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MINUTES
ROCKWALL CITY COUNCIL
Monday, October 17, 2016
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

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

14 II. WORK SESSION

- 15
16 1. Hold a work session to discuss and consider the city's (budgeted) 2016-2017
17 Street Maintenance Program, including discussion regarding Rochelle Road

18 Mr. Tim Tumulty, City Engineer, came forth to brief the Council on intended plans
19 concerning spending budgeted funds on various street maintenance projects during this
20 fiscal year. The discussion included comments by Mr. Crowley, City Manager, indicating
21 that the City of Fate recently "let" the contract to perform their portion of the work on
22 Rochelle Road from the Fate city limits to IH-30. Mayor Pruitt asked if the City of Rockwall
23 plans to do its portion of Rochelle Road pretty quickly. Mr. Crowley and Mr. Tumulty
24 indicated that, yes, it will move forward pretty quickly. Mr. Crowley pointed out that when
25 TXDOT takes the bridge down at FM 3549, this may result in some increased traffic usage
26 on Rochelle Road. Also, school buses would likely utilize the road once it is redone as well.
27 He indicated that it is currently a gravel road that is requiring quite a bit of ongoing
28 maintenance on the part of the city. Mr. Crowley went on to acknowledge that the cost is
29 notable; however, it does reflect the cost necessary to bring the road up to navigable
30 standards.
31

32 Councilmember Milder generally expressed concern about spending such a large amount of
33 budgeted funds on the Rochelle Road project, as he believes there are other street projects
34 elsewhere in the city that need to be addressed and are essentially a higher priority. He
35 would like to keep the \$1.4 million in place for use for projects elsewhere in the city and
36 take the funding for Rochelle Road from somewhere else.
37

38 Mr. Tumulty went on to explain some of the various concrete repairs as well as recent street
39 and sidewalk/curb assessments that have been performed throughout the city. He pointed
40 out that there are some areas of the city where new sidewalks have been installed. Also,
41 there has and continues to be an ongoing effort focusing on streets, curbs, sidewalks and
42 alleyway assessments and associated repairs.
43

44 Councilmember Townsend asked what the status is on County Line Road. Mr. Tumulty
45 indicated that the engineering plans on that project are near completion and that the city is
46 about to start looking at needed right-of-way acquisition and dedication before it can move
47 forward.
48

49 Councilmember Lewis stressed the importance of ensuring joints and cracks remain sealed
50 as part of an ongoing maintenance program since water underneath concrete is very
51 problematic.

52
53 Councilmember Milder complimented staff and thanked them for all of the various sidewalk
54 and street repairs that have taken place recently in The Shores subdivision.

55
56 The Council took no action following this work session discussion item.

57
58 **III. EXECUTIVE SESSION.**

59
60 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE
61 FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 62
63 1. Discussion regarding proposed sale/acquisition of city land and right-of-way for possible
64 private projects in the vicinity of The Harbor pursuant to Sections 551.072 (Real Property)
65 and Section 551.087 (Economic Development Negotiations).
- 66 2. Discussion regarding possible Economic Development projects in the vicinity of The Harbor
67 pursuant to Section 551.087 (Economic Development)
- 68 3. Discussion regarding Bear Creek Special Utility District (SUD) Certificate of Convenience
69 and Necessity (CCN) pursuant to Section §551.071 (Consultation with Attorney)
- 70 4. Discussion regarding a water supply contract with the City of Heath pursuant to Section
71 §551.071 (Consultation with Attorney)
- 72 5. Discussion regarding the status of ambulance services contract pursuant to Section
73 §551.071 (Consultation with Attorney)

74
75 **IV. ADJOURN EXECUTIVE SESSION**

76
77 Executive Session was adjourned at 5:04 p.m.

78
79 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

80
81 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all 7 city council members
82 being present.

83
84 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

85
86 Mayor Pro Tem Townsend made a motion to authorize the city manager to negotiate and
87 execute the water supply contract with the City of Heath. Councilmember White seconded
88 the motion, which passed unanimously of council present (7-0).

89
90 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS**

91
92 Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

93
94 **VIII. PROCLAMATIONS / AWARDS**

- 95
96 1. Domestic Violence Awareness Month
97 2. Rockwall School of Music 20th Anniversary Celebration

- 98 3. Dysautonomia Awareness Month
99 4. Breast Cancer Awareness Month
100

101 Mayor Pruitt acknowledged representatives who were present for each of the causes /
102 proclamations listed above. He read and presented the first three proclamations, with
103 Youth Advisory Council (YAC) member, Caleb Davis, reading the one for Breast Cancer
104 Awareness Month.

105
106 IX. OPEN FORUM

107
108 Billy Whitson
109 702 Agape
110 Rockwall, TX
111

112 Mr. Whitson came forth and introduced himself, explaining that he has lived in Rockwall for
113 13 years and has been a firefighter / paramedic for 21 years. He shared that he would like to
114 speak about allowing trained EMTs and paramedics from our fire department to participate
115 in "first responding." He generally indicated that he believes doing so may allow a quicker
116 response. He is in favor of the City of Rockwall taking advantage of the opportunity to
117 provide "first responder" services to the citizens of the city, as he feels this would be a
118 great asset. He thanked the Council for its leadership and its support of the city's
119 firefighters.

