

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 01, 2016
5:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:01 p.m. Present were Mayor Jim Pruitt and Council Members David White, Scott Milder, Kevin Fowler and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and the city's legal counsel, Lea Ream. Councilmember John Hohenshelt, Mayor Pro Tem Mike Townsend, and City Attorney Frank Garza were absent from this meeting.

Mayor Pruitt read the following discussion items into the record before recessing the public meeting to go into Executive Session (5:02 p.m.).

II. EXECUTIVE SESSION.

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

1. Discussion regarding negotiations pertaining to an interlocal agreement with Rockwall County regarding participation in regional transportation services, pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's Trust FBO Jason Manley v. the City of Rockwall, Texas and Board of Adjustments of the City of Rockwall, Texas (Cause No. 1-16-0580, 382nd District Court) pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding claim for reimbursement by developer for lift station improvements pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding legal options available to the City pertaining to possible violations of drainage and detention development standards pursuant to Section §551.071 (Consultation with Attorney)
5. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Planning & Zoning Commission pursuant to Section 551.074 (personnel matters)
6. Discussion regarding the status of negotiations for an ambulance services contract pursuant to Section §551.071 (Consultation with Attorney)
7. Discussion regarding contract with Holmes Murphy & Associates and HIPPA Information pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

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

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. Present were Mayor Jim Pruitt and Council Members David White, Scott Milder, Kevin Fowler and Dennis Lewis. Mayor Pro Tem Mike Townsend and City Councilmember John Hohenshelt were absent from the meeting.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember White made a motion to reappoint Toby Kernan to serve on the city's Building and Standards Commission (new term will run through August of 2018). Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt, Townsend).

Councilmember White made a motion to appoint Mark Moeller to serve on the city's Planning & Zoning Commission (replacing former member John McCutcheon, with a term to run through August of 2019). Councilmember Lewis seconded the motion, which passed by a vote of 5 ayes with 2 absent (Hohenshelt, Townsend).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

Councilmember Hohenshelt was absent, so Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS / AWARDS

1. Memorial Day Concert Appreciation Proclamations
 - Chris Kosterman - Concert Director
 - The Rockwall Community Band
 - Mike McGill - Conductor, Rockwall Community Band
 - Gary Freedman - Concert Narrator

Mayor Pruitt called forth Mr. Tom Galli as well as the aforementioned individuals and members of the Rockwall Community Band. Each person introduced themselves and mentioned what instrument or role they played in the Memorial Day Concert. The mayor then read and presented each of the proclamations.

VIII. OPEN FORUM

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

John White
1929 S. Lakeshore Drive
Rockwall, TX 75087

Mr. White came forth and provided some comments related to the reconstruction project involving S. Lakeshore / Summit Ridge. He generally expressed concerns about reducing the street width to 22', as he feels it is dangerous and will pose several hazards, including causing complications for fire and police vehicles. Regarding sidewalks in this

99 area, he feels installing them would pose a large problem. He indicated that he does not
100 want S. Lakeshore to be like Clark Street, where there are obstacles built into the
101 roadway in order to slow traffic down. He suggested that the city and the consultant
102 think a little more about options that may be viable. He suggested that a portion of
103 Summit Ridge might be reconfigured to make it a cul-de-sac in order to keep “through
104 traffic” off of it. He also suggested a gate that the fire and police departments could
105 easily get through to access the neighborhoods.

106
107 Mayor Pruitt pointed out that this roadway improvement project is entirely a city project,
108 so the city has the freedom to design the roadways however it so chooses. He generally
109 expressed gratitude to Mr. White for sharing his thoughts.

110
111 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
112 Open Forum.

