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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 02, 2016
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss and consider the 2015 International Codes (Fire, Building, Residential, Mechanical, Plumbing, Fuel Gas, and Energy Conservation, the Existing Building Code), and the 2011 National Electric Code with certain local amendments and exceptions

Mayor Pruitt began discussion of this item, indicating that he has concerns related to two issues within the new codes. One of his concerns is related to a provision related to hot water heaters. He indicated that for a person living in an older house, in order to replace their hot water heater, he/she will have to drill through walls to put an outlet to the outside, or he/she will have to purchase a device that will shut off the water whenever there is a leak. He does not believe this regulation is necessary. Also, there is a requirement that has to do with safety shelters, and it centers around fire and police stations, dispatch centers, and schools. He has issues with telling a school board that they need to build and provide shelter facilities. He believes the school board should be making those decisions on their own, and no other government body should dictate this to them.

Mayor Pruitt generally indicated that right now, the building codes, which Rockwall has adopted and is currently operating under, require that there be separate male and female restrooms, according to sex, and that they be labeled as such. Or, you can have unisex restrooms. However, it seems like things may be ultimately shifting towards gender neutral restroom facilities with several single, lockable stalls.

Councilmember Milder asked for clarification on several items, including distances pertaining to bond fires; width requirement for streets that are built; fences and associated permit requirements, emergency gas meter shut off valves; alarms on fences surrounding residential swimming pools; and overall safety related concerns pertaining to plumbing and other residential codes. Related to the change in bond fires and associated distances (50' to 300'), Fire Marshal Ariana Hargrove came forth and clarified that the City of Rockwall has also previously made a local amendment to change this distance in order to be in sync with the TCEQ (TX Commission on Environmental Quality) regulations. She also clarified that a bond fire is considered open burning, and a fire pit in someone's back yard is different. Milder also asked for clarification related to the width of streets and associated requirements, especially related to fire apparatus

50 utilizing the roadway to respond to emergencies. Milder indicated that he does not want
51 developers to build four (4) extra feet of roadway if it is not absolutely necessary. Fire
52 Chief Poindexter came forth and provided brief comments, generally explaining that this
53 extra width is mostly related to being mindful of two fire apparatus being able to pass
54 each other on a roadway, and it is also related to being able to perform certain fire
55 operations more easily. It was clarified that the City of Rockwall has been requiring the
56 extra roadway footage for about the last fourteen (14) years, so this is not a new
57 requirement. It is a continuation of a requirement that is already in place. Milder also
58 questioned and engaged in dialogue with Mr. Widmer pertaining to the provision related
59 to the alarm that is required to be on a fence surrounding a residential swimming pool
60 and how long that alarm needs to sound. General discussion also took place related to
61 residents replacing (or having replaced) their hot water heater under these new Codes,
62 and how residents may in fact be doing so without pulling a permit from the city.
63

64 Councilmember Milder asked if the 2015 version of the Codes will make things less
65 restrictive for property owners when compared to the 2009 version of the Codes.
66 Hargrove indicated that, overall, the new codes will make the burden less restrictive for
67 the public, in particular, for developers. Mr. Widmer, Building Official, indicated that staff
68 worked very diligently to analyze the new codes to see if there were places where local
69 amendments could be adopted in order to save residents and developers money.
70

71 Mayor Pruitt asked for clarification regarding - if the city adopts these codes tonight, can
72 it go back at any point in time and make amendments, for example, related to the
73 requirements pertaining to bathroom facilities? City Attorney Frank Garza answered in
74 the affirmative, generally indicating that the city can go back at any time and make
75 amendments.
76

77 Mayor Pruitt then read the following discussion items into the public record before
78 recessing the meeting in to Executive Session at 4:37 p.m.
79

80 **III. EXECUTIVE SESSION.**

81
82 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
83 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
84 **CODE:**
85

- 86 1. Discussion regarding the status of negotiations for an ambulance services
87 contract pursuant to Section §551.071 (Consultation with Attorney)
- 88 2. Discussion regarding legal options available to the City pertaining to
89 possible violations of erosion control and drainage development
90 standards pursuant to Section §551.071 (Consultation with Attorney)

91
92 **IV. ADJOURN EXECUTIVE SESSION**
93

94 **Executive Session was adjourned at 5:16 p.m.**
95

96 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**
97

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

100
101 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**
102

103 **Mayor Pro Tem Lewis indicated that no action was needed as a result of Executive**
104 **Session.**
105

106 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**
107

108 **Councilman Milder delivered the invocation and led the Pledge of Allegiance.**
109

110 **VIII. PROCLAMATIONS / AWARDS**
111

- 112 1. Building Safety Month
113 2. National Day of Prayer
114

115 **Mayor Pruitt read each of these proclamations into the public record, thanking**
116 **Building/Fire Inspections staff for their work, especially pertaining to their assistance**
117 **after the tornado hit Rowlett in December of last year. He also invited members of the**
118 **public to attend the Rockwall County Mayor’s Prayer Breakfast, which he indicated is**
119 **scheduled for this Thursday morning at The Center.**
120

121 **IX. OPEN FORUM**
122

123 **Michelle Smith**
124 **115 Sceptre**
125 **Rockwall, TX 75032**
126

127 **Mrs. Smith came forth and thanked Mayor Pruitt for taking active steps to protect our**
128 **citizens and children. She generally expressed support and gratitude to the Mayor and**
129 **Council for taking up this issue.**
130

131 **Sol Villasana**
132 **809 Village Green Drive**
133 **Rockwall, TX**
134

135 **Mr. Villasana came forth and spoke, indicating that he is opposed to the ordinance that is**
136 **being considered tonight pertaining to use of public restrooms. He generally expressed**
137 **concerns related to enforcement of this ordinance and the associated cost pertaining to**
138 **its enforcement, prosecution, etc. He also has concerns related to the costs involved**
139 **with the city potentially being sued because he believes the ordinance is constitutionally**
140 **unlawful. He respectfully requested the city council take a step back and understand the**
141 **ramifications of this ordinance, which he says is driven by fear and is discriminatory.**
142

143 **Peter Flores**
144 **2080 Belfrey Court**
145 **Rockwall, TX**
146

147 **Mr. Flores indicated he has lived in Rockwall for eleven years. He explained that some**
148 **groups say this type of ordinance is unnecessary and discriminatory. He shared a short**
149 **story that his father told him regarding having to go to the back of a restaurant, place his**
150 **order and leave out the back door all because of the color of his skin. He expressed a**

151 desire to protect his children from seeing genitalia belonging to the opposite sex while in
152 a public restroom. He generally spoke in favor of the ordinance to protect his and
153 others' families.