120
121 Jay McKee
122 Rockwall Professional Firefighters Association (RPFA)
123

124 Mr. McKee indicated that the president of the RPFA could not be present, so he is speaking
125 in his absence. He explained his understanding that the council's fire subcommittee met
126 earlier today to discuss the RPFA's request that fire personnel be allowed to perform "first
127 responder" duties. He explained that such response would be related to calls like CPR,
128 cardiac arrests, motor vehicle accidents, drownings, electrocutions, and other high priority
129 calls. He stressed the importance of early compression and defibrillation pertaining to CPR
130 calls. He shared that these types of "first responder" calls will result in the highest level of
131 CPR and medical care. In addition, most of the other fire districts in this area have "first
132 responders" who assist by responding with EMS on these types of calls. He generally
133 spoke about the various advantages pertaining to providing "first responder" services
134 through the local fire department. He acknowledged some of the council's concerns, such
135 as the potential costs (i.e. "up front" costs to purchase some equipment, costs to replenish
136 supplies – he pointed out that Rockwall County EMS would pay to replace said supplies,
137 and the "first responders" would provide such services under the medical oversight of
138 Rockwall County EMS following their protocols and direction). Regarding training, all
139 firefighters must have at least an "EMT basic," and they are required to keep up with
140 "continuing education" in order to maintain it, so the training is already in place. He
141 generally thanked the Council for its support of the fire department and for recent staffing
142 that has been put in place, specifically related to Station 3.

143
144 Michael Albritton
145 791 Hanover
146 Rockwall, TX
147

148 Mr. Albritton indicated that he is a retired Captain from the Austin Fire Department and he
149 currently lives in Stone Creek. He served 29 years and one month. Mr. Albritton indicated
150 that he is speaking on behalf of support for our city's fire department performing "first
151 responder" duties. He went on to share some statistics from the National Fire Protection
152 Association (NFPA) and quotes pertaining to the benefits of "first responders." He spoke
153 about Automated External Defibrillators (AEDs), explaining that they are helpful to those
154 experiencing cardiac-related distress and are very helpful towards saving lives. He is
155 generally in favor of the city's fire department providing "first responder" services 24 hours
156 a day, 365 days a year.

157
158 **Richard Taylor**
159 **2559 Abbey Court**
160 **Rockwall, TX 75032**
161

162 Mr. Taylor came forth and indicated that he is a retired (fire) Captain from Houston and a
163 former arson investigator. He shared that he moved to Rockwall fifteen years ago. He
164 encouraged the city to have full-time manning of at least one fire station with a fully manned
165 fire company twenty-four hours a day, 7 days a week. He would like these men to be in the
166 station together and be trained and ready to respond. He believes that not having this in
167 place is short changing the citizens of Rockwall. He does not believe this is a luxury, but,
168 rather, a necessity. He pointed out that a lot of the other, surrounding cities have full-time
169 fire departments, and he strongly believes that this is a necessity that the city council
170 should fund and implement.

171
172 Following Open Forum, Mayor Pruitt acknowledged members of the city's YAC (Youth
173 Advisory Council) who were present and seated with council and staff to observe a portion
174 of tonight's council meeting. Each of them introduced themselves, stating their name,
175 grade and where they attend school.

176
177 **X. CONSENT AGENDA**
178

- 179 1. Consider approval of the minutes from the October 3, 2016 regular city council
180 meeting, and take any action necessary.
- 181 2. Consider awarding a bid to Professional Turf Products and authorizing the City
182 Manager to execute a Purchase Order for a new Large Area Turf Mower in the
183 amount of \$55,712.93 to be funded out of the General Fund Reserves, Parks
184 Operations Budget, and take any action necessary.
- 185 3. Consider a contract renewal with Mr. Sweeper and authorizing the City Manager to
186 execute a contract for street sweeping services in the amount of \$80,000 to be
187 funded out of the General Fund, Streets and Drainage Operations Budget, and take
188 any action necessary.
- 189 4. Consider awarding a bid to Five Star Ford and authorizing the City Manager to
190 execute a Purchase Order for a new 6 yard Dump Truck for Streets and Drainage
191 division in the amount of \$76,618 to be funded out of General Fund reserves, and
192 take any action necessary.
- 193 5. Consider awarding a bid to Lenco and authorizing the City Manager to execute a
194 Purchase Order for a new Bearcat Armored Vehicle for Police SWAT totaling
195 \$359,246 to be funded with General Fund reserves and Police Seized funds equally,
196 and take any action necessary.

- 197 6. Consider awarding a bid to Holt CAT (Caterpillar) and authorizing the City Manager
 198 to execute a Purchase Order in the amount \$225,808 for a new Compact Excavator,
 199 Skid Steer Loader and Backhoe with \$51,230 to be funded out of the General
 200 Fund's Streets Operating Budget and \$174,578 to be funded out of Water and
 201 Sewer Fund and Water and Sewer Operations budgets, and take any action
 202 necessary.
- 203 7. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the City
 204 Manager to execute a Purchase Order for three (3) new 2017 model Police Pursuit
 205 Tahoes for Patrol totaling \$101,532 to be funded out of the General Fund reserves,
 206 Patrol Division Budget, and take any action necessary.
- 207 8. Consider awarding a bid to Vac-Con and authorizing the City Manager to execute a
 208 Purchase Order for a new Vac-Con Inspection Camera totaling \$42,330 to be
 209 funded out of the Water and Sewer Fund, Sewer Operations Budget, and take any
 210 action necessary.
- 211 9. Consider awarding a bid to Five Star Ford and authorizing the City Manager to
 212 execute a Purchase Order for two new 6 yard Dump Trucks, one for Water division
 213 and the other for Sewer division, in the amount of \$153,236 to be funded out of the
 214 Water and Sewer Fund, and take any action necessary.
- 215 10. Consider authoring the Mayor to execute an interlocal agreement with Rockwall
 216 County to provide fire protection services within unincorporated areas of the county
 217 for the year 2016-2017, and take any action necessary.
- 218 11. **P2016-043** - Consider a request by Jay Webb of Dalrock Homes, LLC for the
 219 approval of a final plat for Lots 1-10, Block A, Estates on the Ridge Subdivision,
 220 containing ten (10) single-family residential lots on an 18.84-acre tract of land
 221 identified as Tract 7-04 & 23 of the W. M. Dalton Survey, Abstract No. 72, City of
 222 Rockwall, Rockwall County, Texas, situated within the City of Rockwall's
 223 Extraterritorial Jurisdiction (ETJ), located at the northwest corner of the intersection
 224 of FM-3549 and Cornelius Road, and take any action necessary.