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114 **IX. CONSENT AGENDA**

- 115
116 1. Consider approval of the minutes from the July 18, 2016 regular city
117 council meeting, and take any action necessary.
- 118 2. **P2016-030** - Consider a request by Clint Groomer of CBG Surveying, Inc.
119 on behalf of Anusha Malineni of Sriven Vista, LLC for the approval of a
120 replat for Lots 5 & 6, Block C, Sanger Bros. Addition being a 0.23-acre
121 parcel of land currently identified as a portion of Lots 1 & 2, Block C,
122 Sanger Bros. Addition, City of Rockwall, Rockwall County, Texas, zoned
123 Single Family 7 (SF-7) District, situated within the Southside Residential
124 Neighborhood Overlay (SRO) District, addressed as 703 Sam Houston
125 Street, and take any action necessary.
- 126 3. **P2016-031** - Consider a request by Randy Helmberger of Our Lady of the
127 Lake Catholic Church on behalf of Dr. Brad Helmer of Heritage Christian
128 Academy for the approval of a replat for Lots 2 & 3, Block A, Heritage
129 Christian Academy, Phase 2 being a 8.83-acre tract of land currently
130 identified as Lot 1, Block A, Heritage Christian Academy, Phase 2, City of
131 Rockwall, Rockwall County, Texas, zoned Planned Development District
132 27 (PD-27) for Multi-Family 14 (MF-14) District, located west of the
133 intersection of Damascus Road and SH-205 [S. Goliad Street], and take
134 any action necessary.
- 135 4. **P2016-032** - Consider a request by Chet Leugers, PE of Pacheco Koch
136 on behalf of Michael Hampton of the Rockwall Economic Development
137 Corporation (REDC) for the approval of a final plat of Lot 1, Block B,
138 Rockwall Technology Park, Phase IV being an 8.761-acre portion of a
139 larger 9.73-acre tract of land identified as Tract 2-01-1 of the J. H. B.
140 Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County,
141 Texas, zoned Light Industrial (LI) District, situated within the FM-549
142 Overlay (FM-549 OV) District, located at the northeast corner of the
143 intersection of Corporate Crossing and Capital Boulevard, and take any
144 action necessary.
- 145 5. **P2016-033** - Consider a request by Chet Leugers, PE of Pacheco Koch
146 on behalf of Michael Hampton of the Rockwall Economic Development
147 Corporation (REDC) for the approval of a final plat of Lot 1, Block A,

148 Rockwall Technology Park, Phase IV being an 30.035-acre portion of a
149 larger 49.85-acre tract of land identified as Tract 1, J. H. B. Jones Survey,
150 Abstract 125, City of Rockwall, Rockwall County, Texas, zoned Light
151 Industrial (LI) District, located at the northeast corner of the intersection of
152 Discovery Boulevard and Data Drive, and take any action necessary.

153 6. **P2016-034** - Consider a request by Jay Holman & Don Silverman of
154 Rockwall 205-552, LLC for the approval of final plat for Lots 1-3, Block A,
155 Dalton Goliad Addition being a 9.232-acre tract of land identified as Tract
156 4-1 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall,
157 Rockwall County, Texas, zoned General Retail (GR) District, situated
158 within the North SH-205 Overlay (N. SH-205 OV) District, located at the
159 northwest corner of the intersection of SH-205 [N. Goliad Street] and FM-
160 552, and take any action necessary.

161 7. Consider awarding a bid to Waukesha-Pearce Industries and authorizing
162 the City Manager to execute a Purchase Order for onsite generators
163 installed at Lakeside Village and Chandlers Marina Lift Stations in the
164 amount of \$144,985 to be funded out of the Water and Sewer Fund,
165 Sewer Operations Budget, and take any action necessary.

166 **Councilmember Milder pulled item #6 for further discussion.**

167
168 **Councilmember Lewis made a motion to approve the remaining Consent Agenda Items**
169 **(#1, 2, 3, 4, 5, and 7). Councilman Milder seconded the motion, which passed by a vote of**
170 **5 ayes with 2 absent (Hohenshelt and Townsend).**

171
172 **Councilmember Milder indicated that he cannot support anything related to having an**
173 **Aldi located in the north part of town, so he will not be in favor of Consent Agenda item**
174 **#6. Councilmember White made a motion to approve P2016-034. Councilmember Lewis**
175 **seconded the motion, which passed by a vote of 4 ayes with 1 against (Milder) and 2**
176 **absent (Hohenshelt and Townsend).**

177
178 **X. APPOINTMENTS**

179
180 1. Appointment with the Planning and Zoning Chairman to discuss and
181 answer any questions regarding cases on the agenda and related issues
182 and take any action necessary.

