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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 15, 2016
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 meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt,
10 Mayor Pro Tem Dennis Lewis and Council Members John Hohenshelt, David White, Scott
11 Milder, Kevin Fowler and Mike Townsend. Also present were City Manager Rick Crowley,
12 Assistant City Managers Mary Smith and Brad Griggs, and the city's legal counsel,
13 Patrick Lindner (filling in for City Attorney Frank Garza).
14

15 II. WORK SESSION

- 16
17 1. Hold work session with Jim Rosenberg to hear proposal concerning a
18 concession agreement within the city's takeline (lake) area

19 Mr. Rosenberg came forth and indicated that he has owned and operated the Harbor Bay
20 Marina since 1987. He is proposing to expand his existing (Harbor Bay) concession
21 agreement to include the south side of IH-30 in The Harbor area near the Hilton Hotel,
22 creating an entirely new marina area. He explained that Robinson Park recently sold and
23 is currently under private ownership by a developer; however, it is currently fenced off
24 and is not a great place, right now, for a business. So, now is a good time to consider
25 relocating the marina over to The Harbor area. He explained that this marina would bring
26 1,000 tenants over from the Robinson Park marina. He shared that separate parking
27 agreements have been arranged to provide for about 550 parking spaces. He indicated
28 he has been building, developing and managing marinas for about forty years, including
29 ones at Lake Grapevine, Lake Lewisville and Lake Travis. He explained he does not do
30 partnerships, but, rather, everything is financed, overseen and built by him through his
31 own construction crew that works for him full-time.

32 He shared some renderings with the Council, explaining that every aspect of this marina
33 would be designed to meet the requirements of the city, including matching the look and
34 feel of the existing Harbor area (everything from stucco, tile roofs, colors, lighting,
35 painting, etc.) before the marina is moved over from where it is right now (at Robinson
36 Park). He explained that he offices at and oversees Harbor Bay and Bayview Marinas
37 fulltime. He is proposing to place a floating restaurant as a component of this marina as
38 well, explaining that it too would be moved over from the Robinson Park area. He
39 explained that the restaurant may potentially be leased to Patrick, who currently operates
40 Southern Comfort and Three Sheets restaurants. He stated that the restaurant would be
41 completely refurbished and redesigned, and it would become an outdoor venue for
42 entertainment, music and, of course, food. Mr. Rosenberg went on to offer general
43 details related to building materials that would be used and various amenities that the
44 marina would contain/offer. He indicated that 6.5 acres along the takeline would be
45 proposed to become a public park that would be landscaped and have a walking path /
46 trail and rest areas with park benches. This area would be located behind the existing
47 housing (condos) area. He explained that the city requires one parking space for every
48 two boat slips. So, 550 parking spaces are needed, and they could be utilized for

49 overflow public parking during non-peak usage. He explained that peak weekends are
50 Memorial Day and 4th of July weekends.

51 Councilmember Hohenshelt asked for clarification regarding what would be allocated to
52 the City of Rockwall and the City of Dallas. Mr. Crowley, City Manager, explained that
53 any ad valorem taxation would be in Rockwall County and the City of Dallas. Also, sales
54 tax and property taxes collected would go to the City of Dallas and Rockwall County,
55 since the area on the lake falls within the City of Dallas and Rockwall County
56 jurisdictions. The marina would pay a percentage (perhaps, or for example, 4.75%) of its
57 gross revenue to the city for a lease payment through a concessions agreement. It was
58 explained that policing would be provided by the City of Dallas, and Code Enforcement
59 and Fire services would likely be provided by the City of Rockwall.

60 General discussion ensued pertaining to possible aspects of a future concession
61 agreement. Mr. Rosenberg indicated that he hopes to work out with the City of Dallas a
62 means by which all of the revenue generated from the concession agreement could go to
63 the City of Rockwall's Recreation Development Fund (Parks Department). Mr. Crowley,
64 however, generally indicated that he believes the City of Dallas may want a portion of the
65 concession monies generated, as this has been the case with more recent concession
66 agreements that the city has entered into (i.e. "Sail with Scott"). He explained that this is
67 something that will have to be discussed and worked out with the City of Dallas. Mr.
68 Rosenberg shared that the concessions-related revenue at Robinson Park currently goes
69 to the developer who now owns the park – not to the City of Dallas and not to the City of
70 Rowlett.

71 Councilmember Milder commented that various aspects of this proposed marina seem
72 appealing, including the possibility of it creating more 'foot traffic' at The Harbor.

73 Mr. Rosenberg went on to share some renderings depicting how the restaurant and
74 marina may look visually, as well as the view that nearby condominium residents may
75 expect to see. He expressed the belief that this marina would bring a lot of much needed
76 people / 'traffic' to The Harbor. He explained that Dallas currently keeps its fire and
77 police boats at Bay View Marina at no charge. Mr. Crowley generally explained that the
78 existing 4.75% concession agreement on Harbor Bay Marina may change; however, that
79 is not known unless / until the City of Dallas gets involved to review this matter.

