH-30 ramp reversal project (between SH-205 and
129 John King Boulevard) including timing and cost estimates, and take any action
130 necessary.

131
132 City Engineer Tim Tumulty briefed the council on the proposed 'ramp reversal' project on
133 IH-30 near John King Boulevard. He explained that the overall objective of the project
134 would be to adjust the on/off ramps to allow more accessibility to and use of John King.
135 Indication was given that, over time, the estimated cost associated with this project has
136 risen from about \$1.5 to about \$3.25 million. When the city subtracts out the \$950,000 it has
137 already paid to the county for engineering costs, it results in about \$2.3 million left to be
138 funded on this project.

139
140 Councilmember Townsend and staff clarified that at the time SH-205 went in, there was
141 asphalt installed. At this time, TXDOT has indicated that that asphalt would need to be
142 removed before concrete could be poured for the new ramps. This will increase the project
143 cost by an estimated \$800,000.

144
145 Councilmember Hohenshelt generally commented that this project is very important to
146 citizens, and it needs to be done.

147
148 Mary Smith, Assistant City Manager, cautioned that the costs discussed today could end up
149 being more, as the project has not yet been bid.

150

151 City Manager Rick Crowley asked if Council is comfortable with staff moving forward with
152 the project and the funding structure that was generally outlined this evening, with the
153 understanding that the numbers could change. City Council members generally indicated
154 they would like staff to forge forward. Mr. Crowley indicated that staff will do so and bring
155 proper, more official documentation back to the council at a future meeting.
156

157 Mayor Pruitt the read the below listed discussion items into the public record before
158 recessing the meeting into Executive Session at 4:57 p.m.
159

160 **III. EXECUTIVE SESSION.**

161
162 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
163 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
164 CODE:
165

- 166 1. Discussion regarding legal advice associated with homeowners association (HOA)
167 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
- 168 2. Discussion regarding legal claim: Michelle Strom v. City of Rockwall Utility Dept. pursuant
169 to Section 551.071 (Consultation with Attorney)
- 170 3. Discussion regarding land acquisition for South Community Park pursuant to Section §
171 551.072 (Real Property).
- 172 4. Discussion regarding process associated with City Manager performance evaluation
173 pursuant to Section 551.074 (personnel matters)

174
175 **IV. ADJOURN EXECUTIVE SESSION**
176

177 Council adjourned from Executive Session at 5:25 p.m.
178

179 **V. RECONVENE PUBLIC MEETING**
180

181 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all city council members
182 except Scott Milder being present.
183

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

185 It was announced that no action would be taken as a result of Executive Session.
186

187 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**
188

189 Councilmember Fowler delivered the invocation and led the Pledge of Allegiance.
190

191 **VIII. PROCLAMATIONS / AWARDS**
192

- 193 1. Go Outside and Play Day
194

195 Mayor Pruitt invited Parks & Rec Manager, Andy Hesser, forth to brief the public on the new
196 “Go Outside and Play” campaign, including details related to the new website,
197 www.playrockwall.com. Mayor Pruitt encouraged members of the public to visit this new
198 website and register to learn more about the city’s various programs and amenities and
199 take advantage of all of them. He then read and presented Mr. Hesser with the
200 proclamation.

201
202 Mayor Pruitt recognized City Secretary, Kristy Cole, for her recent graduation from the
203 Texas Registered Municipal Clerks' Association certification program. Furthermore, he
204 read a portion of a letter of appreciation he recently received from the Building Officials
205 Association of Texas (BOAT) pertaining to Building Official Jeffrey Widmer and various
206 members of his staff for recently assisting the City of Rowlett with tornado-related damage
207 assessments in that city.

208
209 **IX. OPEN FORUM**

210
211 Mayor Pruitt explained how Open Forum is conducted, and explained that if anyone wishes
212 to speak at this time.

213
214 Mayor Pruitt explained that he received a letter from a girl named Addy who attends Amy
215 Parks Elementary School. He then read said letter. In general, Addy's letter was written to
216 encourage the city to consider constructing a new, indoor mall.

217
218 **Richard Langley**
219 **2401 Sand Stone Court**
220 **Rockwall, TX**

221
222 Mr. Langley came forth and thanked the city for its presentation made last week at Harry
223 Myers Park. He indicated that he is not in favor of housing projects such as the NuRock
224 one that is currently being considered by the City Council at this time. He indicated that fire
225 and police resources are already strapped. He expressed that this project does not
26 coincide with the quality of life the council likely wishes to provide. He generally
27 encouraged the Council to not support projects of this nature.