154
155 **Jennifer Valdez**
156 **601 Primrose Lane**
157 **Rockwall, TX 75032**

158
159 **Ms. Valdez indicated that the 'bathroom ordinance' is unnecessary. She has a young**
160 **child and feels safe with him using the restroom around others. She generally expressed**
161 **opposition to passage of the ordinance.**

162
163 **Stephanie Gardella**
164 **502 Whittle Way**
165 **Rockwall, TX 75087**

166
167 **Mrs. Gardella generally expressed opposition to the proposed bathroom-related**
168 **ordinance. She does not feel unsafe in a public restroom. She believes it is**
169 **unnecessary, and she believes it is not enforceable. She pointed out that it is already**
170 **illegal for people to commit assault in a bathroom. She believes passage of the**
171 **ordinance could really cause problems for our police department. She urged Council to**
172 **consider if the city has the staff to deal with vigilantly and enforcement related issues**
173 **that this ordinance will create. She is also concerned about harassment and the safety**
174 **of "trans" individuals. She believes this ordinance will force businesses to leave (i.e.**
175 **Target, Costco, Starbucks, the Hilton, etc.). She believes the ordinance is unnecessary**
176 **and fiscally irresponsible. She generally expressed that this ordinance is in opposition**
177 **to less government intrusion and fiscal responsibility.**

178
179 **John White**
180 **1929 South Laskeshore**
181 **Rockwall, TX**

182
183 **Mr. White came forth and indicated that committing assault in a restroom has always**
184 **been unlawful; however, it did not prevent the "hero ordinance" from being passed in**
185 **Travis County in Houston, TX. He pointed out that both right-wing conservative**
186 **Christians and democrats were involved with that issue. He indicated that he sent an**
187 **email to the Council today. He believes the ordinance will uphold how things have**
188 **always been – that men only go into a men's restroom or locker room, and women only**
189 **go into a women's restroom or locker room. He does not believe this ordinance**
190 **expresses hatred for LBGT people, but rather it is strictly out of concern for the city's**
191 **women and children.**

192
193 **Laura Blenk**
194 **1553 Shadygrove Circle**
195 **Rockwall, TX 75032**

196
197 **Mrs. Blenk indicated that she lives in Rockwall with her children, shops in Rockwall,**
198 **worships in Rockwall and has supported local businesses in Rockwall since 2000. She**
199 **highlighted several of the 'practical reasons' others have expressed regarding their**
200 **opposition to this ordinance. She stated that she has objections to this issue because**
201 **neither she nor her children have ever been harassed by anyone other than a straight**

202 male. She pointed out that if a transgender person has ever been in the restroom with
203 her in the past, she was either unaware or did not have a remarkable experience with that
204 interaction. She shared that she is aware of a transgender woman who is employed
205 locally, and this person has never been anything less than very kind to her and her
206 terminally ill friend who frequents the store that employs her. She believes that an
207 ordinance like this would lead to harassment of transgender individuals. She believes
208 that child sex trafficking is a real issue, including locally, although she does not believe
209 that any transgender women have ever been a part of this problem. She pointed out that
210 there are many homeless children, and she wonders what is being done to protect those
211 kids. She is generally opposed to the city council passing the proposed 'bathroom
212 ordinance' being considered this evening. She believes it does not address any real or
213 present threats.

214
215 Mayor Pruitt indicated he asked the next speaker to do some research and address the
216 Council this evening.

217
218 Kenda Culpepper
219 NO ADDRESS STATED
220 Rockwall, TX

221
222 Mrs. Culpepper, Rockwall County District Attorney, come forth, indicating that she is
223 here tonight to talk as a 'resource speaker.' She stated she is not here to necessarily
224 speak about any transgender issues. However, she did point out that she does not
225 believe that anyone here this evening, on either side of the issue, is trying to indicate that
226 transgender individuals are predators. However, there are in fact predators in our midst.
227 She indicated that it has always been legal for anyone to go into any restroom that they
228 wish to go into, and, up until now, this has not posed a huge problem that she knows of.
229 However, newly emerging business policies are creating situations that encourage
230 people, whether they look transgender or they are transgender, to go into any restroom
231 that they would like to go into. She has heard people say that we do not need an
232 ordinance like this because there is not a sexual predator issue in Rockwall County;
233 however, she believes this is a dangerous misunderstanding. She shared that Rockwall
234 County is not immune to sexual predators or sexual offenses. She pointed out that a
235 Child Advocacy Center is being created in Rockwall County because we do in fact have
236 child predator issues that occur in this county. She shared some stories of past criminal
237 cases dealing with sexual offenders, one having occurred and being tried in Rockwall
238 County. She generally expressed the belief that these types of business policies that
239 allow individuals to use whichever bathroom that they want will open up doors of
240 opportunity for dangerous sexual predators to go into bathrooms and assault children,
241 and she believes these types of policies pose a security risk.

242
243 Kim Cline
244 223 McKinney Trail
245 Rockwall, TX 75087

246
247 She explained she has lived in Rockwall for over a decade, and she has three daughters.
248 She feels there is a misconception that this whole thing is related to or 'against'
249 transgender people. She expressed that she is not a "transgender phobe" or a
250 "homophobe." She believes most of the people here in support of this ordinance feel
251 exactly as she personally feels. She feels that Target started this issue when they came
252 out publicly and stated that they are going to let any person in any restroom at any time

253 without any offense. She feels like because they brought that policy forward, it sent a
254 message to all of the predators out there that bathrooms are 'free game.' She does not
255 want her eight year old daughter to go into a restroom and fear that she will be exposed
256 to 'man parts,' and she does not want her to feel unsafe. She does not believe that
257 transgender people are unsafe; however, she believes that transgenders make up about
258 .03 percent of the population, while the predators far outrank the transgender population.
259 She generally expressed that this issue puts all of the men, women and children at risk.
260 She expressed that she has concerns about having all of the public restrooms in our city
261 accessible to anyone. She generally expressed support for this "bathroom ordinance."
262

263 **George Russell**
264 **521 Shoreview Drive**
265 **Rockwall, TX**
266

267 **Mr. Russell** came forth and quoted Colin Powell stating that "leadership is lonely." He
268 acknowledged that Rockwall is being watched by others throughout the state and is
269 setting the stage for other cities and counties to follow. He applauded the city council for
270 taking on this topic, especially since it is a very complicated, difficult issue.
271

272 **Karen Rogancamp**
273 **309 Star Street**
274 **Rockwall, TX 75087**
275

276 **Mrs. Rogancamp** came forth and indicated she is a resident of Rockwall and is a parent
277 to one of many transgender teens and children who live in this city. Her child is not a
278 boy who dresses up in girl's clothing in order to prey on unsuspecting innocent people.
279 She explained that her daughter should have every right to use the bathroom in the one
280 that corresponds to the gender with which she identifies. She believes that this
281 ordinance intrudes into the privacy of transgender individuals in a very concerning way.
282 She believes it is an unnecessary, unenforceable ordinance that is based on ignorance,
283 and she believes it will take away "safety" from transgender residents. She indicated that
284 she will not hesitate to bring legal action. She believes this ordinance treats
285 transgenders as second class citizen and that it represents government overreach that is
286 based on fear and ignorance. She generally spoke very strongly in opposition of
287 passage of this ordinance.
288