80 Mayor Pro Tem Lewis asked why Mr. Rosenberg believes nearby residents may like
81 looking at this marina, boat houses and parking instead of seeing (solely) the lake itself
82 when they look out from their condominiums. Mr. Rosenberg expressed that there will
83 be a park area that will allow residents to walk over to The Harbor without walking
84 through grass. Also, they would be able to go feed the ducks, walk down to their boat
85 slip, or visit the restaurant. Also, he suggested, the marina may look better than the
86 current view in that residents now only see the IH-30 bridge, its cars and traffic.

87 Councilmember White generally indicated that he likes this idea / concept and does not
88 have any problem with it.

89 Councilmember Townsend expressed that his favorite part of the proposal is the floating
90 restaurant. However, he is not totally 'sold' on it.

91 Mr. Crowley pointed out that the access to the parking lot would take place via what is
92 currently a designated fire lane between the Hilton and the condos. In addition, he
93 clarified that there would be no storage of trailers taking place at the parking lot, only
94 and strictly public parking. Mr. Rosenberg concurred, also indicating that there would
95 not be a launching (boat) ramp at this location. Mr. Rosenberg also clarified that tenants

96 / "members" would have 24/7 access to enter/exit the marina through controlled access
97 (perhaps a key card system).

98 Councilmember Townsend questioned how much "tourism" would truly be generated by
99 this marina. Mr. Rosenberg indicated that there will be boat rentals and other activities at
100 the marina that guests staying at the Hilton, for example, could enjoy.

101 Councilmember Fowler questioned how noise associated with parties or after hours
102 socialization could be controlled so that it is not heard and bothersome to nearby
103 residents. Mr. Rosenberg indicated that the crowd would likely be more mature. In
104 addition, after day time hours when management goes home, night guards would be on
105 duty from sun down to sun up. He again indicated that a 'key card' system (or some
106 similar controlled access system) would be in place, so this would likely help. Regarding
107 a possible drought in the future, Mr. Rosenberg indicated that the facilities could be
108 pushed / relocated further out into the water if needed.

109 Regarding long-term maintenance of the proposed facility (a concern raised by Mr.
110 Crowley and Mayor Pro Tem Lewis), Mr. Rosenberg suggested that these sorts of
111 provisions could be incorporated into the concession agreement.

112 Mayor Pro Tem Lewis indicated that he is "lukewarm" on the idea of this marina.

113 Mayor Pruitt indicated that he would like city council members to share their concerns
114 with city staff. Then staff may continue discussing the possibility of this marina with Mr.
115 Rosenberg moving forward.

116 Mr. Rosenberg summarized his requests from the city as follows:

- 117 • Extend the lease to the year 2040, the year when the current lease expires at The
118 Harbor (Mayor Pruitt clarified that Mr. Rosenberg is referring to the takeline lease
119 that exists between the City of Rockwall and the City of Dallas. Mr. Rosenberg
120 clarified that he would like this lease term to match the length of that one).
- 121 • Extend / expand the concession agreement to include 80 acres of water and 7
122 acres of land (which will include parking) on the takeline
- 123 • Allow access from Porto Fina Street and signage
- 124 • Allow gasoline to be sold with above grade tanks that would be hidden from sight
- 125 • Support from Rockwall departments to allow the project to move forward quickly
- 126 • No funding is being requested by the city
- 127 • All maintenance and upkeep would be taken care of by Mr. Rosenberg
- 128 • He indicated that Fire Chief Mark Poindexter has already looked into this with Mr.
129 Rosenberg, and no real issues arose. Mr. Rosenberg understands he will need to
130 comply with certain fire regulations, which he expressed will not pose a problem.

131 The Council took no action concerning this work session item.

- 132 2. Hold work session to discuss Parks and Grounds Maintenance
133 Classifications & Standards

134 Andy Hesser came forth and briefed the Council on details concerning different levels
135 and frequency associated with mowing and maintaining rights of ways, grounds, parks
136 and other publicly owned areas. He indicated that an Action Item has been included on
137 tonight's 6PM meeting agenda for the Council to take any action it desires to take in

138 relation to these proposed classifications and standards. The Council took no action at
139 this point in the meeting as a result of Mr. Hesser's presentation.

140

141 3. Hold work session to discuss possible alternatives to the Structure
142 Preservation Tax Incentive Program

143 Planning Director Ryan Miller briefed the City Council on various program alternatives
144 that staff has looked into concerning this matter. It should be noted that many of these
145 cities take advantage of Community Development Block Grants (CDBG) to fund these
146 initiatives, and these may not all be suitable programs for the City of Rockwall. In
147 addition, staff looked into the program alternatives, including the following:

148 Neighborhood Grants, Small Matching Grants or Mini-Grants; Rebate Programs; Heritage
149 Preservation Grants; Hardship Loans/ Owner-Occupied Rehabilitation Loan Programs;
150 Reduced Standards; and Permit Waivers/Relief.