28
229 **Bob Wacker**
230 **806 Miramar Drive (Stonecreek Estates)**
231 **Rockwall, TX**

232
233 Mr. Wacker indicated that, prior to moving to Rockwall, he spent 30 years in Plano, and he
234 loves it here. He is concerned about traffic backing up on SH-205 (north) once the new
235 Kroger store is finished with construction and opens. He hopes that the city will take over
236 SH-205 and make it a city street in the future. He suggested

237
238 **Sol Villasana**
239 **809 Village Green Drive**
240 **Rockwall, TX**

241
242 Mr. Villasana came forth to speak on behalf of the city council voting in favor of Action Item
243 #4 (the proposed NuRock "Residences of Rockwall" development). He believes there is a
244 strong need for apartments and products like this, especially those that are affordable. He
245 then shared various statistics associated with things like population growth, job growth,
246 renting vs. owning, etc.

247
248 **(NOTE: Councilmember Scott Milder arrived to the meeting at this point (6:16 p.m.))**

249
250 He expressed that he believes this project is well fashioned for Rockwall. It is well thought
251 out, well designed, attractive, is in the right location, will be well managed, and the
252 Southside community (nearby) and the Evergreen (immediately next door) are not opposed

253 to the project, and it is affordable. He respectfully requested that the Council support the
254 resolution.
255

256 Mr. Wacker came forth again and expressed that he hopes the City does its research
257 regarding the NuRock company to investigate how the company has performed. He then
258 shared information that he has uncovered that was obtained through an open records
259 request related to NuRock's management of properties elsewhere at existing property
260 locations. Things such as mold and rat infestations were mentioned in part. He urged the
261 Council to have more clarity on its agendas as to whether or not Council plans to take
262 action on certain agenda items.
263

264 Rita Flinchum
265 305 Tyler Street
266 Rockwall, TX
267

268 Mrs. Flinchum came forth and generally expressed support for the approval of affordable
269 housing in Rockwall.
270

271 Judith Matherne
272 1115 Signal Ridge Place
273 Rockwall, TX 75032
274

275 Mrs. Matherne indicated that there are a lot of people who might benefit from a project that
276 would offer more affordable housing for people who work in Rockwall County or are on
277 fixed incomes and could not otherwise afford to live here.
278

279 X. CONSENT AGENDA
280

281 1. Consider approval of the minutes from the January 19, 2016 regular city
282 council meeting, and take any action necessary.

283 2. **Z2015-028** - Consider a request by Jimmy Strohmeyer of Strohmeyer
284 Architects, Inc. on behalf of JBR-2, LLC for the approval of an **ordinance** for
285 a Specific Use Permit (SUP) for Commercial Amusement/Recreation
286 (Outside) to allow two (2) private baseball fields to be established on a 2.49-
287 acre portion of a larger 7.32-acre tract of land identified as Tract 17-12 of the
288 W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County,
289 Texas, zoned General Retail (GR) District, situated west of the intersection
290 of SH-205 and FM-549, and take any action necessary. **[2nd Reading]**

291 3. **Z2015-036** - Consider a request by Harry Chapman of Noble RE, LLC on
292 behalf of the owners Robert & Patrick Hughes and Sandra Ferguson for the
293 approval of an **ordinance** for a zoning amendment to Planned Development
294 District 32 (PD-32) [Ordinance No. 10-21] for the purpose of allowing a
295 Financial Institution with a Drive-Through within the Ridge Road Retail
296 Subdistrict, being a 1.1755-acre portion of a larger ~78.89-acre area of land
297 identified as the Harbor District, being zoned Planned Development District
298 32 (PD-32), situated within the Scenic Overlay (SOV) District, located at the
299 northwest corner of Cemetery Road and Ridge Road [FM-740], with the
300 greater Harbor District being generally located south of IH-30 and west of
301 Horizon Road [FM-3097], and take any action necessary. **[2nd Reading]**