183
184 **Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed**
185 **the Council on recommendations of the Commission relative to items on tonight's city**
186 **council meeting agenda. The Council took no action concerning this agenda item.**

187
188 **XI. PUBLIC HEARING ITEMS**

189
190 1. **Z2016-020** - Hold a public hearing to discuss and consider a request by
191 Sandra Peterson for the approval of an **ordinance** for a Specific Use
192 Permit (SUP) to allow for a carport that does not meet the minimum
193 setback requirements stipulated by Section 2.1.2, Residential and
194 Lodging Use Conditions, of Article IV, Permissible Uses, of the Unified
195 Development Code [Ordinance No. 04-38] for a 0.231-acre parcel of land
196 identified as Lot 10, Block D of Northshore, Phase 2A Addition, City of

197 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10)
198 District, addressed as 509 Sunset Hill Drive, and take any action
199 necessary. (1st reading)

200 Planning Director, Ryan Miller, provided background information concerning this agenda
201 item.

202 The applicant, Sandra Peterson is requesting a Specific Use Permit (SUP) to allow for a
203 carport that does not meet the minimum rear yard setback requirements stipulated by
204 the city's regulations. According to the Code, the minimum depth of rear yard setback is
205 ten (10) feet for properties located in a Single Family 10 (SF-10) District. The
206 applicant is proposing to construct the carport 8-feet from the street. According to
207 Section 2.1.2, *Residential and Lodging Use Conditions*, of Article IV, *Permissible Uses*,
208 of the Unified Development Code, (UDC), carports that do not meet the minimum rear
209 yard setbacks can apply for an SUP to be approved by the City Council. Mr. Miller
210 explained that the proposed carport will stand approximately ten (10) feet in height and
211 will have a building footprint of approximately 24-feet x 22-feet or 530 square feet. It will
212 be located behind the main residential structure and attach to the existing home where
213 the garage is located. In addition, the carport will be constructed of metal and will not
214 visible from the street.

215
216 Mr. Miller explained that staff mailed 25 notices to property owners and occupants
217 within 500-feet of the subject property. Staff also notified the Preserve HOA, which is
218 the only HOA/Neighborhood Organization that is within 1,500-feet and participating in
219 the notification program. Additionally, staff posted a sign on the subject property as
220 required by the Unified Development Code (UDC). At the time this report was drafted,
221 staff had received five (5) notices returned in favor of the carport. Additionally, the
222 Planning & Zoning Commission has recommended approval of this request.

223
224 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth to
225 speak. There being no one indicating such, he then closed the public hearing.

226
227 Councilmember White made a motion to approve Z2016-020. Councilmember Lewis
228 seconded the motion.

229
230 Councilmember Milder asked if there are any other carports located along this alleyway.
231 Mr. Peterson, the applicant, came forth and clarified that there are some other carports
232 located on both his alleyway and a nearby alleyway.

233
234 The ordinance was read as follows:

235
236 CITY OF ROCKWALL
237 ORDINANCE NO. 16-
238 SPECIFIC USE PERMIT NO. S-
239

240 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
241 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE 04-38] OF THE CITY
242 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
243 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CARPORT THAT DOES NOT
244 CONFORM TO THE REQUIREMENTS AS STIPULATED BY SECTION 2.1.2,
245 RESIDENTIAL AND LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE
246 USES, OF THE UNIFIED DEVELOPMENT CODE, BEING A 0.231-ACRE TRACT OF
247 LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, AND
248 ADDRESSED AS 509 SUNSET HILL DRIVE, AND IDENTIFIED AS LOT 10, BLOCK D
249 OF NORTSHORE, PHASE 2A ADDITION, CITY OF ROCKWALL, ROCKWALL
250 COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A' OF THIS*