151 Councilmember Fowler expressed that some of the programs researched by staff do
152 seem intriguing; however, he is wondering where this sort of money would come from.
153 Mr. Miller indicated that money granted would need to be funded by Council during the
154 regular budget process. He suggested the Council may wish to consider doing a one
155 year pilot program in order to evaluate a new program chosen and decide if it wishes to
156 continue the incentive program in future years.

157 Councilmember Hohenshelt indicated that he may well be in favor of something
158 simplistic such as fee waivers.

159 It was decided that staff will put together more details concerning three possible
160 programs. These will be vetted through the city's Historic Preservation Advisory Board
161 and then brought back to the city council for further discussion and consideration during
162 a future work session.

163

164 At 5:15 p.m., Mayor Pruitt read the below listed discussion items into the record before
165 recessing the public meeting to go into Executive Session.

166 III. EXECUTIVE SESSION.

167

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

171

172 1. Discussion regarding process associated with City Manager performance
173 evaluation pursuant to Section 551.074 (personnel matters)

174

175 IV. ADJOURN EXECUTIVE SESSION

176

177 Executive Session adjourned at 5:55 p.m.

178 V. RECONVENE PUBLIC MEETING

179
180 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven council members
181 being present.

182
183 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

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185 Indication was given that no action would be taken as a result of Ex. Session.

186
187 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS

188
189 Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance

190
191 VIII. PROCLAMATIONS / AWARDS

192
193 1. IHOP'S National Pancake & Shriners Hospitals for Children Day

194 Several guests came forth concerning this proclamation. One guest explained that, on
195 March 8th, IHOP's local restaurant in Rockwall will host a fundraiser to benefit the
196 Shriners Hospitals for children. He shared that Rockwall's restaurant consistently raises
197 money in the top 5% of other restaurants in Texas and Oklahoma. He encouraged
198 members of the public to come out and support this great cause. Mayor Pruitt then read
199 and presented them with this proclamation.

200
201 2. Terry Fisher Remembrance Day (American Legion Post 117)

202 Several guests came forth concerning this proclamation, including local resident, Dick
203 Clark. Mayor Pruitt then read the proclamation. He explained that Wayne Fisher, who is
204 a nephew and direct descendant of Terry Fisher, could not be present tonight due to
205 health problems; however, he and others will be present at the March 15th presentation of
206 a framed photo of Terry Fisher and plaque that will be displayed at the Rockwall County
207 Courthouse Museum. It was explained that Terry Fisher was the first Rockwall resident
208 to be killed in the line of duty in WWI, and Rockwall's local chapter of the American
209 Legion is named after Fisher.

210
211 IX. OPEN FORUM

212
213 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to
214 come forth and speak.

215
216 Mr. Bob Wacker
217 806 Miramar Drive
218 Rockwall, TX

219
220 Mr. Wacker came forth and expressed concern about the Squabble Creek drainage area
221 and associated greenbelt area, explaining that it runs through his neighborhood, Stone
222 Creek. He is concerned about drainage, especially pertaining to the possibility that the
223 HOA could be held responsible for some future flooding/drainage problems, should they
224 occur. He is also concerned about a blind spot related to traffic on Quail Run and, in
225 general, traffic that will occur overall as a result of the Kroger that will soon be
226 completed and other, future developments such as the Chick-fil-A and Aldi.