289 **Harold Snyder**
290 **1519 Murphy Drive**
291 **Rockwall, TX**
292

293 **Mr. Snyder** came forth and indicated that he is the Waterstone Estates HOA president,
294 and he has concerns related to a retaining wall that one of his residents has constructed
295 within the neighborhood. He would like to have problems addressed that the homeowner
296 has been experiencing related to permitting associated with repair of the retaining wall.
297 He pointed out that this resident recently received a letter from the city's Neighborhood
298 Improvement Services Department, generally indicating that erection of the retaining wall
299 was not valid. He generally urged the city to try and help this homeowner so that he is
300 not subject to a fine.
301

302 **Janette Keaton**
303 **1727 Lakebreeze Drive**

304 Rockwall, TX 75087

305
306 She indicated that she and her family have lived here since 1994, she is a
307 communications consultant, mother of two and has been married to the same man for 35
308 years. They are long time members of First United Methodist Church, and she has held
309 leadership positions there, including three years as Chair of the Global Missions
310 Committee. She urged the Council to soundly defeat this ordinance, as it does not
311 represent the Rockwall that she knows and loves. She believes it is unnecessary,
312 discriminatory and opportunistic. She and others do not have concerns about being
313 sexually molested in a restroom, and she does not feel she needs to be protected. She
314 pointed out that most children are sexually assaulted by someone 'close to home' rather
315 than in a public bathroom. She suggested that perhaps the mayor is bringing this issue
316 forth related to his aspirations for higher political office. She expressed very strong
317 opposition to the ordinance, as she believes it is divisive, discriminatory and groundless,
318 and it does not reflect the people of Rockwall.

319
320 Gerald Parrish
321 1510 South Alamo
322 Rockwall, TX 75087

323
324 Mr. Parrish and his son, Jett, came forth to speak. He believes the ordinance, as it is
325 written, is based on discrimination, not fact. He believes it is exclusionary. He believes
326 these issues are non-issues and are just for political 'show.' North Carolina has seen
327 major companies leave or choose to not do business there, and he believes Rockwall
328 would face large economic impacts if this ordinance is passed. He is generally
329 concerned about the reputation of Rockwall if this ordinance is approved and believes
330 the community has bigger issues to address. He generally spoke in opposition of the
331 city council passing the proposed 'bathroom ordinance.'

332
333 James Montgomery
334 2055 Summer Lee Drive
335 Rockwall, TX 75032
336 The Hilton
337 Rockwall, TX

338
339 Mr. Montgomery came forth and indicated that he represents The Hilton in Rockwall and
340 its leadership group. As a local business that employs about 175 workers and pays a lot
341 of taxes locally, he urged the council to vote "no" regarding this ordinance. He believes
342 that this will have a very negative effect on the local economy and local businesses,
343 including The Hilton. He pointed out that The Hilton attracts tourism and visitors from all
344 over the world, and this ordinance, if passed, will be perceived as very negative and
345 discriminatory across the country, and it will adversely affect business locally. He
346 shared that his company takes the safety of its team members, visitors and our
347 community very seriously; however, he does not believe that this ordinance properly
348 ensures safety. He explored the Council to find a reasonable way to ensure people are
349 safe; however, he urged the council to not approve this ordinance tonight.

350
351 Jeremy Johnson
352 201 Stonecrest Drive
353 Rockwall, TX 75087

355 Mr. Johnson came forth with his daughter, Presley, and spoke in opposition of the
356 proposed “bathroom ordinance.” He indicated that he moved here to raise a family, and
357 he does not believe this ordinance represents the type of city in which he wants to raise
358 a family. He indicated he believes this ordinance is discriminatory and is about ‘hate,’
359 and he urged the city council to vote ‘no’ to its adoption.
360

361 **Jon Bennett**
362 **2795 Clear Creek Drive**
363 **Rockwall, TX 75032**
364

365 Mr. Bennett indicated that he is in strong opposition to the city passing the proposed
366 “bathroom ordinance.” This ordinance is not representative of the city in which he
367 chose to raise a family. He expressed concern related to this ordinance, indicating that
368 because of it, he is now embarrassed to tell people he lives in Rockwall. He believes it
369 represents bigotry, and he generally explained how he believes this ordinance would
370 bring unwanted attention to individuals who are transgender. He generally expressed
371 concern that passage of this ordinance, as it would put the safety of transgender people
372 at risk, opening them up to the possibility of verbal and physical assault.
373

374 **Judith Matherne**
375 **1115 Signal Ridge Place**
376 **Rockwall, TX 75032**
377

378 Mrs. Matherne came forth and indicated that she is the Chair of the Rockwall Democratic
379 Party. She shared that she voted for Mayor Pruitt, and she encouraged others to vote for
380 him too when he was running for office. She wanted to know what data the city council
381 members have used to inform themselves related to this ordinance. She shared that she
382 has found no basis for this ordinance. She went on to quote statistics from various
383 national associations that have studied these types of issues. She believes passage of
384 this ordinance would be dangerous to those in our community who are transgender. She
385 believes the ordinance is based on an ideology and political motivation that it is
386 discriminatory. As such, she believes it will be found unconstitutional and that its
387 passage would open up the City of Rockwall to lawsuits. She believes the safety of
388 ‘trans people’ will be placed at risk, and it will negatively impact the local businesses.
389 She urged the council to vote ‘no’ to this ordinance.
390

391 **Brent Muecke**
392 **5880 CR4518**
393 **LaRue, Texas**
394

395 Mr. Muecke indicated he would like to speak about case Z2016-009 regarding “Big D
396 Auto.” He shared that he travels into Rockwall about every other weekend, and he
397 recently stopped in to speak to this business owner about the ordinance. He explained
398 that the business owner let him know the city is trying to limit his number of parking
399 spaces. He indicated the city’s secretary emailed him the ordinance earlier today, and
400 there are a couple of changes that need to be made to it if it is to be passed. He pointed
401 out that the Council wishes to limit the owner to parking seven vehicles outside;
402 however, according to Exhibit B, it is marked as four vehicles at 60 degrees, but the lines
403 on the exhibit are shown at 90 degrees. Also, spark plugs are not oiled. They are
404 changed. He went on to generally express concern related to any time limit placed on
405 the parking of the vehicles. He explained that ordering, receiving and installing parts

406 takes time, and he believes the city is being hard on this particular business owner. He
407 would like to see more details before this ordinance is passed on second reading.
408

409 Mayor Pruitt then announced that Councilmember Hohenshelt is leaving to attend a
410 lacrosse game for his son who is in the state finals. Hohenshelt explained that any
411 council member is allowed to place an item on the city council meeting agenda for
412 discussion. Doing so does not require any vote. He shared that he is a business owner
413 and personally has a strong libertarian bent. Therefore, he explained that he has a lack
414 of appreciation for adding regulations onto businesses. He shared that if he were to stay
415 for the remainder of the meeting and the vote on the proposed bathroom ordinance, he
416 would be voting against it.
417

