

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, February 07, 2022 - 5:00 PM

City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order

II. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding legal issues pertaining to an existing 212 Development Agreement for property within the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding terms of lease with cellular providers in the vicinity of Boydston Avenue, pursuant to Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation regarding Real Property)

III. Adjourn Executive Session

IV. Reconvene Public Meeting (6:00 P.M.)

V. Invocation and Pledge of Allegiance - Councilmember Campbell

VI. Proclamations / Awards / Recognitions

1. Black History Month

VII. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kcole@rockwall.com to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

VIII. Take any Action as a Result of Executive Session

IX. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."

1. Consider approval of the minutes from the January 18, 2022 regular City Council meeting, and take any action necessary.

2. **Z2021-050** - Consider approval of an **ordinance** for a Text Amendment to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the *Conditional Land Use Standards* for the *Bed and Breakfast* land use, and take any action necessary **(2nd Reading)**.
3. **Z2021-051** - Consider a request by Henok Fekadu for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.189-acre parcel of land identified as Lot 4, Block B, Chandlers Landing, Phase 19 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 5108 Yacht Club Drive, and take any action necessary **(2nd Reading)**.
4. **Z2021-053** - Consider a request by Javier Silva of JMS Custom Homes for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.23-acre tract of land identified as a portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and take any action necessary **(2nd Reading)**.
5. **Z2021-055** - Consider a request by Patrick Filson of Kirkman Engineering on behalf of Marlyn Roberts for the approval of an **ordinance** for a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant/retail building on a 0.799-acre portion of a larger 2.02-acre parcel of land identified as Lot 2, Block 1, Meadowcreek Business Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [SH-205] and Ralph Hall Parkway, and take any action necessary **(2nd Reading)**.
6. **Z2021-056** - Consider a request by John Delin of Integrity Group, LLC for the approval of an **ordinance** for a Zoning Amendment to Planned Development District 85 (PD-85) [Ordinance No. 18-32] for a 47.694-acre tract of land identified as Lot 1, Block A, and Lot 1, Block B, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary **(2nd Reading)**.
7. **P2022-001** - Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LLP and Phase 17 Investments for the approval of a Conveyance Plat for Lots 1, 2 & 3, Block A, Seefried Addition being a 23.489-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120 and Tract 1-2 of the J. H. B. Jones Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
8. **P2022-002** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Cathy Strother for the approval of a Final Plat for Lot 1, Block A, Roadside Addition being a 2.7624-acre tract of land identified as Tract 25-1, of the J. Cadle Survey, Abstract No. 65 and Tract 17 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and Agricultural (AG) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [SH-205], and take any action necessary.
9. **P2022-004** - Consider a request by Gerald Monk of Monk Consulting Engineers on behalf of 5 Sharp Real Estate for the approval of a Replat for Lot 8, Block A, Sharp Addition being a 1.91-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary.
10. Consider approval of an **ordinance** amending the FY 2022 Budget to provide funding for Leadership Rockwall project in Lofland Park, and take any action necessary.

11. Consider approval of a resolution authorizing the City Manager to apply for and accept grant funding from the State Homeland Security Grant Program to secure tactical communication headsets for the Rockwall Police Department's SWAT Team, including authorizing the City Manager to execute all necessary and associated documents, and take any action necessary.
12. Consider awarding a bid to Longhorn Harley-Davidson for a 2022-23 Police Pursuit Motorcycle in the amount of \$42,435.53 to be funded out of the Police Patrol Operating Budget, authorizing the City Manager to approve the Purchase Order, and take any action necessary.
13. Consider authorizing the City Manager to execute a proposal from Tubbesing Solutions, LLC for information technology services in the amount of \$35,698 to be funded by the IT Department Operating Budget, and take any action necessary.
14. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and construction plans for the W. Quail Run Sanitary Sewer Project in an amount not to exceed \$57,310.00, and take any action necessary.
15. Consider approval of a resolution calling a General Election to be held on May 7, 2022 for the purpose of electing the following Rockwall City Council Member positions: Place 2, Place 4, and Place 6 (each for two-year terms), and take any action necessary

X. Action Items

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes or less). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

1. **Z2021-052** - Discuss and consider a request by Mike Peoples for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow *Chickens* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary **(2nd Reading)**.
2. Discuss and consider a request from the Rockwall Economic Development Corporation (REDC) related to closing Rochell Road and providing an alternate route during upcoming construction, and take any action necessary.
3. Discuss and consider directing the City Manager to enter into a 380 Economic Development Agreement with Saro Partners, LLC to facilitate the swap of a 4.18-acre tract of land (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*) at the southwest corner of John King Boulevard and FM-1141 for a 5.07-acre tract of land (*i.e. Tract 2-06 of the D. Harr Survey, Abstract No. 102*) at the southeast corner of John King Boulevard and Airport Road, and take any action necessary.
4. Discuss and consider (re)appointments to the city's Main Street Advisory Board, and take any action necessary.

XI. City Manager's Report, Departmental Reports and related discussions pertaining to current city activities, upcoming meetings, future legislative activities, and other related matters.

1. Building Inspection Monthly Report - December 2021
2. Fire Department Monthly Report - December 2021
3. Parks & Rec Department Monthly Report - December 2021
4. Police Department Monthly Report - December 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

XII. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding legal issues pertaining to an existing 212 Development Agreement for property within the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding terms of lease with cellular providers in the vicinity of Boydston Avenue, pursuant to Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation regarding Real Property)

XIII. Reconvene Public Meeting & Take Any Action as Result of Executive Session

XIV. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 4th day of Feb., 2022 at 4:00 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Teague, City Secretary
or Margaret Delaney, Asst. to the City Sect.

Date Removed

Rockwall,  Texas
Proclamation

Whereas, Black History Month began in 1926 as part of an initiative by writer and educator, Dr. Carter G. Woodson, who launched Negro History Week that year, proclaiming that it should always occur the second week of February between the birthdays of Frederick Douglass and Abraham Lincoln; and

Whereas, this year's Black History Month theme – “Black Health and Wellness” – acknowledges the legacy of black scholars and medical practitioners while also highlighting activities, rituals and initiatives that black communities have done to be well; and

Whereas, the rise of fields such as Public and Community Health and Health Informatics have led to a rise in preventative care and a focus on body positivity, physical exercise, nutrition, exploring other dietary options such as vegetarianism, and gardening; and


Whereas, black health and wellness not only includes one's physical body, but also emotional and mental health, which are important aspects of wellness that, thankfully over the years, have become more normalized in every day discussions; and

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, do hereby proclaim **February 2022**, as:

“BLACK HISTORY MONTH”

in the City of Rockwall, and call upon all citizens to join me in acknowledging and celebrating this important month, including all of the individuals throughout history who have advocated for positive change, health and wellness on behalf of the black community.

In Witness Whereof, I hereunto set my hand and official seal on this 7th day of February, 2022.


Kevin Fowler, Mayor



ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, January 18, 2022 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager, Mary Smith; Assistant City Manager, Joey Boyd; and City Attorney, Frank Garza. Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

II. EXECUTIVE SESSION.

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

- 1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)**
- 2. Discussion regarding possible sale/purchase/lease of real property in the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 4. Discussion regarding legal terms and conditions for application to SAFER grant program, pursuant to Section §551.071 (Consultation with Attorney).**

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 p.m.

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

Mayor Fowler reconvened the public meeting at 6:02 p.m. with all councilmembers being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

Councilmember Bennie Daniels delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

- 1. Rockwall Police Citizens on Patrol Appreciation Day**

Mayor Fowler called forth Police Chief, Max Geron, and read and presented the proclamation, recognizing the members and contributions of the Rockwall Police Department's Citizens on Patrol organization.

VII. OPEN FORUM

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

Jim Turner
1691 Old East Quail Run
Rockwall, TX 75087

Mr. Turner came forth to discuss construction-related trash and debris. He specifically shared photographs to display trash that he and a friend spent a lot of time picking up along the area in and around where they live. He believes the debris and trash is being generated from adjacent construction sites. He pointed out the city's existing Code of Ordinances, which prohibits litter from being deposited on any construction site. He went on to share brief information on what other cities (i.e. Corpus Christi) do in order to help eliminate construction site debris and in fact fine contractors for non-compliance. He generally encouraged the City of Rockwall to essentially 'toughen up' on enforcing the elimination of construction site-related debris. He suggested the debris be kept in containers on site that have lids and can therefore not blow away in heavy winds.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker encouraged the City to outlaw the 'dumping of concrete,' especially related to dumping it on residential home sites that are under construction.

Ben Weible
215 Trout Street
Rockwall, TX 75032

Mr. Weible came forth and initially indicated that he is generally not in favor of a city imposing additional regulations / restrictions. He also pointed out that there needs to be a consideration for distinguishing between construction sites and "private residents" who may be in need of a 'roll off dumpster' at their home (i.e. perhaps they are renovating an existing home and have a need). He also pointed out that his 'bulk trash' has still not yet been picked up.

There being no one else coming forth to speak, Mayor Fowler then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 3, 2022 regular City Council meeting, and take any action necessary.
2. **P2021-063** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robert John Crowell for the approval of a *Final Plat* for the Landon Subdivision being a 126.903-acre tract of land identified as Tract 13 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, situated

within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southwest corner of the intersection of S. Munson Street and Streetman Road, and take any action necessary.

3. **P2021-064** - Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates PS LPT Properties Investors for the approval of a *Preliminary Plat* for Lot 1, Block A, PS Rockwall County Addition being a 2.082-acre tract of land identified as Tract 25-03 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4000 N. Goliad Street [SH-205], and take any action necessary.
4. **P2021-067** - Consider a request by Ryan King, PE of Engineering Concepts and Design on behalf of Jose Campos of Saddle Star South Holdings, LLC for the approval of a *Preliminary Plat* for the Saddle Star Estates North Subdivision consisting of 92 single-family residential lots on a 42.667-acre tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 80 (PD-80) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally located at the northwest corner of the intersection of FM-552 and John King Boulevard, and take any action necessary.
5. Consider awarding a bid to Siddons-Martin/Pierce and authorizing the City Manager to execute a Purchase Order for a new Fire Apparatus Pumper and Equipment in the amount of \$820,000, as approved in the FY2022 Budget, and take any action necessary.
6. Consider authorizing the City Manager to execute a Standard Utility Agreement with the Texas Department of Transportation for the IH-30 utility relocates from State Highway 205 to the city limits, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, and 6). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Chairman of the P&Z Commission, Eric Chodun, came forth and briefed Council on recommendations of the Commission relative to cases on tonight's meeting agenda.

2. Appointment with Leadership Rockwall Class of 2022 to discuss the proposed improvements to Lofland Park, and take any action necessary.

Two representatives from Leadership Rockwall – Rob McAngus and Trevor Reed - came forth and presented their proposal for a 'community service' project that will aim to make improvements at Lofland Park, which is city-owned. One of the things they are proposing is to create "The Grove @ Lofland Park," which will help more readily identify the existing park and be part of the improvements that are proposed to be made (i.e. twelve Little Gem magnolia trees ("The Grove"); sidewalks; lighted paths, some solar illumination within the park, a memorial brick area (which is the fundraising mechanism for this proposed, improvement project). The pointed out that the new park benches and some of the new additions will visually 'match' other benches and fixtures that exist elsewhere in the downtown area (which is right nearby). Ongoing costs for the city will include things like watering, solar illumination, and the maintenance of the pavilions; however, rental of the pavilions could generate some money for the city and somewhat offset some of the ongoing costs. They would like to have this done by Arbor Day of 2022 (which falls on Friday, April 29) and have an "Arbor Day Reveal / Unveiling Event" to raise awareness of the park, promote it

to the public, etc. They spoke about the proposed budget, which is about \$73k, and they pointed out that they've already secured / raised about \$48k of the overall, estimated expense. The gentlemen formally requested the City's approval of their project proposal and support for the associated efforts.

Mayor Fowler asked some residents in the audience whose homes back up to this park if they are 'in favor' of what is being proposed related to these park improvements. Said residents generally indicated that they are in agreement with what's being proposed.

City Manager, Mary Smith asked Council to consider (informally) directing staff to bring back a budget-related amendment to fund some of what's being proposed, if Council is generally in agreement with and in support of this proposed Leadership Rockwall project to improve Lofland Park. Mayor Fowler asked Mrs. Smith to do so, and a future agenda item will be placed on a subsequent city council meeting for consideration.

3. Appointment with Chris Kosterman of the city's ART Commission to present the 'art in public places' butterfly designs, and take any action necessary.

Mr. Kosterman came forth, indicating that he is the current Chairman of the city's ART Commission. He very briefly indicated that the Council has been provided with proposed concepts and associated designs for the 'already approved' butterfly sculpture project, which is an "art in public places" effort.

Following brief, clarifying comments, Councilmember Macalik moved to approve the proposed concepts and designs for the butterfly sculptures. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Appointment with Parks Director, Travis Sales, to discuss and consider a Kidzone Celebration Day event on Feb. 5, 2022, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed the Council on this proposed "Kidzone Celebration Day," to be held Feb. 5, 2022. Indication was given that the city will partner with Ebby Halliday and with the local "Breakfast Rotary Group" on this event (i.e. to serve hotdogs and beverages). Council gave general indication that they are 'ok' with the event, and Mr. Sales shared that staff will move forward with the event and begin promoting it tomorrow.

No formal action was taken by Council regarding this item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-050** - Hold a public hearing to discuss and consider approval of an **ordinance** for a Text Amendment to Article 04, Permissible Uses, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of amending the *Conditional Land Use Standards* for the *Bed and Breakfast* land use, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided brief background information pertaining to this agenda item. The Planning & Zoning Commission did fail to approve a motion (it was a 'tie vote' on a motion to deny this request). As a result, by default the item is now coming before Council with a recommended "denial" from the Planning & Zoning Commission

**Hayden Frasier
510 Williams St.
Rockwall, TX**

He shared that he bought his house in “Old Town” in the year 2014, but he grew up in the neighborhood. He would like Council to remove the “by right” verbiage and instead make “Bed and Breakfast” use only allowable via a Special Use Permit (SUP).

**Carol Crow
504 Williams St.
Rockwall, TX**

Mrs. Crow shared that she has lived at this address since Sept. of 1995. She pointed out that “Old Town” is the oldest neighborhood in Rockwall, and Lofland Park is the oldest city park too. She is glad they are going to improve the park soon. Mrs. Crow went on to share some background about some guidelines that were previously put in place to help preserve “Old Town” and “historical structures” therein. She shared that “bed & breakfasts” were never included in previous discussions pertaining to the desire to preserve Old Town. She pointed out that Old Town is the only neighborhood where a ‘by right use’ for “bed & breakfasts” is allowed. Everywhere else in the city, an SUP to do so is required. She believes the “by right use” was added to the city’s provisions pertaining to Old Town sometime around the year 2004. She was unaware that this had occurred, and she feels as though many who live in the Old Town neighborhood have been unaware of this ‘by right’ use too. She went on to brief Council on the nature of some of the discussions that recently occurred at the city’s Planning & Zoning Commission meeting (she indicated she watched the P&Z meeting online but did not attend in person or speak at said meeting). She would like the City and its Historic Preservation Advisory Board to review all of the city’s current regulations pertaining to “Old Town” and more formally see – overall – if any said regulations are in need of reconsideration in any way. She respectfully asked the City to remove the ‘by right use’ language within the proposed regulation change and instead allow this use only via an approved “SUP” by City Council. She thanked Council for their time and service.

**Patricia May
308 Williams Street
Rockwall, TX**

Mrs. May shared that she moved to this address in the year 1995, and her home backs up to Lofland Park. Prior to purchasing her home, she visited with the Rockwall City Manager who was employed at that time (Julie Couch) to get information on this area, including future plans. She moved here purposefully based on those discussions and her research at the time, and she has since spent about \$50,000 renovating her house to accommodate her health-related condition. She pointed out that her father and uncle lived in Rockwall, and her great uncle was a former County Judge. She purposefully chose “Old Town,” and thereafter the city instituted additional rules by forming and establishing the ‘historic district.’ She generally expressed that the rules and regulations associated with the “historic district” are pretty strict; however, everyone abides by them because they generally know the rules are in the

best interest of “Old Town.” She went on to urge the City and the Council to take steps in order to preserve Old Town, including not letting property usages go into her neighborhood that Councilmembers would not want next door to them in their own neighborhoods.

Debbie Wines
Lives at the corner of Williams and Kernoodle
(310 Williams St., per the Rockwall CAD)
Rockwall, TX

Mrs. Wines shared that she owns a house that was built in the year 1934, and she deliberately bought it to live in “Old Town.” She likes the neighborhood and does not want any businesses next door. She wants it to remain a ‘neighborhood.’

There being no one else wishing to come forth and speak, Mayor Fowler then closed the public hearing.

Councilmember Johannesen asked the Planning Director a series of questions pertaining to “bed and breakfasts” regulations and those that specifically pertain to the city’s Historic District. Mr. Miller shared that “bed and breakfasts” are permitted elsewhere in the city in other districts, but only by Specific Use Permit (SUP). Currently, B&Bs are “allowed by right” in the downtown historic district. Mr. Miller indicated that – to the city’s knowledge – no B&Bs currently exist in Rockwall. Additional regulations, specific to this downtown historic district are in place (that don’t necessarily apply elsewhere in the city), but they mainly relate to design guidelines that were put in place at the recommendation of the city’s Historic Preservation Advisory Committee. They mainly pertain to the exterior (visual look) of the structures.

Following the exchange between Mr. Miller and Councilmember Johannesen, Mayor Pro Tem Hohenshelt asked for clarification on (in general) where the city’s “Historic District” lies, geographically. Mr. Miller, Planning Director, briefly explained where its boundaries lie. Mr. Miller shared that about 3-4 commercial properties are located within the city’s “Historic District”; however, most of the ‘downtown businesses’ are actually NOT located within the city’s “Historic District.” This will mainly apply to residential properties located east of the downtown (business) area.

Councilmember Jorif provided brief comments, sharing that making this use only allowable via an approved SUP will allow Council more control over what goes in (“bed and breakfast” wise). City Attorney Frank Garza shared that “if” there is a current, operating ‘bed and breakfast’ operating in the city already (that the city is not aware of), that business would continue to be allowed to operate. However, after the ordinance is finally adopted (if it is), then any new applications for B&Bs would have to go thru the SUP process before they could be approved.

Councilmember Daniels moved to approve but strike from the ordinance the “by right” language. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 02.03, *CONDITIONAL LAND USE STANDARDS*, OF ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2021-051** - Hold a public hearing to discuss and consider a request by Henok Fekadu for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.189-acre parcel of land identified as Lot 4, Block B, Chandlers Landing, Phase 19 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 5108 Yacht Club Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property (within the Chandler’s Landing subdivision). The city council is being asked to consider the size, location and architecture of the home that is currently being proposed at this location. Staff has provided to Council a housing analysis of existing homes in the area so that Council may compare those to that which is being proposed by this applicant. Staff meets all of the requirements of PD-8 with the exception of the garage orientation that’s being proposed. However, that which is being proposed relative to the garage orientation is not atypical within the Chandler’s Landing subdivision. Notices were sent out to adjacent residents and property owners located within 500’ of the subject property. In addition, several HOAs were also notified, but no notices were received back by city staff, neither in favor nor in opposition. The city’s Planning & Zoning Commission did unanimously vote to recommend approval of this request.

Fowler opened the public hearing; however, no one came forth to speak, so he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-051. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT

(SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.189-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK B, CHANDLER'S LANDING, PHASE 19, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

- 3. Z2021-052 - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) to allow *Chickens* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).**

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He generally described that this applicant had previously worked with the city to gain approval of some certain 'uses' and 'structures' that the applicant had already been built on his property. During that process, it was discovered that the applicant had also built a small structure to house chickens (which are not currently allowed within the city limits). The applicant is now seeking approval of the structure that houses the chickens and is also seeking approval to keep 10 chickens on his property. Neighboring property owners and residents were notified of this request, but no notices were received back, neither 'for' nor 'against.' Also, the P&Z Commission did hear this case, and they have recommended approval of this item by a vote of 6-0 with one commissioner being absent. Indication was given that the applicant is not present in the audience this evening.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time.

**Ben Weible
215 Trout Street
Rockwall, TX**

Mr. Weible came forth and shared that he personally had his property annexed into the city 'against his will' several years ago, so he sympathizes with someone telling a person what he can and cannot do with his own property. He went on to share that many, surrounding cities, including the City of Dallas, have changed their regulations and are actually allowing people to keep chickens within the city limits. He pointed out that, especially, considering COVID and associated food shortages, he wonders why the City of Rockwall does not allow people to keep chickens within the city limits. He generally spoke in favor of Council approving this request. He believes that approval of this request will be heading in the right direction, as he believes the City should allow chickens throughout the City of Rockwall.

There being no one else wishing to speak, Fowler then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-052. Councilmember Campbell seconded the motion.

Councilmember Daniels then sought clarification on some things from Mr. Miller (Planning Director). He went on to share that somehow property rights have to 'balance' with individual rights. He generally expressed that this property is zoned "Agricultural," so perhaps in this particular instance, allowing chickens may make sense. However, he pointed out that this structure was built without the applicant obtaining an approved SUP, in advance. This is an instance of the applicant building something (while likely 'knowing better') without pre-approval (an SUP) and then asking for forgiveness afterwards. Councilman Daniels shared this is a personal issue and problem he has related to this particular case (doing something while 'knowing better' – then asking for approval / forgiveness thereafter). Mayor Pro Tem Hohenshelt pointed out that this particular case is actually the third time this particular applicant has built something first and then sought approval afterwards.

The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW *CHICKENS* ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion then passed by a vote of 5 ayes with 2 against (Johannesen and Daniels).

4. **Z2021-053** - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.23-acre tract of land identified as a portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This is located outside of the Old Town Historic District. The property is zoned "Single-Family 7," and the applicant is requesting to build a single-family, residential home in this

subdivision, which has been in place since the year 1896. The Council is being asked to review this case based on the size, location and architecture of the home that is being proposed. A housing analysis that describes other, existing, nearby homes has been provided to Council for review. This request does meet all of the zoning and all other requirements for the City of Rockwall. Notices were sent out to adjacent property owners and residents as well as applicable homeowners association(s). However, no notices have been received back by staff, neither 'for' or 'against.' The P&Z Commission did unanimously vote to recommend approval of this case to City Council.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-054. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS PORTION OF BLOCK 9 OF THE F&M ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

5. **Z2021-054** - Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management, Inc. for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Congregate Care Facility that Exceeds 36-Feet in Height the Scenic Overlay (SOV) District* on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [*FM-740*], and take any action necessary (**1st Reading**).