225 **Councilmember Fowler made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**
 226 **6, 7, 8, 9, 10, and 11). Councilmember Lewis seconded the motion. The motion passed by a**
 227 **vote of 7 in favor with 0 against.**
 228

229 **XI. APPOINTMENTS**

- 230
- 231 1. Appointment with Chris Lynch, Rockwall County Elections Administrator, to
 232 hear information concerning "early voting" to be held October 24 thru
 233 November 4 for the November 8 election, and take any action necessary.

234 **Mr. Lynch came forth to address the Council, indicating that he is trying to visit the various**
 235 **city council meetings in the county in order to spread the word about the importance of**
 236 **early voting. He shared that there has been about a 15% increase in voter registrations.**
 237 **So, some new, additional electronic voting machines will be in place for voting. He**
 238 **stressed the importance of the cities in the county helping him get the word out about early**
 239 **voting, encouraging whomever can do so to vote early. He is estimating that about 40,000 –**
 240 **45,000 Rockwall County voters will turn out to vote in the election. He shared that 38,000**
 241 **paper ballots will be spread out at the various precincts and voting locations throughout**
 242 **the county. He very, very strongly stressed the importance of people voting during “early**
 243 **voting” if at all possible.**

244 2. Appointment with the Planning and Zoning Chairman to discuss and answer
245 any questions regarding cases on the agenda and related issues and take
246 any action necessary.

247 **Craig Renfro, Chairman of the Planning & Zoning Commission, came forth and provided the**
248 **Council with information regarding recommendations of the Commission relative to items**
249 **on tonight's meeting agenda. The Council took no action following Mr. Renfro's comments.**
250

251 **XII. PUBLIC HEARING ITEMS**
252

253 1. Hold a public hearing to discuss and consider re-adoption of an **ordinance**
254 continuing a curfew for minors under seventeen years of age (Ch. 22,
255 Division 4 of the Rockwall Code of Ordinances), and take any action
256 necessary. **(1st reading)**

257 **Mary Claire Weible**
258 **215 Trout**
259 **Rockwall, TX**
260

261 **Ms. Weible, homeschooled freshman currently serving on the city's Youth Advisory Council**
262 **(YAC), came forth and addressed the Council concerning the juvenile curfew currently in**
263 **place in Rockwall. She shared several statistics related to teen criminal activity. She spoke**
264 **strongly in opposition of reinstating the juvenile curfew ordinance that is currently in place.**
265

266 **John White**
267 **1929 S. Lakeshore Drive**
268 **Rockwall, TX**
269

270 **Mr. White came forth to speak regarding the juvenile curfew ordinance. He explained that at**
271 **one point in his past, he was attacked by a teenager and viciously assaulted. However, he**
272 **went on to explain that, despite that unfortunate event, he is not in favor of Rockwall having**
273 **a curfew ordinance in place. He does not believe that those who break the law will be prone**
274 **to abide by a law, such as a curfew ordinance, anyway. He believes it is the parent's**
275 **responsibility to manage their children and to ensure they are well behaved and**
276 **appropriately parented.**
277

278 **Ben Weible**
279 **215 Trout**
280 **Rockwall, TX**
281

282 **Mr. Weible came forth and indicated that he is opposed to the juvenile curfew ordinance.**
283 **He would like to hear some data that would back up potential passage / reinstatement of the**
284 **curfew, and he would like to know how exactly it may possibly decrease crime. He**
285 **questioned how our police officers are able to look at an individual and decipher that he or**
286 **she is under 18 years old when attempting to enforce the ordinance. He does not believe a**
287 **government entity is better equipped to direct the care of kids, as it is the responsibility of**
288 **the parent(s) to do so. He is not in favor of the curfew ordinance being reinstated.**
289

290 **Bob Wacker**
291 **806 Miramar Drive**
292 **Rockwall, TX**
293

294 Mr. Wacker indicated that he supports the teen curfew ordinance. He has experienced
295 some vandalism to a swimming pool in the past, and there have been instances of
296 vandalism to cars. He generally believes that the curfew does work to curb crime that might
297 otherwise be committed by teens, and he supports it being reinstated.

298
299 **Bruce Clark**
300 **313 Shenandoah Lane**
301 **Rockwall, TX**
302

303 Mr. Clark came forth and indicated that he has been a resident of Rockwall since 1973. He
304 shared that he is in strong support of the teen curfew ordinance. He went on to share that
305 he is the youngest son of three boys in a divorced situation. He shared that he was raised
306 by a "single mom" who worked two jobs, so he and his siblings were often alone. When
307 growing up, at 11 and 12 years old in Oak Cliff, he was not helping little old ladies cross the
308 road at midnight. He generally indicated that kids who may be out that late may generally
309 be 'up to no good.' He expressed support for keeping the ordinance in place, as there is no
310 way to know the good that it likely is doing (he likened it to taking vitamins, stating that you
311 may as well take them and keep this ordinance in place).
312

313 **Bethany Villalobos**
314 **302 E. Ross Street**
315 **Rockwall, TX**
316

317 Ms. Villalobos indicated that she works, and sometimes she does not get off from work until
318 after 11:00 p.m. at night. Sometimes, thereafter, she needs to go run an errand (Walmart, for
319 example). In addition, sometimes she has friends at her house past the curfew ordinance
320 time limit. She has spoken to some of her friends at school, and she has learned that a lot
321 of her peers do not even realize that the city has a teen curfew in place. She is not in favor
322 of having it reinstated.
323