- 302 4. **Z2015-037** - Consider a request by Arthur F. Beck of BSM Engineers, Inc.
 303 on behalf of the First United Methodist Church for the approval of an
 304 **ordinance** for a Specific Use Permit (SUP) for a structure that exceeds the
 305 maximum height requirements for a 8.2983-acre parcel of land identified as
 306 Lot 7, Block 1, First United Methodist Church Addition, City of Rockwall,
 307 Rockwall County, Texas, zoned Commercial (C) District, addressed as 1200
 308 E. Yellow Jacket Lane, and take any action necessary. **[2nd Reading]**
- 309 5. **P2016-002** - Consider a request by Michael & Mary Grace Frasier for the
 310 approval of a replat for Lot 13, Block E, Wade Addition being a 0.74-acre
 311 tract of land currently identified as Lots 11 & 12, Block E, Wade Addition and
 312 Tract 36 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall,
 313 Rockwall County, Texas, zoned Single Family 7 (SF-7) District, addressed
 314 as 704 Jackson Street, and take any action necessary.

315 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4,**
 316 **and 5). Councilmember White seconded the motion. The ordinances were read as follows:**

317
 318 **CITY OF ROCKWALL**
 319 **ORDINANCE NO. 16-12**
 320 **SPECIFIC USE PERMIT NO. S-144**
 321

322 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
 323 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE
 324 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT
 325 A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL
 326 AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY
 327 TWO (2) PRIVATE BASEBALL FIELDS, WITHIN A GENERAL RETAIL (GR)
 328 DISTRICT, BEING A 2.49-ACRE PORTION OF A LARGER 7.32-ACRE TRACT OF
 329 LAND IDENTIFIED AS TRACT 17-12 OF THE W. W. FORD SURVEY, ABSTRACT NO.
 330 80, AND SITUATED WEST OF THE INTERSECTION OF SH-205 AND FM 549, CITY
 331 OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
 332 DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR
 333 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
 334 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
 335 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
 336 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

337
 338 **CITY OF ROCKWALL**
 339 **ORDINANCE NO. 16-13**
 340

341 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
 342 AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 10-*
 343 *21*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE
 344 CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF
 345 AMENDING *EXHIBIT 'D', SUBDISTRICT LAND USE CHART*, OF PLANNED
 346 DEVELOPMENT DISTRICT 32 (PD-50) TO ALLOW A *FINANCIAL INSTITUTION WITH*
 347 *DRIVE-THROUGH* AS A PERMITTED *BY-RIGHT* LAND USE WITHIN THE *RIDGE*
 348 *ROAD RETAIL* SUBDISTRICT BEING A ~1.162-ACRE PORTION OF A LARGER
 349 ~78.89-ACRE AREA OF LAND IDENTIFIED AS THE HARBOR DISTRICT, CITY OF
 350 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED
 351 HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL
 352 CONDITIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
 353 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR
 354 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
 355 FOR AN EFFECTIVE DATE.

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CITY OF ROCKWALL
ORDINANCE NO. 16-14
SPECIFIC USE PERMIT NO. S-145

361 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
362 AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE
363 CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT
364 A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A STRUCTURE TO EXCEED THE
365 MAXIMUM HEIGHT REQUIREMENT WITHIN A COMMERCIAL (C) DISTRICT, BEING
366 AN 8.2983-ACRE PARCEL OF LAND IDENTIFIED AS LOT 7, BLOCK 1, FIRST
367 UNITED METHODIST CHURCH ADDITION, ADDRESSED AS 1200 E. YELLOW
368 JACKET LANE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE
369 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN EXHIBIT 'B';
370 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE
371 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
372 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
373 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

375 The motion passed by a vote of 7 in favor with 0 absent.

376
377 XI. APPOINTMENTS

- 378
379 1. Appointment with the Planning and Zoning Chairman to discuss and answer
380 any questions regarding cases on the agenda and related issues and take
381 any action necessary.

382 **Planning & Zoning Commission Chairman, Craig Renfro, came forth and briefed the council**
383 **on recommendations of the Commission relative to planning-related items on tonight's**
384 **meeting agenda. Council took no action related to this agenda item.**

385
386 XII. ACTION ITEMS

- 387
388 1. **Z2015-038** - Discuss and consider a request by Scott and Leslie Milder for
389 the approval of an **ordinance** amending Ordinance No. 07-29 for the
390 purpose of allowing a Banquet Facility land use to be a permitted use
391 through a Specific Use Permit (SUP) for all properties within Planned
392 Development District 50 (PD-50), being 21.266-acres of land in the S.S.
393 McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No.
394 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development
395 District 50 (PD-50) for Residential-Office (RO) District land uses, situated
396 within the North Goliad Corridor Overlay (NGC OV) District, and generally
397 located along N. Goliad Street [SH-205] north of Interurban Street, and take
398 any action necessary [**2nd Reading**].