Mayor Fowler pointed out that this applicant has requested to withdraw this case. Mr. Miller went on to explain that the City Council will need to take action to either accept or deny the applicant's request to withdraw. If the Council accepts the request to withdraw, the applicant

could submit again (even the exact same application), with no timeframe stipulation (he could do so right away). If Council hears the request (holds the public hearing) and approves the request, obviously it will be approved. If the Council hears the case and then “denies without prejudice,” the application could immediately resubmit an application. If Council “denies with prejudice” (or makes no indication of ‘prejudice,’ one way or the other), a subsequent request for the same application could not be resubmitted for a year.

Additional discussion took place, with Mayor Fowler expressing that City Council can either accept the withdraw request or deny the withdraw request and then decide whether or not to hear the public hearing.

Councilmember Jorif moved to deny the applicant’s request to withdraw and move forward with holding the public hearing. Councilmember Johannesen seconded the motion.

Councilmember Daniels shared that, traditionally, in the past Council has granted an applicant’s request to withdraw a case. He did acknowledge that he knows that past actions taken by Council(s) do not necessarily stipulate actions Council should or should not take this evening; however, he did want to point this out.

The vote to deny the applicant’s request to withdraw the case passed by a vote of 4 in favor with 3 against (Hohenshelt, Fowler and Daniels). Therefore, based on the motion and vote, Mayor Fowler indicated that the Council will move forward this evening with hearing the case and holding the public hearing.

Planning Director, Ryan Miller, then provided background information concerning the PD and this property, including describing previous proposals that were made and subsequently denied for this property. He went on to explain that the applicant, in this particular case (Z2021-054), is proposing to build a “congregate care facility,” which is allowed in this district thru approval of a Specific Use Permit (SUP). The applicant has submitted a concept plan and conceptual building elevations for the proposed congregate care facility. The concept plan shows that the 12.1148-acre tract of land would be developed in a single phase consisting of 300 dwelling units, a four (4) story parking garage, a rooftop restaurant, and various amenities. An estimated 3.82-acres of the subject property will be reserved for future General Retail (GR) District land uses. This means that the proposed congregate care facility will have an estimated residential density of 36.17 dwelling units per acre (i.e. 300-units/[12.1148-acres – 3.82-acres]). The proposed 300 dwelling units will be broken down into 180 Type ‘A’ or one (1) bedroom units and 120 Type ‘B’ or two (2) bedroom units. This equates to a 60%/40% one (1) bedroom to two (2) bedroom unit mix. In addition, the proposed development would incorporate 205 garage parking spaces and 116 surface parking spaces for a total of 321 parking spaces. The concept plan indicates that the proposed development would incorporate 20% open space and amenities that include a dog park, pool, and two (2) pickle ball courts. The applicant has indicated that the proposed rooftop restaurant -- which will serve all of the residents’ meals since the proposed dwelling units will not incorporate kitchen facilities -- will be closed to the general public. The conceptual building elevations show that the building will be four (4) stories adjacent to Ridge Road and extend back to five (5) stories at the rear of the subject property. This is to accommodate the slope of the property, which has a significant grade change from the western property line

(adjacent to Ridge Road) to the eastern property line (adjacent to the railroad). The overall height of the building will be 60-feet along Ridge Road. Staff should note that while the conceptual building elevations are being incorporated into the Specific Use Permit (SUP) ordinance, they do not appear to meet the minimum standards of the city's Unified Development Code (UDC). This incorporation does not grant any variances to the requirements of the Unified Development Code (UDC), and the applicant will be required to amend the elevations to bring them into conformance with the code prior to any potential site plan approval.

Mr. Miller pointed out that the following aspects of the applicant's request deviate from the requirements of the Unified Development Code (UDC): density, parking and maximum building height. Based on the proposed density of 36.17 residential dwelling units per acre -- is more characteristic of the "High Density" Residential land use designation. He pointed out that the city's only, other (existing) congregate care facility is designated as 'high density.' Mr. Miller went on to speak regarding mailed notices -- notices were mailed out to adjacent property owners and residents located within 500' of the subject property. Nine notices were received back by staff in opposition of this proposal. In addition, two nearby Homeowners Associations were notified. Also, the city's P&Z Commission has recommended denial of this request by a vote of 4 to 2.

A representative of the applicant -- Robert LaCroix -- then came forth to address the council on Mr. Weinstein's behalf.

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Mr. LaCroix came forth and addressed the Council, generally comparing the city's only other "congregate care" facility -- "Liberty Heights" -- to that which is being proposed with this particular request. He also compared that which the applicant had previously proposed (apartments with a public, rooftop restaurant) to that which the applicant is currently proposing (a congregate care facility). He went on to speak about the proposed building height and the city's parking-related requirements. The applicant did ask to withdraw to have an opportunity to reduce the density that's being requested in order to conform to the city's parking requirements. He went on to share additional details related to this proposed, age-restricted congregate care facility. He also touched on a 'traffic impact analysis' that was previously submitted to the City pertaining to the applicant's (higher density) previous proposal, which was previously denied by Council. He shared a proposed site plan as well as building elevations that are being proposed currently, along with the number of units and proposed size of the one and two-bedroom units. He shared that this PD has been in place for future development as "retail and office space" uses for a very long time; however, it has not developed in over fifty years. He pointed out that for a single retailer to develop this particular piece of property, he believes it would be too expensive to do so (especially related to sewer). Although he knows the Council chose to not entertain the applicant's request to withdraw, the applicant would have liked an opportunity to come back with an even newer proposal that would reflect a lower-density and lower intensity use.

Mayor Fowler then opened the public hearing, asking if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that this proposed use involves older residents who are likely not going to be driving a lot. It looks like the proposed amenities are great and will aesthetically look nice. However, the proposed density is not feasible or desirable. He believes that 300+ units is too dense. Also, the parking will not be adequate, especially when people come to visit this facility on weekends. Mr. Wacker would like Mr. Weinstein to have an opportunity to bring this type of proposal back but with a lower, proposed density.

Nathan Najmabadi
1412 Ridge Road
Rockwall, TX

Mr. Najmabadi came forth and shared that he lives beside this property, and he and his family are greatly opposed to this proposed 'high rise' building. Sixty feet is a 'skyscraper' in Rockwall. He believes this is a great green space, and he would like to see it stay open – perhaps a park. He is ok with a one or two-story retail development; however, he is not in favor of these proposed "apartments in disguise." He spoke in opposition of this proposal being approved.

Dr. Jim Neufell
101 Becky Lane
Rockwall, TX

Dr. Neufell came forth and shared that this type of development on that piece of property is not in the city's 'best interest.' He briefly and generally spoke in opposition of its approval.

Andrea Burke
1406-A Ridge Road
Rockwall, TX

The speaker came forth and pointed out that this is the city's 'Scenic Overlay District.' So she feels it should be 'scenic' and better blend in with the surrounding, existing development. She is opposed to the city granting any height-related variances, as what is being proposed is too tall.

Harold Snyder
1519 Murphy Drive
Rockwall, TX

Mr. Snyder came forth as both a resident and as a representative of the Waterstone Estates Homeowners Association. He and his HOA are both admittedly opposed to the proposed

development as presented. He indicated that what is being proposed is far too high, height-wise, and they prefer for it to be retail / office space. He would hope that the city will reject this proposal.

John McAnally
1600 Ridge Road
Rockwall, TX

Mr. McAnally indicated that he and his wife are opposed to this proposal, especially because of the proposed density and height as well as the additional traffic that it will produce. He asked the Council to put themselves in his shoes and consider how they would feel if this proposal were approved next door to their own home. He generally spoke against approval of this request.

Dan Bobst
1400 Ridge Road
Rockwall, TX

Mr. Bobst came forth and shared that he has seen previous cases be denied by the Rockwall City Council “with prejudice,” so he knows it has and can occur, contrary to what Councilman Daniels had previously indicated. He went on to say that he believes ‘residential’ should not be located along Ridge Road. He indicated that emergency sirens (i.e. from ambulances) run all the time. He lives on Ridge Road, and people utilizes his residential property all the time to make u-turns, and this will only get worse. He does not know what the answer is, and he feels sorry for Mr. Weinstein; however, he does not believe this proposal is desirable. He generally spoke in opposition of this request because he does not think it works correctly in this particular location.

Ben Weible
215 Trout
Rockwall, TX

Mr. Weible came forth and shared that he has passed by this particular patch of land for 45+ years. He does not own the land or the trees on the land or any part of it. However, the person who does own it and the person who wants to buy it should be able to make a transaction without the interference of local government. He would like to see the City let the private market work, and let the development take place without the city getting involved.

There being no one else wishing to come forth and speak, Mayor Fowler closed the public hearing, and he recessed the public meeting for a break (at 8:18 p.m.).

Mayor Fowler reconvened the meeting at 8:25 p.m.

The applicant’s representative – Mr. Robert LaCroix – again came forth and shared that the applicant does understand the concerns that have been expressed regarding density and height. He pointed out that it is a land-use definition within the city’s Unified Development

Code (UDC) that a person has to be 62 years of age to live in a 'congregate care' facility. Brief discussion ensued pertaining to how the City cannot truly enforce 'age restrictions,' and how it does not desire to be in the business of enforcing said restrictions. Mr. LaCroix went on to share that it appears Council may deny this request tonight. If it is denied, he asked Council to please consider denying it 'without prejudice' so the applicant may return and propose something 'less dense' and 'less high.'

Councilmember Johannesen pointed out that his job is not to be a developer and/or solve developer-related issues. However, his job as a councilmember is to listen to the concerns of constituents. He shared that none of the citizens appear to want this development, as it is being proposed, and – also – the city's P&Z Commission denied it too.

Councilmember Johannesen went on to make a motion to deny Z2021-054. Councilmember Jorif seconded the motion.

Brief discussion took place related to infrastructure (sewer), the potential traffic impact this proposal might have. Mayor Pro Tem Hohenshelt shared that the applicant is apparently 'deaf' and does not listen to what the council has been consistently conveying to him, which is – nothing that even remotely resembles a 'multi-family' development on this piece of property is going to be approved by this Council because it is not going to be well received or supported by the citizens. He went on to share past examples of residents not wanting a certain development to be built and then something else, even less favorable, ends up being built 'by right' thereafter (example: Kroger up North).

Following Hohenshelt's comments, the motion to deny passed by a vote of 7 ayes to 0 nays. Brief clarification was given that – since 'without prejudice' was not specified within the motion – then, by default, it is considered to be denied "with prejudice."

6. **Z2021-055** - Hold a public hearing to discuss and consider a request by Patrick Filson of Kirkman Engineering on behalf of Marlyn Roberts for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant/retail building on a 0.799-acre portion of a larger 2.02-acre parcel of land identified as Lot 2, Block 1, Meadowcreek Business Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [SH-205] and Ralph Hall Parkway, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information on this agenda item. The applicant has submitted a proposed concept plan that depicts a 5,130 SF restaurant/retail building that faces onto S. Goliad Street [SH-205]. The applicant has indicated that the drive through restaurant is less than 2,000 SF, which is the purpose for requesting the Specific Use Permit (SUP). The concept plan indicates that the drive through for the restaurant will wrap around the building, extending from the northeast side of the building to the northwest side of the building, and incorporate a maximum stacking capacity of seven (7) vehicles. The proposed concept plan also shows that a bail out lane, running parallel to the drive through, will be included. In addition, headlight screening will be provided adjacent to the northwest property line. Notices were sent out to adjacent property owners and residents, and the

Meadowcreek HOA was also notified; however, no notices have been received back by staff to date.

Mayor Fowler opened the public hearing, but no one wanted to speak. So, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-055. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 2.02-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK 1, MEADOWCREEK BUSINESS CENTER PHASE 1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

7. **Z2021-056** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC for the approval of an ordinance for a *Zoning Amendment* to Planned Development District 85 (PD-85) [*Ordinance No. 18-32*] for a 47.694-acre tract of land identified as Lot 1, Block A, and Lot 1, Block B, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The subject property is located on both sides of John King Boulevard north of SH-66. The majority of the subject property was annexed into the City of Rockwall and zoned Agricultural (AG) District on March 16, 1998 by Case No. A1998-001 (Ordinance No. 98-10). The remainder of the property was annexed on March 2, 1960 by Case No. A1960-001 (Ordinance No. 60-01). In 2007-2008, the City of Rockwall acquired a portion of the property for the future right-of-way for John King Boulevard. This divided the property into two (2) tracts of land, a 9.894-acre tract of land on the west side of John King Boulevard (i.e. Tract 1) and a 28.011-acre tract of land on the east side of John King Boulevard (i.e. Tract 2). On October 16, 2017, the City Council approved Planned Development District 85 (PD-85)

[Ordinance No. 17-55] establishing limited General Retail (GR) District land uses on Tract 1, and Single-Family 7 (SF-7) District land uses on Tract 2. As part of this approval, Tract 2 was approved for an age restricted, senior living community that consisted of 84-89 single-family homes setup in a condominium regime (i.e. the single-family homes were individually owned but were situated on a single lot owned and maintained by the homeowner's association). This plan also laid out 12.80-acres of open space, and provided for a ten (10) foot hike/bike trail along John King Boulevard and an intersection enhancement at the corner of John King Boulevard and SH-66 in accordance with the John King Boulevard Design Concept Plan. After receiving approval for the Planned Development District, the applicant -- John Delin of Integrity Group, LLC -- contacted staff to notify them that the title company had missed locating a 30' North Texas Municipal Water District (NTMWD) easement on the survey that runs parallel to SH-66. This inhibited the applicant's ability to provide the required landscape and hardscape elements required by Ordinance No. 17-55. In response to this, the applicant filed an application requesting a variance to these requirements and proposing an alternative landscape plan. This was approved by the City Council on February 19, 2018. On June 15, 2018, the applicant submitted an application proposing to amend Planned Development District 85 (PD-85) for the purpose of incorporating an additional 9.789-acre tract of land into Tract 2 and expanding the total single-family lot count to a maximum of 122 single-family homes. This was approved by the City Council on August 6, 2018 through the adoption of Ordinance No. 18-32. In November of 2021, staff contacted the applicant to inform him that a portion of the lots proposed for Phase 2 of the Ladera Subdivision were situated within the Runway Protection Zone of the Ralph Hall Municipal Airport. This was discovered by staff when working with Aviation Division of the Texas Department of Transportation (TXDOT) on a proposed project in the southern RPZ. To remedy this issue, staff and the applicant have been working with the TXDOT Aviation Division to revise the concept plan to conform to the Federal Aviation Administration's (FAA's) guidelines. He went on to describe additional details of this proposal, generally indicating that what is being proposed actually more closely conforms to the city's Comprehensive Plan.

Notices were sent out to adjacent property owners and residents, as well as nearby HOAs. However, staff has received no notices in response. The city's P&Z Commission has recommended approval of this by a vote of 6-0.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he then closed the public hearing. Councilmember Jorif then moved to approve Z2021-056. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

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

XII. ACTION ITEMS

1. Discuss and consider (re)appointments to the city's Main Street Advisory Board, and take any action necessary.

Johannesen moved to reappoint Eva Cannon, Jennifer Hoffman and Jeremy Standifer to the Main Street Advisory Board. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XIII. EXECUTIVE SESSION.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale/purchase/lease of real property in the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding legal terms and conditions for application to SAFER grant program, pursuant to Section §551.071 (Consultation with Attorney).

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

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

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:46 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th DAY OF FEBRUARY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 22-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 02.03, *CONDITIONAL LAND USE STANDARDS*, OF ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the Historic Preservation Advisory Board (HPAB) of the City of Rockwall to amend Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] for the purpose of changing the *Conditional Land Use Standards* for the *Bed and Breakfast* land use; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

SECTION 2. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 4. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE
7TH DAY OF FEBRUARY, 2022.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Section 10, Fee Schedule, of
Article 11, Development Applications and Review Procedures, of the
Unified Development Code (UDC)

Additions: Highlighted

Deletions: Highlighted, Strikeout

Article 04, *Permissible Uses*, of the Unified Development Code (UDC)
Subsection 02.03, *Conditional Land Use Standards*

(B) Residential and Lodging Land Uses

(2) *Bed and Breakfast*.

- ~~(a)~~ The Bed and Breakfast land use is permitted in the Old Town Rockwall (OTR) Historic District by right.
- (b)(a) A Bed and Breakfast may only be established on an owner-occupied, single-family lot.
- ~~(e)~~(b) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.
- ~~(d)~~(c) No signage and/or outside advertising shall be permitted for a Bed and Breakfast unless located in a nonresidential zoning district or as permitted by a Specific Use Permit (SUP).
- ~~(e)~~(d) Bed and Breakfast shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.
- ~~(f)~~(e) A Bed and Breakfast shall be subject to an annual inspection by the Fire Department.
- ~~(g)~~(f) All applicable hotel/motel taxes shall be paid.
- ~~(h)~~(g) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.
- ~~(i)~~(h) A Specific Use Permit (SUP) for a Bed and Breakfast shall be reviewed six (6) months after the adoption of the Specific Use Permit (SUP) and annually thereafter unless otherwise stipulated by the Specific Use Permit (SUP) ordinance.

CITY OF ROCKWALL

ORDINANCE NO. 22-04

SPECIFIC USE PERMIT NO. S-267

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.189-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK B, CHANDLER'S LANDING, PHASE 19, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Henok Fekadu for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.189-acre parcel of land being described as Lot 4, Block B, Chandler's Landing, Phase 19, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5108 Yacht Club Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] and Planned Development District 8 (PD-8) of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] and Planned Development District 8 (PD-8) of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.07, *Single-Family*

7 (SF-7) District, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and to the requirements set forth in Planned Development District 8 (PD-8) -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the Residential Plot Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF FEBRUARY, 2022.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Location Map and Survey

Address: 5108 Yacht Club Drive

Legal Description: Lot 4, Block B, Chandler's Landing, Phase 19



Exhibit 'B':
Residential Plot Plan

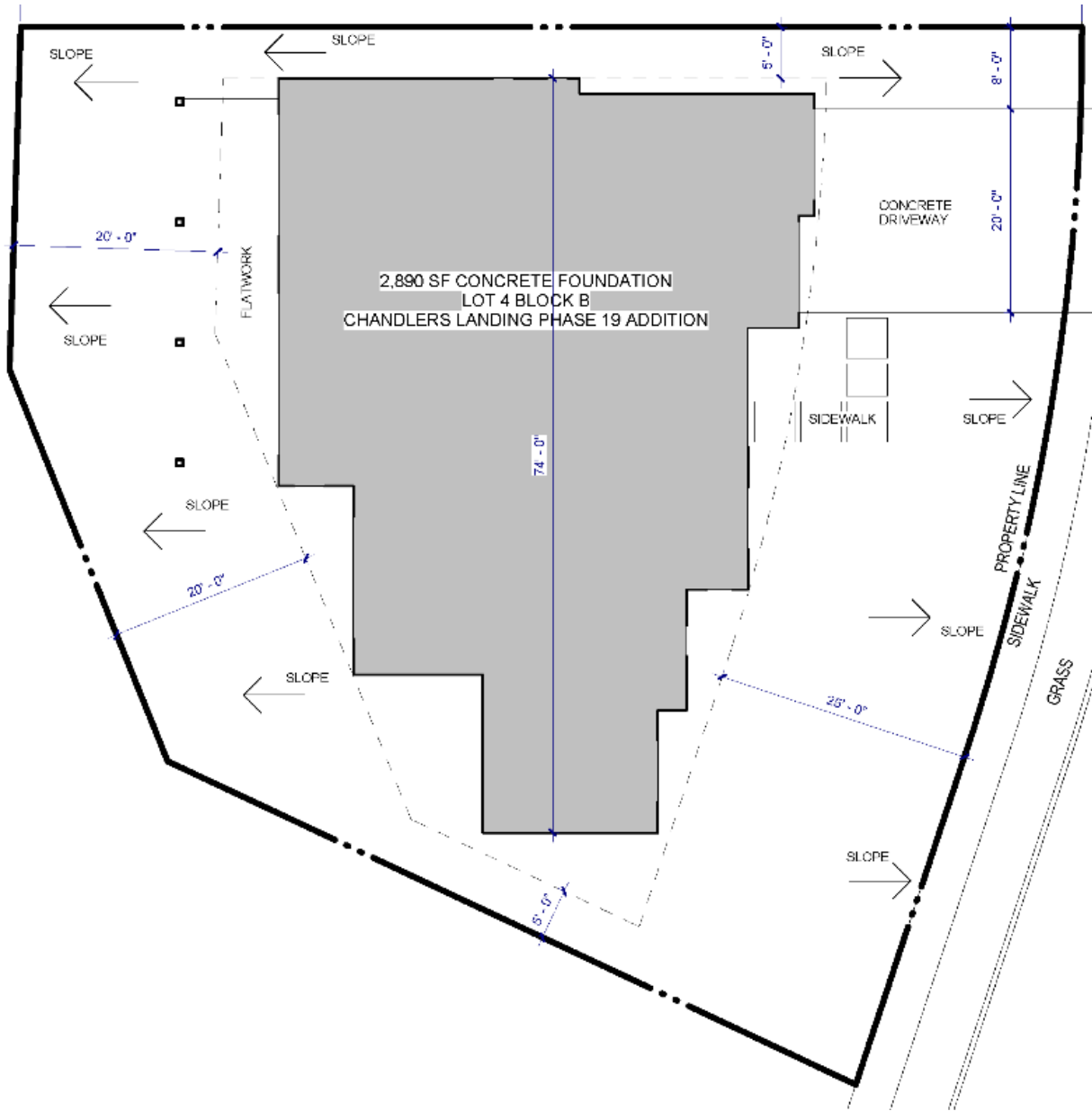
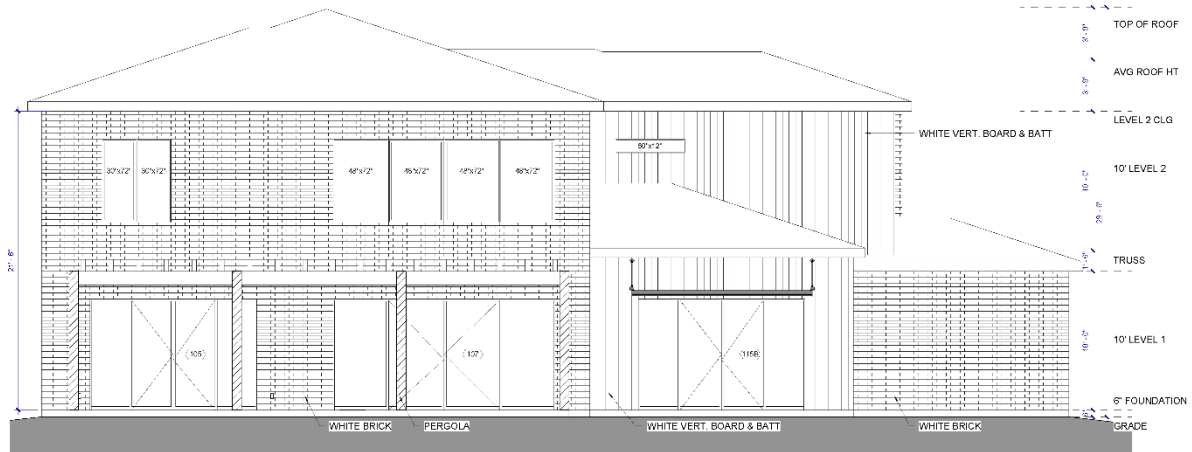
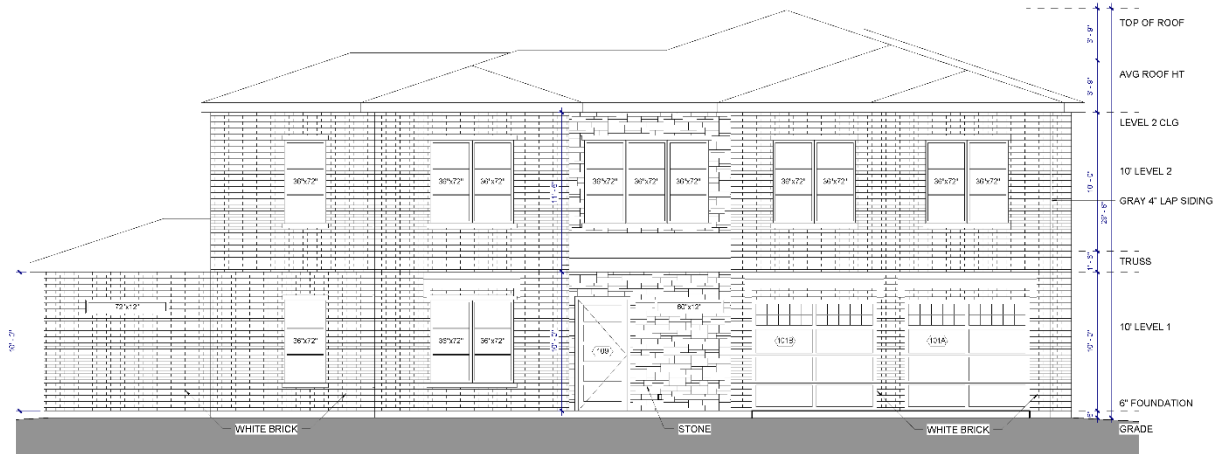