324 **Aidan Culp**
325 **231 Saddlebrook Lane**
326 **Rockwall, TX**
327

328 Mr. Culp indicated that he does work, and he has been working since he was 16 years old.
329 He stated that during one summer night, he got pulled over by a Rockwall police officer, and
330 he was asked why he was out so late. He shared that at the times he worked at Applebees
331 and sometimes did not get off from work during the summer until 1:00 or 2:00 a.m. in the
332 morning. He explained that he did receive a citation for violation of the juvenile curfew
333 ordinance at the time, and he did not even know before that time that such ordinance even
334 existed. He went on to share that he is not in favor of having a curfew in place.
335

336 Chief of Police Kirk Aldridge shared several statistics related to teens who have been
337 arrested over the last few years and teens who have been victims of crime over the last few
338 years. He shared that, although he does not have the specific times of arrest, in 2013 there
339 were 107 juveniles arrested in Rockwall and 70 victims of crime. In 2014, there were 120
340 suspects arrested and 74 victims of crime. In 2015, there were 104 juvenile suspects and 47
341 victims of crime. And, so far this year thru September, there have been 96 juvenile
342 suspects who have been arrested and 35 victims of crime (who were juveniles). He shared
343 that the police department does not write many citations for curfew violations with only
344 between 7 and 16 citations being written each year from 2012 to present for violation of this

345 ordinance. He shared that he personally investigated two “sexual assault of a child” cases
346 that were called in by people who witnessed juveniles out after hours. He generally
347 believes that this ordinance helped with those cases.
348

349 **Thomas Milder**
350 **830 Shores Boulevard**
351 **Rockwall, TX**
352

353 **Mr. Milder shared that he is both in favor and opposed to the curfew ordinance. He**
354 **generally feels that it should apply to those under 16 years of age (under the age when**
355 **teens may be working jobs or otherwise out driving at night).**
356

357 **Mayor Pruitt asked if anyone else would like to come forth and speak at this time. There**
358 **being no one indicating such, he then closed the public hearing.**
359

360 **Councilmember White generally spoke in opposition to the juvenile curfew ordinance. He**
361 **generally would like to see more statistics and information related to the ordinance’s effects**
362 **on the community and whether or not it is an effective tool towards solving the problems it**
363 **is intended to solve, in accordance with state law. He shared that past minutes from 1995**
364 **indicated that a lady had experienced some vandalism on her property, and this may have**
365 **initially prompted adoption of the ordinance. He would like to measure how effective this**
366 **ordinance has been since its original adoption back in 1995 or 1996. He expressed that he**
367 **would like for facts (not beliefs) to be reviewed prior to a decision being made regarding its**
368 **continuance. However, he will not be voting in favor of reinstating the ordinance.**
369

370 **City Attorney Frank Garza generally suggested that if the city council members need**
371 **additional information and statistics from the Police Department before taking action, there**
372 **is time to do so. Mr. Garza pointed out that there are several exceptions included in the**
373 **ordinance provisions, such as a juvenile going to and from a job. If the Council feels it**
374 **needs additional information, it may wish to table action on this item until more research**
375 **may be done and presented to the Council for consideration.**
376

377 **After brief comments in which he generally expressed support for the ordinance for various**
378 **reasons, Councilmember Lewis made a motion to readopt the juvenile curfew ordinance.**
379 **Mayor Pro Tem Townsend seconded the motion.**
380

381 **Councilmember Milder shared that he received a text from a teen in the community today**
382 **suggesting that if there is a teen curfew is in place, but a lot of the crimes are being**
383 **committed by adults during that timeframe, then perhaps there should be an adult curfew**
384 **put in place too. Milder generally expressed that he would like to see more statistics before**
385 **moving forward. As such, he will not be supporting approval of the ordinance tonight.**
386

387 **The motion failed by a vote of 4 against (White, Hohenshelt, Pruitt, and Milder) with 3 in**
388 **favor (Townsend, Fowler and Lewis).**
389

390 **2. Z2016-030 - Hold a public hearing to discuss and consider a request by**
391 **James Shaw for the approval of an ordinance for a Specific Use Permit**
392 **(SUP) to allow for an accessory building that does not meet the minimum**
393 **requirements as stipulated by Article IV, Permissible Uses, of the Unified**
394 **Development Code for a 1.4692-acre parcel of land identified as Lot 14,**
395 **Block B, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas,**

396 zoned Single Family Estate 1.5 (SFE-1.5) District, addressed as 1910
397 Copper Ridge Circle, and take any action necessary [1st Reading].

98 Ryan Miller, Planning Director, provided background information concerning this agenda
399 item. The applicant is requesting an SUP for a 1,200 square foot metal accessory building
400 that will not be visible from public right-of-way and will be situated behind the existing
401 structure (single family home). He explained that the applicant is requesting that the
402 council allow the structure to be all metal and exceed the height restrictions currently in
403 place. He shared that several other individuals in the Sterling Farms Subdivision have
404 come forth to request similar SUPs. Notices were sent out to adjacent property owners
405 located within 500' and to two HOAs. One notice was received back in favor of this request.
406 The Planning & Zoning Commission did unanimously vote to recommend approval of this
407 item. The applicant emailed today, indicating that he is ill and is therefore unable to attend.
408

409 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and
410 speak. There being no one indicating such, he then closed the public hearing.
411

412 Councilmember White made a motion to approve Z2016-030. Councilmember Milder
413 seconded the motion. The ordinance was read as follows:
414