228 There being no one else wishing to speak, Mayor Pruitt closed Open Forum.
229

230 X. CONSENT AGENDA
231

- 232 1. Consider approval of the minutes from the February 1, 2016 regular City
233 Council meeting, and take any action necessary.
- 234 2. **SNC2016-001** - Consider approval of an **ordinance** renaming Cemetery
235 Road to Glen Hill Way, and take any action necessary **[1st reading]**.
- 236 3. **SNC2016-002** - Consider approval of an **ordinance** renaming a portion of
237 FM-3097 to Horizon Road, and take any action necessary **[1st reading]**.
- 238 4. **P2016-003** - Consider a request by Chase Finch of Corwin Engineering,
239 Inc. on behalf of Bobby Samuel of Meritage Homes of Texas, LLC for the
240 approval of a final plat for Stone Creek, Phase VII containing 80 single-
241 family residential lots on 37.823-acres of land being a portion of a larger
242 163.2672-acre tract of land identified as Tract 3 of the S. King Survey,
243 Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned
244 Planned Development District 70 (PD-70) for Single Family 10 (SF-10)
245 District land uses, generally located at the northwest corner of Hays Road
246 and E. Quail Run Road, and take any action necessary.
- 247 5. **P2016-004** - Consider a request by Jay Holman & Don Silverman of
248 Rockwall 205-552, LLC for the approval of preliminary plat for Lots 1-6,
249 Block A, Dalton Goliad Addition being a 9.183-acre tract of land identified
250 as Tract 4-1 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall,
251 Rockwall County, Texas, zoned General Retail (GR) District, situated
252 within the North SH-205 Overlay (N. SH-205 OV) District, located at the
253 northwest corner of the intersection of SH-205 [N. Goliad Street] and FM-
254 552, and take any action necessary.
- 255 6. **P2016-005** - Consider a request by Warren Corwin of Corwin Engineering
256 on behalf of John Arnold of the Skorburg Company (BH Phase V 80'
257 POD, SF, LTD) for the approval of a final plat Phase V of the Breezy Hill
258 Subdivision containing 79 single-family residential lots on a 25.598-acres
259 of land being identified as Tract 7-06 of the J. Strickland Survey, Abstract
260 No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned
261 Development District 74 (PD-74) for Single Family 10 (SF-10) District land
262 uses, situated on the west side of Breezy Hill Road north of the
263 intersection Breezy Hill Road and FM-552, and take any action
264 necessary.
- 265 7. Consider review and acceptance of the Rockwall Police Department's
266 2015 Racial Profiling report in accordance with Article 2.132 of the Texas
267 Code of Criminal Procedure, and take any action necessary.
- 268 8. Consider authorizing the City Manager to execute Professional
269 Engineering Services Contract with Kimley-Horn and Associates, Inc. to
270 prepare engineering design plans and specifications for the
271 reconstruction of S. Lakeshore Dr./Summit Ridge Dr. from SH 66 to FM
272 740 (Ridge Road) approximately 5,600 feet in length in the amount not to
273 exceed \$728,900 to be funded by 2016 General Obligation bonds, and
274 take any action necessary.

275 Mayor Pruitt pulled item #8 for further discussion.

276
277 Councilmember White made a motion to approve the Consent Agenda items (minus item
278 #8). Councilmember Milder seconded the motion.

279
280 The ordinances were read as follows:

281
282 CITY OF ROCKWALL
283 ORDINANCE NO. 16-__

284
285 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
286 TEXAS, CHANGING THE NAME OF CEMETERY ROAD TO GLEN HILL
287 WAY, WHICH IS MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A' OF THIS
288 ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
289 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

290
291 CITY OF ROCKWALL
292 ORDINANCE NO. 16-__

293
294 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
295 TEXAS, CHANGING THE NAME OF FM-3097 FROM TUBBS ROAD TO THE
296 SOUTHERN CITY LIMITS, WHICH IS MORE SPECIFICALLY DEPICTED IN
297 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY
298 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
299 EFFECTIVE DATE.

300
301 The motion passed unanimously of those present.

302
303 Regarding Consent Agenda Item #8, Mayor Pruitt generally expressed concern about the
304 continual, large amounts that seem to be coming forth concerning approval of
305 engineering/design work-related contracts. He is wondering if some of this work could
306 potentially be conducted 'in house' as a way to save the city money. City Engineer, Tim
307 Tumulty, explained that he does not currently have an answer to this question, as it is
308 something that staff would need to further evaluate before a determination could be
309 made with any certainty. Mr. Crowley indicated that staff is willing to look into this
310 matter further and bring back related information to the Council for consideration.

311
312 Mayor Pro Tem Lewis commented that "engineer" is both a broad and narrow term. For
313 example, an engineer that designs dams should not be one who designs roads. There
314 are certain specialties that are needed for certain projects. He asked Mr. Tumulty if he
315 has adequate staff right now to do this type of work 'in house.' Mr. Tumulty indicated
316 that he likely does not. Lewis generally suggested that sometimes outsourcing work is
317 the best course of action.

318
319 Councilmember Milder made a motion to approve Consent Agenda item # 8 as presented.
320 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

321
322 XI. APPOINTMENTS

- 323
324 1. Appointment with the Planning and Zoning Chairman to discuss and
325 answer any questions regarding cases on the agenda and related issues
326 and take any action necessary.

327 Planning & Zoning Chairman, Craig Renfro, came forth and provided a briefing
328 concerning recommendations of the Commission relative to items on tonight's meeting
329 agenda. The Council took no formal action following his report.
330

331 **XII. PUBLIC HEARING ITEMS**
332

- 333 1. **Z2016-001** - Hold a public hearing to discuss and consider a request by
334 Sherri Banuelos for the approval of an **ordinance** for a zoning change
335 from an Agricultural (AG) District to a Single Family One (SF-1) District for
336 a 1.03-acre tract of land identified as Tract 11-5 of the D. Harr Survey,
337 Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned
338 Agricultural (AG) District, addressed as 735 Davis Drive, and take any
339 action necessary [1st Reading].