399 **Councilmember Milder recused himself from this item and left the chambers.**
400 **Councilmember White made a motion to approve Z2015-038. Councilmember Townsend**
401 **seconded the motion. The ordinance was read as follows:**

402
403
404

CITY OF ROCKWALL
ORDINANCE NO. 16-15

405 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
406 AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED
407 DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS
408 HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED

409 DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW A *BANQUET FACILITY* LAND
410 USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) FOR THE SUBJECT
411 PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S.
412 McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY,
413 ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND
414 MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE;
415 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE
416 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
417 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
418 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
419

420 The motion passed by a vote of 6 in favor with 1 abstention (Milder).

- 421 2. **Z2015-039** - Discuss and consider a request by Dayne Ram of ADR
422 Designs, LLC on behalf of the owner Majestic Cast, Inc. for the approval of
423 an **ordinance** for a Specific Use Permit (SUP) for a Residence Hotel on a
424 2.003-acre parcel of land identified as Lot 4, Block A, Wal-Mart Super Center
425 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C)
426 District, situated within the IH-30 Overlay (OV) District, located on the east
427 side of White Hills Drive south of Ridge Road [FM-740], and take any action
428 necessary. [2nd Reading]

429 Planning Director Ryan Miller indicated that this is second reading of an ordinance that did
430 not receive unanimous approval upon 1st reading. He clarified that the item will require a ¾
431 majority vote of the Council this evening in order for it to be approved.

432 Councilmember White made a motion to approve Z2015-039. Councilmember Townsend
433 seconded the motion. The ordinance was read as follows:

434
435 CITY OF ROCKWALL
436 ORDINANCE NO. 16-16
437 SPECIFIC USE PERMIT NO. S-146
438

439 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
440 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.*
441 *04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
442 SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A
443 RESIDENCE HOTEL, WITHIN A COMMERCIAL (C) DISTRICT, BEING A 2.003-
444 ACRE PARCEL OF LAND IDENTIFIED AS LOT 4, BLOCK A, WAL-MART
445 SUPERCENTER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,
446 TEXAS, AND MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING
447 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
448 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
449 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
450 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
451

452 Mayor Pruitt indicated that he listened to the entire discussion that took place at the last
453 council meeting concerning this agenda item. After his comments, the motion passed by a
454 vote of 6 in favor with 1 against (Fowler).
455

- 456 3. Discuss and consider authorizing staff to finalize terms of an agreement
457 between the City of Rockwall and Kevin Lefere (Zanata) concerning
458 placement of a trash receptacle on public (city) property, authorizing the City
459 Manager to execute said agreement, and take any action necessary.

460 Assistant City Manager Brad Griggs briefed the council on this agenda item and associated
461 agreement. At the last meeting, the Council instructed staff to work with Mr. Lefere
462 concerning placement of his trash receptacle at the rear, secondary exit of his restaurant.
463 He explained that staff has worked out the following provisions:

- 464
- 465 • The box is to be placed at the north end of the existing ramp no closer than 44” to
466 the bottom the ramp.
- 467 • The box can be no closer than 60” to the planter box to the northwest.
- 468 • The trash must be taken to the dumpster 3-4 times daily and at the end of each
469 night of business.
- 470 • The box shall remain locked at all times except when being filled or emptied,
- 471 • The box must remain in good repair at all times.
- 472 • The surface around the bin and the ramp leading form the restaurant must
473 remain clean and free of grease and stains at all times.
- 474 • Cleaning agents used on the brick and concrete surfaces around the bin must
475 not be a danger to the trees and others landscaping materials.
- 476 • The agreement is revocable at any time at the discretion of the City Council.
- 477

478 Mayor Pro Tem Lewis requested that language be added to stipulate that not only should
479 cleaning agents used not be a danger to nearby trees or landscaping, they should also not
480 cause harm to the cement/concrete.

481
482 Councilmember White made a motion to authorize staff to finalize the terms of an
483 agreement and execute said contract. Councilmember Fowler seconded the motion, which
484 passed by a vote of 7 in favor with 0 against.