415 CITY OF ROCKWALL
416 ORDINANCE NO. 16-XX
417 SPECIFIC USE PERMIT NO. S-XXX
418

419 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
420 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.
421 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
422 SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN
423 ACCESSORY BUILDING THAT DOES NOT MEET THE MINIMUM
424 REQUIREMENTS ON A 1.4692-ACRE PARCEL OF LAND ZONED SINGLE
425 FAMILY ESTATE 1.5 (SFE-1.5) AND IDENTIFIED AS LOT 14, BLOCK B,
426 STERLING FARMS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,
427 TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
428 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
429 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
430 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
431 PROVIDING FOR AN EFFECTIVE DATE.
432

433 The motion passed by a vote of 7 ayes to 0 nays.
434

435 The mayor called for a break at 7:24 p.m., dismissing members of the Youth Advisory
436 Council and thanking them for attending and participating in a portion of tonight's council
437 meeting.
438

- 439 3. **Z2016-031** - Hold a public hearing to discuss and consider a request by
440 Kasey Weadon of New Craft Brewing, LLC on behalf of the owner
441 Benbrooke Ridge Partners, LP for the approval of an ordinance amending
442 Planned Development District 1 (PD-1) for the purpose of allowing the
443 Brewery or Distillery (Excluding Brew Pub) land use in the Planned
444 Development District, being identified as ~39.5249-acre tract of land situated
445 in the B. J. T. Lewis Survey, Abstract No. 255 and the D. Atkins Survey,
446 Abstract No. 1, City of Rockwall, Rockwall County, Texas, situated within the
447 Scenic Overlay (SOV) District, located on the eastside of Ridge Road south

448 of the intersection of Ridge Road [FM-740] and SH-205, and take any action
449 necessary [1st Reading].

450 Mayor Pruitt called the meeting back to order at 7:24 p.m. He then made a motion to table
451 this item until the next city council meeting since the applicant was not able to be in
452 attendance tonight. Councilmember Lewis seconded the motion, which passed by a vote of
453 6 in favor with 1 absent (Townsend (had not returned from break yet)).

454 4. Z2016-032 - Hold a public hearing to discuss and consider a request by
455 Noah Flabiano of the Skorburg Company on behalf of BH Balance IV, LLC
456 for the approval of an ordinance amending Planned Development District 74
457 (PD-74) to amend the concept plan to allow for additional single-family
458 residential lots and for the purpose of incorporating changes to the
459 development standards contained in Exhibit 'C' of Ordinance No. 14-26 for a
460 405.184-acre tract of land identified as the Breezy Hill Subdivision and
461 situated within the J. Strickland Survey, Abstract No. 187, Rockwall,
462 Rockwall County, Texas, generally located north of FM-552 and west of
463 Breezy Hill Road, and take any action necessary [1st Reading].

464 Mr. Miller provided background information related to this agenda item. He shared that the
465 applicant submitted a request earlier this year related to this PD. The Council approved the
466 ordinance on 1st reading at that time; however, the applicant subsequently tried to withdraw
467 their case, but the Council voted to deny the case by a vote of 4 to 3. He explained that that
468 denial would not preclude the applicant from submitting an application to request 60' lots,
469 and that is what the applicant has done. He explained that they would essentially like to
470 rezone a portion (14 acres), to incorporate forty 60' by 120' lots. Also, they would like 50%
471 of the homes to be allowed to have forward facing garages that would be consistent with
472 the front façade of the homes. Mr. Miller went on to explain that they are also proposing to
473 make changes to the lot mix, increasing the number of lots for the overall subdivision from
474 742 to 776 (a 34 lot, total increase). Notices were mailed to property owners within 500' and
475 the Breezy Hill and Stoney Hollow HOAs were also notified. So far, staff has received back
476 a total of eight notices in opposition to the request. The Planning & Zoning Commission
477 unanimously voted to recommend approval of the request.

478
479 Noah Flabiano
480 Skorburg Company
481 8214 Westchester, Suite 710
482 Dallas, TX 75225

483
484 Mr. Flabiano came forth and provided the Council with a history of the subdivision
485 development and a description of what his proposal now entails. Dialogue took place
486 pertaining to front entry versus "j-swing" garages, lot sizes, and lot mix. Councilmember
487 Lewis indicated that nearly all of the opposition received was due to the proposed front
488 entry garages. He indicated that if the purpose is to keep piece meal proposals in an
489 effort to remove the commercial portion of the development, then why doesn't the
490 developer submit a plan proposal that does away with it (although, he pointed out that he is
491 not in favor of the commercial piece being eliminated).

492
493 Adam Buzchek with the Skorburg Company then came forth and indicated that when the
494 (approximate) 55 acres of commercial was originally zoned, it was at council's direction
495 with the understanding that if the market did not end up warranting that much commercial,
496 it could be rezoned to decrease the commercial. It was clarified that if this current proposal
497 passes, it will decrease the commercial portion down to about 19 acres. Mr. Buzchek

498 generally indicated that nothing cohesive has been able to come about since 2009 when the
499 property was first zoned. He explained that the back 10 acres is an "off piece" that is far
500 removed from the rest of it, which generally poses complications, as does the roadway that
501 would likely need to be built to TXDOT standards. He spoke about the proposed lot sizes,
502 including the back yards, as well as what would be left (should this be approved) for the
503 "commercial" zoned designation, which will be 19 acres. Councilman Lewis asked Mr.
504 Buzchek if he will subsequently be returning in the future to again request that the 19 acres
505 of "commercial" be lowered again. Mr. Buzcheck ensured Councilmember Lewis that he
506 would not return in the future to request that it be lowered / reduced further.

507
508 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
509 speak.