251 **ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A**
252 **PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
253 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**
254 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
255

256 **The motion passed by a vote of 5 in favor with 2 absent (Townsend and Hohenshelt).**
257

- 258 **2. Z2016-021 - Hold a public hearing to discuss and consider a request by**
259 **Mike Hogue for the approval of an ordinance for a zoning amendment to**
260 **Planned Development District 52 (PD-52) for the purpose of allowing**
261 **townhomes on a 2.17-acre tract of land identified as Lot 1, Block 1, Allen**
262 **Hogue Subdivision (0.7910-acres) and Lots 67 & 68, Block B, B. F.**
263 **Boydston Addition (1.257-acres), City of Rockwall, Rockwall County,**
264 **Texas, zoned Planned Development District 52 (PD-52) for Heavy**
265 **Commercial (HC) District land uses, being addressed as 703, 705 & 709**
266 **E. Boydston Avenue, and take any action necessary. (1st reading)**

267 **Ryan Miller, Planning Director, explained that the applicant, Mike Hogue, has**
268 **submitted an application requesting a zoning amendment to Planned Development**
269 **District 52 (PD-52) [Ordinance No. 02-14] for the purpose of allowing Townhomes on a**
270 **2.048-acre tract of land. The development will consist of eleven (11) single-family**
271 **(attached) townhomes. The property has an underlying zoning of Heavy Commercial**
272 **(HC) District, is located at the intersection of E. Boydston Avenue and S. Clark Street,**
273 **and is addressed as 703, 705, & 709 E. Boydston Avenue.**

274 **The applicant intends to build three (3) story, two (2) bedroom townhomes consisting of**
275 **2,258 sq.-ft. of air conditioned space on each lot. These are proposed to be traditional**
276 **attached three (3) story home site that will incorporate a mixture of flat and pitched roofs**
277 **with gabled elements, articulated entry features, and balconies. Each townhome will be**
278 **identified as a separate unit.**

279
280 **The overall minimum masonry requirement for this development will be calculated at**
281 **90% masonry material(s), excluding windows and doors. Hardy Plank or a similar**
282 **cementaceous material may be used up to 70 percent of the masonry requirement on**
283 **units that do not have a cementaceous material on the adjoining property façade.**
284 **This will help maintain the traditional design and style the applicant is attempting to**
285 **create. Each townhome will also have a two (2) car garage located to the rear of each**
286 **property.**

287
288 **In addition, the applicant will provide a minimum of a 10-foot landscape buffer along S.**
289 **Clark Street and Boydston Avenue with large canopy trees planted at 50-ft intervals. It**
290 **should be pointed out that according to the Comprehensive Plan the applicant is not**
291 **required to provide 20% open space since the site is less than five (5) acres in total area;**
292 **however, the concept plan indicates that an 1.64-acre park and open space area will be**
293 **provided in the northern portions of the property adjacent to the flood plain area.**

294 **On July 1, 2016, staff mailed 250 notices to property owners and residents within 500-feet**
295 **of the subject property. Staff also emailed a notice to the Park Place Homeowner's**
296 **Associations (HOA), which is the only HOA located within 1,500 feet of the subject**
297 **property. Additionally, staff posted a sign adjacent to the subject property along**
298 **Boydston Avenue and advertised the public hearings in the city's newspaper of record**
299 **as required by the Unified Development Code (UDC). At the time this case memo was**
300 **drafted, staff had received six (6) notices "in favor of" and four (4) notices "opposed to"**
301 **the request.**
302

303 **Greg Wallace**
304 **Marshawn Architects**
305 **(no address provided)**
306

307 **Mr. Wallace came forth and provided additional comments pertaining to this proposed**
308 **townhome development. After Mr. Wallace's comments, Mayor Pruitt opened the public**
309 **hearing and asked if anyone would like to come forth and speak. There being no one**
310 **indicating such, the public hearing was closed.**
311