418 **Sam Pierce**
419 **970 West Yellowjacket Lane, #313**
420 **Rockwall, TX 75087**
421

422 Mr. Pierce generally spoke in opposition of passage of the proposed ordinance regarding
423 use of public restrooms and changing facilities. He lives and works in Rockwall and has
424 for the past two years; however, for many years he and his family were frequent visitors
425 to Rockwall. He believes this ordinance was brought forth by Mayor Pruitt as an attempt
426 to protect families and children; however, he does not believe this ordinance is the right
427 way to do this. He then shared a story about an event that recently occurred in the City of
428 Frisco whereby a man followed a woman into a women's restroom, questioning her
429 gender and intent for being in said restroom. He indicated that the woman is now
430 pursuing litigation pertaining to this event. Mr. Pierce questioned what sort of city
431 manpower and finances may be available to enforce and litigate should this ordinance
432 pass. In addition, he wonders what sort of data exists to support its passage and uphold
433 the belief that it will increase security. He believes this is an attempt at finding a solution
434 for a problem that does not exist. He believes this ordinance seems to suggest that
435 transgenders are pedophiles, deviants or perverts individuals. Furthermore, he generally
436 believes that crimes committed by transgenders in bathrooms are generally non-existent,
437 while passage of this ordinance would actually adversely affect the safety of transgender
438 individuals.
439

440 **Carol Crow**
441 **504 Williams Street**
442 **Rockwall, TX**
443

444 Mrs. Crow came forth and expressed that she had no intention of speaking this evening,
445 but she was dumbfounded by the marchers outside of city hall who may or may not be
446 from Rockwall. She explained that she may never have personally seen a transgender
447 person before, and she does not care if one of them goes into the ladies restroom if they
448 look like a lady. However, what she does not want is for a big, hairy man to go into the
449 lady's restroom. She is not here about hate, but rather about common sense and family
450 values. She thanked the city council for getting the sex toys off the bottom shelf of the
451 Target a few years ago. She suggested that men may feel uncomfortable if she stood at
452 the sink in a men's room while a man was using a urinal. She expressed that his
453 ordinance is not about transgenders, gays, or lesbians, or anything else, but, rather, it is
454 about civility.
455

456 Mayor Pruitt called for a break at 7:16 p.m.

457 The meeting was called back to order at 7:30 p.m. with all Council members except John
458 Hohenshelt being present.

459
460
461

* Mayor Pruitt called the public meeting back to order at 8:18 p.m. and announced that
462 Open Forum would be continued at this time.

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Bobby Guillory
1642 Cliffbrook Drive
Rockwall, TX 75032

469 Mr. Guillory came forth and indicated that his understanding is that the city is discussing
470 allowing transgender individuals to participate in utilizing the women's and men's
471 restrooms/bathrooms. He indicated that he is opposed to this situation. He shared that
472 every male and female was created according to his/her gender. He stated that there is a
473 law that exceeds all laws – the law of our Lord and Savior, Jesus Christ, or God. He and
474 his family feel that allowing this use would place children in jeopardy as well as our
475 elderly and young folks. He suggested that individuals who have chosen this lifestyle
476 should have their own facilities (i.e. transgenders or homosexuals). He stated that God
477 refers to this as an abomination. He generally spoke in favor of this proposed bathroom
478 ordinance.

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Ben Weible
215 Trout
Rockwall, TX

484 Mayor Pruitt generally thanked Mr. Weible for his service on the Rockwall Central
485 Appraisal District (CAD) board of directors.

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Mr. Weible expressed that when his children were younger, he would never send his kids
into multi-occupancy bathrooms. He generally expressed the belief that it is not the
business of government to dictate the private actions of private businesses. He believes
government intervention in private business matters contributes to 'stirring the pot'
related to the ordinance that is on tonight's agenda pertaining to use of public restroom
facilities. He generally encouraged letting each individual business resolve the issue of
use of their restrooms with their own, individual patrons.

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Marie Ann Shipman
2125 Hillcroft Drive
Rockwall, TX

499 Mrs. Shipman encouraged the council to not weigh in on 'culture wars,' because she
500 believes doing so is divisive. She believes this will not result in additional sexual
501 assaults; however, she believes it will result in discrimination against a minority group
502 (transgenders), and their safety could be at risk. She has concerns about how this
503 bathroom ordinance, should it pass, would be enforced. She also expressed a concern
504 about this ordinance causing businesses to move elsewhere. She believes a community
505 is made better by more diversity. She generally spoke against approval of this
506 ordinance.

507
508 **Ashley Nichols**
509 **1920 Crestlake**
510 **Rockwall, TX**
511

512 **Ms. Nichols shared that she discontinued going to Rockwall schools for many reasons,**
513 **and she would possibly consider going back if it were welcoming to everyone in the**
514 **community. She hates that someone cannot go to the bathroom in peace. She thinks**
515 **passage of this ordinance could prove embarrassing for someone having to prove their**
516 **gender before using a restroom. She is generally opposed to passage of this ordinance.**
517

518 **Aubrey Fam**
519 **2 Indian Trail**
520 **Rockwall, TX**
521

522 **Mrs. Fam indicating she is a registered republican and believes in small government;**
523 **however, she does not think government needs to be small enough to fit into the stall**
524 **next to her. She generally expressed concerns related to the possible economic impacts**
525 **of this bill as well as ‘gender binary’ and working with kids in the Rockwall school district**
526 **that do not fit the gender binary. She shared that she overheard someone this evening**
527 **questioning her own gender identity, and that is the first time she has been made to feel**
528 **unsafe while in Rockwall. She believes questioning someone’s gender identity is**
529 **indicative of the kind of harassment that would likely be seen if this ordinance is passed.**
530 **She expressed opposition to this bathroom ordinance, encouraging the Council to vote**
531 **“not” to it. She does not believe it will make women and children safer.**
532

533 **Patricia Pomroy**
534 **992 Starlight Place**
535 **Rockwall**
536

537 **Mrs. Pomroy indicated that she is a licensed counselor, and she pointed out that**
538 **statistics show that most children who are sexually assaulted are assaulted by someone**
539 **close to them, within their inner circle. She shared that it is a bit of a falsehood to state**
540 **that passing a bathroom ordinance like this would protect children. Generally, sexually**
541 **assault of children does not typically happen in public places spontaneously. Instead, it**
542 **typically happens slowly over a period of time by someone close to the child or family,**
543 **such as a coach. She urged the Council to consider basing their decision on facts.**
544