510
511 **Bruce Clark**
512 **313 Shenandoah Lane**
513 **Rockwall, TX**

514
515 Mr. Clark shared details concerning his career, which he generally indicated is a
516 background in city / urban planning since 1962. He indicated that he formally worked for as
517 Planning Director for the City of Abilene, so he is very familiar with planning and the
518 process. He shared that his property abuts part of the Skorburg property. He believes that
519 the purpose of planning, first and foremost, is to protect property rights. He shared that
520 vacant homes do not tend to diminish neighboring property values; however, vacant
521 commercial does. He pointed out that "commercial" development has mainly occurred near
522 FM 552 and SH 205. So, therefore, there is not really a need for a big commercial operation
523 in this location (the Skorburg property). He is generally in agreement with the proposed
524 commercial portion being reduced in favor of more residential lots.

525
526 **Bob Wacker**
527 **806 Miramar**
528 **Rockwall, TX**

529
530 Mr. Wacker indicated that he is in favor of what Skorburg is requesting with this proposal.
531 He wishes the city had done more to make sure there was more "commercial" along John
532 King. In addition, he does not believe that more retail stores ("commercial") are needed.
533 He shared that he and his wife are looking for a home with a 60' lot and a j-swing garage.
534 He explained that maybe if more homes are built in this area, the new potential middle
535 school will come to fruition. He spoke in favor of this request / proposal from Skorburg at
536 this time.

537
538 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
539 public hearing.

540
541 Councilmember White made a motion to approve Z2016-032. Councilmember Hohenshelt
542 seconded the motion. The ordinance was read as follows:

543
544 **CITY OF ROCKWALL**
545 **ORDINANCE NO. 16-XX**

546
547 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
548 **TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 74 (PD-74)**
549 **[ORDINANCE NO. 14-26] AND THE UNIFIED DEVELOPMENT CODE**

550 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE
551 AMENDED, BY AMENDING THE PLANNED DEVELOPMENT CONCEPT PLAN
552 AND THE DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO.
553 14-26, BEING A 405.184-ACRE TRACT OF LAND SITUATED IN THE J.
554 STRICKLAND SURVEY, ABSTRACT NO. 187, T. R. BAILEY SURVEY,
555 ABSTRACT NO. 30 AND THE J. SIMMONS SURVEY, ABSTRACT NO. 190,
556 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
557 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
558 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE
559 SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
560 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
561 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
562

563 Mayor Pruitt pointed out that residents who already live in this subdivision were told that
564 there would be no front entry garage style homes when they originally purchased their
565 home. Mr. Buzchek indicated that a meeting was recently held with homeowners, generally
566 indicating that this sentiment was expressed; however, those sorts of comments mostly
567 came from residents who do not back up to this area. Also, he indicated that the front entry
568 garages will not diminish the values. Mayor Pruitt expressed that he wants to ensure that it
569 is noted on the plat that John King Boulevard may eventually become a state bypass.
570

571 Councilmember White amended his motion to stipulate that on the plat, indication will be
572 given that John King Boulevard may at some point turn into the SH-205 bypass.
573 Councilmember Hohenshelt seconded the amended motion. It passed by a vote of 6 in
574 favor with 1 against (Townsend).
575

- 576 5. P2016-040 - Hold a public hearing to discuss and consider a request by
577 Chad & Lindsay Hudson for the approval of a replat for Lots 7 & 8, Block A,
578 Independence Pass Addition being a replat of a 1.4-acre parcel of land
579 identified as Lot 5, Block A, Independence Pass Addition, City of Rockwall,
580 Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for
581 single family land uses, addressed as 107 Independence Place, and take
582 any action necessary.

583 Mr. Miller indicated that the applicants are requesting to subdivide a piece of residential
584 property into two separate parcels of land. He explained that originally, the 1.4 acre piece of
585 land was three, separate properties. Then, it was combined into one lot in 2009. In 2012,
586 the applicant came to Council to request, and was approved for, a front yard fence. Now,
587 the applicant would like to subdivide the property. Also, the applicant has submitted a
588 letter from the Chandler's Landing HOA, generally indicating that the HOA will grant
589 permission for the requested subdivision as long as a concrete slab is commenced within
590 one year of the board meeting when permission was granted. Mr. Miller indicated that all
591 affected homeowners within 200' within the Independence Pass subdivision were sent a
592 notice. No notices have been received back from staff at this time. The Planning & Zoning
593 Commission has recommended approval of this request by a vote of 7 to 0.
594

595 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
596 speak at this time.
597

598 Chad Hudson
599 422 Columbia Drive
600 Rockwall, TX

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Mr. Hudson, the applicant, and his wife came forth and indicated that they have lived in Chandler's landing since 2003. Mrs. Hudson indicated that they have previously done a lot of preparatory work, and they are now ready to build their home; however, they do not need the full 1.4 acres. So, they would now like to subdivide it. Essentially, they do not want it encumbered as part of their mortgage.

Mayor Pruitt asked if the Hudson's have any intention to eventually sell off the second lot so that someone else can build a second home there. He explained that the concern, as he understands it, is that if that were to happen, the front yard fence would likely not look right. Mr. Hudson indicated that they do not have plans, as of right now, to do so; however, if at some point the up keep and maintenance of the extra land becomes too much, he did acknowledge the understanding that he would have to return to the city to request a variance and receive approval from Council in order to do so.

Councilmember Lewis pointed out that the city is under no obligation to take into consideration the opinions or approval / disapproval of the Chandler's Landing HOA. City Attorney Frank Garza agreed, indicating that the city should be solely looking at and considering its own ordinances when making a decision. Also, the city council, at this time, should not be considering anything related to the previously approved front yard fence.