- 485
- 486 4. Discuss and consider a request by Dan Allgeier, Senior Vice President of
487 NuRock Companies, concerning a resolution regarding the proposed
488 Residences at Rockwall, and take any action necessary.

489 Mr. Allgeier, Senior Vice President of NuRock Companies, came forth and provided a
490 presentation concerning his proposed multi-family housing project (Residences at
491 Rockwall), explaining they are proposing to build 136 units, either garden style or
492 townhomes (if they fit on the tract of land). He explained that it would be mixed income
493 (rent varies depending on the resident’s income). He shared some photos of the exterior of
494 properties located elsewhere in other cities as well as some potential floor plans. He
495 expressed that Rockwall has a very large need for apartments, indicating that a market
496 study last week shows the need for over 2,700 rental units in the market area (which was the
497 city limits of Rockwall and some of the county). Average rental rates of existing apartments
498 for rent are in excess of \$1,000 / month. The location is near SH-205 South and Justin Road
499 (across the railroad tracks from the existing Southside neighborhood and next door to the
500 existing Evergreen at Rockwall (multi-family development)). He explained that he has heard
501 some amount of positive feedback from residents living in the Southside neighborhood.
502 The complex would be fenced and gated and would have a clubhouse with amenities (coffee
503 bars, workout facility); as well as onsite management/maintenance and after school
504 programs for kids. He explained how the rental rates would be structured, explaining that
505 residents would pay utilities (electric, water, CATV, internet in addition to rent). Residents
506 are screened – income, credit check, criminal background check, and preference is given to
507 veterans and wounded warriors. He explained that this project is funded with federal
508 income tax credits issued by the TX Dept. of Housing and Community Affairs. \$63,000,000
509 is available statewide, and their requests for this tax credit funding far exceeded this
510 amount, so it is a very, very competitive program. He went on to explain how the housing

511 tax credits awarded through this program work. He went on to explain the perceived
512 benefits to Rockwall, including property taxes, impact fees paid to the city, job creation
513 (likely four full time positions) and equity. He explained his company has more than 8,000
514 units nationwide with 2,000 in Texas. He shared that NuRock develops, builds, operates
515 and manages its own properties. Only two have been sold in the last twelve years. He
516 explained that his company has an "F" with the Better Business Bureau; however, he
517 pointed to a Consumer Reports article from August of 2011 and a youtube video to
518 substantiate his claims that his company has a poor rating due to not being a member of
519 the BBB. He went on to provide additional information, namely responses his company has
520 assimilated, in response to various, past complaints/concerns related to NuRock properties
521 (i.e. mold and rat infestations). He explained that a pre-application was already submitted
522 for this project. The full application for this project is due March 1, explaining that both the
523 city council and state representative's letters of support must be submitted at that time as
524 well. Projects are awarded on July 28th, and construction would be completed the end of
525 2017. Without a resolution of support, his company will not be awarded the tax credits for
526 which it has applied because the letters of support are worth a lot of "points" towards
527 getting the project approved through the TX Department of Housing and Community Affairs.
528

529 Mayor Pro Tem Lewis indicated that he has received a lot of emails in opposition to this
530 project. He explained that one email received, in particular, was from someone in law
531 enforcement who expressed that the council should not vote in favor of supporting this
532 project because it will have a very negative impact by drastically increasing crime. Mr.
533 Allgeier expressed that they do criminal background checks before renting to anyone, and
534 they check their past rental history to inquire as to what type of tenant they previously were
535 when renting elsewhere in the past.
536

537 Councilman Townsend sought clarification regarding the market study Mr. Allgeier
538 referenced. He clarified that residents already living here are either living in apartments that
539 are not good, or, the housing (homes) in which they are currently living, is not a quality
540 home. Therefore, this type of housing, if it were to be approved, would benefit 2,700 people.
541 Councilmember Townsend expressed that if those included in the market study already live
542 here and are happy living in our community (which, he pointed out, does not currently have
543 a lot of apartments), then why would they want more apartments to be built?
544

545 Mayor Pruitt asked for clarification regarding how this project is different from the Rockwall
546 Housing Authority, which currently exists to provide affordable housing to low income
547 residents. Mr. Allgeier indicated that this is different than the Housing Authority, because,
548 generally, residents residing in this property would have a much higher income. Mayor
549 Pruitt made note that he received (on January 20) a letter from the TX Dept. of Housing and
550 Community Affairs, notifying the city that an application had been made by NuRock to apply
551 for this competitive tax credits program. Pruitt went on to share that a recent NextDoor poll
552 revealed 90%+ opposition to this project. He indicated that he also recently received a letter
553 of opposition from Churchill Residential (currently owns Evergreen at Rockwall).
554