Exhibit 'C': Building Elevations



REAR ELEVATION
SCALE: 1/4" = 1'-0"

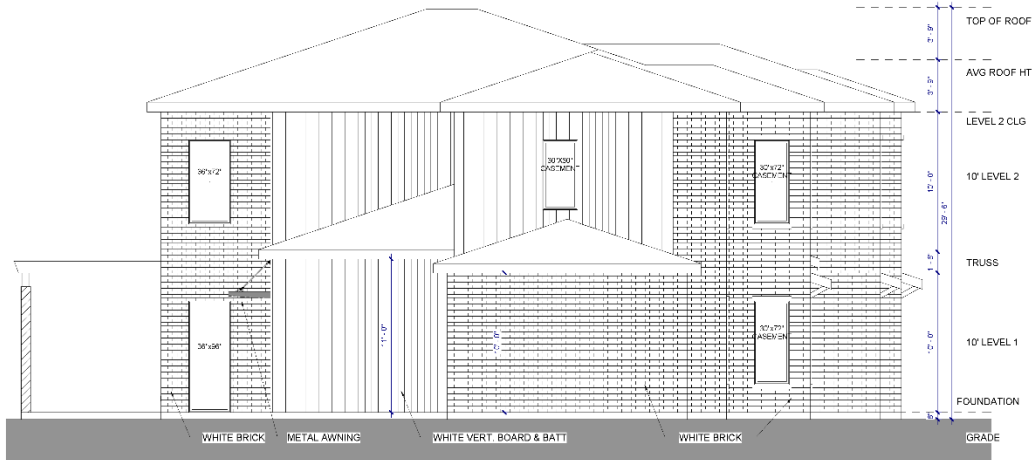
2



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

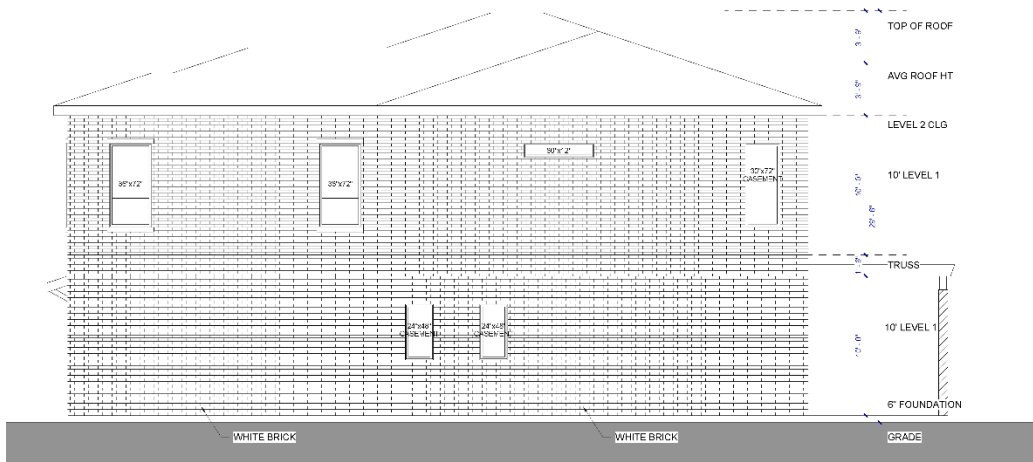
1

**Exhibit 'C':
Building Elevations**



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

2



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

1

CITY OF ROCKWALL

ORDINANCE NO. 22-06

SPECIFIC USE PERMIT NO. S-269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS PORTION OF BLOCK 9 OF THE F&M ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Javier Silva for the approval of a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on a 0.23-acre parcel of land being described as portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

- 1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF FEBRUARY, 2022.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

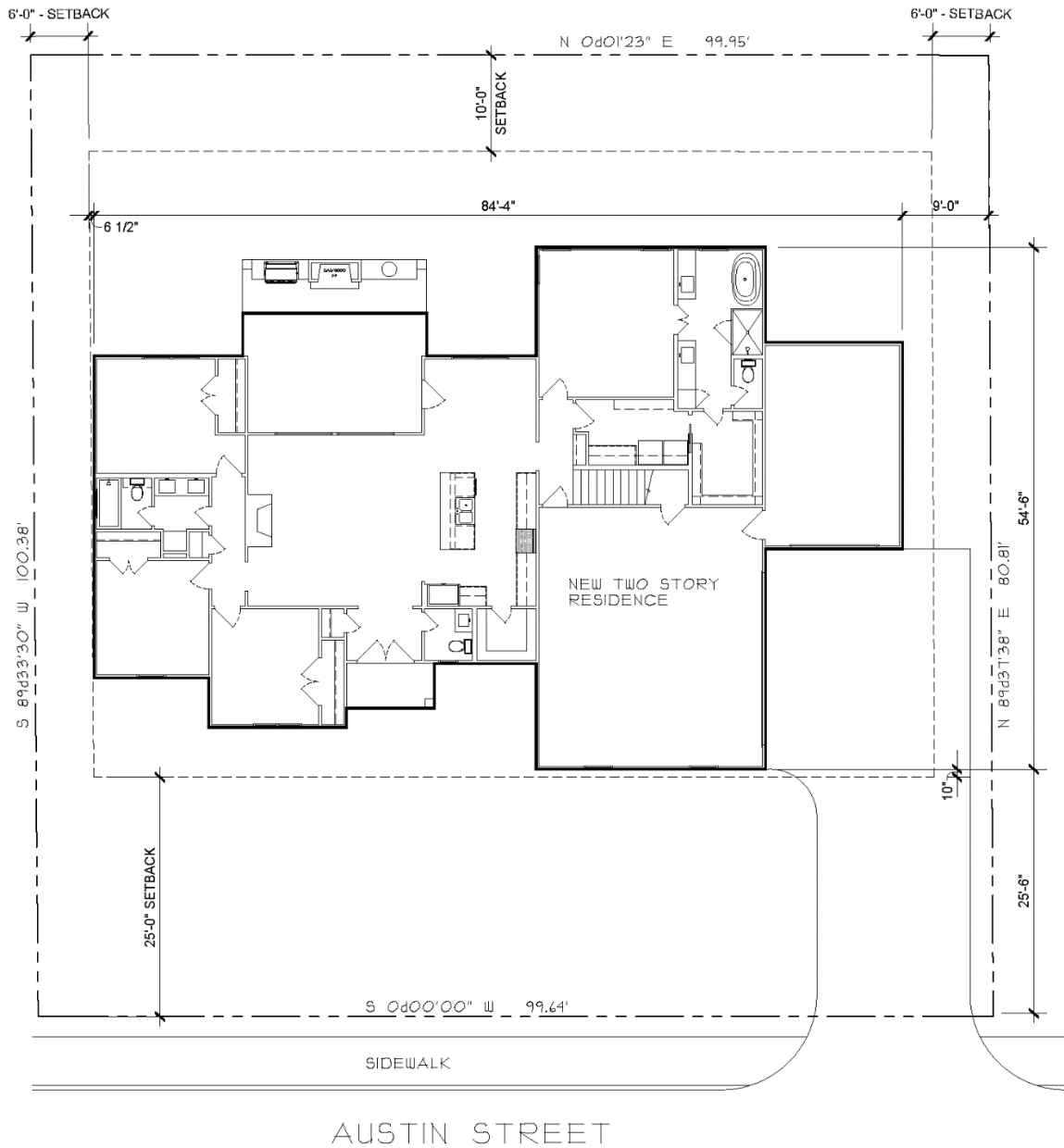
Exhibit 'A'
Location Map and Survey

Address: 803 Austin Street

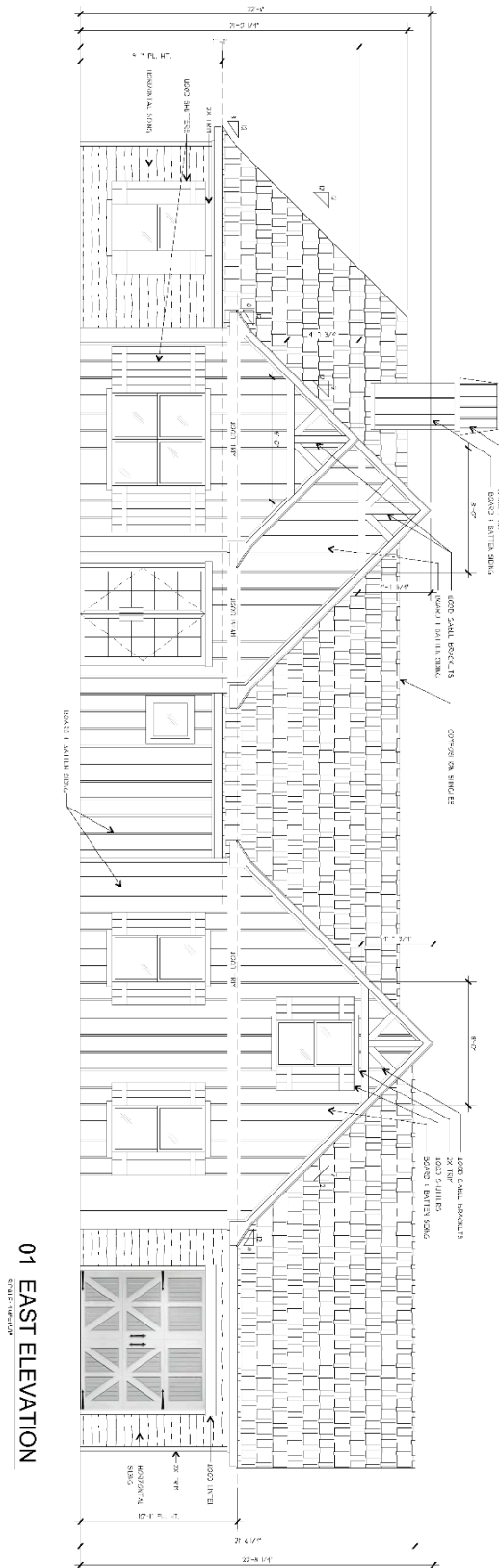
Legal Description: A Portion of Block 9 of the F&M Addition



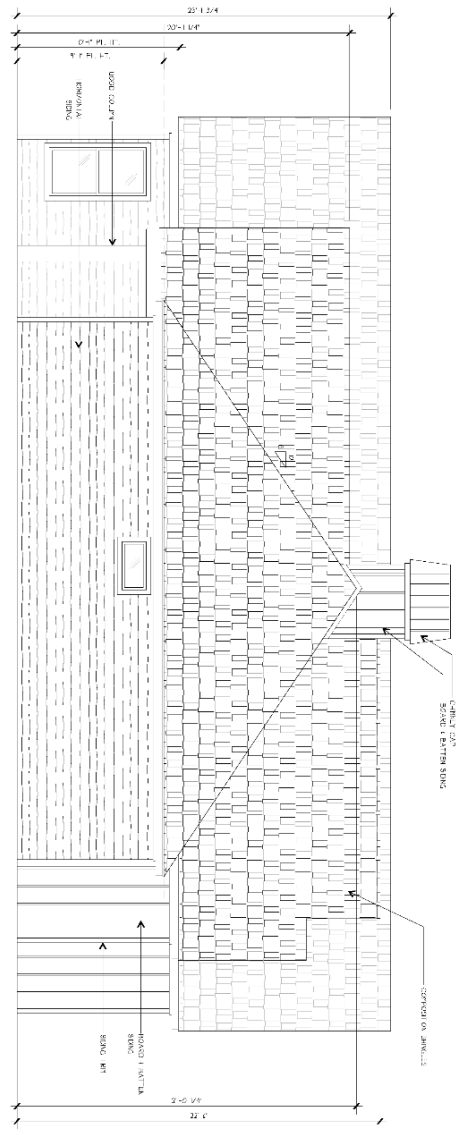
**Exhibit 'B':
Residential Plot Plan**



**Exhibit 'C':
Building Elevations**

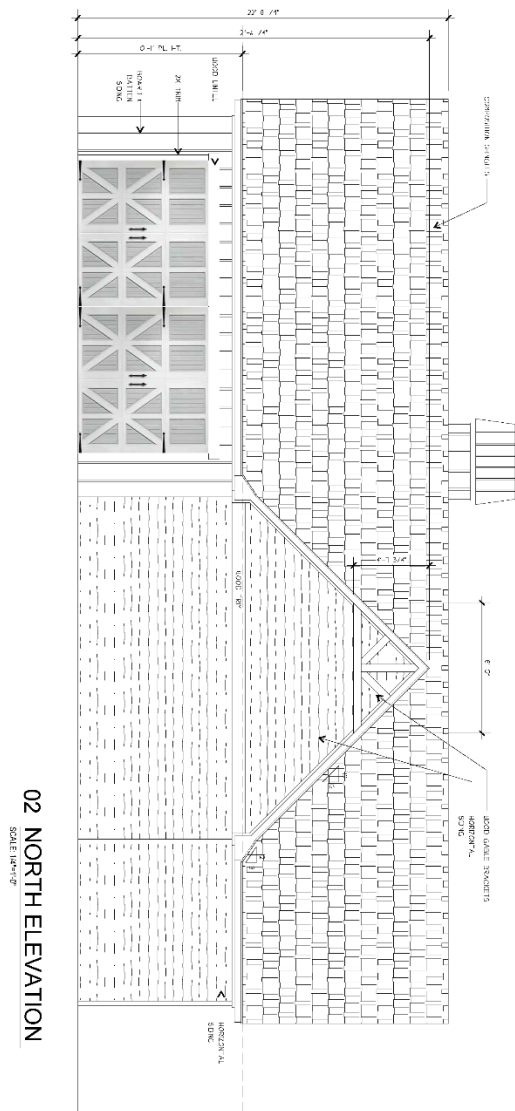
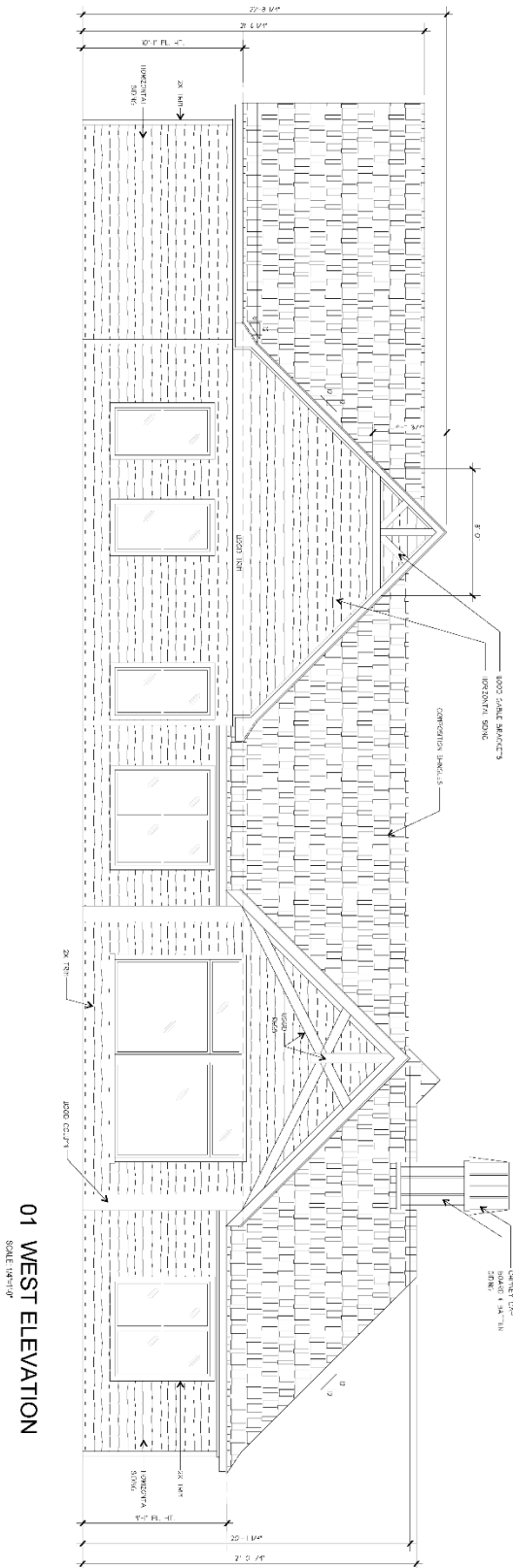


01 EAST ELEVATION
SCALE 1/4"=1'-0"



02 SOUTH ELEVATION
SCALE 1/4"=1'-0"

**Exhibit 'C':
Building Elevations**



CITY OF ROCKWALL

ORDINANCE NO. 22-07

SPECIFIC USE PERMIT NO. S-270

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 2.02-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK 1, MEADOWCREEK BUSINESS CENTER PHASE 1 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.*

WHEREAS, the City has received a request from Patrick Filson for the approval of a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* for the purpose of constructing a restaurant with drive-through on a 2.02-acre parcel of land described as Lot 2, Block 1, Meadowcreek Business Center Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [*SH-205*] and Ralph Hall Parkway, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. The Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.05, *Commercial (C) District*, and Subsection 06.07, *SH-205 Overlay (SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- *as heretofore amended and may be amended in the future* -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) Mature landscaping shall be planted along the entire length of the proposed drive-through lane adjacent to the northern property line and along S. Goliad Street [SH-205] to provide headlight screening from adjacent public rights-of-way and properties.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF FEBRUARY, 2022.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Location Map

Location: East of the Intersection of S. Goliad Street [SH-205] and Ralph Hall Parkway
Legal Description: Lot 2, Block 1, Meadowcreek Business Center Phase 1 Addition