340 Planning Director Ryan Miller provided background information related to this agenda
341 item. He explained that an accessory structure within the AG district is not an allowed
342 use; however, the use is allowed by right in a residentially zoned district (with certain
343 restrictions), including the SF-1 District. The applicant has indicated that the primary use
344 for the accessory structure will be for storage, outdoor equipment, other items, and for
345 use as a workshop. Currently, the subject property has an existing single-family home
346 constructed on it that was annexed into the City on March 16, 1998.
347

348 Mr. Miller explained that on January 28, 2016, staff mailed twenty-two (22) notices to
349 property owners within 500 feet of the subject property. There is no HOA/Neighborhood
350 Organization within 1500 feet participating in the notification program. Additionally, staff
351 posted a sign on the property as required by the Unified Development Code (UDC). At the
352 time this report was drafted, staff had not received any notices either "for" or "against"
353 the zoning change request.
354

355 Mayor Pruitt opened the public hearing and called the applicant forward. The applicant
356 came forth and generally indicated she is happy to answer any questions the Council
357 may have. There being no substantive questions and there being no one else wishing to
358 come forth, he then closed the public hearing.
359

360 Councilmember White made a motion to approve Z2016-001. Councilmember Townsend
361 seconded the motion. The ordinance was read as follows:
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363 CITY OF ROCKWALL
364 ORDINANCE NO. 16-__
365

366 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
367 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
368 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
369 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
370 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY
371 ONE (SF-1) DISTRICT FOR A 1.03-ACRE TRACT OF LAND IDENTIFIED AS
372 TRACT 11-5 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF
373 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY
374 DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR
375 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
376 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
377 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
378 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

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2. **Z2016-002** - Hold a public hearing to discuss and consider a request by Bobby Dale and Bretta Price for the approval of an **ordinance** for a Specific Use Permit (SUP) for a guest quarters/secondary living unit and garage on a 5.5-acre tract of land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-2.0) District, addressed as 453 Cullins Road, and take any action necessary [**1st Reading**].

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Ryan Miller, Planning Director, indicated that the subject property is a 5.5-acre tract of land and is zoned SFE-2.0. He explained that the applicants, Bobby Dale & Bretta Price, are requesting a Specific Use Permit (SUP) for the purpose of constructing a one-story combination mother-in-law suite (648 sq. ft.) and garage (1,793 sq. ft.) space. Based on the applicant's letter of request and the building plans submitted, the size and height of the new structure will exceed what the Unified Development Code (UDC) allows. The subject property is located on the northeast corner of FM-549 and Cullins Road.

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

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Councilmember White made a motion to approve Z2016-002. Mayor Pro Tem Lewis seconded the motion.

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The ordinance was read as follows:

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CITY OF ROCKWALL
ORDINANCE NO. 16-
SPECIFIC USE PERMIT NO. S-147

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A GUEST QUARTERS/SECONDARY LIVING UNIT AND GARAGE WITHIN A SINGLE-FAMILY ESTATE (SFE-2.0) DISTRICT, FOR A 5.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17-7 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

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3. **Z2016-003** - Hold a public hearing to discuss and consider a request by Matt Moore of Claymoore Engineering, Inc. on behalf of U. V. Real Estate, LP for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow for outside storage in conjunction with an Auto Body Shop on a 3.2039-acre tract of land described as Tract 7-01 of the J. Lockhart

428 Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas,
429 located at 1780 E IH-30, zoned Light Industrial (LI) District, situated within
430 the IH-30 Overlay (IH-30 OV) District, and take any action necessary [1st
431 Reading].

432 Mr. Miller provided background information concerning this agenda item. He explained
433 that twenty-three notices were sent out to property owners located within 500'; however,
434 no replies were received back by staff. Planning & Zoning Commission has
435 recommended approval of this request with the caveat that the applicant be required to
436 construct a masonry fence rather than the proposed pre-fabricated fence.

437 Mayor Pruitt called the applicant forth. After brief comments, he opened the public
438 hearing. There being no one wishing to come forth and speak, he then closed the public
439 hearing.

440 Councilmember White made a motion to approve Z2016-003. Councilmember Hohenshelt
441 seconded the motion. The ordinance was read as follows:

442 CITY OF ROCKWALL
443 ORDINANCE NO. 16-____
444 SPECIFIC USE PERMIT NO. S-148
445

446 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
447 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
448 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE
449 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A
450 SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE ON A 3.2039-
451 ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT,
452 LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT,
453 ADDRESSED AS 1780 E. IH-30 AND DESCRIBED AS TRACT 7-01 OF J.
454 LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL,
455 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
456 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
457 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
458 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
459 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
460

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

462 4. Z2016-004 - Hold a public hearing to discuss and consider a request by
463 Scott and Leslie Milder for the approval of an ordinance for a Specific
464 Use Permit for a Banquet Facility on a 0.66-acre lot of land containing two
465 (2) parcels of land identified as Block 23A (0.43-acres) and Block 24C
466 (0.23-acres) of the Amick Addition, City of Rockwall, Rockwall County,
467 Texas, zoned Planned Development District 50 (PD-50) for Residential-
468 Office (RO) District uses, located within the North Goliad Corridor Overlay
469 (NGC OV) District, addressed as 803 & 805 N. Goliad Street, and take
470 any action necessary [1st Reading].