312 **Mayor Pruitt asked Mr. Miller for some clarification regarding past requests which have**
313 **come forth to Council related to townhomes. Councilmember White asked for**
314 **clarification regarding what uses would be allowed with the "heavy commercial," which**
315 **is the existing underlying zoning. He generally indicated that with this particular set of**
316 **circumstances, he believes this is a good use of the property, especially since something**
317 **far less attractive (for example, a concrete plant) could be built here 'by right.'**
318 **Councilmember Lewis clarified that there will be an HOA established just for these**
319 **townhomes. Mr. Miller explained that, yes, there will be, and it will maintain the open**
320 **space and landscaping areas. It was clarified that there will not be street parking out**
321 **front; however, there are parking niches behind the properties that will allow for guest**
322 **parking. Lewis commented that this rendering is very attractive, and he really hopes that**
323 **the applicant does not proceed to come forth with variance requests in the future. He**
324 **hopes that the look and feel will remain the same.**
325

326 **Additional clarification was sought by Mayor Pruitt concerning parking niches that were**
327 **shown on the rendering and were depicted in the front of the properties. Mr. Miller**
328 **assured that there would actually not be any parking niches located in the front of the**
329 **property. Pruitt expressed concern related to a traffic hazard being created on Boydston**
330 **if no parking niches are present. Or, he suggested, perhaps "no parking" signs could be**
331 **installed in order to dissuade residents and visitors from parking out front. Mr. Miller**
332 **explained that he has not discussed with the applicant the thought of placing parking**
333 **niches out front, and pointed out that there is a sidewalk out front already.**
334 **Councilmember White suggested that "no parking" signs be installed in front of the**
335 **townhomes instead so that residents and visitors are forced to park in the parking niches**
336 **located in the rear of the property. Mr. Wallace explained that each unit will have a two-**
337 **car garage with two, additional parking spots located behind each garage (essentially**
338 **driveway parking), plus some parking niche areas in the rear of the properties.**
339

340 **Councilmember Milder expressed that townhomes and multifamily proposals have**
341 **traditionally been "shot down" by Council, but he does feel like this particular proposal**
342 **does make a lot of sense. Milder asked if these will be owner-occupied townhomes or**
343 **rentals. Mr. Wallace indicated that there are currently no plans to put restrictions in**
344 **place that would limit these units to be "owner occupied" through deed restrictions or**
345 **otherwise. The price point will be \$250,000 to \$300,000. Milder asked Fire Chief Mark**
346 **Poindexter if he has any concerns. Poindexter generally indicated that there are no**
347 **concerns, explaining that the ladder truck from Fire District 1 is able to service the three-**
348 **story development.**
349

350 **Councilmember White again commented that with this particular request, the underlying**
351 **zoning is heavy commercial, so a development could come forth that is much, much**
352 **worse.**
353

354 General discussion took place related to increasing parking accommodations.
355

356 Councilmember Lewis made a motion to approve Z2016-021 with the understanding that
357 a “no parking” restriction will be put into place in the front of the units along Boydston.
358 Councilmember White seconded the motion.
359

360 Mayor Pruitt asked for clarification on nearby property owners potentially wanting to do
361 other, similar townhome developments. Mr. Miller clarified that there are no other
362 properties in this general area that would allow for this type of development. At Pruitt’s
363 request, Mr. Miller explained that if Mr. Bricker (Park Place) would like to do transitional
364 townhomes, he would need to come forth and have his PD amended, as it is currently
365 restricted to single family residential.
366

367 After various comments, the ordinance was read as follows:
368

369 CITY OF ROCKWALL
370 ORDINANCE NO. 16-XX
371

372 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
373 AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 02-
374 14] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
375 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE
376 IN ZONING BY AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) TO
377 ALLOW TOWNHOMES ON A 2.048-ACRE TRACT OF LAND IDENTIFIED AS LOT 1,
378 BLOCK 1, ALLEN HOGUE SUBDIVISION (0.791-ACRES) AND LOTS 67 & 68, BLOCK
379 B, B. F. BOYDSTUN ADDITION (1.257-ACRES), CITY OF ROCKWALL, ROCKWALL
380 COUNTY, TEXAS BEING A PORTION OF A LARGER ~24.17-ACRE ZONING
381 DISTRICT IDENTIFIED AS PLANNED DEVELOPMENT DISTRICT 52 (PD-52) WHICH
382 IS MORE FULLY DESCRIBED HEREIN BY EXHIBIT ‘A’ OF THIS ORDINANCE;
383 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A FINE
384 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
385 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
386 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
387