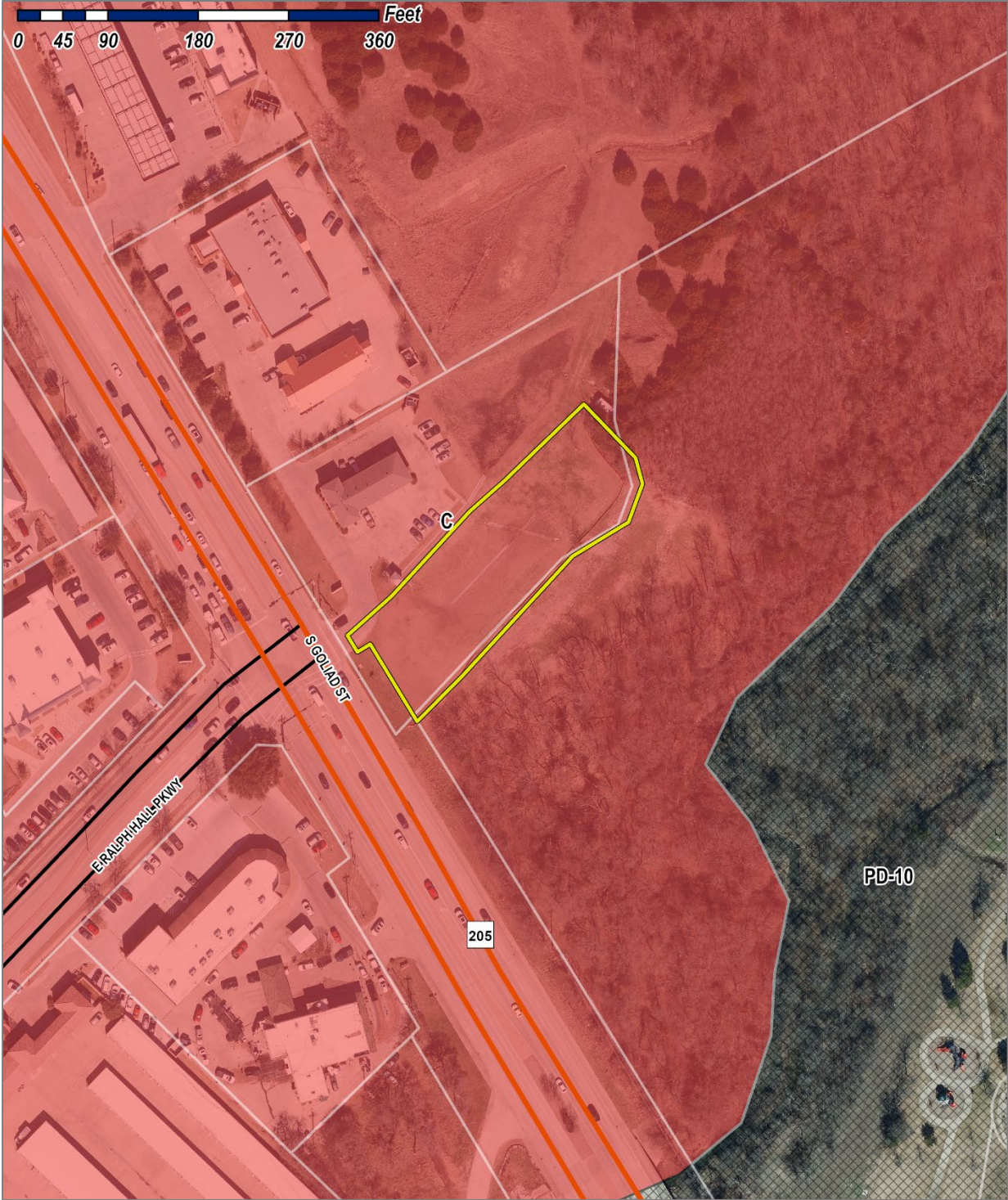
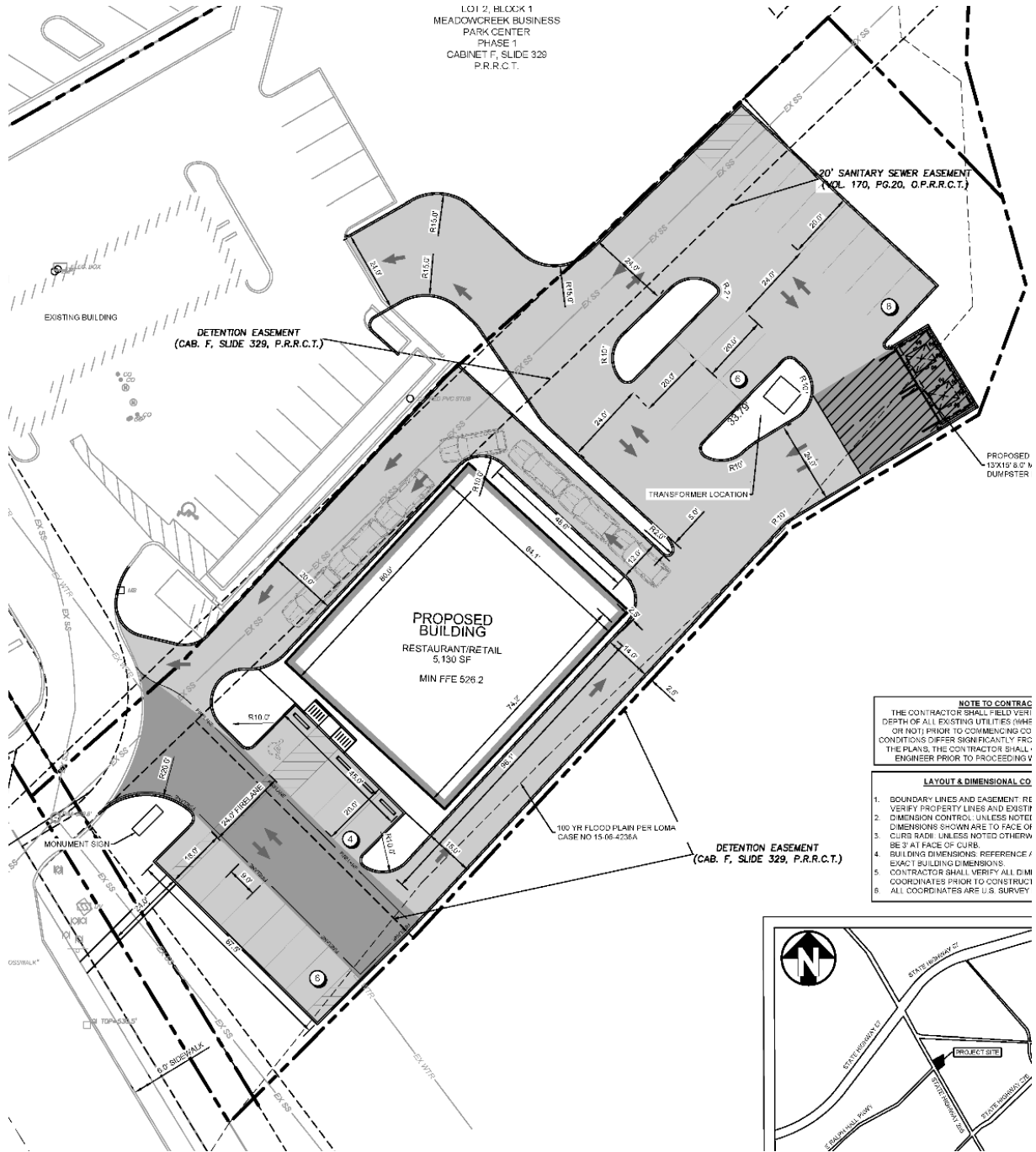


Exhibit 'B': Concept Plan

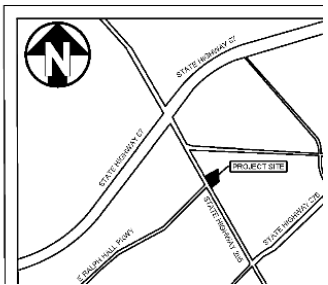
LOT 2, BLOCK 1
MEADOWCREEK BUSINESS
PARK CENTER
PHASE 1
CABINET F, SLIDE 329
P.R.R.C.T.



NOTE TO CONTRACTOR
THE CONTRACTOR SHALL FIELD VERIFY DEPTH OF ALL EXISTING UTILITIES (SHR OR NOT) PRIOR TO COMMENCING CO. CONDITIONS DIFFER SIGNIFICANTLY FROM THE PLANS, THE CONTRACTOR SHALL ENGINEER PRIOR TO PROCEEDING.

LAYOUT & DIMENSIONAL CO.

- BOUNDARY LINES AND EASEMENT RE VERIFY PROPERTY LINES AND EXISTING DIMENSION CONTROL, UNLESS NOTED OTHERWISE DIMENSIONS SHOWN ARE TO FACE OF CURB, UNLESS NOTED OTHERWISE BE 3' AT FACE OF CURB.
- BUILDING DIMENSIONS: REFERENCE EXACT BUILDING DIMENSIONS.
- CONTRACTOR SHALL VERIFY ALL DIM COORDINATES PRIOR TO CONSTRUCTION. ALL COORDINATES ARE U.S. SURVEY.



CITY OF ROCKWALL

ORDINANCE NO. 22-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 85 (PD-85) [ORDINANCE NO. 18-32] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 9.762-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT INTO PLANNED DEVELOPMENT DISTRICT 85 (PD-85) CREATING A 47.694-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS TRACTS 4-01 & 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by the John Delin of Integrity Group, LLC for the approval of a zoning change amending Planned Development District 85 (PD-85) [*Ordinance No. 18-32*] for the purpose of changing the *Concept Plan* for the *Subject Property* being a 47.694-acre tract of land identified as Tract 4-01 & 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 85 (PD-85) [*Ordinance No. 18-32*] and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the approval of this ordinance shall superseded all requirements stipulated in *Ordinance No. 18-32*; and,

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

SECTION 3. That development of the *Subject Property* shall be in accordance with the *Planned Development Concept Plans*, contained in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That development of the *Subject Property* shall be in accordance with the *Development Standards*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 5. That development of *Tract 1* of the *Subject Property* -- as described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance -- shall be in conformance with the schedule listed below (except as set forth below with regard to simultaneous processing and approvals).

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City, as amended by this ordinance (including *Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of *Area 3* as depicted in *Exhibit 'B'* of this ordinance.
- (b) The following plans and plats shall be required in the order listed below (except as set forth below with regard to simultaneous processing and approvals). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.
 - (1) Open Space Master Plan
 - (2) Master Plat
 - (3) Preliminary Plat
 - (4) PD Site Plan
 - (5) Final Plat
- (c) *Open Space Master Plan.* An *Open Space Master Plan* for the *Subject Property* as depicted in *Exhibit 'B'* of this ordinance, prepared in accordance with this ordinance, and shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.
- (d) *Master Plat.* A *Master Plat* for the *Subject Property* as depicted in *Exhibit 'B'* of this ordinance shall be submitted and shall identify the proposed timing of each phase of the proposed development. A *Master Plat* application may be processed by the City concurrently with an *Open Space Master Plan* for the development.
- (e) *Preliminary Plat.* A *Preliminary Plat* covering all of the *Subject Property* as depicted in *Exhibit 'B'* of this ordinance shall be submitted and shall include a *Treescape Plan*. A *Preliminary Plat Application* may be processed by the City concurrently with a *Master Plat* and an *Open Space Master Plan Application* for the development.
- (f) *PD Site Plan.* A *PD Site Plan* covering all of the *Subject Property* as depicted in *Exhibit 'B'* of this ordinance shall be submitted and shall identify all site/landscape/hardscape plan(s) for all open space, neighborhood parks, trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Final Plat Application* for the development.
- (g) *Final Plat.* Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, for all of the *Subject Property* as depicted in *Exhibit 'B'* of this ordinance shall be submitted for approval.

SECTION 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and

each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 8. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 9. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A':
Legal Description

Legal Description for Tract 1:

Tract 1 9.894 acres M. B. Jones Survey, Abstract No. 122 B. Jones Survey, Abstract No. 122 City of Rockwall Rockwall County, Texas

BEING all that certain lot, tract or parcel of land situated in the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, and being a portion of a called 41.921 acre tract of land described as Tract 3, in deed to John H. Cullins, recorded in Instrument No. 2008-00396743, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS", being in the north line of U. G&A CONSULTANTS", being in the north line of U. S. Highway 66, from which a 1/2 inch rebar found at the southeast corner of said 41.921 acres bears N 88°18'19" E, a distance 724.55 feet; E, a distance 724.55 feet;

THENCE S 88°18'19" W, with the north line of U. S. Highway 66, a distance of 553.89 feet to a wooden W, with the north line of U. S. Highway 66, a distance of 553.89 feet to a wooden right-of-way monument found at the southwest corner of said 41.921 acre tract, and being in the east line of F. M. 1141;

THENCE N 02°39'30" W, with the east line of F. M. 1141, a distance of 601.94 to a 1/2 inch rebar W, with the east line of F. M. 1141, a distance of 601.94 to a 1/2 inch rebar found;

THENCE N 01°20'56" W, continuing with the east line of F. M. 1141, a distance of 314.19 feet to a 1/2 W, continuing with the east line of F. M. 1141, a distance of 314.19 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS", being the southwest corner of a called 1.837 G&A CONSULTANTS", being the southwest corner of a called 1.837 , being the southwest corner of a called 1.837 acre tract of land described as Tract 1 in deed to Betty Bogard, recorded in Instrument No. 2008-00396742, Deed Records, Denton County, Texas;

THENCE N 89°26'01" E, with the south line of said 1.837 acre tract, a distance of 200.01 feet to a 1/2 E, with the south line of said 1.837 acre tract, a distance of 200.01 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS", being the southeast corner thereof, and being at G&A CONSULTANTS", being the southeast corner thereof, and being at , being the southeast corner thereof, and being at an inner ell corner of said 41.921 acre tract;

THENCE N 01°20'56" W, with the east line of said 1.837 acre tract, a distance of 400.02 feet to a 1/2 W, with the east line of said 1.837 acre tract, a distance of 400.02 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS", being in the south line of a 10.942 acre tract of G&A CONSULTANTS", being in the south line of a 10.942 acre tract of , being in the south line of a 10.942 acre tract of land described in deed to City of Rockwall, recorded in Instrument No. 2007-00389123, Deed Records, Rockwall County, Texas;

THENCE N 89°26'01" E, with the south line of said 10.942 acre tract, a distance of 65.39 feet to a 1/2 E, with the south line of said 10.942 acre tract, a distance of 65.39 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS", being the most northwesterly corner of a called G&A CONSULTANTS", being the most northwesterly corner of a called , being the most northwesterly corner of a called 3.989 acre tract of land being titled as "Highway 205 Bypass R.O.W." in City of Rockwall vs. John Cullins

Highway 205 Bypass R.O.W." in City of Rockwall vs. John Cullins in City of Rockwall vs. John Cullins and Burks T. Payne, Jr., Cause No. 180-633, recorded in Instrument No. 2009-00410863, Deed Records, Rockwall County, Texas, also known as John King Boulevard;

THENCE Southeasterly with the west line of said 3.989 acre tract and John King Boulevard, the following eight (8) calls:

S 05°14'42" E, a distance of 119.42 feet to a 1/2 inch rebar set with cap stamped "G&A E, a

Exhibit 'A':
Legal Description

distance of 119.42 feet to a 1/2 inch rebar set with cap stamped "G&A G&A CONSULTANTS";

N 84°45'18" E, a distance of 20.00 feet to a 1/2 inch rebar set with cap stamped "G&A E, a distance of 20.00 feet to a 1/2 inch rebar set with cap stamped "G&A G&A CONSULTANTS";

S 05°14'42" E, a distance of 189.30 feet to a 1/2 inch rebar set with cap stamped "G&A E, a distance of 189.30 feet to a 1/2 inch rebar set with cap stamped "G&A G&A CONSULTANTS";

Southeasterly with a curve to the left having a radius of 2060.00 feet, a central angle of 23°19'48", and , and an arc length of 838.80 feet, whose chord bears S 16°54'36" E, a distance of 833.02 feet to a 1/2 E, a distance of 833.02 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS"; G&A CONSULTANTS";

Southeasterly with a curve to the right having a radius of 586.00 feet, a central angle of 07°34'10", and an arc length of 77.42 feet, whose chord bears S 24°47'26" E, a distance of 77.36 feet to a 1/2 E, a distance of 77.36 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS"; G&A CONSULTANTS";

Southeasterly with a curve to the left having a radius of 314.00 feet, a central angle of 09°39'36", and , and an arc length of 52.94 feet, whose chord bears S 25°50'09" E, a distance of 52.88 feet to a 1/2 inch E, a distance of 52.88 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS"; G&A CONSULTANTS";

S 30°39'57" E, a distance of 32.25 feet to a 1/2 inch rebar set with cap stamped "G&A E, a distance of 32.25 feet to a 1/2 inch rebar set with cap stamped "G&A G&A CONSULTANTS";

S 28°49'11" W, a distance of 32.25 feet to the *POINT OF BEGINNING* and containing approximately 9.894 acres of land.

Exhibit 'A':
Legal Description

Legal Description for Tract 2:

BEING all that certain lot, tract or parcel of land situated in the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, and being a portion of a called 41.921-acre tract of land described as Tract 3, in deed to John H. Cullins, recorded in Instrument No. 2008-00396743, Deed Records, Rockwall County, Texas, and being part of a called 73.2744-acre tract of land described in deed to Mike L. People, recorded in Volume 850, Page 15, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½-inch rebar found at the southeast corner of said 41.921-acre tract, and the southwest corner of said 73.2744-acre tract and being in the north line of U. S. Highway 66;

THENCE S 88°18'19"W, with the north line of U. S. Highway 66, a distance of 490.46 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS", being the most southeasterly corner of a called 3.989 acre tract of land being titled as "Highway 205 Bypass R.O.W." in City of Rockwall vs. John Cullins and Burks T. Payne, Jr., Cause No. 180-633, recorded in Instrument No. 2009-00410863, Deed Records, Rockwall County, Texas, also known as John King Boulevard;

THENCE Northwesterly with the east line of said 3.989-acre tract and John King Boulevard, the following seven (7) calls:

N 30°39'57" W, a distance of 19.44-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

S 59°20'03" W, a distance of 21.30-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

N 30°39'57" W, a distance of 211.63 feet-to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

Northwesterly with a curve to the right having a radius of 1940.00 feet, a central angle of 25°25'15", and an arc length of 860.73-feet, whose chord bears N 17°57'20" W, a distance of 853.69 feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

N 05°14'42" W, a distance of 158.73-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

N 84°45'18" E, a distance of 20.00-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

N 05°14'42" W, a distance of 136.88-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS" in the south line of a called 10.942-acre tract of land described in deed to City of Rockwall, recorded in Instrument No. 2007-00389123, Deed Records, Rockwall County, Texas;

THENCE N 89°26'01" E, with the south line of said 10.942-acre tract, a distance of 15.52-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS", being the southeast corner thereof;

THENCE N 00°10'47" W, with the east line of said 10.942-acre tract, a distance of 271.63-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS", being the southwest corner of a 16.000-acre tract of land described as Tract 2 in deed to Betty Bogard, recorded in Instrument No. 2008-00396742, Deed Records, Rockwall County, Texas;

THENCE N 89°54'11" E, with the south line of said 16.000-acres, a distance of 842.15 feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS", being the southeast corner thereof and being in the west line of said 73.2744-acre tract;

Exhibit 'A':
Legal Description

THENCE S 01°28'09" E, with the west line of said 73.2744 acre tract of land, a distance of 845.72 feet to a 1/2 inch rebar set with cap stamped "G&A CONSULTANTS";

THENCE over, across, and through said 73.2744-acre tract the following five (5) courses and distances:

S 37°47'00" E, a distance of 135.09-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

N 88°31'51" E, a distance of 259.75-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

S 66°00'00" E, a distance of 266.78-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

S 30°00'00" R, a distance of 384.58-feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS";

S 64°00'00" E, a distance of 352.92 feet to a ½-inch rebar set with cap stamped "G&A CONSULTANTS", being in the south line of said 73.2744-acre tract and the north line of U.S. Highway 66;

THENCE S 89°18'14" W, with the south line of said 73.2744-acre tract, and the north line of U.S. Highway 66, a distance of 1077.53-feet to the *POINT OF BEGINNING* and containing approximately 37.800-acres of land.

Exhibit 'B': Concept Plan: Tract 2



Exhibit 'C':
PD Development Standards

PD Development Standards.

Tract 1: 9.894-Acres of Non-Residential Property

- (1) *Permitted Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the General Retail (GR) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future are permitted on *Tract 1* of the *Subject Property*; however, the following additions and conditions shall apply:

The following land uses shall be expressly prohibited on the *Subject Property*:

- Convent or Monastery
- Hotel or Motel
- Hotel, Residence
- Cemetery/Mausoleum
- Mortuary or Funeral Chapel
- Social Service Provider
- Billiard Parlor or Pool Hall
- Carnival, Circus, or Amusement Ride
- Commercial Amusement/Recreation (*Outside*)
- Gun Club, Skeet or Target Range (*Indoor*)
- Astrologer, Hypnotist, or Psychic Art and Science
- Night Club, Discotheque, or Dance Hall
- Secondhand Dealer
- Car Wash, Self Service
- Retail Store with Gasoline Product Sales (*Any Amount of Dispensers*)
- Service Station
- Mining and Extraction (*Sand, Gravel, Oil & Other*)
- Helipad
- Railroad Yard or Shop
- Transit Passenger Facility

The following additional use shall be permitted through a Specific Use Permit (SUP) on the *Subject Property*:

- Garden Supply/Plant Nursery

- (2) *Density and Dimensional Requirements.* Any development on *Tract 1* of the *Subject Property* shall be subject to the development standards required for properties in a General Retail (GR) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.

- (3) *Landscape Buffers.* All landscape buffers and plantings located within the buffers shall adhere to the following:

- (a) *Landscape Buffer (SH-66).* A minimum of a 15-foot landscape buffer shall be provided along the frontage of SH-66 (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, two (2) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a five (5) foot sidewalk situated within the 15-foot landscape buffer adjacent to SH-66.

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- (b) **Landscape Buffer and Sidewalks (John King Boulevard).** A minimum of a 15-foot landscape buffer shall be provided along the frontage of John King Boulevard (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, two (2) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a ten (10) foot sidewalk situated within the 15-foot landscape buffer adjacent to John King Boulevard.

- (c) **Landscape Buffer (FM-1141).** A minimum of a 15-foot landscape buffer shall be provided along the frontage of FM-1141 (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, two (2) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a five (5) foot sidewalk situated within the 15-foot landscape buffer adjacent to FM-1141.