555 Councilmember White indicated that the Council has received a whole lot of e-mails
556 expressing opposition to this proposed project. He explained that the council pays close
557 attention to issues when residents express such a large outcry in opposition. He shared
558 that about 99% of the correspondence he has received has been in opposition. He
559 suggested that if Mr. Allgeier comes forth again in the future, he should consider building
560 community support before approaching council for its support.
561

562 Following the presentation and discussion, Councilmember Milder made a request to deny
563 this request from NuRock Companies. Mayor Pruitt seconded the motion, which passed by
564 a vote of 7 ayes to 0 nays.
565

566 5. Discuss and consider approval of a variance request from Dallas Design
567 Build associated with the City's ordinance provisions related to standards for
568 design of developments, specifically pertaining to construction of retaining
569 walls in detention areas within the Children's Lighthouse Learning Center,
570 and take any action necessary.

571 Mr. Tumulty, the city's Engineer, provided background information related to this agenda
572 item. He explained they would like to use retaining walls along the borders of the detention
573 pond in lieu of the 5:1 slope. The depth would be about 3' and additional landscaping will
574 be put in along with a rod iron fence around the entire detention pond. He indicated that
575 staff does not have any opposition to this request.
576

577 Sam Ellis
578 6916 Echo Canyon
579 McKinney, TX
580

581 Mr. Ellis came forth and indicated that this is a difficult site, and some fairly massive
582 grading is needed. He explained that a creek runs through the middle of the site. A
583 retaining wall needs to be built in order to have enough room for the playground. A 5:1
584 slope for the detention pond would eat up all the room for the playground and would make
585 the building not useful for this purpose. Having straight retaining walls will help make this
586 project doable. He explained that it will be screened from public view so it will not be
587 visible to those on the lot, next to or passing by on the nearby street.
588

589 Councilmember White made a motion to approve the variance request. Councilmember
590 Milder seconded the motion, which passed by a vote of 7 ayes to 0 nays.
591

592 6. MIS2016-001 - Discuss and consider the approval of a special request by
593 Jennie Watkins for an exception to the setback requirements for the purpose
594 of constructing a single family home on a 0.12-acre parcel of land identified
595 as Lot 49, Canup Addition, City of Rockwall, Rockwall County, Texas, being
596 zoned Single Family 7 (SF-7) District, situated within the Southside
597 Residential Neighborhood Overlay (SRO) District, located at the southeast
598 corner of the intersection of Sam Houston Street and E. Bourn Street, and
599 take any action necessary.

600 Planning Director Ryan Miller provided background information concerning this agenda
601 item. He explained that the applicant, Jennie Watkins, has submitted a special request
602 concerning the property at the corner of the intersection of Sam Houston and E. Bourn
603 Street. The property is zoned Single Family 7 (SF-7) District and is located within the
604 Southside Residential Neighborhood Overlay (SRO) District. The applicant is proposing to
605 construct a single family home on the subject property; however, the property being 35-foot
606 wide and on a corner lot (i.e. considered as two front yard setbacks @ 20-feet each) and an
607 internal side yard setback of 6-feet has a reduced building envelop to 9- feet by 150-feet.
608 Due to the limited width of the building envelop the applicant is requesting to reduce the
609 front building setback adjacent to Sam Houston Street from 20-feet to 10-feet and the
610 internal side yard setback from 6-feet to 5-feet, which will increase the building envelop to a
611 developable lot size of 20-feet by 150-feet. Mr. Miller indicated that the Planning & Zoning
612 Commission did recommend approval of this request by a vote of 6 to 0. Mayor Pruitt asked

613 for clarification regarding the size of this lot and the one next door. Mr. Miller indicated that
614 the GIS maps show approximate sizes, not surveyed sizes (exact).