Jeff Macalik
6102 Volunteer Place
Rockwall, TX 75032

Mr. Macalick indicated that he is currently the Chairman of the Environmental Committee for the Chandler's Landing HOA. He shared that Chandler's has viewed this location as an estate lot. He questioned the Hudson's previous request for approval of a front yard fence back in 2012 during which they described the lot (in a letter) as an "estate lot." Mr. Macalik stated that a letter went out at that time to all of the neighbors, letting them know that a front yard fence would be constructed at this location. Mr. Macalik indicated that subdividing the property would put the property in violation of "front yard fences" according to Chandler's Landing's HOA regulations. He pointed out that the Hudson's had stated back in 2012 that the only home on the "estate lot" would be the one belonging to the Hudson's themselves. He also indicated that the HOA had granted a variance for a playhouse several years ago. At this point, however, the HOA has asked the Hudsons to submit plans to relocate the playhouse, as it would be located on a 'vacant lot' should the property become subdivided, which would be a violation of HOA rules which call for no play structures on vacant lots. Mr. Macalik indicated that the Chandler's HOA recently asked the Hudsons to submit a plan for front yard fence and playhouse removal, and they have tabled any action regarding this matter until such plans are reviewed. Mr. Macalik asked the Council to consider tabling action on this request until after the Chandler's HOA has taken action concerning the matter. If the Council does take action, he requested that approval of the replat be subject to a final Chandler's decision.

Ben Weible
215 Trout
Rockwall, TX

Mr. Weible indicated that he has observed that rules and regulations in place in the Chandler's Landing subdivision are plentiful. He shared that when originally moving to

652 Rockwall, he and his wife considered Chandler's Landing; however, his income at the time
653 would not accommodate their living in that subdivision. He generally discouraged the
654 Council from acting as an 'arm' or extension of the Chandler's HOA in any way, reminding
655 the Council that the city's ordinances and regulations are totally separate and apart from
656 any HOA rules and regulations. He summarized that he is in favor of the City of Rockwall
657 granting the applicants' request for approval this evening.
658

659 There being no one else wishing to come forth and speak, following some additional
660 comments from Mr. and Mrs. Hudson, Mayor Pruitt then closed the public hearing.
661

662 Councilmember Lewis acknowledged that this lot is arguably one of the best looking lots in
663 Chandler's Landing and in the whole city. He asked for reclarification regarding any city
664 involvement pertaining to the front yard fence and/or the playhouse. Mr. Garza indicated
665 that the city council should not consider, at this time, anything related to those things. He
666 clarified that what is currently being requested by the Hudson's does in fact conform to the
667 city's regulations.
668

669 Councilmember Lewis made a motion to approve P2016-040. Councilmember Milder
670 seconded the motion, which passed by a vote of 7 in favor with 0 against.
671

672 XIII. ACTION ITEMS

- 673
- 674 1. **SP2016-022** - Discuss and consider a request by Dub Douphrate of
675 Douphrate & Associates, Inc. on behalf of Gerald Houser of Colin-G
676 Properties, LTD for the approval of variances and exceptions to the
677 masonry, articulation, architecture and parking requirements stipulated by
678 the Unified Development Code (UDC) in conjunction with an approved site
679 plan for the expansion of an existing industrial facility on a 6.19-acre parcel
680 of land identified as Lot 1, Block A, Houser Addition, City of Rockwall,
681 Rockwall County, Texas, zoned Heavy Commercial (HC) District, situated
682 within the SH-276 Corridor Overlay (SH-276 OV) District, addressed as 1611
683 SH-276, and take any action necessary.

684 Planning Director, Ryan Miller provided background information concerning this agenda
685 item. He explained that the applicant is requesting approval of variances and exceptions to
686 the masonry, articulation, architecture, and parking requirements in conjunction with an
687 approved (*amended*) site plan for the purpose of expanding an existing heavy commercial
688 operation by constructing two (2) additional buildings that will be used as an office
689 (*building #1*) and a laboratory (*building #2*). The amendment to the site plan was required
690 due to the two (2) proposed buildings' total area exceeding 50% of the size of the existing
691 buildings area (*when originally site planned in 1984*). Each new facility will be built
692 emulating an existing structure in terms of appearance and materials; however, the
693 proposed buildings will not meet certain standards established in the SH-276 Corridor
694 Overlay (*SH-276 OV*) District and the Unified Development Code (*UDC*). This will require
695 approval by the City Council for variances and exceptions (*as outlined in staff's report*). The
696 property is a 6.19-acre parcel of land that is zoned Heavy Commercial (HC) District, situated
697 within the SH-276 OV, and is addressed as 1161 SH-276. The existing site has a total of five
698 (5) parking spaces located adjacent to the existing office building; however, based on the
699 total square footage of the additional two (2) buildings, an additional 25 parking spaces are
700 required. The applicant's approved site plan indicates the addition of 16 parking spaces and
701 is requesting a variance to allow for less than the required 25 spaces. This is due to the
702 sites building #2 being used as a laboratory rather than a traditional office use. On

703 September 27, the city's Architectural Review Board (ARB) recommended the applicant
704 plant trees along the southern and eastern property boundary in order to screen the use
705 from the surrounding properties. The ARB made a motion to recommend approval of the
706 elevations for both buildings with staff conditions. The motion also included the planting of
707 trees along the southern and eastern property lines for screening purposes. The motion
708 passed by a vote of 6 - 0, with Board Member Strohmeier absent. Subsequently, the
709 Planning & Zoning Commission met on October 11 and has recommended approval of the
710 variance requests, reflecting both ARB recommendations and staff's.
711

712 Councilmember Milder made a motion to approve SP2016-022. Councilmember White
713 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

714 2. Discuss and consider recommendation from the city council's Fire
715 Subcommittee regarding limited "first responder" services, and take any
716 action necessary.