388 The motion passed by a vote of 4 in favor, 1 against (Pruitt), and 2 absent (Hohenshelt
389 and Townsend).
390

391 XII. ACTION ITEMS
392

- 393 1. Discuss and consider authorizing the City Manager to execute an
394 Interlocal Agreement between the City of Rockwall and Rockwall County
395 for participation in the Rockwall County Interoperability Radio Network,
396 and take any action necessary.

397 Joey Boyd, Director of Internal Operations, provided brief background information
398 concerning this agenda item, indicating that the Council discussed this interlocal
399 agreement at its last meeting and requested that it be brought back for this meeting.
400

401 Mayor Pruitt made a motion to authorize the City Manager to execute an Interlocal
402 Agreement between the City of Rockwall and Rockwall County for participation in the
403 Rockwall County Interoperability Radio Network. Councilmember White seconded the
404 motion.
405

406 Councilman Lewis provided brief comments, generally related to the city's existing radio
407 system soon reaching the end of its life cycle and the inability to get replacement parts
408 for our current system. He commented that the City of Rockwall will bear the brunt of
409 maintenance costs because it is the largest user of the system. Councilmember White
410 commented that when the idea of this joint project was first brought forth a few years
411 ago, it was not incredibly desirable; however, it has been worked on by staff and other
412 officials in the county, and it is now proving to be a good arrangement.

413
414 After additional, brief comments, the motion passed by a vote of 5 in favor with 2 absent
415 (Townsend and Hohenshelt).

- 416
417 2. Discuss and consider a request from Richard Fabian of Pier 101 for the
418 approval of a variance to Section 3.5, Alcoholic Beverage Sales, of Article
419 IV, Permissible Uses, of the Unified Development Code to allow a
420 restaurant establishment (Pier 101) that does not meet the minimum
421 distance requirements for alcoholic beverage sales on a 0.36-acre parcel
422 of land identified as Lot A, Block 1, Griffith Addition, City of Rockwall,
423 Rockwall County, Texas, zoned Downtown (DT) District, addressed as
424 101 S. Fannin Street, and take any action necessary.

425 Planning Director Ryan Miller provided background information related to this agenda
426 item. He indicated that this location is currently located too close (less than 300' as
427 measured by front door to front door) to a nearby church. He clarified that it is only 254'
428 from the front door of the church. However, he explained that the applicant has reached
429 out to the Rockwall Presbyterian Church, and the church has submitted a letter
430 expressing that they are okay with Pier 101 selling alcohol and generally do not pose any
431 opposition.

432
433 Mayor Pruitt asked for some clarification concerning another, nearby building, asking if it
434 too is considered a church and asking if it does or does not meet the specified distance
435 requirements. Council took a brief break from further discussing this item so that staff
436 could further evaluate these questions. In the meantime, Council went on to address
437 Action Items #3 and #4 on the agenda.

438
439
440 This item was revisited following the close of discussions pertaining to Action Items #3
441 and #4.

442
443 Mr. Crowley clarified that the building in question (the Covenant Church) does not have a
444 tax exempt status associated with it through the Appraisal District. Mrs. Ream, the city's
445 legal counsel, has suggested that the Council may wish to defer this item to allow time
446 for additional research to determine if the distance requirements would or would not
447 pertain to that particular property.

448
449 Councilman White pointed out that he believes that the building in question houses a
450 series of shops, including one that sells cigars. He pointed out that, either way, the city
451 council is generally allowed to grant a variance. After additional, brief comments,
452 Councilmember White made a motion to approve the variance request to allow for the
453 sale of alcohol at the new Pier 101 restaurant. Councilmember Fowler seconded the
454 motion, which passed by a vote of 5 in favor with 2 absent (Townsend and Hohenshelt).