- (4) **Intersection Enhancements.** In accordance with the *John King Boulevard Design Concept Plan* the applicant shall be required to provide an intersection enhancement at the corner of the intersection of Williams Street (SH-66) and John King Boulevard that generally conforms to the following design:

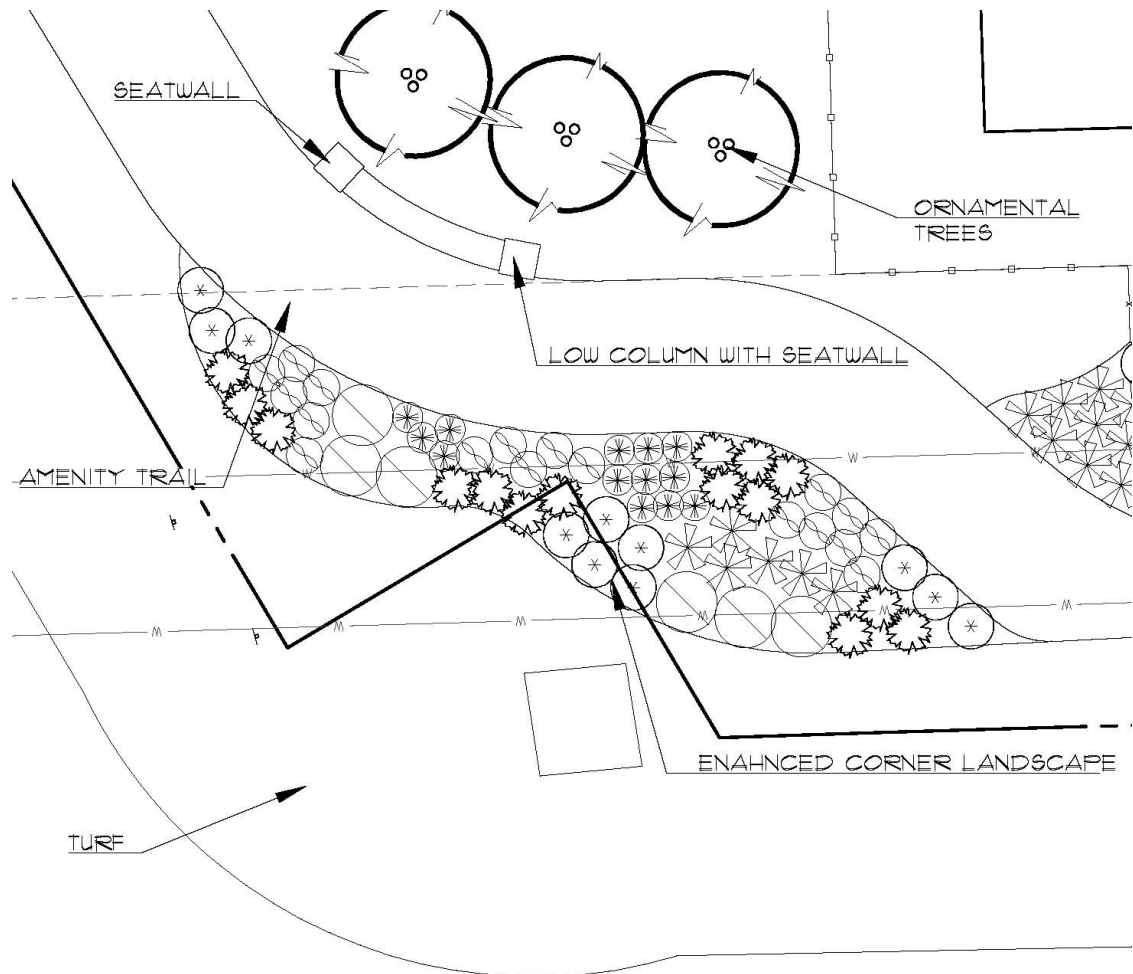


Exhibit 'C':
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Tract 2: 28.011-Acres of Residential Property

- (1) Permitted Uses. Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Single Family 7 (SF-7) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future are permitted on *Tract 2* of the *Subject Property*; however, the following additional land uses shall be permitted *by-right*:

- Activity Center
- Community Pool
- Gazebos/Pavilions
- Sports Courts

- (2) Unit Composition and Layout. The unit composition and layout shall generally conform to the *Concept Plan* for *Tract 2* depicted in *Exhibit 'B'* and stated as follows:

Unit Type	Unit Dimensions	Minimum Unit Size (SF)	Dwelling Units (#)	Dwelling Units
1	44.5' x 80'	1,600 SF	11	09.40%
2	42' x 77'	1,600 SF	27	23.07%
3	42' x 72'	1,600 SF	10	08.55%
4	42' x 70'	1,600 SF	26	22.22%
5	54' x 60'	1,600 SF	21	17.95%
6	64' x 50'	2,100 SF	6	05.13%
7	36' x 59'	1,325 SF	16	13.68%
<i>Total Units:</i>			117	

NOTES REGARDING LOT VARIATIONS TO THE UNIT COMPOSITION:

Regardless of the above unit mix the following variations shall be permitted:

- (1) Lot 1 as depicted on the concept plan in *Exhibit 'B'* of this ordinance may be developed with interchange *Unit Types 2, 3 & 4*.
 - (2) Lot 2 as depicted on the concept plan in *Exhibit 'B'* of this ordinance may be developed with interchange *Unit Types 3 & 4*.
 - (3) Lot 3 as depicted on the concept plan in *Exhibit 'B'* of this ordinance may be developed with interchange *Unit Types 3 & 4*.
- (3) Density and Dimensional Requirements. The maximum permissible density for the *Subject Property* shall not exceed 3.1-units/acre; however, in no case should the proposed development exceed 117 single-family, residential units. The *Subject Property* shall maintain conformance with the following requirements:

- (a) Condominium Requirement. The property shall be established as a condominium development pursuant to the requirements of *Chapter 82* of the *Texas Property Code*, and platted as a single lot.
- (b) Lot Dimensional Requirements. The proposed condominium lot shall adhere to the following setbacks:

Minimum Lot Width	1,000'
Minimum Lot Depth	490'
Minimum Lot Area	37.80-Acres
Minimum Setback Adjacent to John King Boulevard	95'
Minimum Setback Adjacent to SH-66	20'
Minimum Setback Adjacent to the Eastern & Northern Property Lines	10'
Minimum Setback Adjacent to the RPZ	0'
Minimum Lot Setback for the Eastern Property Adjacent to the RPZ	5'

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- (c) Internal Artificial Lot Requirements. The units constructed on the proposed condominium lot shall adhere to the following dimensional requirements for artificial lots:

<i>Minimum Setback from a Private Street</i> ^{(1), (2) & (3)}	15'
<i>Minimum Side Yard Distance Between Units</i>	6'
<i>Minimum Side Yard Setback from a Private Street</i> ^{(1) & (2)}	10'
<i>Minimum Rear Yard Distance Between Units</i>	20'
<i>Maximum Height</i>	35'

General Notes:

- ¹: This setback shall be measured from the back of curb.
- ²: Variances of up to five (5) feet may be granted by the Director of Planning and Zoning on a case-by-case basis for artificial lots on curve-linear streets.
- ³: The minimum length of a driveway shall be 20-feet as measured from the edge of the approach to the garage door.

- (4) Building Standards. All development shall adhere to the following building standards:

- (A) Masonry Requirement. The minimum masonry requirement for the exterior façades -- *excluding doors and windows* -- of all buildings shall be 80%. For the purposes of this ordinance the masonry requirement shall be limited to full width brick, natural stone, and cultured stone. Cementaceous fiberboard horizontal lap-siding (e.g. *HardiBoard* or *Hardy Plank*) and/or stucco (i.e. *three [3] part stucco* or a comparable -- *to be determined by staff*) shall be permitted to be used to meet up to 40% of the masonry requirement.
- (B) Roof Pitch. A minimum of an 8:12 roof pitch is required on the front elevation of all structures. Porches and rear elevations shall have a minimum of a 4:12 roof pitch.
- (C) Garage Orientation. Garages shall be oriented in a *traditional swing* (or *j-swing*) or in a front entry configuration. If a front entry garage configuration is utilized it shall face the street and shall be located even with the front building façade of the primary structure. On *traditional swing* (or *j-swing*) garages a second single garage door facing the street is permitted if it is located behind the width of the double garage door.
- (D) Anti-Monotony Restrictions. The development shall adhere to the following Anti-Monotony requirements (*for spacing requirements see the illustration on the following page*):
- (1) Identical brick blends or paint colors may not occur on adjacent (side-by-side) properties along any block face without at least four (4) intervening homes of differing materials on the same side of the street beginning with the adjacent property and two (2) intervening homes of differing materials on the opposite side of the street.
 - (2) Front building elevations shall not repeat along any block face without at least four (4) intervening homes of differing appearance on the same side of the street and two (2) intervening homes of differing appearance on the opposite side of the street. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (a) Number of Stories
 - (b) Brick Color
 - (c) Roof Type and Layout
 - (d) Articulation of the Front Façade
 - (3) All roof shingles shall be an architectural or dimensional shingle, and have a 30-year rating. (*3-Tab Roofing Shingles are prohibited*).

Exhibit 'C':
PD Development Standards

Illustration 1: Properties line up on the opposite side of the street. Where RED are the same.



Illustration 2: Properties do not line up on opposite side of the street. Where RED are the same.



(E) Fencing Standards. All residential privacy fencing shall be six (6) foot wrought iron/tubular steel fencing for transparent fencing and six (6) foot Simtek (or a similar product) fencing for non-transparent fencing. Fencing located along the exterior of the condominium lot shall be a minimum of six (6) foot wrought iron/tubular steel fencing with masonry columns a maximum of 45-feet on center. The masonry columns shall only be required adjacent to John King Boulevard and SH-66.

(F) Landscape and Hardscape Standards.

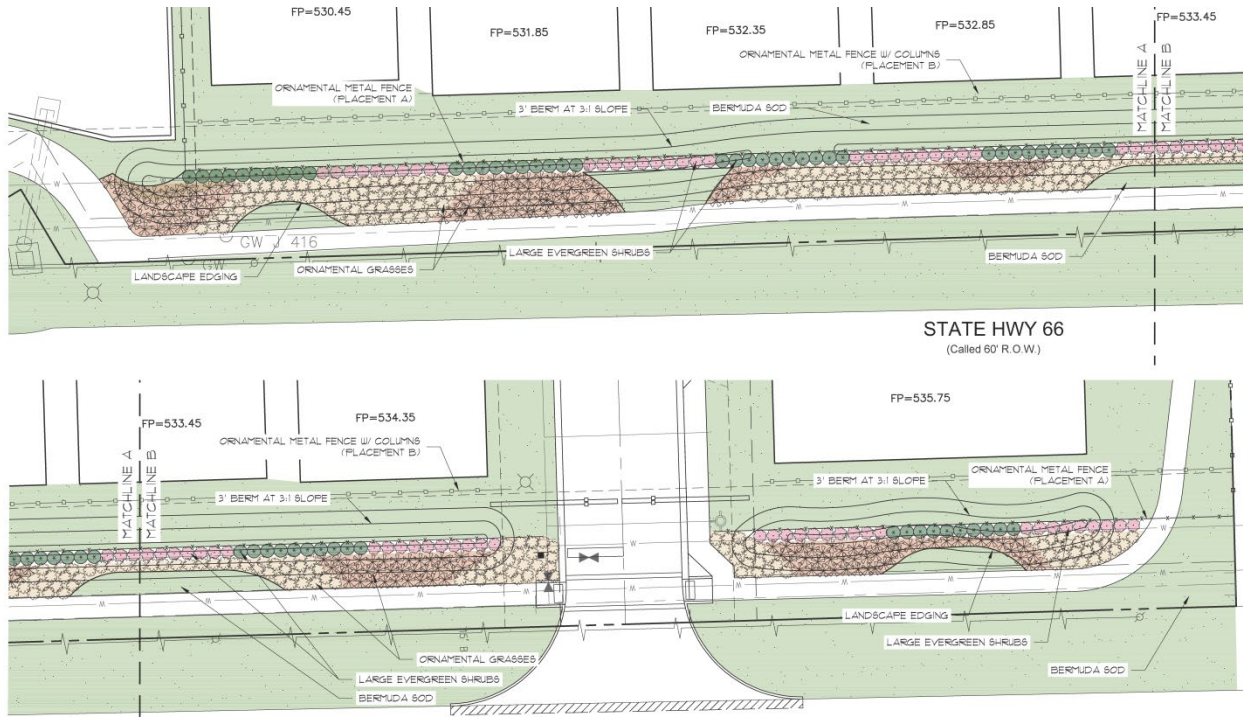
(1) Residential Landscape. All canopy trees planted within the condominium lot and not situated within a required landscape buffer shall be a minimum of three (3) inches in caliper and accent trees shall be a minimum of four (4) feet in height. All tree plantings shall conform to the City's tree planting guidelines and requirements stipulated in Appendix F, *Landscaping Guidelines and Requirements*, of the Unified Development Code.

(2) Landscape Buffers. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA) and shall conform to the following:

(a) Landscape Buffer (SH-66). A minimum of a 20-foot landscape buffer shall be provided along the frontage of SH-66 (outside of and beyond any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and shrubbery along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. The landscaping shall be generally as depicted below. The developer shall also be

**Exhibit 'C':
PD Development Standards**

responsible for the construction of a five (5) foot sidewalk situated within the 20-foot landscape buffer adjacent to SH-66.



(b) ***Landscape Buffer and Sidewalks (John King Boulevard)***. A minimum of a 50-foot landscape buffer shall be provided along the frontage of John King Boulevard (outside of and beyond any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. The developer shall also be responsible for the construction of a ten (10) foot sidewalk situated within the 50-foot landscape buffer adjacent to John King Boulevard. The required wrought iron fence along John King Boulevard may be situated within 40-feet of the right-of-way line. In addition, the design of the buffer shall generally conform to the following cross section:

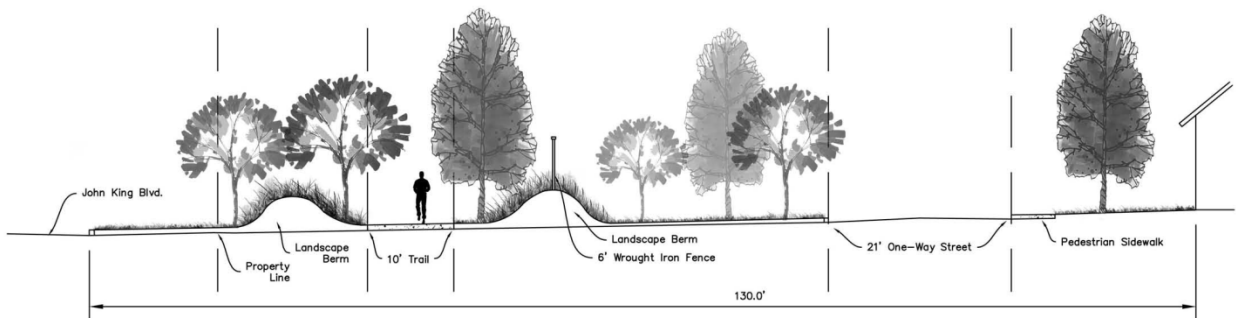
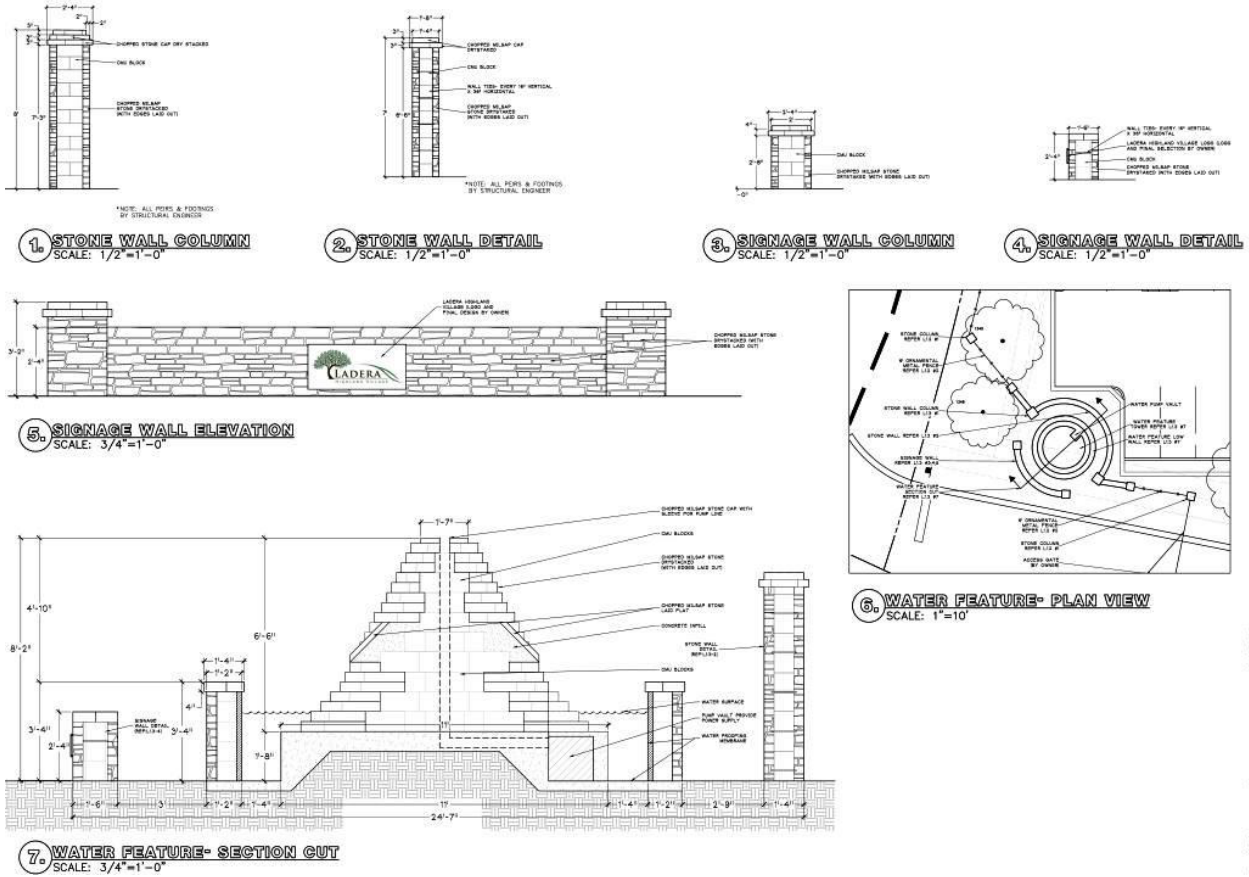


Exhibit 'C':
PD Development Standards

(3) **Irrigation Requirements.** Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).

(4) **Hardscape.** Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.

(G) **Trail Enhancements.** In accordance with the *John King Boulevard Design Concept Plan* the applicant shall be required to provide a trail enhancement element that generally conforms to the following design:

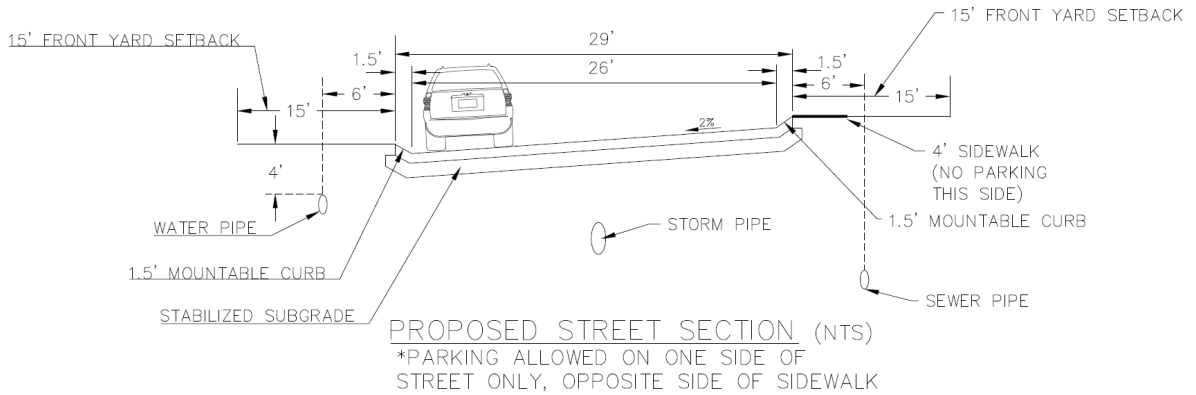


(H) **Lighting.** Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to concentrate light within the development area.

Continued on next page ...