471 Councilmember Scott Milder explained that he is recusing himself from discussion and
472 voting concerning this item, as he is the applicant. He has filed the appropriate Affidavit
473 of Recusal with the City Secretary.
474

475 Mr. Miller provided background information concerning this agenda item. On February 1,
476 2016, the City Council approved an amendment to Planned Development District 50 (PD-

477 50) that expanded the permitted uses within the district to include *Banquet*
478 *Facilities/Event Venues*. *Ordinance No. 16-15* defines these facilities as, “a commercial
479 facility that can be rented out for the purpose of hosting private events (e.g. *birthday*
480 *parties, wedding receptions, meetings, etc.*) ... (t)hese events shall not be open to the
481 general public.” In accordance with this amendment, the applicants have submitted a
482 request for a Specific Use Permit (SUP) for a *Banquet Facility/Event Venue* on the subject
483 property at 803 N. Goliad Street. As part of the request, the applicants have submitted a
484 letter stating that the intent of the facility would be to hold small events that include:
485 birthday parties, baby and bridal showers, team parties, graduation parties, family
486 reunions and milestone celebrations, charity organization’s fundraisers and meetings,
487 business socials and meetings, holiday parties, seasonal parties, tea parties, youth
488 activities, weddings, receptions and funeral receptions. The applicants have indicated
489 that the proposed facility will operate Sunday through Thursday, 8:00 AM – 9:00 PM, and
490 Friday & Saturday, 8:00 AM – 11:00 PM. In addition to establishing hours of
491 operation, the applicants have submitted operational constraints that further clarify the
492 intent of the property. These include limitations with respect to food preparation,
493 consumption of alcohol, and live music.
494

495 As part of this Specific Use Permit (SUP) application, the applicants have requested
496 several variances, including a variance to the paving standards stipulated by Planned
497 Development District 50 to allow for installation of crushed rock. In addition, parking-
498 related variances are being requested as well.
499

500 Mr. Miller explained that on January 29, 2016, staff mailed 105 notices to property owners
501 within 500-feet of the subject property. Additionally, staff posted a sign adjacent to N.
502 Goliad Street as required by the Unified Development Code (UDC). Staff has received
503 three (3) notifications in favor of the request and two (2) notifications in opposition to the
504 request.
505

506 Mayor Pruitt asked if the Council has ever granted a variance to allow gravel parking lots
507 in the past. Mr. Miller indicated that, no, it has not ever granted one.
508

509 Mayor Pruitt indicated that, regarding the request to delay putting in the additional cross
510 access easement, he generally has concerns related to this possible delay.
511

512 Discussion took place concerning the proposed gravel parking spaces versus
513 concrete/paved spaces.
514

515 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
516 speak. He then closed the public hearing and invited the applicant to come forward and
517 speak.
518

519 Mr. Scott Milder
520 830 Shores Boulevard
521 Rockwall, TX
522

523 Mr. Milder came forth and provided comments related to his variance requests including
524 (1) standard paving materials; (2) parking within a cross access easement; and (3) waiver
525 to paving the access easement.
526

527 Councilmember Fowler generally indicated that he has concerns related to granting the
528 variance associated with allowing gravel/rock parking spaces in lieu of concrete. He
529 knows that it is very expensive; however, it is part of the city's normal standards to have
530 those spaces be concrete, and he believes that this should be a standard expense that is
531 factored into his financing with the bank.

532
533 Extensive discussion took place related to the gravel versus concrete parking spaces
534 and the associated cross access easement, including possible approval or denial of
535 these portions of the variance request.

536
537 Mr. Crowley suggested that the Council could waive the requirement for the two
538 (requested gravel) parking spaces in the cross access easement, which would result in a
539 total of nine parking spaces, versus eleven.

540
541 Mayor Pro Tem Lewis made a motion to approve Z2016-004, including approval of the
542 requested variances and waiver of the requirement associated with the two parking
543 spaces (that were requested to be gravel and would be located within the cross access
544 easement. Councilmember White seconded the motion.

545
546 The ordinance was read as follows:

547
548 CITY OF ROCKWALL
549 ORDINANCE NO. 16-XX
550 SPECIFIC USE PERMIT NO. S-149

551
552 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
553 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
554 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE
555 AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A
556 SPECIFIC USE PERMIT (SUP) FOR A BANQUET FACILITY/EVENT VENUE
557 WITHIN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ON A 0.670-
558 ACRE PARCEL OF LAND, ADDRESSED AS 803 N. GOLIAD STREET AND
559 BEING IDENTIFIED AS LOT 1, BLOCK A, OUR HOUSE ADDITION, CITY OF
560 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL
561 CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED
562 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
563 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
564 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

565
566 Mayor Pruitt expressed that he is not in favor of the part of this discussion having to do
567 with not requiring paved parking spaces and instead allowing for gravel spaces. He
568 indicated he recently talked to a business owner who decided to establish his business
569 in Fate instead of the City of Rockwall, mainly because the City of Rockwall was going to
570 require paved parking (rather than gravel). For this reason, he has concerns about this
571 with regards to the current request.