545 **Dr. Rob Mehl**
546 **601 Carriage Trail**
547 **Rockwall, TX**
548

549 **Dr. Mehl indicated that he is a licensed, clinical psychologist who has been practicing in**
550 **Rockwall for about thirty-five years. He then proceeded to share various definitions,**
551 **generally related to transgender individuals. He also shared some statistics related to**
552 **transgender individuals, including the rate of suicide attempts among that population.**
553 **He generally encouraged the city council to not vote in favor of approving this ordinance.**
554 **He is against it.**
555

556 **Chanel Rushing**
557 **705 Nash Street**

558
559 Mrs. Rushing indicated she is a graduate of Rockwall High School and has lived here for
560 twenty-two years. She shared that she is personally a child sex abuse survivor. She
561 pointed out that her sexual abuser did not abuse her in a restroom; however, his rap
562 sheet did include being a “peeping Tom” in women’s restrooms. She does not believe
563 that an ordinance can be passed to restrict men from entering a women’s restroom
564 without giving transgenders a safe alternative. She indicated that she would feel safer
565 with men not being allowed in a women’s restroom; however, she does feel like the
566 ordinance that is being proposed, as it is currently written, would cause a transgendered
567 person to feel very uncomfortable and potentially unsafe. She generally expressed
568 support for general neutral bathrooms with single locking stalls, and she encouraged the
569 city to immediately start on an ordinance that would require all local business and
570 property owners to provide at least one gender neutral restroom. She believes those
571 would be safe, private spaces for anyone to use. Furthermore, she believes that doing
572 so would diffuse the accusations of discrimination and solve the issues at hand.

573
574 Bekah and Lizzie Gutierrez
575 1676 Westbury Drive
576 Rockwall, TX

577
578 The girls indicated that they are against the proposed bathroom ordinance. They believe
579 that for people who are “trans” objectifies and creates fear as well as creating an evil
580 connotation towards these individuals. In addition, they generally expressed that it is
581 discriminatory and will put transgenders in a spotlight that they likely never wanted to be
582 in. They feel this ordinance would multiple problems rather than solve them. The girls
583 quoted some statistics, including pointing out that no statistical evidence exists to
584 warrant this type of legislation. They believe transgenders would be placed in danger if
585 forced to use the bathroom related to the gender identified on their birth certificate. They
586 indicated that this ordinance punishes local businesses who implement non-
587 discrimination policies by threatening criminal penalties or requiring them to build
588 additional facilities. They questioned the ordinance as being discriminatory, violating
589 separation of church and state and a person’s constitutional right to privacy.
590 Enforcement of this ordinance would not be viable without the enforcer having to go to
591 unreasonable lengths.

592
593 Alex Naser
594 1251 Highland Drive
595 Rockwall, TX

596
597 Alex came forth and stated that he is a transgender male living in Rockwall. He generally
598 spoke in opposition of the proposed bathroom ordinance and believes it will be hard to
599 enforce. He explained that if he were forced to use a women’s restroom, he would be out
600 of place and feel uncomfortable. He shared that it is already hard enough, as a
601 transgender person, without having to deal with other people’s criticisms. He is worried
602 about going into the men’s restroom because he is afraid of being hurt; however, he
603 knows he cannot go into the women’s restroom because he looks like a man. He pointed
604 out that transgenders are not dangerous. They just want to use the restroom. He
605 believes this ordinance is discriminatory and pointed out that there are already laws
606 against “assault.” He indicated that he attended Rockwall Heath High School, but he had
607 to leave because he was not allowed to utilize the men’s restroom at school. So he has
608 had to transition to online school instead. He has also had to deal with bullying at

609 school and mis-gendering from teachers. He said that transgenders already have so
610 many other things to worry about. He shared that transgenders will not hurt you...they
611 just want to use the restroom.

612
613 **G. David Smith**
614 **601 Stonebridge Drive**
615 **Rockwall, TX**

616
617 **Mr. Smith came forth and generally spoke in opposition of the city council passing the**
618 **proposed bathroom related ordinance. He believes it fosters hate and encourages**
619 **ignorance. He wants everyone to feel welcome in this community, including those who**
620 **have stood up and shared their personal, intimate stories and secrets. He encouraged**
621 **the community to come together in lieu of lashing out. He offered that he and his law**
622 **office will be happy to help anyone who is convicted of these crimes, and he will fight,**
623 **both criminally and civilly, to defend anyone who is accused of violating the ordinance.**
624 **He is opposed to its passage.**

625
626 **Katherine Lindsey**
627 **9613 Heartstone Lane**
628 **Rockwall, TX**

629
630 **She explained that she is a former Rockwall High School graduate who is now studying**
631 **social work at Texas Women's University in Denton. She shared some additional**
632 **information pertaining to gender identity issues and how some people are born different**
633 **and therefore do not fit the traditional gender binary (i.e. chromosomal differences or**
634 **those born with ambiguous genitalia). She explained that she is part of the LBGT**
635 **community and she has a lot of transgender friends, and she sees a lot them already**
636 **suffering with their own set of issues. She wants her transgender friends to be accepted**
637 **publicly, to be able to go to the restroom in public without fear for their safety, and to see**
638 **them be accepted by their families.**

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640 **X. CONSENT AGENDA**

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1. Consider approval of the minutes from the April 18, 2016 regular city council meeting, and take any action necessary.
 2. **Z2016-008** - Consider a request by Darrell Simpson on behalf of Sherri Banuelos for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow an accessory building that does not meet the minimum requirements as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 1.03-acre tract of land identified as Tract 11-5 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Single Family One (SF-1) District, addressed as 735 Davis Drive, and take any action necessary **[2nd Reading]**.
 3. **P2016-013** - Consider a request by Alexander Menjivar and Daniel & Lidia Mendez for the approval of a final plat for Lots 1 & 2, Block A, Mendez Addition being a five (5) acre tract of land identified as Tract 2 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 5143 SH-276, and take any action necessary.

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4. **P2016-014** - Consider a request by Daniel Stewart of Cates-Clark & Associates, LP on behalf of Jeff Finkel of Seaman Development Corporation for the approval of a final plat for Lot 1, Block 1, Rockwall-Pine Addition being a 3.642-acre portion of a larger 14.07-acre tract of land identified as Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 920 E. IH-30, located southwest of the intersection of Kyle Drive and the E. IH-30 frontage road and take any action necessary.
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5. **P2016-015** - Consider a request by Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of JBR-2, LLC for the approval of a final plat for Lots 1 & 2, Block A, JBR2 Addition being a 7.329-acre tract of land identified as Tract 17-12 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated west of the intersection of SH-205 and FM-549, and take any action necessary.
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6. **P2016-017** - Consider a request by Robert R. Varner, Jr. of Townsend Professional Centre, LLC for the approval of a replat creating Lots 9, 10, & 11, Block A, Municipal Industrial Park Addition, being a 2.60-acre parcel of land currently identified as Lot 8, Block A, Municipal Industrial Park Addition (2.29-acres) and Lot 1, Block A, Corrigan Law Office Addition (0.31-acres), City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated west of the intersection of SH-205 and FM-549, and take any action necessary.
- 683
684
7. Consider approval of a resolution abandoning the right-of-way for Carrier Drive to the adjacent land owner and take any action necessary.