615
616 Councilmember White made a motion to approve MIS2016-001. Councilmember Townsend
617 seconded the motion, which passed unanimously of those present (7 to 0).
618

619 7. MIS2016-002 - Discuss and consider a request by William Laurence for the
620 approval of an exception to the minimum masonry requirements stipulated in
621 Section 3.1, General Residential District Standards, of Article V, District
622 Development Standards, of the Unified Development Code, for a 0.17-acre
623 parcel of land identified as Lot 1, Block 1, St. Mary's Addition, City of
624 Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District,
625 addressed as 508 St. Mary's Street, and take any action necessary.

626 Mr. Miller explained that the applicant, William Laurence, is requesting an exception to the
627 masonry requirements for the purpose of constructing a 1,914 SF addition to an existing
628 1,047 SF home and recladding the exterior of the structure in 100% cementaceous lap
629 siding. Currently, the existing home utilizes 100% vinyl siding on the exterior. According to
630 Section 3.1, *General Residential District Standards*, of Article V, *District Development*
631 *Standards*, of the Unified Development Code the minimum masonry (*i.e. brick, stone --*
632 *natural, cast or cultured -- glass block, tile and/or CMU*) requirement for exterior walls on
633 structures that are 120 square feet or greater is 80%; with a maximum of 50% of this
634 masonry requirement being permitted to be Hardy Plank®, stucco or a similar
635 cementaceous material. Additionally, the code states that, "(e)xceptions to these
636 requirements ... may be permitted on a case-by-case basis by the [city] council upon
637 submission and approval of elevation drawings of the subject structure, and materials
638 samples." The applicant has submitted building elevations and a site plan showing the
639 proposed single family home after the addition, and has stated in a letter submitted to staff
640 that the purpose of requesting the masonry exception is to match the materials and
641 architectural style of the adjacent properties. Staff should note that all the structures on the
642 adjacent properties utilize 100% vinyl/wood siding or a similar cementaceous lap siding
643 material. The subject property is located on the south side of St. Mary's Street, west of the
644 intersection of St. Mary's Street and Davy Crockett Street, and is addressed as 508 St.
645 Mary's Street.

646
647 The applicant, Mr. and Mrs. Laurence came forth to address the Council, generally
648 indicating that they would like to add onto the current home while maintaining the 'historic'
649 type look.

650
651 Mayor Pro Tem Lewis made a motion to approve MIS2016-002. Councilmember Milder
652 seconded the motion, which passed by a vote of 7 ayes to 0 nays.
653

654 8. Discuss and consider approval of a resolution calling a General Election to
655 be held jointly with the Rockwall ISD and administered by the Rockwall
656 County Elections Administrator on Saturday, May 7, 2016 for the purpose of
657 electing three council members, one for Place 2, one for Place 4, and one for
658 Place 6, each for two (2) year terms, and take any action necessary.

659 Councilmember White made a motion to approve the resolution. Mayor Pro Tem Pruitt
660 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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9. **SNC2016-001** - Discuss and consider renaming Cemetery Road to Glen Hill Way, and take any action necessary.

Mr. Miller indicated that Councilmember Milder recently brought to staff's attention that the entryway into the Harbor District is named Cemetery Road. A suggestion to consider changing the name was taken to the city council's naming sub-committee. As a courtesy, six notices would be sent out to adjacent property owners to notify them of this name change if it is approved by Council. It was noted that, according to the staff memo, Glenn Hill was a former African-American settler.

Mayor Pruitt made a motion to table this item to allow staff time to clarify whether the names should be Glen Hill or Glen Hills. Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

10. **SNC2016-002** - Discuss and consider renaming a portion of FM-3097 to Horizon Road, and take any action necessary.

Mr. Miller explained that this portion of the roadway was never changed after the city annexed this portion some years ago. Councilmember White made a motion to approve SNC2016-002. Councilmember Hohenshelt seconded the motion, which passed unanimously (7 to 0).

11. Discuss and consider a resolution authorizing the Texas Coalition for Affordable Power (TCAP) to negotiate an electric supply agreement and act as an agent on behalf of the City of Rockwall for electric power for a 5 year period and take any necessary action.

Joey Boyd, Director of Internal Operations, provided background information pertaining to this agenda item. He explained that this is the lowest that energy prices have been since deregulation occurred. Furthermore, staff has prepared a resolution for the Council to consider that supports "Option 1" for various reasons. This resolution is consistent with how the City has locked in energy prices in the past. The agreement that would be negotiated by TCAP on the city's behalf would be for a period of five (5) years.