**Exhibit 'C':
PD Development Standards**

- (I) Private Streets. With the exception of the 21-foot, one-way street situated adjacent to John King Boulevard the street cross sections for this development should conform to the following cross section:



- (J) Open Space. The development shall consist of a minimum of 38.00% open space as calculated from the gross land area, and generally conform to the *Concept Plan* contained in *Exhibit 'B'* of this ordinance. The Homeowner's Association (HOA) shall maintain all common open space areas. For the purposes of this Planned Development District open space shall include all front yards, rear yards, common areas, buffers and floodplain installed by the developer, but does not include any landscaping, trees, patios and other improvements installed by the homeowner. Floodplain shall be calculated at a rate of 50% (e.g. ½-acre for every acre provided).
- (K) Neighborhood Signage. Permanent subdivision identification signage shall be permitted at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*.
- (L) Condominium Owner's Association (COA). A Condominium Owner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Chapter 82, Uniform Condominium Act*, of the *Texas Property Code*. The COA shall also maintain all neighborhood parks, trails, open space and common areas, irrigation, landscaping, amenity centers, and screening fences associated with this development, but it is not required to maintain additional landscaping or improvements added by the homeowner.
- (M) Buried Utilities. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. New transmission power-lines, or distribution lines of a size not typically or cost effectively placed underground (*3-phase lines*), or additional lines that are added to existing poles, may be above ground, if located along the perimeter of the *Subject Property*. The *Developer* shall not be required to re-locate existing overhead power-lines along the perimeter of the *Subject Property*. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

Exhibit 'C':
PD Development Standards

- (N) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code [*Ordinance No. 20-02*] shall apply to any application for variances to this ordinance.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 7, 2022

SUBJECT: P2022-001; FINAL PLAT FOR LOTS 1, 2 & 3, BLOCK A, SEEFRIED ADDITION

Attachments

Case Memo
Development Applications
Location Map
Conveyance Plat
Closure Report

Summary/Background Information

Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LLP and Phase 17 Investments for the approval of a *Conveyance Plat* for Lots 1, 2 & 3, Block A, Seefried Addition being a 23.489-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120 and Tract 1-2 of the J. H. B. Jones Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Final Plat*.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: February 7, 2022
APPLICANT: Nick Hobbs, *BGE Engineering*
CASE NUMBER: P2022-001; *Final Plat for Lots 1, 2 & 3, Block A, Seefried Addition*

SUMMARY

Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LLP and Phase 17 Investments for the approval of a Conveyance Plat for Lots 1, 2 & 3, Block A, Seefried Addition being a 23.489-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120 and Tract 1-2 of the J. H. B. Jones Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting the approval of a Final Plat for a 23.489-acre parcel of land (*i.e. Tracts 25 & 25-1, R. B. Irvine Survey, Abstract No. 120*) for the purpose of dedicating the necessary right-of-way for Data Drive and incorporating a remainder tract (*i.e. Tract 1-2 of the J. H. B. Jones Survey, Abstract No. 125*) into the subject property. Prior to the applicant's submittal for this Conveyance Plat, a site plan for two (2) *Warehouse/Distribution Facilities* [Case No. SP2021-027] was approved by the Planning and Zoning Commission on November 9, 2021. As part of this development the applicant is required to dedicate their portion of the 65-feet of right-of-way necessary to extend Data Drive, and construct a portion of this roadway.
- The subject property was annexed by the City Council on July 21, 1997 by *Ordinance No. 97-14*. On July 5, 2005 the City Council approved a zoning change [Case No. Z2005-021] for the subject property, rezoning it from an Agricultural (AG) District to a Light Industrial (LI) District. On November 9, 2021, the Planning and Zoning Commission approved a site plan [Case No. SP2021-027] to allow the construction of two (2) ~157,720 SF *Warehouse/Distribution Facilities*. Since the time of annexation, the subject property has remained vacant.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Final Plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Final Plat for *Lots 1, 2, & 3, Block A, Seefried Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;

- (2) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On January 25, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the conveyance plat by a vote of 7-0.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY
PLANNING & ZONING CASE NO.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

²: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1220 DATA DRIVE AND 1280 DATA DRIVE

SUBDIVISION R.B. IRVINE SURVEY, ABSTRACT NO. 120

LOT 1 AND 2 BLOCK 1

GENERAL LOCATION NEC OF CAPITAL BLVD AND DATA DRIVE

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING LIGHT INDUSTRIAL

CURRENT USE VACANT

PROPOSED ZONING LIGHT INDUSTRIAL

PROPOSED USE INDUSTRIAL

ACREAGE 22.51

LOTS [CURRENT] 2

LOTS [PROPOSED] 2

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER BAKER SCHWIMMER VENTURES LP

APPLICANT BGE ENGINEERING

CONTACT PERSON RANDALL SCHWIMMER

CONTACT PERSON NICK HOBBS

ADDRESS 2633 MCKINNEY AVE, STE 130-510

ADDRESS 2595 DALLAS PARKWAY, SUITE 101

CITY, STATE & ZIP DALLAS, TEXAS 75204

CITY, STATE & ZIP FRISCO, TEXAS 75034

PHONE 214-923-3554

PHONE 972-464-4800

E-MAIL

E-MAIL NHOBBS@BGEINC.COM

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Randall Schwimmer [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

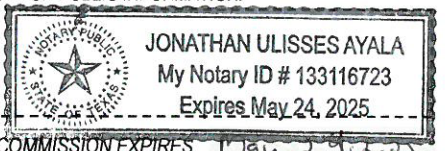
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 11th DAY OF January, 2022. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11 DAY OF January, 2022.

OWNER'S SIGNATURE

Randall Schwimmer
Jonathan Ulisses Ayala

By Randall Schwimmer, Member, Baker Schwimmer Venture Fund, LLC, GP to Baker Schwimmer Ventures, LP
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES May 24, 2025



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY
PLANNING & ZONING CASE NO.

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CITY ENGINEER:

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ADDRESS 1220 DATA DRIVE AND 1280 DATA DRIVE

SUBDIVISION R.B. IRVINE SURVEY, ABSTRACT NO. 120

LOT 1 AND 2 BLOCK 1

GENERAL LOCATION NEC OF CAPITAL BLVD AND DATA DRIVE

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CURRENT ZONING LIGHT INDUSTRIAL

CURRENT USE VACANT

PROPOSED ZONING LIGHT INDUSTRIAL

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ACREAGE 22.51

LOTS [CURRENT] 2

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OWNER PHASE 17 INVESTMENTS LP

APPLICANT BGE ENGINEERING

CONTACT PERSON RANDALL SCHWIMMER

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PHONE 214-923-3554

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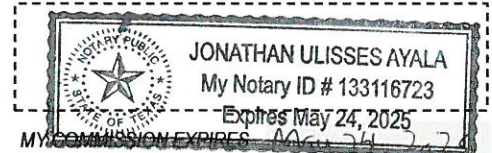
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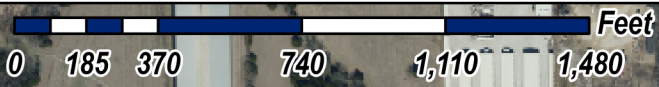
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11 DAY OF January, 2022.


OWNER'S SIGNATURE

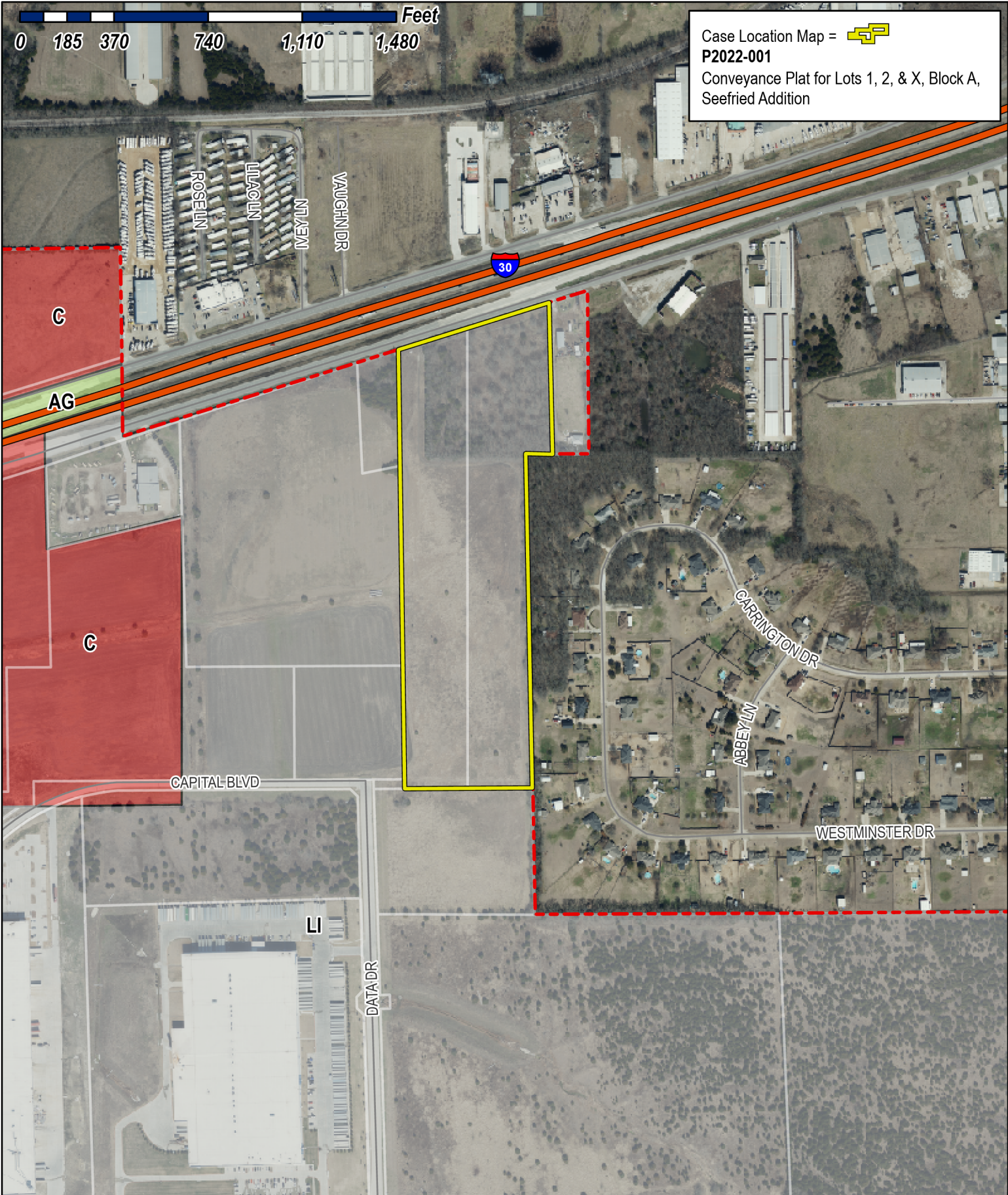
By Randall Schwimmer, Manager, TMLLC14, LLC, GP to Phase 17 Investments, LP

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





Case Location Map = 
P2022-001
 Conveyance Plat for Lots 1, 2, & X, Block A,
 Seefried Addition



City of Rockwall

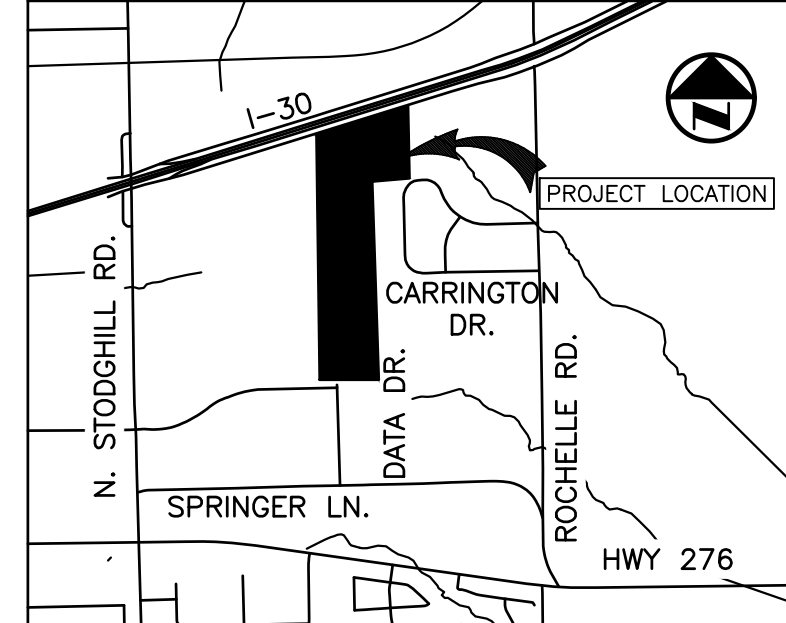
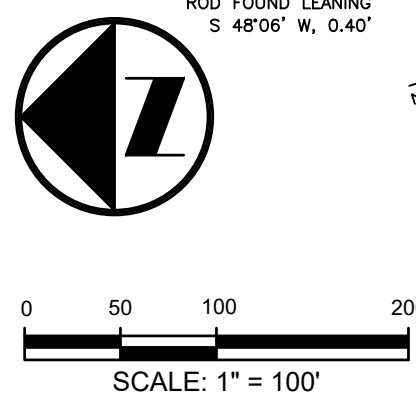
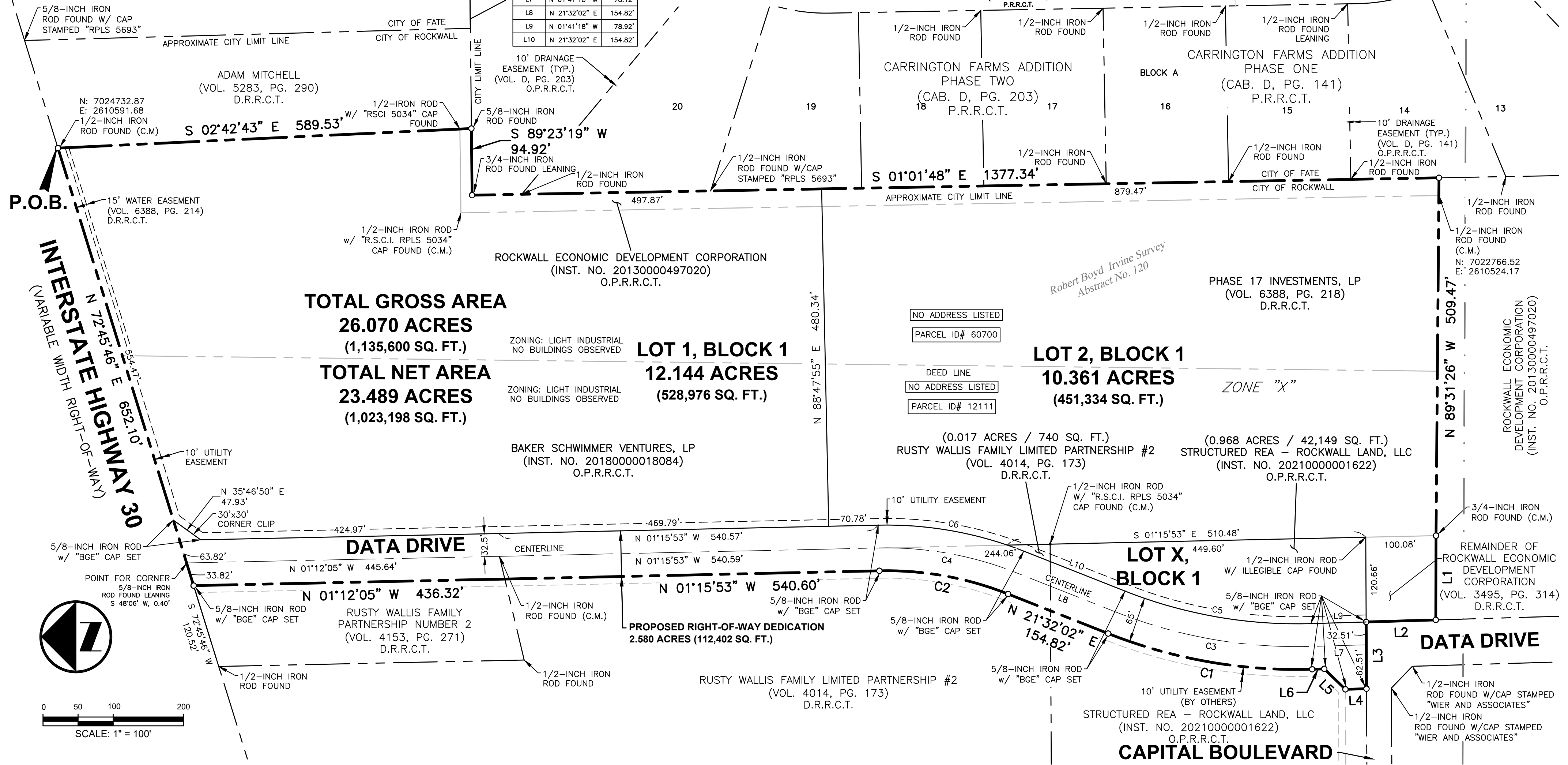
Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



GIRDLEY VENTURES - ROCKWALL, LLC
(INST. NO. 2019000016748)
O.P.R.R.C.T.

LINE TABLE			CURVE TABLE					
NUMBER	BEARING	DISTANCE	NUMBER	DELTA	RADIUS	CHORD BEARING	CHORD DISTANCE	ARC LENGTH
L1	N 89°49'29" W	119.95'	C1	23°13'20"	732.50'	N 09°55'22" E	294.86'	296.88'
L2	N 01°41'18" W	99.16'	C2	22°47'56"	467.50'	N 10°08'04" E	184.80'	186.02'
L3	S 89°43'35" W	95.02'	C3	23°13'20"	700.00'	N 09°55'22" E	281.77'	283.71'
L4	N 01°41'11" W	30.01'	C4	22°47'56"	500.00'	N 10°08'04" E	197.65'	198.96'
L5	N 44°01'09" E	41.90'	C5	23°13'20"	667.50'	N 09°55'22" E	268.69'	270.54'
L6	N 01°41'18" W	17.31'	C6	22°47'56"	532.50'	N 10°08'04" E	210.49'	211.89'
L7	N 01°41'18" W	78.12'						
L8	N 21°32'02" E	154.82'						
L9	N 01°41'18" W	78.92'						
L10	N 21°32'02" E	154.82'						



TOTAL GROSS AREA
26.070 ACRES
(1,135,600 SQ. FT.)

TOTAL NET AREA
23.489 ACRES
(1,023,198 SQ. FT.)

ROCKWALL ECONOMIC DEVELOPMENT CORPORATION
(INST. NO. 20130000497020)
O.P.R.R.C.T.

LOT 1, BLOCK 1
12.144 ACRES
(528,976 SQ. FT.)

ZONING: LIGHT INDUSTRIAL
NO BUILDINGS OBSERVED

BAKER SCHWIMMER VENTURES, LP
(INST. NO. 2018000018084)
O.P.R.R.C.T.

NO ADDRESS LISTED
PARCEL ID# 60700

DEED LINE
NO ADDRESS LISTED
PARCEL ID# 12111

LOT 2, BLOCK 1
10.361 ACRES
(451,334 SQ. FT.)

ZONE "X"

(0.017 ACRES / 740 SQ. FT.)
RUSTY WALLIS FAMILY LIMITED PARTNERSHIP #2
(VOL. 4014, PG. 173)
D.R.R.C.T.

(0.968 ACRES / 42,149 SQ. FT.)
STRUCTURED REA - ROCKWALL LAND, LLC
(INST. NO. 20210000001622)
O.P.R.R.C.T.

PROPOSED RIGHT-OF-WAY DEDICATION
2.580 ACRES (112,402 SQ. FT.)

RUSTY WALLIS FAMILY PARTNERSHIP NUMBER 2
(VOL. 4153, PG. 271)
D.R.R.C.T.

RUSTY WALLIS FAMILY LIMITED PARTNERSHIP #2
(VOL. 4014, PG. 173)
D.R.R.C.T.

STRUCTURED REA - ROCKWALL LAND, LLC
(INST. NO. 20210000001622)
O.P.R.R.C.T.

LEGEND

- CAB. CABINET
- (C.M.) CONTROLLING MONUMENT
- NO. NUMBER
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- VOL. VOLUME
- D.R.R.C.T. DEED RECORDS, ROCKWALL COUNTY, TEXAS
- P.R.R.C.T. PLAT RECORDS, ROCKWALL COUNTY, TEXAS
- O.P.R.R.C.T. OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS
- PROPERTY LINE
- - - EASEMENT LINE

GENERAL NOTES:

1. Bearing system for this survey is based on the Texas State Plane Coordinate System - NAD 83, North Central Zone 4202, based on observations made on July 14, 2021 with an applied combined scale factor of 1.000146135.
2. Coordinates shown are Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on grid coordinate values, no scale and no projection. Project tied to City of Rockwall Geodetic Control Monument No. 9.
3. The floodplain boundaries shown hereon are approximate and are not depicted as a result of an on-the-ground survey. The subject tract lies with Zone X as delineated on Flood Insurance Rate Map for Rockwall County, Texas and Incorporated Areas, Map Number 48397C0045L with Map Revised September 28, 2008.
Zone X - Areas determined to be outside the 0.2% annual chance floodplain
4. The square footage value shown hereon is a mathematical value calculated from the boundary data shown hereon. This value in no way represents the precision of closure of this survey or the accuracy of corner monuments found or placed.
5. It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.
6. Property owner shall be responsible for maintaining, repairing, and replacing all systems within the drainage and detention easements.