685 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**
686 **6, and 7). Councilmember Milder seconded the motion. The ordinance was read as**
687 **follows:**

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690

**CITY OF ROCKWALL
ORDINANCE NO. 16-29
SPECIFIC USE PERMIT NO. S-152**

691 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
692 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE***
693 ***04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
694 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW**
695 **FOR AN ACCESSORY BUILDING THAT DOES NOT CONFORM TO THE**
696 **REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, *RESIDENTIAL AND***
697 ***LODGING USE CONDITIONS*, OF ARTICLE IV, *PERMISSIBLE USES*, OF**
698 **THE UNIFIED DEVELOPMENT CODE, BEING A 1.03-ACRE TRACT OF**
699 **LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-1) DISTRICT,**
700 **ADDRESSED AS 735 DAVIS DRIVE, AND IDENTIFIED AS TRACT 11-5 OF**
701 **THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL,**
702 **ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN**
703 ***EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL**
704 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED**
705 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
706 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**
707 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

708

709 The motion passed by a vote of 6 in favor with 1 absent (Hohenshelt).
710

711 **XI. APPOINTMENTS**
712

- 713 1. Appointment with the Chairman of the Airport Advisory Board to discuss
714 and consider a recommendation from the Airport Advisory Board, asking
715 the City Council to consider developing a plan for purchasing land near
716 the airport for airport development; and to formally request that TXDOT
717 Aviation place the airport development plan in the State's Aviation Capital
718 Improvement Program and take any action necessary.

719 **Dwight Royall, Chairman of the city's newly formed Airport Advisory Board, came forth**
720 **and indicated that the board has met a couple of times so far. Board members have**
721 **organized, have reviewed the Airport Development Plan, and have toured the airport**
722 **facility itself. He shared that the board has two recommendations. First, he generally**
723 **requested that the city council consider having the city manager submit a formal letter of**
724 **intent to TXDOT Aviation to place Rockwall's airport in the State's Capital Improvement**
725 **Program for possible future funding. He shared that he and the other board members**
726 **understand that it could be a number of years before any funding might possibly become**
727 **available. Also, he clarified his understanding that if funding does become available, the**
728 **city will still have discretion to decide whether it wishes to move forward or not at that**
729 **point in time.**
730

731 In addition, he shared that the acquisition of some property located near the airport
732 would be critical to the Airport Development Plan's implementation. He indicated that
733 the Advisory Board strongly recommends that the city begin the process to acquire the
734 property.
735

736 Informal direction was given by Council to staff to go ahead and submit the suggested
737 letter of intent. Councilmember White clarified that acquiring the property does not have
738 anything to do with lengthening the airport, but, instead, widening it. Essentially,
739 everything that is there now would need to be moved over (hangars, the runway itself,
740 etc.).
741

742 The Council took no formal action concerning this agenda item.
743

744 Mayor Pruitt then addressed Action Item #2 on the agenda.
745

746 **XII. ACTION ITEMS**
747

- 748 1. Discuss and consider approval of an ordinance amending the Code of
749 Ordinances in Chapter 22. Miscellaneous Offenses; Article I. In General
750 by adding Section 22-5 to regulate public restroom/bathroom and
751 changing facilities, and take any action necessary. (1st reading)

752 **At 9:05 p.m., Mayor Pruitt closed Open Forum and indicated the Council would then**
753 **address this Action Item. Mayor Pruitt began council discussion of this item by stating**
754 **the following:**

755 ***My comments will be brief. First I do not know why we are having to have***
756 ***this conversation about public restrooms. But we are, because evidently***
757 ***someone decided they were going to make a policy to allow men unfettered***

758 *access to women's restrooms and changing rooms and vice versa. We*
759 *have never had a law against this because common sense has prevailed*
760 *and folks used the appropriate facilities.*

761 *Our local and national building codes set out what is required as to*
762 *restroom facilities as we discussed in the earlier workshop session on*
763 *adoption of new building codes. The one sure solution to this problem is*
764 *individual unisex restrooms that have a lock on the door.*

765 *This is purely a security issue to me. I have been a criminal court judge*
766 *and practiced criminal law as both a prosecutor and defense lawyer for*
767 *over 30 years. I have seen many cases involving sexual predators in that*
768 *time and cases where these predators look for opportunities to abuse*
769 *children. These policies say that a man can go into a women's restroom or*
770 *dressing room without challenge is a ridiculous and dangerous opportunity*
771 *to give a predator.*

772 *I do not feel comfortable sending my 9 year old daughter into a public*
773 *restroom if there is the possibility that a man may be in the restroom or can*
774 *enter into that restroom unchallenged. These kids don't have a choice*
775 *when they have to go they have to go. This is for our children's security*
776 *and frankly I don't think children should be subjected to seeing another's*
777 *genitalia when they are alone in a public restroom.*

778 *Officers have the discretion to issue tickets when they believe there is a*
779 *real problem. I don't believe we'll see issues like those described by the*
780 *naysayers of people being harassed. Like jaywalking ... people do it every*
781 *day and don't get into trouble because officers use their discretion on*
782 *when to issue ticket or get involved. Citizens use their discretion on when*
783 *to call the police. But people also know jaywalking is discouraged in that*
784 *community because there is an ordinance against it. Based on the number*
785 *of people that I have heard from over the last week, this community wants*
786 *to discourage men from going into women's restrooms and dressing*
787 *rooms and vice versa there are obvious exceptions to that which are*
788 *covered in the ordinance.*

789 *If this ordinance saves one child from being molested because a*
790 *concerned citizen reported a predator lurking in the restroom then our*
791 *efforts are life changing for that child or woman. This is about nothing*
792 *more than the safety of our community and we as councilmen have a duty*
793 *to do everything we can to keep our community safe.*

794 *I just can't believe that we really have to spend time debating this.*

795 **Councilmember Townsend indicated he has spent some time doing some research, and**
796 **he believes that this ordinance is not about "transgender." However, it is based on a**
797 **company – Target – that recently went out and made a policy that anyone can go into any**
798 **of their public restrooms. The intent of this ordinance is to protect people that cannot be**
799 **protected – not to exclude people. However, he expressed that he has a problem with**
800 **the ordinance as it is presented because he believes it will not accomplish what it is**
801 **intended to accomplish. He requested that this item either be tabled and further**
802 **researched for consideration later on, or find something else to effectively solve the**
803 **potential problem. He believes that parenting is a person's individual problem and issue**
804 **to handle, especially related to protecting children and ensuring their security.**

805 Mayor Pro Tem Lewis indicated that he was originally 100% behind this ordinance
806 because he believes its intent in bringing it forth was to protect; however, he has since
807 done some research and has arrived at a differing opinion. He pointed out that he has a
808 wife, and he has grandchildren, ages one and five. He does not believe that government
809 should be involved in private business matters, and he has to weigh these beliefs against
810 "safety." He is not sure that this particular ordinance accomplishes what it is intended to
811 do. Mr. Garza, City Attorney, clarified, at Lewis' request, that birth certificates are
812 confidential records. Lewis then shared that businesses have a right to make policies,
813 and members of the public have the right to choose to not patron those businesses. He
814 generally expressed concerns about this ordinance as it is presented this evening.