572
573 Milder pointed out that one person showed up at the P&Z meeting expressing concern to
574 the gravel parking spaces; however, after he found out that an 8' fence would be installed
575 such that those would be screened from public view, he seemed to be fine with it.

576
577 After comments, the motion passed by a vote of 4 in favor, 2 against (Hohenshelt, Pruitt)
578 and 1 abstention (Milder).

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XIII. ACTION ITEMS

1. Discuss and consider a recommendation from the City Council's Hotel Tax Subcommittee regarding funding requests for Downtown Celebration and Hyzerbomb Disc Golf Tournament; authorize the City Manager to execute agreements, and take any action necessary.

Assistant City Manager Mary Smith briefed the Council on these requests, indicating that the city council's Hotel / Motel Tax Subcommittee (comprised of White, Milder and Lewis) has reviewed these requests and is recommending their approval.

Mayor Pruitt made a motion to approve the hotel/motel tax funding request in the amount of \$25,000 plus an additional \$10,000 that was set aside by Republic Waste to be used for an April 16 downtown grand opening celebration. Councilmember White seconded the motion, which passed unanimously.

Regarding the request related to the Hyzerbomb Disc Golf Tournament in the amount of \$2500. Councilmember White made a motion to approve this funding request. Councilmember Hohenshelt seconded the motion, which passed unanimously of Council.

2. **SP2016-001** - Discuss and consider a request by James Spencer of GHA Architecture/Development on behalf of the owner Robert Clinesmith of Triton I-30 Rockwall, LLC for the approval of a variance to allow parking within a required landscape buffer in conjunction with an approved site plan for a restaurant on a 1.66-acre tract of land identified as a portion of Lot 1, Village 2 Addition and Tract 3 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District , situated within the IH-30 Overlay (IH-30 OV) District, generally located west of the intersection of Village Drive and the IH-30 frontage road, and take any action necessary.

Ryan Miller, Planning Director, provided background information on this agenda item. He explained that the proposed restaurant (*an El Fenix Tex-Mex Restaurant*) will be a 7,642 SF building that will be accessible through a 24-foot cross access easement that runs through the adjacent restaurant (*i.e. Snuffers Restaurant & Bar*) located direct east of the subject property. The requested land use (*i.e. a restaurant, 2,000 SF or more, without a Drive-Thru or Drive-In*) is permitted *by-right* within the Commercial (C) District and will not require any additional approvals by the Planning and Zoning Commission or City Council.

Mayor Pro Tem Lewis made a motion to approve SP2016-001. Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **A2016-001** – Discuss and consider a request by Pat Atkins on behalf of the owners Gwendolyn A. and Randall D. Reed for the approval of annexation of an 11.275-acre tract of land identified as Tracts 1-5 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary.

627 **Mr. Miller provided background information concerning this agenda item. He explained**
628 **that Pat Atkins is requesting that the City Council annex an 11.275-acre tract of land,**
629 **explaining that the subject property is currently located within the City's Extraterritorial**
630 **Jurisdiction (ETJ). The purpose of the annexation is to add additional area to the recently**
631 **approved Planned Development District 79 (PD-79), which is also referred to as the**
632 **Saddle Star Estates Subdivision. If approved, the applicant would need to amend the**
633 **Planned Development District to incorporate this area. If the City Council elects to move**
634 **forward with this annexation request, the annexation schedule (*per the requirements of***
635 ***Chapter 43 of the Texas Local Government Code*) would be as follows:**

- 636 · **February 19, 2016: Staff will have a preliminary *Service Plan* prepared.**
- 637 · **March 3, 2016: Notice of the first and second public hearings will be posted in**
638 **the Harold Banner and on the City's website.**
- 639 · **March 21, 2016: First (6:00 PM) and second (6:30 PM) public hearing held in**
640 **the City Council Chambers.**
- 641 · **April 18, 2016: City Council approves first reading of the annexation**
642 **ordinance.**
- 643 · **May 2, 2016: City Council approves second reading of the annexation**
644 **ordinance.**

645 **It should be noted that once the first reading of the ordinance takes place the City**
646 **Council will have 90 days to approve the annexation ordinance (*i.e. July 17, 2016*).**
647

648 **Councilmember Townsend made a motion to approve A2016-001. Councilmember**
649 **White seconded the motion, which passed unanimously (7 ayes to 0 nays).**

- 650 4. Discuss and consider adoption of the Parks & Grounds Maintenance
651 Classifications and Standards, and take any action necessary.