Councilmember Milder made a motion to approve the resolution as presented. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

12. Discuss and consider approval of the Airport Layout Plan for the Ralph M. Hall / Rockwall Municipal Airport, authorizing the city manager to sign the approval of the drawings on behalf of the City of Rockwall, and take any necessary action.

Director of Internal Operations, Joey Boyd, provided brief background information concerning this agenda item. After brief comments, Councilmember White made a motion to approve the layout plan as presented. Councilmember Hohenshelt seconded the motion, which passed unanimously.

13. Discuss and consider appointments to City boards and commissions, specifically the Historic Preservation Advisory Board, and take any action necessary.

Mayor Pruitt made a motion to appoint Jay Odom and Beverly Bowlin to serve on the city's Historic Preservation Advisory Board. Councilmember White seconded the motion. After

710 brief comments, the motion passed by a vote of 7 ayes to 0 nays. (Both are filling
711 unexpired terms of other, past members. Odom's initial term will expire in August of 2017,
712 and Bowlin's will expire in August of 2016).

713
714 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
715 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
716

- 717 1. Departmental Reports
718 Building Inspections Monthly Report - December 2015
719 Fire Dept. Monthly Reports - December 2015
720 GIS Department Monthly Report - December 2015
721 Harbor Monthly Report - December 2015
722 Internal Operations Department Monthly Report - December 2015
723 Police Department Monthly Report - December 2015
724 Recreation Department Monthly Report - December 2015
725 Rockwall Animal Adoption Center Monthly Report - December 2015
726 Rockwall Meals on Wheels Senior Services - 1st Quarter Report
727
728 2. City Manager's Report

729 Mayor Pruitt indicated that he sent an email to the council, letting them know the results of
730 his meetings that took place recently in Washington, D.C. He has already heard back from
731 those folks, and they will be coming to Rockwall in February to hold a meeting(s) to discuss
732 things with the current owners of The Harbor property.
733

734 Also, last Friday he met with TXDOT in Austin at the Capitol to deal with IH-30. He explained
735 that the city belongs to a larger group of cities made up from over near Fort Worth in the
736 west to cities over near Texarkana in the east. The purpose of the group is to advocate for
737 IH-30 and Hwy. 75 between Dallas and Sherman. The group was briefed on the amount of
738 money that was just released to TXDOT for various projects after some propositions
739 passed. Pruitt indicated that a lot of projects in Rockwall are already 'on the shelf' to be
740 started on just as soon as funding becomes available, and this is very favorable for
741 Rockwall. He encouraged others to "stay on" Senator Hall and Representative Turner
742 regarding John King becoming the route for SH-205.
743
744

745 Mr. Crowley indicated that various reports are available in the council members' packets.
746 He stated that the council recently authorized Mrs. Smith and the city's bond counsel to
747 issue \$75 million in refunding bonds to reissue the debt at a lower interest rate over the
748 same term. These have closed, and will result in a lower interest rate of 12.9%, which is
749 equivalent to \$9,696,000 in interest over the remaining life of the bonds. The true interest
750 rate cost for the bonds for their remaining life is 2.48%, so this was a very successful
751 refunding. In addition, regarding the issuance of money for water and sewer projects and
752 equipment totaling \$5.5 million - this sale has also commenced and is a 20 year issuance.
753 The cost is 2.68% for the life of those, so these are very good rates and were timed very
754 well.
755

756 Assistant City Manager Brad Griggs briefly introduced Mike Carmack, the city's new Parks
757 Superintendent, who has past experience at the cities of Carrollton, Arlington and Rowlett.
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XIV. EXECUTIVE SESSION

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

1. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding legal claim: Michelle Strom v. City of Rockwall Utility Dept. pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).
4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

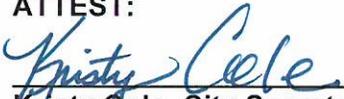
XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

XVI. ADJOURNMENT

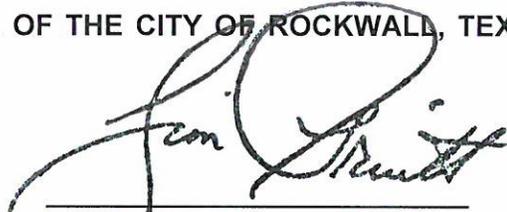
Mayor Pruitt adjourned the meeting at 7:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th day of February, 2016.

ATTEST:



Kristy Cole, City Secretary



Jim Pruitt, Mayor