815 Councilmember Milder shared that Mayor Pruitt has done a lot of good in the community,
816 and he believes that the mayor had the best of intentions when putting forth this
817 ordinance. He indicated that initially he was in favor of the ordinance, and he spent a lot
818 of time doing research over the weekend and reading emails he received over the
819 weekend from members of the public. However, the issue at hand is not related to what
820 he personally believes or feels. What is most important, however, is what is appropriate
821 for the Council, and he believes that this ordinance is not enforceable. For that reason,
822 he does not believe this ordinance is relevant.

823 Councilmember White indicated that when he first read the ordinance, he was against it.
824 Then, when he read it again later on, he was still against it. He believes this is a property
825 rights-related issue pertaining to a private business making its own, private rules which
826 will apply to their customers. He shared that the public speaker from earlier, Mr. Ben
827 Weible, is his brother-in-law, and Mr. John White, the older gentleman that spoke earlier
828 at the meeting, is his father. He expressed that if a parent or a person feels unsafe in a
829 certain place, such as Target, for example, they should not go there. He does not believe
830 that a person should run to the government in order for the government to help them feel
831 safe. He does not believe this was very well thought out, although he does believe it was
832 well intentioned. He believes it is 100% unenforceable without intrusion into people's
833 personal lives. He believes that adults have the right to live their lives as they choose so
834 long as it does not interfere with his own rights to live his life as he chooses.

835 Councilmember Fowler indicated that, at first, he seemed to be in favor of it. However,
836 when he really stopped and thought through it more extensively, he decided he is not in
837 favor of it. He believes it is unenforceable. He does have a desire to protect women and
838 children, and even some men, but he is not sure this ordinance accomplishes this. He
839 would like to see a different ordinance of some sort for consideration.

840 Mayor Pruitt indicated that this is not just a property rights issue. It is also a city-related
841 concern and issue, as the city has some public restrooms too, including those that will
842 be offered and available at the city's upcoming Founder's Day festival.

843 Townsend indicated that he has no problem with the city setting rules associated with
844 use of its own public restrooms. However, he does not believe the city should be setting
845 restroom rules for private businesses and places like Target.

846 Councilmember White indicated that he disagrees with some of the sentiments being
847 expressed during this council discussion. He reiterated the use of "common sense"
848 related to people using public restrooms. He pointed out that laws do not stop crimes
849 from being committed. He believes laws should not be in place to control someone's life.
850 He also pointed out that "city owned restrooms" are not owned by the city but, rather, by
851 the citizens. He reiterated that he does not believe the city should be telling the public
852 where to use the restroom.

853 Mayor Pruitt asked if the Council is against regulating use of public restrooms located on
854 city property. Fowler indicated that he would need to see an ordinance like that so he
855 could read through it and think about it.

856 Mayor Pruitt made a motion to approve the ordinance. The motion died for lack of a
857 second. Therefore, no action was taken on the part of the City Council concerning this
858 proposed ordinance.

859 2. **Z2016-009** - Discuss and consider a request by Mohamed Taha for the
860 approval of an **ordinance** for a Specific Use Permit (SUP) to allow a
861 minor auto repair garage to be established in conjunction with an existing
862 oil/lube change facility located on a 0.2755-acre parcel of land identified
863 as Lot 3, Block B, Rockwall High School Addition, City of Rockwall,
864 Rockwall County, Texas, zoned Commercial (C) District, situated within
865 the Scenic Overlay (SOV) District, addressed as 2225 Ridge Road, and
866 take any action necessary [**2nd Reading**].

867 Ryan Miller, the city's Planning Director, provided brief background information related
868 to this agenda item.

869 The applicant came forth and expressed that the business operator would just like a few
870 more parking spaces. He generally and respectfully requested approval of this
871 ordinance for second reading.

872 Councilmember White made a motion to approve Z2016-009. Councilmember Milder
873 seconded the motion, but pointed out a concern that the ordinance which was included
874 in council members' meeting packet does not reflect the seven parking spaces with
875 allowance that four of them be permissible for overnight use. City Attorney, Frank Garza,
876 indicated that reading the ordinance for "second reading" tonight is ok, and staff can
877 make those changes prior to the mayor signing the ordinance.

878 The motion to approve this item/ordinance passed by a vote of four in favor, two against
879 (Fowler and Pruitt), and 1 absent (Hohenshelt).

880 3. **Z2016-010** - Discuss and consider a request by Grey Stogner of
881 Crestview Real Estate on behalf of the owner Tom R. Briscoe of Briscoe
882 Oil, Inc. for the approval of an **ordinance** for a PD Development Plan
883 abandoning Hill Top Lane to establish an urgent care facility on a 1.042-
884 acre tract of land identified as Lots 1 & 2, Block A, Briscoe/Hillcrest
885 Addition and Tract 41-2 of the E. Teal Survey, Abstract No. 207, City of
886 Rockwall, Rockwall County, Texas, zoned Planned Development District
887 32 (PD-32), situated within the Summit Office Subdistrict and the IH-30
888 Overlay (IH-30 OV) District, located at the southwest corner of Horizon
889 Road [FM3097] and the IH-30 frontage road, and take any action
890 necessary [**2nd Reading**].

891 Councilmember White made a motion to approve Z2016-010. Mayor Pro Tem Lewis
892 seconded the motion, which passed by a vote of 5 in favor, 1 against (Milder) and 1
893 absent (Hohenshelt).

894 4. Discuss and consider a request for supplemental hotel occupancy tax
895 funding for the 2016 Duck Regatta, and take any action necessary.

896 Councilmember David White and Mayor Pro Tem Dennis Lewis recused themselves from
897 the discussion and associated vote pertaining to this item. Mayor Pruitt indicated that
898 they have each filed the appropriate paperwork with the city secretary.