456 3. Discuss and consider a variance request from Jour Salon and Spa
457 associated with the City's Standards of Design and Construction related
458 to standards for design of developments, specifically pertaining to
459 construction of a parking lot for this facility, and take any action
460 necessary.

461 **City Engineer Tim Tumulty explained that staff received this request from Ms. Shannon**
462 **Riddell, owner of Jour Salon and Spa. The business is located at 501 South Goliad in the**
463 **southeast corner of South Goliad and Storrs Street. The owner is requesting a variance**
464 **from the city's Standards of Design and Construction Ordinance related to the**
465 **construction of parking lot materials. He explained that the existing facility has gravel**
466 **parking located in the rear of the lot. This lot is currently used for Jour Salon and Spa**
467 **staff parking and any overflow parking created by the business. During rain events,**
468 **runoff flowing across the lot washes the gravel off the parking lot down into Storrs**
469 **Street, according to the owner. The owner has looked at placing concrete over the gravel**
470 **area but felt that costs were too high. As such, Mrs. Riddell is requesting deviation**
471 **from the city's Standards of Design which would require concrete materials to be**
472 **used. Instead, she is asking to be allowed to use asphaltic material.**

473
474 **Shannon Riddell**
475 **501 S. Goliad**
476 **Rockwall, TX**

477
478 **The applicant, Mrs. Riddell, came forth and further explained the nature of her request.**
479 **She generally expressed concerns related to ongoing drainage related issues that she**
480 **has been experiencing on and near the property. She explained that installing concrete**
481 **is too expensive for her at the present time. She has consulted with a contractor who**
482 **has advised her on overlaying asphalt. She generally expressed that she is seeking**
483 **permission from the Council to do so.**

484
485 **Councilmember Lewis provided various comments pertaining to the existing, cracked**
486 **concrete, commenting that overlaying asphalt over cracked concrete would not be a**
487 **good idea because it too will eventually crack. He explained that even if Council grants a**
488 **variance to allow asphalt, it will not cure her problems, as she will still have drainage-**
489 **related concerns.**

490
491 **Councilmember Milder expressed that, as a fellow small business owner in Rockwall, he**
492 **sympathizes with her parking-related challenges. He expressed that he is inclined to**
493 **support her request for asphalt, especially since it is located behind her property, is on**
494 **private land, and no one is really going to see it.**

495
496 **Dialogue took place related to the city's use of asphalt to make temporary roadway**
497 **patches.**

498
499 **Councilmember Milder made a motion to approve the variance request, including**
500 **allowing asphalt overlay over the existing concrete area and over the gravel area on the**
501 **back side of the property (that faces Storrs Street). Councilmember White seconded the**
502 **motion.**

503
504 **When asked, the applicant clarified that the asphalt will be visible from Storrs Street but**
505 **not from Goliad Street.**

506
507 Councilman Fowler provided additional comments related to the applicant possibly
508 spending additional money to “do it right” rather than putting in asphalt, which he views
509 to be a temporary fix that will eventually result in buckling and cracking over time.
510

511 After additional comments, the motion passed by a vote of 3 in favor, 2 against (Lewis
512 and Fowler) and 2 absent (Hohenshelt and Townsend).
513

514 4. Hear and discuss update from Mayor Pruitt concerning a public meeting
515 scheduled for August 16, 2016 at 7:00 p.m. at The Center pertaining to
516 enhancing dialogue between the City of Rockwall and its residents, and
517 take any action necessary.