CONVEYANCE PLAT
SEEFRIED ADDITION
LOTS 1, 2, AND X, BLOCK 1
3 LOTS - 23.489 ACRES
BEING SITUATED IN THE
ROBERT BOYD IRVINE SURVEY, ABSTRACT NO. 120
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
JANUARY 2022
SHEET 1 OF 2

DEVELOPER
SEEFRIED INDUSTRIAL
PROPERTIES, INC.
3030 LBJ Freeway, Suite 1650
Dallas, TX 75234

SURVEYOR
BGE, Inc.
2595 Dallas Parkway, Suite 101, Frisco, TX 75034
Tel: 972-464-4800 • www.bgeinc.com
TBPELS Registration No. 10193953

Contact: Mark Peace, R.P.L.S.
Telephone: 972-464-4884 • Email: mpeace@bgeinc.com

OWNER'S CERTIFICATION

STATE OF TEXAS §
COUNTY OF ROCKWALL §

DESCRIPTION, of a 26.070-acre (1,135,600-square-foot) tract of land situated in the Robert Boyd Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas; said tract being part of the remainder of that certain tract of land described in Special Warranty Deed to Rockwall Economic Development Corporation as recorded in Volume 3495, Page 314 of the Deed Records of Rockwall County, Texas, part of that certain tract of land described in Special Warranty Deed to Rusty Wallis Family Limited Partnership #2 as recorded in Volume 4014, Page 173 of said Deed Records, part of that certain tract of land described in Special Warranty Deed to Rusty Wallis Family Limited Partnership Number 2 as recorded in Volume 4153, Page 271 of said Deed Records, all of that certain tract of land described in Warranty Deed to Phase 17 Investments, LP as recorded in Volume 6388, Page 218 of said Deed Records, all of that certain tract of land described in Special Warranty Deed to Rockwall Economic Development Corporation as recorded in Instrument No. 2013000497020 of the Official Public Records of Rockwall County, Texas, all of that certain tract of land described in General Warranty Deed to Baker Schwimmer Ventures, LP as recorded in Instrument No. 2018000018084 of said Official Public Records, and part of that certain tract of land described in Special Warranty Deed to Structured REA - Rockwall Land, LLC tract as recorded in Instrument No. 2021000001622 of said Official Public Records; said 26.070-acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2-inch iron rod found for corner in the southeast right-of-way line of Interstate Highway 30 (a variable-width public right-of-way); said point being the northeast corner of said Phase 17 Investments tract and the northwest corner of that certain tract of land described in General Warranty Deed to Adam Mitchell as recorded in Volume 5283, Page 290 of said Deed Records;

THENCE, South 02 degrees 42 minutes 43 seconds East, departing the said southeast right-of-way line of Interstate Highway 30 and with an east line of said Phase 17 Investments tract and the west line of said Mitchell tract, at a distance of 573.12 feet passing a 1/2-inch iron rod with "RSCI 5034" cap found for the northeast corner of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract, continuing for a total distance of 589.53 feet to a 5/8-inch iron rod found for corner; said point being the northernmost southeast corner of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract and in the north line of Carrington Farms Addition Phase Two, an addition to the City of Fate according to the plat recorded in Cabinet C, Page 203 of the Plat Records of Rockwall County, Texas;

THENCE, South 89 degrees 23 minutes 19 seconds West, with a south line of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract and the said north line of Carrington Farms Phase Two, a distance of 94.92 feet to a leaning 3/4-inch iron rod found for corner; said point being an interior ell corner of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract and the northwest corner of said Carrington Farms Phase Two;

THENCE, South 01 degrees 01 minutes 48 seconds East, with the east line of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract and the west line of said Carrington Farms Phase Two, a distance of 1,377.34 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner;

THENCE, North 89 degrees 31 minutes 26 seconds West, departing the said east line of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract and the said west line of said Carrington Farms Phase Two, at a distance of 25.22 feet passing at a 1/2-inch iron rod found for an interior ell corner of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract and the southeast corner of said Phase 17 Investments tract, continuing with the south line of said Phase 17 Investments tract, the south line of said Baker Schwimmer Ventures tract, and the southernmost north line of said Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract a total distance of 509.47 feet to a 3/4-inch iron rod found for corner; said point being the southwest corner of said Baker Schwimmer Ventures tract and the northernmost southeast corner of said Rockwall Economic Development Corporation, Volume 3495, Page 314 tract;

THENCE, North 89 degrees 49 minutes 29 seconds West, with a south line of said Rockwall Economic Development Corporation, Volume 3495, Page 314 tract and the said southernmost north line of Rockwall Economic Development Corporation, Instrument No. 2013000497020 tract, a distance of 119.95 feet to a 5/8-inch iron rod with "BGE" cap set for corner in the east right-of-way line of Data Drive (a 65-foot public right-of-way according to the plat recorded in Instrument No. 2014000003305 of said Official Public Records);

THENCE, North 01 degrees 41 minutes 18 seconds West, with the said east right-of-way line of Data Drive and into and across said Rockwall Economic Development Corporation, Volume 3495, Page 314 tract, a distance of 99.16 feet to a 5/8-inch iron rod with "BGE" cap set for corner in the north line of said Rockwall Economic Development Corporation, Volume 3495, Page 314 tract and in the south line of said Structured REA - Rockwall Land, LLC tract; said point being the northeast corner of said Data Drive, and the northeast corner of Capital Boulevard (a 35.5-foot public right-of-way according to the plat recorded in Instrument No. 2014000003305 of said Official Public Records);

THENCE, South 89 degrees 43 minutes 35 seconds West, with the north right-of-way line of said Capital Boulevard and the said south line of Structured REA - Rockwall Land tract, a distance of 95.02 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner;

THENCE, in a northerly direction, departing the said north right-of-way line of Capital Boulevard and the said south line of Structured REA - Rockwall Land tract, into and across said Structured REA - Rockwall Land, LLC tract, said Rusty Wallis Family Limited Partnership #2 tract, and said Rusty Wallis Family Limited Partnership Number 2 tract, the following eight (8) calls:

North 01 degrees 41 minutes 11 seconds West, a distance of 30.01 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner;

North 44 degrees 01 minutes 09 seconds East, a distance of 41.90 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner;

North 01 degrees 41 minutes 18 seconds West, a distance of 17.31 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner at the beginning of a tangent curve to the right;

In a northerly direction with said curve to the right, having a central angle of 23 degrees 13 minutes 20 seconds, a radius of 732.50 feet, a chord bearing of North 09 degrees 55 minutes 22 seconds East, a chord distance of 294.86 feet, and an arc length of 296.88 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner at the end of said curve;

North 21 degrees 32 minutes 02 seconds East, a distance of 154.82 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner at the beginning of a tangent curve to the left;

In a northerly direction with said curve to the left, having a central angle of 22 degrees 47 minutes 56 seconds, a radius of 467.50 feet, a chord bearing of North 10 degrees 08 minutes 04 seconds East, a chord distance of 184.80 feet, and an arc length of 186.02 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner at the end of said curve;

North 01 degrees 15 minutes 53 seconds West, a distance of 540.60 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner in a north line of said Rusty Wallis Family Limited Partnership #2 tract and the south line of said Rusty Wallis Family Limited Partnership Number 2 tract;

North 01 degrees 12 minutes 05 seconds West, a distance of 436.32 feet to a 5/8-inch iron rod with cap stamped "BGE" set for corner in the said southeast right-of-way line of Interstate Highway 30; said point being in the north line of said Rusty Wallis Family Limited Partnership Number 2 tract; from said point a 1/2-inch iron rod found bears South 72 degrees 46 minutes West, a distance of 120.5 feet for the northwest corner of said Rusty Wallis Family Limited Partnership Number 2 tract and the northernmost northeast corner of said Rusty Wallis Family Limited Partnership #2 tract;

THENCE, North 72 degrees 45 minutes 46 seconds East, with the said southeast right-of-way line of Interstate Highway 30, the said north line of Rusty Wallis Family Limited Partnership Number 2 tract, the north line of said Baker Schwimmer Ventures tract, and the north line of said Phase 17 Investments tract, at a distance of 33.82 feet passing the northeast corner of said Rusty Wallis Family Limited Partnership Number 2 tract and the northwest corner of said Baker Schwimmer Ventures tract, from said point a leaning 5/8-inch iron rod found bears South 48 degrees 06 minutes West, a distance of 0.4 feet, continuing for a total distance of 652.10 feet to the POINT OF BEGINNING;

CONTAINING: 26.070 acres or 1,135,600 square feet of land, more or less.

SURVEYOR'S CERTIFICATE

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I Gregory Mark Peace, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

Gregory Mark Peace, RPLS No. 6608

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared Gregory Mark Peace, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this day of _____, 2022.

Notary Public in and for the State of Texas

My Commission Expires:

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF ROCKWALL

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the SEEFRIED ADDITION, LOTS 1 AND 2, BLOCK 1 subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the SEEFRIED ADDITION, LOTS 1 AND 2, BLOCK 1 subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following:

- 1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I (we) further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

Witness, my hand this the ____ day of _____, 2022.

By: Baker Schwimmer Ventures, LP

Name
Title

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this day of _____, 2022.

Notary Public in and for the State of Texas

My Commission Expires:

By: Phase 17 Investments, LP

Name
Title

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this day of _____, 2022.

Notary Public in and for the State of Texas

My Commission Expires:

By: Rockwall Economic Development Corporation

Name
Title

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this day of _____, 2022.

Notary Public in and for the State of Texas

My Commission Expires:

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission Date

APPROVED

I hereby certify that the above and foregoing plat of SEEFRIED ADDITION, LOTS 1 AND 2, BLOCK 1, an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the day of _____, 2022.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the county clerk, within 180 days from said date of final approval by the city engineer. Said addition shall be subject to all the requirements of these subdivision regulations.

WITNESS OUR HANDS, this day of _____, 2022.

Mayor, City of Rockwall City Secretary, City of Rockwall City Engineer, City of Rockwall

CONVEYANCE PLAT
SEEFRIED ADDITION
LOTS 1, 2, AND X, BLOCK 1

3 LOTS - 23.489 ACRES
BEING SITUATED IN THE
ROBERT BOYD IRVINE SURVEY, ABSTRACT NO. 120
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
JANUARY 2022
SHEET 2 OF 2

DEVELOPER
SEEFRIED INDUSTRIAL
PROPERTIES, INC.
3030 LBJ Freeway, Suite 1650
Dallas, TX 75234



SURVEYOR
BGE, Inc.
2595 Dallas Parkway, Suite 101, Frisco, TX 75034
Tel: 972-464-4800 • www.bgeinc.com
TBPELS Registration No. 10193953

Contact: Mark Peace, R.P.L.S.
Telephone: 972-464-4884 • Email: mpeace@bgeinc.com

9028-00 Seefried Rockwall

Conveyance Plat - Lot 1

Closure Report
2022

Mon Jan 10 16:33:56

Northing Arc Length	Easting	Angle	Distance	Direction	Delta	Radius	Chord Angle	Chord Length
7025759.64	2610973.14	S 02°42'43" E	589.53					
7025170.77	2611001.04	S 89°23'19" W	94.92					
7025169.76	2610906.12	S 01°01'48" E	497.87					
7024671.97	2610915.07	S 88°47'55" W	480.34					
7024661.90	2610434.84	N 01°15'53" W	469.79					
7025131.57	2610424.47	N 01°12'05" W	424.97					
7025556.45	2610415.55	N 35°46'50" E	47.93					
7025595.33	2610443.58	N 72°45'46" E	554.47					

Closure Error Distance> 0.0000

Total Distance> 3159.82

Polyline Area: 528976 sq ft, 12.144 acres

9028-00 Seefried Rockwall

Conveyance Plat - Lot 2

Closure Report
2022

Mon Jan 10 16:36:08

Northing	Easting	Angle	Distance	Direction	Delta	Radius	Chord Angle	Chord Length
7023792.64	2610930.88	N 89°31'26" W	509.47					
7023796.87	2610421.43	N 89°49'29" W	119.95					
7023797.24	2610301.48	N 01°41'18" W	99.16					
7023896.35	2610298.55	N 89°43'35" E	120.66					
7023896.93	2610419.22	N 01°15'53" W	510.48					
7024407.28	2610407.95			Left	20°07'16"	532.50	N 08°47'45" E	186.04
187.00								
7024591.14	2610436.40	N 01°15'53" W	70.78					
7024661.90	2610434.84	N 88°47'55" E	480.34					
7024671.97	2610915.07	S 01°01'48" E	879.47					

Closure Error Distance > 0.0000

Total Distance > 2977.32

Polyline Area: 451334 sq ft, 10.361 acres

9028-00 Seefried Rockwall

Conveyance Plat - ROW Dedication

Closure Report
2022

Mon Jan 10 16:38:04

Northing	Easting	Angle	Distance	Direction	Delta	Radius	Chord Angle	Chord Length
7025566.40	2610350.33	N 72°45'46" E	97.63					
7025595.33	2610443.58	S 35°46'50" W	47.93					
7025556.45	2610415.55	S 01°12'05" E	424.97					
7025131.57	2610424.47	S 01°15'53" E	540.57					
7024591.14	2610436.40			Right	22°47'56"	532.50	S 10°08'04" W	210.49
211.89								
7024383.93	2610399.36	S 21°32'02" W	154.82					
7024239.91	2610342.53			Left	23°13'20"	667.50	S 09°55'22" W	268.69
270.54								
7023975.24	2610296.23	S 01°41'18" E	78.92					
7023896.35	2610298.55	S 89°43'35" W	95.02					
7023895.90	2610203.54	N 01°41'11" W	30.01					

7023925.90 2610202.65 N 44°01'09" E 41.90

7023956.03 2610231.77 N 01°41'18" W 17.31

7023973.33 2610231.26 Right 23°13'20" 732.50 N 09°55'22" E 294.86
296.88

7024263.77 2610282.07 N 21°32'02" E 154.82

7024407.79 2610338.90 Left 22°47'56" 467.50 N 10°08'04" E 184.80
186.02

7024589.70 2610371.41 N 01°15'53" W 540.60

7025130.18 2610359.48 N 01°12'05" W 436.32

Closure Error Distance> 0.0000

Total Distance> 3626.16

Polyline Area: 112402 sq ft, 2.580 acres

9028-00 Seefried Rockwall

Conveyance Plat

Closure Report
2022

Mon Jan 10 16:29:58

Northing Arc Length	Easting	Angle	Distance	Direction	Delta	Radius	Chord Angle	Chord Length
7025759.64	2610973.14	S 02°42'43" E	589.53					
7025170.77	2611001.04	S 89°23'19" W	94.92					
7025169.76	2610906.12	S 01°01'48" E	1377.34					
7023792.64	2610930.88	N 89°31'26" W	509.47					
7023796.87	2610421.43	N 89°49'29" W	119.95					
7023797.24	2610301.48	N 01°41'18" W	99.16					
7023896.35	2610298.55	S 89°43'35" W	95.02					
7023895.90	2610203.54	N 01°41'11" W	30.01					
7023925.90	2610202.65	N 44°01'09" E	41.90					
7023956.03	2610231.77	N 01°41'18" W	17.31					
7023973.33 296.88	2610231.26			Right	23°13'20"	732.50	N 09°55'22" E	294.86

7024263.77 2610282.07 N 21°32'02" E 154.82

7024407.79 2610338.90 Left 22°47'56" 467.50 N 10°08'04" E 184.80
186.02

7024589.70 2610371.41 N 01°15'53" W 540.60

7025130.18 2610359.48 N 01°12'05" W 436.32

7025566.40 2610350.33 N 72°45'46" E 652.10

Closure Error Distance > 0.0000

Total Distance > 5241.37

Polyline Area: 1135600 sq ft, 26.070 acres



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 7, 2022

SUBJECT: P2022-002; FINAL PLAT FOR LOT 1, BLOCK A, ROADSIDE ADDITION

Attachments

Case Memo
Development Application
Location Map
Final Plat

Summary/Background Information

Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Cathy Strother for the approval of a *Final Plat* for Lot 1, Block A, Roadside Addition being a 2.7624-acre tract of land identified as Tract 25-1, of the J. Cadle Survey, Abstract No. 65 and Tract 17 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and Agricultural (AG) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [*SH-205*], and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed *Final Plat*.



CITY OF ROCKWALL

CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: February 7, 2022
APPLICANT: Bart Carroll, *Carroll Consulting Group, Inc.*
CASE NUMBER: P2022-002; *Final Plat for Lot 1, Block A, Roadside Addition*

SUMMARY

Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Cathy Strother for the approval of a Final Plat for Lot 1, Block A, Roadside Addition being a 2.7624-acre tract of land identified as Tract 25-1, of the J. Cadle Survey, Abstract No. 65 and Tract 17 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and Agricultural (AG) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [SH-205] and take any action necessary.

PLAT INFORMATION

- The applicant is requesting the approval of a Final Plat for a 2.7624-acre parcel of land (*i.e. Tract 25-1, of the J. Cadle Survey, Abstract No. 65 and Tract 17 of the J. D. McFarland Survey, Abstract No. 145*) for the purpose of combining two (2) lots into one (1) lot (*i.e. Lot 1, Block A, Roadside Addition*).
- The subject property was annexed by the City Council on May 19, 1986 by *Ordinance No. 86-37*. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property are a ~3,520 SF bar/tavern, a 6,800 SF storage warehouse, and a 6,600 SF industrial building. All of these structures were constructed in 1975. The City's historic zoning map indicates the subject property was zoned Commercial (C) District and Agricultural (AG) District as of December 7, 1993.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Final Plat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Final Plat for *Lot 1, Block A, Roadside Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;
- (2) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On January 25, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the final plat by a vote of 7-0.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ¹
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 2410 S. Goliad Street

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION SW side S. Goliad Street

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING Commercial & AG

CURRENT USE

PROPOSED ZONING

PROPOSED USE

ACREAGE 2.7624 ac

LOTS [CURRENT]

LOTS [PROPOSED] 1

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER Cathy Strother

APPLICANT Carroll Consulting Group, Inc.

CONTACT PERSON

CONTACT PERSON Bart Carroll

ADDRESS 8935 County Road 589

ADDRESS PO Box 11

CITY, STATE & ZIP Nevada, Texas 75173

CITY, STATE & ZIP Lavon, TX 75166

PHONE

PHONE 972-742-4411

E-MAIL

E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

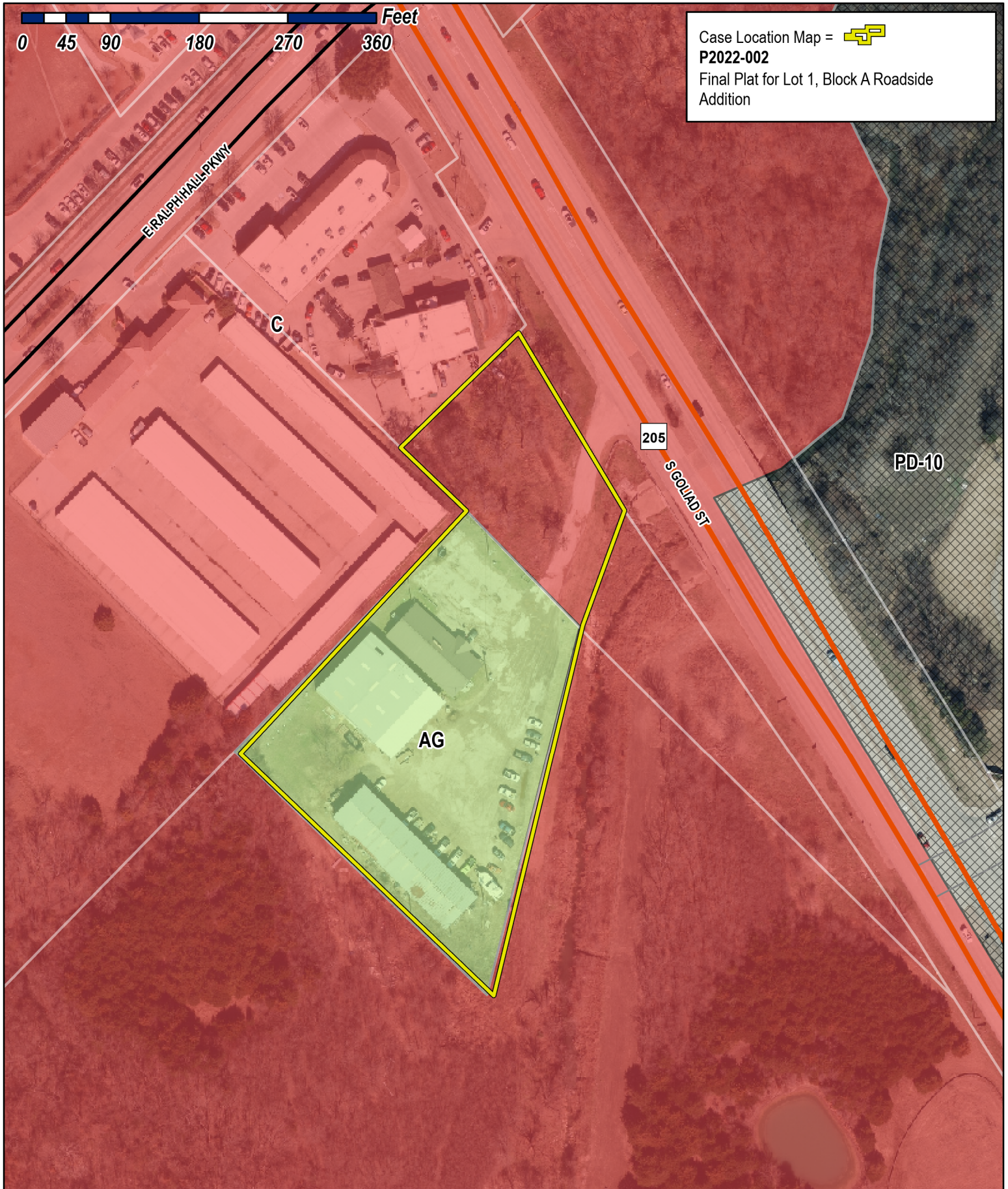
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."


GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 20____.

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES



Case Location Map = 
P2022-002
 Final Plat for Lot 1, Block A Roadside
 Addition

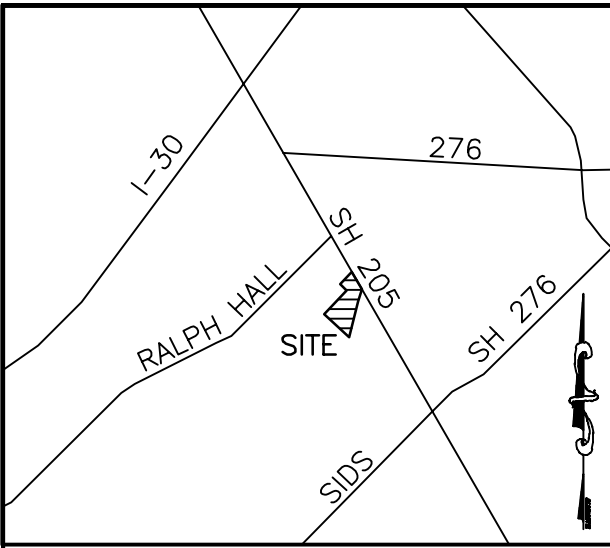


City of Rockwall

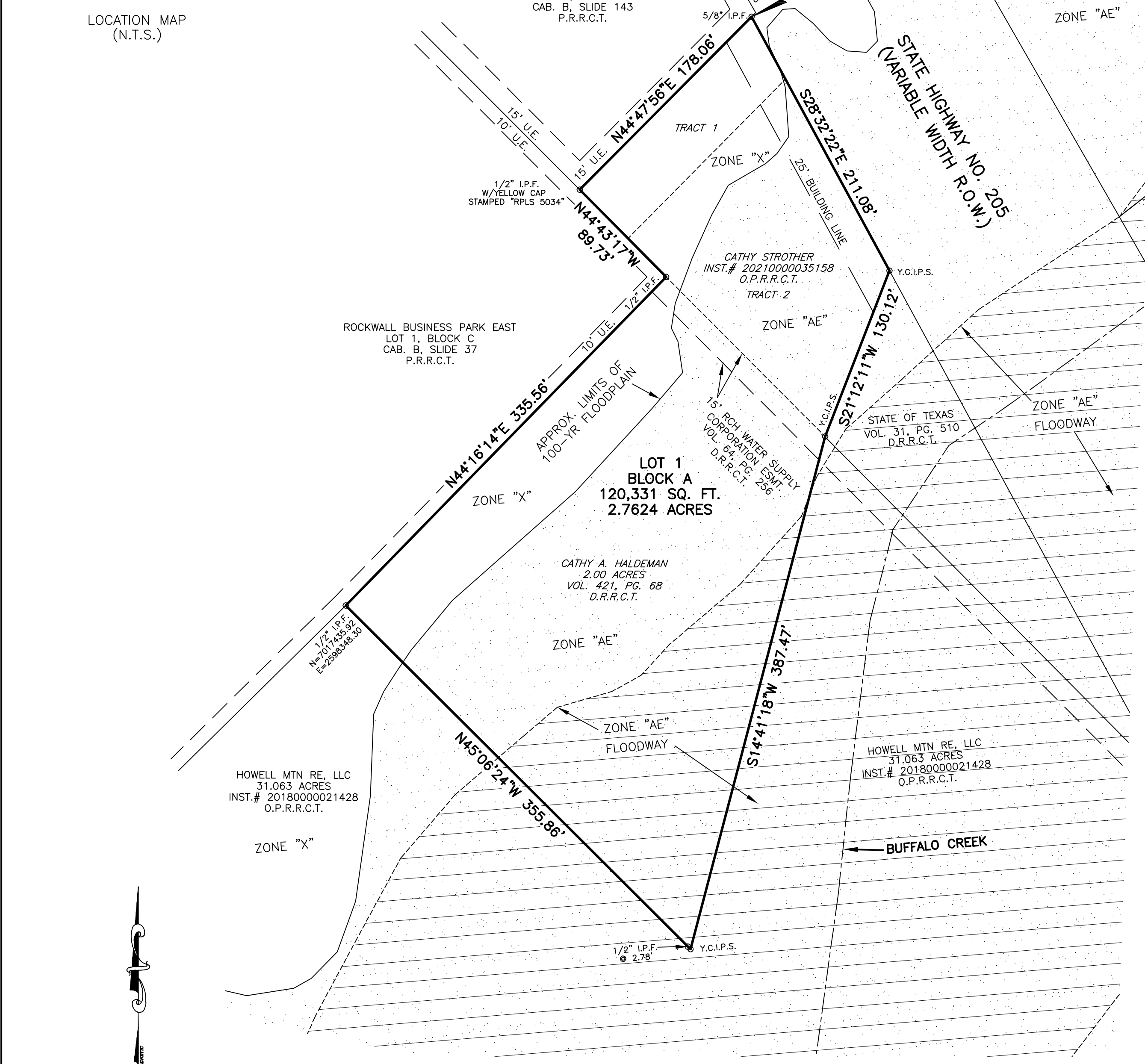
Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





LOCATION MAP
(N.T.S.)