899 **Mary Smith, Assistant City Manager, provided brief comments related to this item,**
900 **explaining that the local Meals on Wheels and Boys and Girls Club benefit from this**
901 **annual (rubber) Duck Regatta. She explained that they are requesting \$30,000 and a**
902 **waiver of any Harbor-related rental fees.**

903 **Councilmember Milder stated that these are two prominent, local charities, and this event**
904 **has been very successful. After his comments, Milder made a motion to grant \$25,000**
905 **for this organization/event. Councilmember Townsend seconded the motion. Townsend**
906 **reminded the city council that the city has moved away from waiving fees associated**
907 **with rental of the Harbor in favor of covering 'waived fees' in the amount granted**
908 **associated with a request. After Townsend's comments, the motion passed by a vote of**
909 **4 in favor with 2 abstentions (White and Lewis) and 1 absent (Hohenshelt).**

910 **5. Discuss and consider approval of an ordinance amending the Code of**
911 **Ordinances in Chapter 36, Article IV. Art in Public Places Master Plan,**
912 **Sections 36-56, 36-57, 36-59 and 36-136, to approve certain**
913 **amendments as recommended by the city's Art Review Team (ART)**
914 **Commission, and take any action necessary. (1st reading)**

915 **David Sweet came forth and introduced himself as the current chair of the city's ART**
916 **Commission. He thanked his fellow board members for their service on the board and**
917 **work on this agenda item and associated revisions to this ordinance. He then briefed the**
918 **Council on the proposed changes. Following brief dialogue, Mayor Pruitt made a motion**
919 **to approve the ordinance and associated recommendations from the city's ART**
920 **Commission. Mayor Pro Tem Lewis seconded the motion. The ordinance was then read**
921 **as follows:**

922 **CITY OF ROCKWALL**
923 **ORDINANCE NO. 16-__**

924 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER**
925 **36, ARTICLE IV, ART IN PUBLIC PLACES MASTER PLAN, IN SECTIONS 36-56,**
926 **36-57, 36-59 and 36-136 OF THE CODE OF ORDINANCES, TO AMEND THE ART**
927 **IN PUBLIC PLACES MASTER PLAN AS RECOMMENDED BY THE ART REVIEW**
928 **TEAM (ART) COMMISSION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING**
929 **AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.**
930

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

932 **6. Discuss and consider an ordinance adopting Chapter 10 Buildings and**
933 **Building Regulations, Articles III, IV, V, VI, VII, VIII, IX AND X of the Code**
934 **of Ordinances regarding the 2015 International Building Code, Residential**
935 **Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Energy**
936 **Conservation Code, Existing Building Code and the 2011 National**
937 **Electric Code with certain local amendments and exceptions and take any**
938 **action necessary. (1st reading)**

939 **7.**

940 **Brad Griggs, Assistant City (Acting) Manager, provided brief comments. Councilmember**
941 **Milder made a motion to approve this ordinance. Councilmember Fowler seconded the**
942 **motion. The ordinance was read as follows:**

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CITY OF ROCKWALL
ORDINANCE NO. 16-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, IX AND X OF THE CODE OF ORDINANCES; REPEALING ARTICLES III, IV, V, VI, VII, VIII, IX AND X; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

959 **The motion passed by a vote of 5 in favor, 1 against (White) and 1 absent (Hohenshelt).**

- 960 **8.** Discuss and consider an **ordinance** repealing the 2009 International Fire Code with certain local amendments and adopting the 2015 International Fire Codes with certain local amendments and exceptions in Chapter 18 Fire Prevention and Protection, Article II Fire Code Standards, Sec. 18-32 and Sec. 18-33 of the Code of Ordinances, and take any action necessary. **(1st Reading)**

966 **Councilmember Townsend made a motion to approve the ordinance. Mayor Pro Tem Lewis seconded the motion. The ordinance was read as follows:**

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CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 16-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II. FIRE CODE STANDARDS, SEC. 18-32 AND SEC. 18-33; REPEALING CHAPTER 18 FIRE PREVENTION AND PROTECTION, ARTICLE II, SEC. 18-32 AND SEC. 18-33 AMENDMENTS WITH THE EXCEPTION OF SUBSECTION (41) (2006 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24); PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

984 **The motion passed by a vote of 5 in favor, 1 against (White) and 1 absent (Hohenshelt).**

- 986 **9.** Discuss and consider granting permissions for the City's May 21, 2016 Founders Day Festival at Harry Myers Park related to Chapter 30, Article I, Sec. 30-2, Regulated Activities in Parks of the Code of Ordinances, and take any action necessary.

990 **Assistant City (Acting) Manager, Brad Griggs, provided brief comments related to this item, indicating that it is related to possession and consumption of alcoholic beverages on city owned property, specifically at Harry Myers Park on the specific day of the event.**

993 Mayor Pro Tem Lewis made a motion to grant permission for the city's May 21st Founders
994 Day Festival pertaining to Ch. 30, Article I, Sec. 30-2, Regulated Activities in Parks of the
995 Code of Ordinances. Councilmember White seconded the motion, which passed by a
996 vote of 5 in favor, 1 against (Pruitt) and 1 absent (Hohenshelt). Mayor Pruitt let the public
997 know that Stoney LaRue and Diamond Rio will be the headlining bands at this event.

998 10. Discuss and consider a request from Meals on Wheels of Rockwall
999 County regarding nominations associated with their May 26th "Older
1000 Americans Month" celebration, and take any action necessary.

1001 City Secretary Kristy Cole provided brief background information regarding this agenda
1002 item. Mayor Pro Tem Lewis indicated he would like to nominate Anita Massey for the
1003 Older Americans Month celebration. Mayor Pruitt indicated he would like to nominate
1004 Nell Welborn and Bob Cotti. No formal action on the part of Council took place
1005 concerning this agenda item.

1006
1007 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
1008 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

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1010 1. Departmental Reports
1011 Building Inspections Monthly Report - March 2016
1012 Fire Dept. Monthly Reports and 16 in 16 Recruiting Update - March 2016
1013 GIS Department Monthly Report - March 2016
1014 Harbor PD Monthly Report - March 2016
1015 Internal Operations Department Monthly Report - March 2016
1016 Meals on Wheels Senior Services Quarterly Report
1017 Police Department Monthly Report - March 2016
1018 Recreation Monthly Report - March 2016
1019 Rockwall Animal Adoption Center Monthly Report - March 2016

1020 2. City Manager's Report

1021 Assistant City Manager Brad Griggs reminded the council and the public about the
1022 upcoming National Day of Prayer and Founders Day Festival events.

1023 Mayor Pruitt congratulated the city on a \$5,000 grant for the Old Towne Rockwall Historic
1024 District update from the Texas Historical Commission's Certified Local Government
1025 Program. He thanked the Planning Director for his work to obtain this grant.

1026
1027 Mayor Pruitt called for a break at 8:07 p.m. Pruitt then reconvened the public meeting at
1028 8:18 p.m. with all councilmembers except Hohenshelt present. He then readdressed
1029 those wishing to speak during Open Forum (see * above on line 462) as well as Action
1030 Item #1 (line 748).

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1032 **XIV. EXECUTIVE SESSION**
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1034 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
1035 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
1036 CODE:

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1. Discussion regarding the status of negotiations for an ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding legal options available to the City pertaining to possible violations of erosion control and drainage development standards pursuant to Section §551.071 (Consultation with Attorney)

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

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

XVI. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS 16th day of May, 2016.**

ATTEST:

Kristy Cole

Kristy Cole, City Secretary

Jim Pruitt

Jim Pruitt, Mayor