518 Mayor Pruitt indicated that this meeting has been scheduled and is in response to
519 conversations the mayor has had with other area mayors and in response to things that
520 have been happening all over the country. It will pertain to dialogue related to first
521 responders – the police and fire departments, including dispatchers - and various
522 minorities within our city, both citizens and officers who are of varying races. He
523 generally expressed a desire to evaluate if racial-related disconnect does or does not
524 exist in our city. He explained that he plans to invite the HOAs from around town as well
525 as all of the local churches, and he would like to keep these conversations limited to
526 local residents. He asked for the council members to let him know if they have others
527 that they feel should be invited to the meeting. Councilmember Milder thanked Mayor
528 Pruitt for scheduling this sort of meeting which will help enhance dialogue with residents
529 of our city.
530

531 City Manager Rick Crowley expressed that he has a desire for representatives from all
532 city departments to be present at the meeting, as he feels like opening up dialogue
533 between residents and all city departments is important. Mayor Pruitt generally
534 concurred.
535

536 When asked by Mayor Pruitt if he has any comments, Assistant Police Chief Kirk
537 Aldridge expressed that he is happy to participate in this meeting and have additional
538 dialogue with citizens to hear what they have to say.
539

540 XIII. CITY MANAGER’S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
541 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
542

- 543 1. Departmental Reports
544 Building Inspections Monthly Report - June 2015
545 Fire Dept. Monthly Reports - June 2016
546 Fire Marshal's Monthly Report - June 2016
547 GIS Division Monthly Report - June 2016
548 Harbor PD Monthly Report - June 2016
549 Internal Operations Department Report - June 2016
550 Police Department Monthly Report - June 2016
551 Recreation Monthly Report - June 2016
552 Rockwall Animal Adoption Center Monthly Report - June 2016
553
553 2. City Manager's Report

554 City Manager Rick Crowley stated that he is happy to answer any questions Council may
555 have related to monthly reports. There being no questions asked, no further discussion
556 took place.

557
558 **XIV. EXECUTIVE SESSION**

559
560 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
561 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
562 CODE:

- 563
564 1. Discussion regarding negotiations pertaining to an interlocal agreement with
565 Rockwall County regarding participation in regional transportation services,
566 pursuant to Section §551.071 (Consultation with Attorney)
- 567 2. Discussion regarding lawsuit: Jason Manley and the Manley Grandchildren's
568 Trust FBO Jason Manley v. the City of Rockwall, Texas and Board of
569 Adjustments of the City of Rockwall, Texas (Cause No. 1-16-0580, 382nd District
570 Court) pursuant to Section §551.071 (Consultation with Attorney)
- 571 3. Discussion regarding claim for reimbursement by developer for lift station
572 improvements pursuant to Section §551.071 (Consultation with Attorney)
- 573 4. Discussion regarding legal options available to the City pertaining to possible
574 violations of drainage and detention development standards pursuant to Section
575 §551.071 (Consultation with Attorney)
- 576 5. Discussion regarding (re)appointments to city regulatory boards, commissions,
577 and committees including the Building and Standards Commission and Planning
578 & Zoning Commission pursuant to Section 551.074 (personnel matters)
- 579 6. Discussion regarding the status of negotiations for an ambulance services
580 contract pursuant to Section §551.071 (Consultation with Attorney)
- 581 7. Discussion regarding contract with Holmes Murphy & Associates and HIPPA
582 Information pursuant to Section §551.071 (Consultation with Attorney)

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

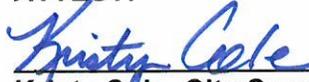
584
585 The Council did not reconvene in Executive Session following the close of the public
586 meeting agenda.

587
588 **XVI. ADJOURNMENT**

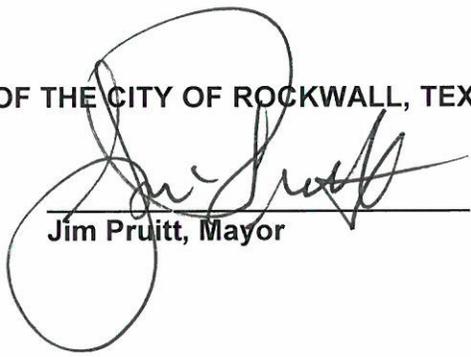
589
590 The meeting was adjourned at 7:36 p.m.

591
592
593 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
594 THIS 15th day of August, 2016.

595
596 ATTEST:

597 
598 Kristy Cole, City Secretary
599




Jim Pruitt, Mayor