652 **Councilmember Hohenshelt made a motion to approve these standards and**
653 **classifications as presented earlier this afternoon at the work session. Councilmember**
654 **Townsend seconded the motion, which passed unanimously of Council (7 ayes to 0**
655 **nays).**

- 656 5. Discuss and consider approval of a resolution for the annual update of the
657 Mandatory Park Land Dedication Ordinance regarding neighborhood park
658 development pro-rata equipment fees and take any action necessary.

659 **Parks & Rec Manager Andy Hesser provided brief background information on this item**
660 **explaining that two new parks will soon be added to the city's parks system. As such,**
661 **staff may bring something back mid-year to make modifications to the specified amount.**
662 **Or, a possible increase may not come forth for consideration until around this time next**
663 **year. Mayor Pruitt made a motion to approve this resolution and also ask that the Park**
664 **Board begin evaluating the impact that the two new parks may have on the system**
665 **moving forward. Mayor Pro Tem Lewis seconded the motion, which passed unanimously**
666 **of Council (7 ayes to 0 nays).**

- 667 6. Discuss and consider approval of a resolution for the annual update of the
668 Mandatory Park Land Dedication Ordinance regarding the per acre value
669 of land for the purpose of calculating cash-in-lieu of land fees and take
670 any action necessary.

671 **Mr. Hesser provided brief background information regarding this item. Councilmember**
672 **Hohenshelt made a motion to approve the resolution. Councilmember Townsend**
673 **seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).**

674 7. Discuss and consider approval of an **ordinance** repealing Ch. 40
675 Taxation; Article III. Property Tax; Division 4. Exemption for Historically
676 Significant Sites; Section 40-119 through Section 40-123 of the Code of
677 Ordinances to discontinue the Structure Preservation Tax Incentive
678 Program, and take any action necessary [**1st reading**].

679 **Councilmember Hohenshelt made a motion to approve the ordinance, which repeals this**
680 **section of the Code. Councilmember Townsend seconded the motion. The ordinance**
681 **was read as follows:**

682 CITY OF ROCKWALL
683 ORDINANCE NO. 16-XX

684
685 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
686 TEXAS, REPEALING ORDINANCE NO. 03-28 (*PREVIOUSLY RESOLUTION*
687 *NO. 02-10 AND ORDINANCE NO. 02-53*) AND AMENDING CHAPTER 40,
688 *TAXATION, ARTICLE III, PROPERTY TAX, DIVISION 4, EXEMPTION FOR*
689 *HISTORICALLY SIGNIFICANT SITES, OF THE MUNICIPAL CODE OF*
690 *ORDINANCES TO REMOVE SECTIONS 40-119 THROUGH 40-123;*
691 *PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A*
692 *REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.*
693

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

695 8. Discuss and consider approval of a resolution acknowledging and
696 supporting the "16 in 16 Campaign" which aims to achieve the goal of
697 recruiting sixteen (16) new volunteer firefighters by December 31, 2016,
698 and take any action necessary.

699 **City Manager Rick Crowley provided brief background information regarding this agenda**
700 **item. Mayor Pruitt made a motion to approve the resolution as presented.**
701 **Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to 0**
702 **nays.**

703 9. Discuss and consider appointments to the city's Airport Advisory Board,
704 and take any action necessary.

705 **Mayor Pruitt indicated that the Airport Advisory Board appointments were discussed this**
706 **afternoon by the city council subcommittee, consisting of Townsend, White and himself.**

707 **Mayor Pruitt made a motion to appoint the following members to serve on the city's**
708 **newly formed Airport Advisory Board, with Councilmember White seconding said**
709 **motion:**

- 710 • Brad Bassett
- 711 • David Couch
- 712 • Matt Murphey
- 713 • Dwight Royall
- 714 • Mike Potter
- 715 • Kellie Roby
- 716 • Mark Berglund
- 717

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

719

720 Council did not go back into Executive Session at the conclusion of the public meeting
721 agenda.

722
723 **XIV. EXECUTIVE SESSION**

724
725 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
726 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
727 CODE:

- 728
729 1. Discussion regarding process associated with City Manager performance
730 evaluation pursuant to Section 551.074 (personnel matters)

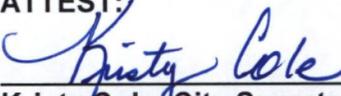
731 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

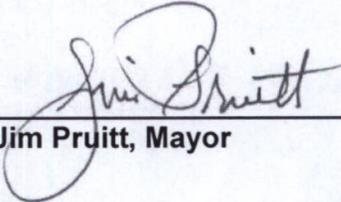
732
733 Council did not go back into Executive Session at the conclusion of the public meeting
734 agenda.

735
736 **XVI. ADJOURNMENT**

737
738 Mayor Pruitt adjourned the meeting at 7:49 p.m.

739
740
741 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
742 THIS 7th day of March, 2016.

743
744
745
746 ATTEST:
747 
748 _____
749 Kristy Cole, City Secretary



Jim Pruitt, Mayor