717 Councilman Hohenshelt indicated that the city council's Fire Subcommittee met earlier this
718 afternoon to discuss this topic. He shared that the subcommittee supports the Rockwall
719 Fire Department planning a certain role in the area of "first response;" however, they have
720 concerns pertaining to some of the mechanical / technical issues (i.e. dispatch).
721 Councilmember Lewis cautioned that the Council may not need to be involved in the
722 "means and methods" surrounding providing "first responder" services. Following various
723 comments, Councilmember Townsend made a motion to instruct the City Manager and staff
724 to research and evaluate the communication efforts and firefighter training necessary to
725 provide for "first responder" operations and bring back recommendations, along with any
726 necessary agreements from all the involved areas, or update the council subcommittee and
727 Council within 30 days. Councilmember Milder seconded the motion, which passed by a
728 vote of 7 ayes to 0 nays.

729
730 3. Discuss and consider the proposed 2016-17 Street Maintenance Program,
731 including Rochelle Road, and take any action necessary.

732 City Manager Rick Crowley indicated that, based on the work session held earlier this
733 afternoon, it seems as though reconstruction of Rochelle Road will remain in the city's
734 upcoming roadway project plans. Councilmember Milder indicated that he believes the
735 spirit of the 40% increase in the street maintenance budget is to address critical roadway
736 repairs throughout the city, not just a large portion of it being dedicated to improving
737 Rochelle Road. Therefore, Milder asked the Council to consider pulling funding from
738 reserves or elsewhere to fund the Rochelle Road project separately so that the 40%
739 increase in budgeted funds can be used for critical projects elsewhere throughout the city.
740

741 Mayor Pruitt suggested that if Councilman Milder would like to do so, he is certainly able to
742 request a budget amendment at any time on a future agenda; however, he does not want to
743 hold up the project at this time.
744

745 Mayor Pruitt made a motion to approve the 2016-17 Street Maintenance Program, as
746 presented, at this time (which will include Rochelle Road reconstruction). Councilmember
747 Hohenshelt seconded the motion.
748

749 Mr. Crowley indicated that, eventually, whatever developer develops along Rochelle Road
750 will be responsible for rebuilding the road. In the meantime, the city will do improvements
751 (along with City of Fate), and it will be driven on and utilized in the meantime.

752 **After comments, the motion passed by a vote of 6 ayes to 1 nay (White).**
753

- 754 4. Discuss and consider approval of an **ordinance** amending the Rockwall
755 Code of Ordinances in Chapter 38. Subdivisions; Article I. In General; Sec.
756 38-23 Standards for Design of Developments within Subdivisions Adopted to
757 reflect the 2016 update to these standards, and take any action necessary.
758 **[1st reading]**

759 **Mr. Tumulty, City Engineer, briefed Council on this agenda item. He indicated that this**
760 **issue was discussed by Council in a work session at the last regular council meeting. He**
761 **shared that the Council had expressed a number of comments, which staff has addressed**
762 **in a memo provided in the informational meeting packet.**
763

764 **Councilmember Lewis made a motion to approve the ordinance. Councilman Hohenshelt**
765 **seconded the motion. The ordinance was read as follows:**
766

767 **CITY OF ROCKWALL**
768 **ORDINANCE NO. 16-____**
769

770 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
771 **AMENDING THE ROCKWALL CODE OF ORDINANCES IN CHAPTER 38.**
772 **SUBDIVISIONS; ARTICLE I. IN GENERAL; SECTION 38-23 STANDARDS FOR**
773 **DESIGN OF DEVELOPMENTS WITHIN SUBDIVISIONS ADOPTED; PROVIDING**
774 **FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**
775 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
776 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
777 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
778

779 **The motion passed by a vote of 7 ayes to 0 nays.**
780

- 781 5. Discuss and consider appointments to the City's Comprehensive Plan
782 Advisory Committee (CPAC), and take any action necessary.

783 **Mayor Pruitt indicated that he recommends Donna Doorman for service on this Committee.**
784 **Councilmember Milder suggested Mike Larivierre to serve. Mayor Pro Tem Townsend**
785 **recommended Johnny Lyons for service. Mayor Pruitt recommended that Jerry Welch**
786 **serve on the Committee as well as Bob Wacker. Councilmember White recommended**
787 **Shannon Nerren to serve. Mayor Pruitt made a motion to move forward with these six**
788 **individuals. Councilmember Fowler seconded the motion, which passed by a vote of 7**
789 **ayes to 0 nays.**
790

791 **XIV. EXECUTIVE SESSION :**
792

793 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
794 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
795 **CODE:**
796

- 797 1. Discussion regarding proposed sale/acquisition of city land and right-of-way
798 for possible private projects in the vicinity of The Harbor pursuant to Sections
799 551.072 (Real Property) and Section 551.087 (Economic Development
800 Negotiations).

- 801 2. Discussion regarding possible Economic Development projects in the vicinity
802 of The Harbor pursuant to Section 551.087 (Economic Development)
- 803 3. Discussion regarding Bear Creek Special Utility District (SUD) Certificate of
804 Convenience and Necessity (CCN) pursuant to Section §551.071
805 (Consultation with Attorney)
- 806 4. Discussion regarding a water supply contract with the City of Heath pursuant
807 to Section §551.071 (Consultation with Attorney)
- 808 5. Discussion regarding the status of ambulance services contract pursuant to
809 Section §551.071 (Consultation with Attorney)

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

811
812 **The Council did not reconvene in Executive Session following the close of the public**
813 **meeting agenda.**

814
815 **XVI. ADJOURNMENT**

816
817 **The meeting was adjourned at 8:38 p.m.**

818
819
820 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
821 **THIS 7th day of November, 2016.**

822
823 **ATTEST:**

824 *Kristy Cole*
825 _____
826 **Kristy Cole, City Secretary**

Jim Pruitt

Jim Pruitt, Mayor