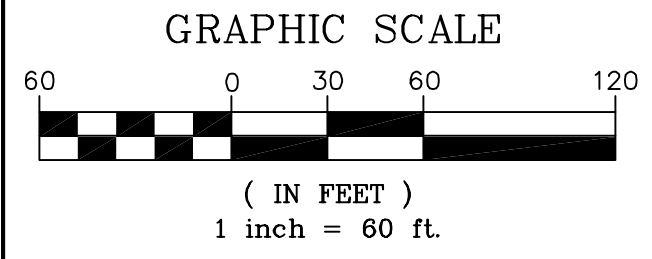
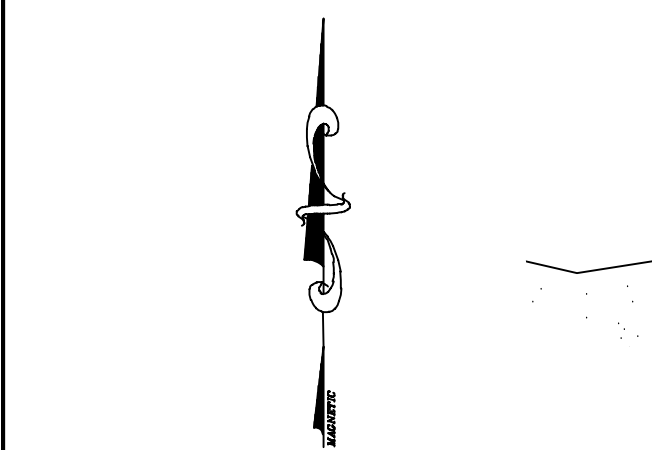
NOTES:

1. Located in the City of Rockwall, Texas
2. It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, as required under Ordinance 83-54.
3. Bearings based on the southeast line of Rockwall Business Park East Phase Two, Cabinet B, Slide 143 (N44°47'56"E)
4. State plain coordinates based on NAD 83, Texas North Central 4202, US Survey Feet.

Notice: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

FLOOD NOTE:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 48397C0040L, DATED SEPTEMBER 26, 2008, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR ROCKWALL COUNTY, TEXAS, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "AE" (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD; BASE FLOOD ELEVATIONS DETERMINED), A PORTION LIES WITHIN THE FLOODWAY AREA IN SAID ZONE "AE" AND A PORTION LIES WITHIN ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.



LEGEND	
I.P.F.	— IRON PIN FOUND
D.R.R.C.T.	— DEED RECORDS, ROCKWALL COUNTY, TEXAS
O.P.R.R.C.T.	— OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS
Y.C.I.P.S.	— 1/2" IRON PIN SET WITH YELLOW CAP STAMPED "CCG INC RPLS 5129"

**MINOR PLAT
ROADSIDE ADDITION
LOT 1, BLOCK A**

Being 2.7624 – Acres of Land
Joseph Cadle Survey, Abstract No. 65
City of Rockwall
Rockwall County, Texas

THE PURPOSE OF THIS PLAT IS TO
COMBINE TWO TRACTS INTO ONE
PLATTED LOT.

Case No.:

OWNER:
CATHY STROTHER
A.K.A. CATHY A. HALDEMAN
8935 COUNTY ROAD 589
NEVADA, TEXAS 75173

CARROLL CONSULTING GROUP, INC.			
P.O. BOX 11 972-742-4411		TBPELS REGISTRATION NO.: F-21608	
LAVON, TEXAS 75166		TEXAS FIRM REGISTRATION NO.: 10007200	
JOB No.	SCALE:	DATE PREPARED:	DRAWN BY:
2983-21	1"=60'	JANUARY 4, 2022	CB

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

Whereas, Cathy Strother, is the owner of a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas and being the same Tract 1 and Tract 2 as conveyed to Cathy Strother by deed recorded in Instrument No. 20210000035158, Official Public Records, Rockwall County, Texas and all of a 2.00 acre tract of land as conveyed to Cathy A. Haldeman by deed recorded in Volume 421, Page 68, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at a 5/8" iron pin found on the southwest right-of-way line of State Highway No. 205 (variable width R.O.W.) for the north corner of said Tract 1 and being on the southeast line of Lot 1, Block B of Rockwall Business Park East Phase Two, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet B, Slide 143, Plat Records, Rockwall County, Texas;

Thence, South 28°32'22" East, along the northeast lines of said Tracts 1 and 2 and the right-of-way line of State Highway No. 205 (variable width R.O.W.), a distance of 211.08 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for the east corner of said Tract 2;

Thence, South 21°12'11" West, along the southeasterly line of said Tract 2, a distance of 130.12 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for the south corner of said Tract 2, the northeast corner of said 2.00 acre tract and the most easterly north corner of a 31.063 acre tract of land conveyed to Howell Mtn RE, LLC by deed recorded in Instrument No. 20180000021428, Official Public Records, Rockwall County, Texas;

Thence, South 14°41'18" West, along the east line of said 2.00 acre tract and a west line of said 31.063 acre tract, a distance of 387.47 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for the south corner of said 2.00 acre tract and a re-entrant corner of said 31.063 acre tract;

Thence, North 45°06'24" West, along the southwest line of said 2.00 acre tract and a northeast line of said 31.063 acre tract, passing at a distance of 2.78 feet a 1/2" iron pin found and continuing for a total distance of 355.86 feet to a 1/2" iron pin found for the west corner of said 2.00 acre tract, the most westerly north corner of said 31.063 acre tract and being on the southeast line of Lot 1, Block C of Rockwall Business Park East, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet B, Slide 37, Plat Records, Rockwall County, Texas;

Thence, North 44°16'14" East, along the northwest line of said 2.00 acre tract and the southeast line of said Lot 1, Block C, a distance of 335.56 feet to a 1/2" iron pin found for the north corner of said 2.00 acre tract, the east corner of said Lot 1, Block C and being on the southwest line of said Tract 2;

Thence, North 44°43'17" West, along the southwest lines of said Tracts 1 and 2 and the northeast line of said Lot 1, Block C, a distance of 89.73 feet to a 1/2" iron pin found with yellow cap stamped "RPLS 5034" for the west corner of said Tract 1 and the south corner of said Lot 1, Block B;

Thence, North 44°47'56" East, along the northwest line of said Tract 1 and the southeast line of said Lot 1, Block B, a distance of 178.06 feet to the Point of Beginning and containing 120,331 square feet or 2.7624 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

I, the undersigned owner of the land shown on this plat, and designated herein as ROADSIDE ADDITION, a subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the ROADSIDE ADDITION subdivision have been notified and signed this plat. I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I also understand the following:

(1) No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.

(2) Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.

(3) The City and County of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.

(4) The developer and subdivision engineer shall bear total responsibility for storm drain improvements.

(5) The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.

(6) No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Rules and Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications required by the Interlocal Cooperation Agreement for Subdivision Regulation in the Extraterritorial Jurisdiction of a Municipality entered into by the City and County of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the County's chosen engineer and/or County Administrator, computed on a private commercial rate basis, has been made with the County, accompanied by an agreement signed by the developer and/or owner, authoring the City and County to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements with the time stated in such written agreement, but in no case shall the City of County by obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the City and County, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the County in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the Commissioner's Court of Rockwall County.

I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the County; I, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exactions made herein.

WITNESS, my hand, this the ____ day of _____, 2022.

Cathy Strother, Owner
a.k.a. Cathy A. Haldeman

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this date personally appeared Cathy Strother (a.k.a. Cathy A. Haldeman – same person), known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for purpose and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2022.

Notary Public for the State of Texas
My Commission expires _____

SURVEYOR CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, James Bart Carroll, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon as set were properly placed under my personal supervision.

James Bart Carroll
Texas Registered Professional Land Surveyor No. 5129

APPROVED

Planning & Zoning Commission, Director Date

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the ____ day of _____, 20____.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this ____ day of _____, 20____.

Mayor, City of Rockwall

City Secretary

City Engineer

MINOR PLAT

**ROADSIDE ADDITION
LOT 1, BLOCK A**

Being 2.7624 – Acres of Land
Joseph Cadle Survey, Abstract No. 65

City of Rockwall
Rockwall County, Texas

Case No.:

OWNER:
CATHY STROTHER
A.K.A. CATHY A. HALDEMAN
8935 COUNTY ROAD 589
NEVADA, TEXAS 75173

CARROLL CONSULTING GROUP, INC.			
P.O. BOX 11 972-742-4411 TBPELS REGISTRATION NO.: F-21608			
LAVON, TEXAS 75166		TEXAS FIRM REGISTRATION NO.: 10007200	
JOB No.	SCALE:	DATE PREPARED:	DRAWN BY:
2983-21	1"=60'	JANUARY 4, 2022	CB



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 7, 2022

SUBJECT: P2022-004; REPLAT FOR LOT 8, BLOCK A, SHARP ADDITION

Attachments

Case Memo
Development Application
Location Map
Replat

Summary/Background Information

Consider a request by Gerald Monk of Monk Consulting Engineers on behalf of 5 Sharp Real Estate for the approval of a *Replat* for Lot 8, Block A, Sharp Addition being a 1.91-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary.

Action Needed

The City Council is being asked to approve, approve with condition, or deny the proposed *Replat*.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: February 7, 2022
APPLICANT: Gerald Monk, *Monk Consulting Engineers*
CASE NUMBER: P2022-004; *Replat for Lot 8, Block A, Sharp Addition*

SUMMARY

Consider a request by Gerald Monk of Monk Consulting Engineers on behalf of 5 Sharp Real Estate for the approval of a Replat for Lot 8, Block A, Sharp Addition being a 1.91-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting the approval of a Replat for a 1.91-acre parcel of land (*i.e. Lot 5, Block A, Sharp Addition*) for the purpose of establishing a 30-foot utility easement and detention easement to facilitate the development of the subject property. Prior to the applicant's submittal for this Replat, the subject property was approved for a ~12,000 SF *Office/Warehouse/Distribution Facility* [Case No. SP2021-015] by the Planning and Zoning Commission.
- The subject property was annexed -- *along with the rest of the land area that makes up Planned Development District 46 (PD-46)* -- by the City Council on July 21, 1997 by *Ordinance No. 97-14*. On March 1, 1999, the City Council approved a zoning change from an Agricultural (AG) District to Planning Development District 46 (PD-46) [*Ordinance No. 99-05*]. This zoning change assigned an underlying zoning of Commercial (C) District for the area, establishing a legally non-conforming land use for all properties within this Planned Development District (PD-46). On August 2, 2021, the City Council approved an amendment to Planned Development District 46 (PD-46) [*Ordinance No. 21-32*] allowing for the *Warehouse/Distribution Center* land on the subject property. On August 10, 2021 the Planning and Zoning Commission approved a site plan [Case No. SP2021-015] to allow the construction of a ~12,000 SF *Office/Warehouse/Distribution Facility*. Currently, the subject property is a vacant parcel of land.
- The surveyor has completed the majority of the technical revisions requested by staff, and this Replat -- *conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this Replat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.
- With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Replat for *Lot 8, Block A, Sharp Addition*, staff would propose the following conditions of approval:

- (1) All technical comments from City Staff (*i.e. Engineering, Planning and Fire Department*) shall be addressed prior to submittal of civil engineering plans;

- (2) Any construction resulting from the approval of this Replat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On January 25, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the replat by a vote of 7-0.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

Please check the appropriate box below to indicate the type of development request [SELECT ONLY ONE BOX]:

Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)¹
- Preliminary Plat (\$200.00 + \$15.00 Acre)¹
- Final Plat (\$300.00 + \$20.00 Acre)¹
- Replat (\$300.00 + \$20.00 Acre)¹ **340⁰⁰**
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre)¹
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)¹
- Specific Use Permit (\$200.00 + \$15.00 Acre)¹
- PD Development Plans (\$200.00 + \$15.00 Acre)¹

Other Application Fees:

- Tree Removal (\$75.00)
- Variance Request (\$100.00)

Notes:

¹: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, round up to one (1) acre.

PROPERTY INFORMATION [PLEASE PRINT]

Address

SPRINGER ROAD

Subdivision

SHARP

Lot

5

Block

A

General Location

WEST on Springer from FM 548

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning

Pb-46

Current Use

UNDEU.

Proposed Zoning

same

Proposed Use

Commercial Buildings

Acreage

1.91

Lots [Current]

1

Lots [Proposed]

1

SITE PLANS AND PLATS: By checking this box you acknowledge that due to the passage of HB3167 the City no longer has flexibility with regard to its approval process, and failure to address any of staff's comments by the date provided on the Development Calendar will result in the denial of your case.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

Owner

Applicant

MONK CONSULTING ENGINEERS

Contact Person

Contact Person

GERARD MONK

Address

Address

1200 W STATE ST.

City, State & Zip

City, State & Zip

GARLAND TX

Phone

Phone

972-272-1763

E-Mail

E-Mail

jerry@monkconsulting.com

NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared **Ger. Monk** [Owner] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ **340**, to cover the cost of this application, has been paid to the City of Rockwall on this the **14** day of **JAN**, 20**22**. By signing this application, I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

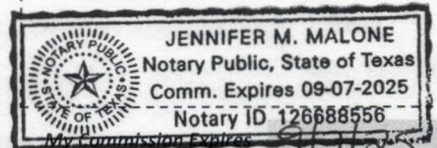
Given under my hand and seal of office on this the **14** day of **January**, 20**22**.

Owner's Signature


Ger. Monk

Notary Public in and for the State of Texas

Jennifer Malone

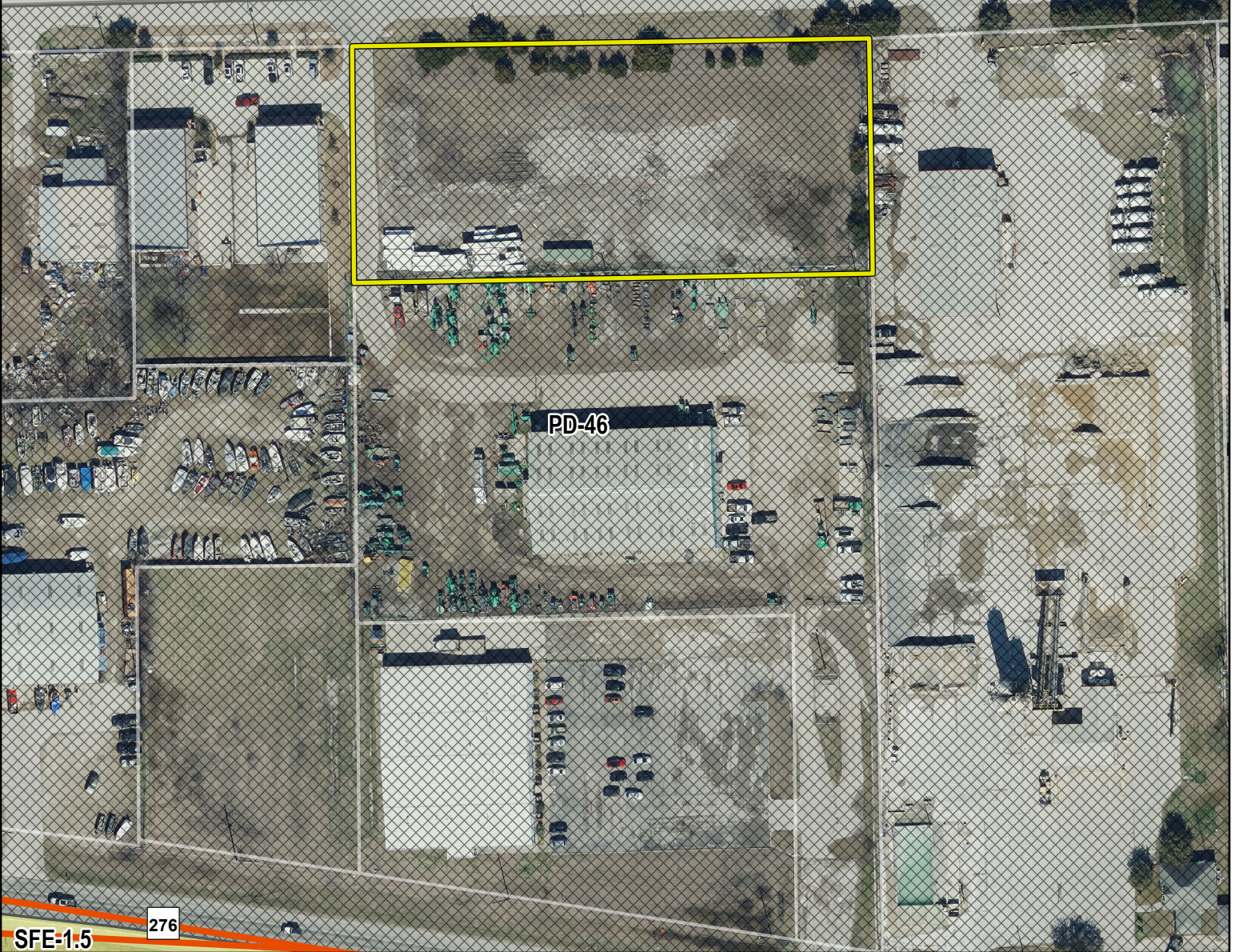


0 45 90 180 270 360 Feet

Case Location Map = 
P2022-004
Lot 8, Block A, Sharp Addition

LI

SPRINGER RD



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

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Planning & Zoning Commission, Chairman Date

APPROVED:
I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 2021.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall County, Texas, within one hundred eighty (180) days from said date of final approval.

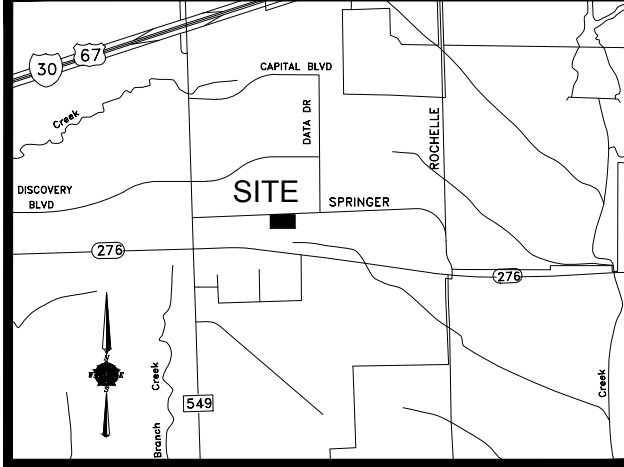
WITNESS OUR HANDS, this _____ day of _____, 2021.

Mayor, City of Rockwall

City Secretary

City Engineer

VICINITY MAP - NOT TO SCALE



GENERAL NOTES:

- 1) Bearings and elevations are based on NAD83, North American Datum of 1983.
2) The purpose of this replat is to add a 30 foot utility easement and a detention pond easement.
3) This property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 48397C0045 L, which bears an effective date of September 26, 2008 and IS NOT in a Special Flood Hazard Area.
4) City of Rockwall Geodetic Control Monuments
**Station No. COR-8 (Benchmark)
N: 7018063.113 E: 2609533.682 Elev.= 600.48'
**Station No. COR-9 (Benchmark)
N: 7020550.132 E: 2607463.893 Elev.= 595.63'
5) Property owner is responsible for all maintenance, repair and replacement of all drainage and detention systems.

- LEGEND:
CM CONTROLLING MONUMENT
IRF IRON ROD FOUND
IRS IRON ROD SET WITH YELLOW CAP STAMPED "TXHS"
VOL., PG. VOLUME, PAGE
O.P.R.R.C.T. OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS
D.R.R.C.T. DEED RECORDS, ROCKWALL COUNTY, TEXAS
P.R.R.C.T. PLAT RECORDS, ROCKWALL COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER

- 30 FOOT UTILITY EASEMENT
DETECTION POND EASEMENT

OWNER'S DEDICATION:
NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
STATE OF TEXAS
COUNTY OF ROCKWALL
I the undersigned owner of the land shown on this plat, and designated herein as the 5 SHARP PROPERTIES subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I further certify that all other parties who have a mortgage or lien interest in the 5 SHARP PROPERTIES subdivision have been notified and signed this plat. I understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I also understand the following:
1. No buildings shall be constructed or placed upon, over, or across the utility easement as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purposes of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall;

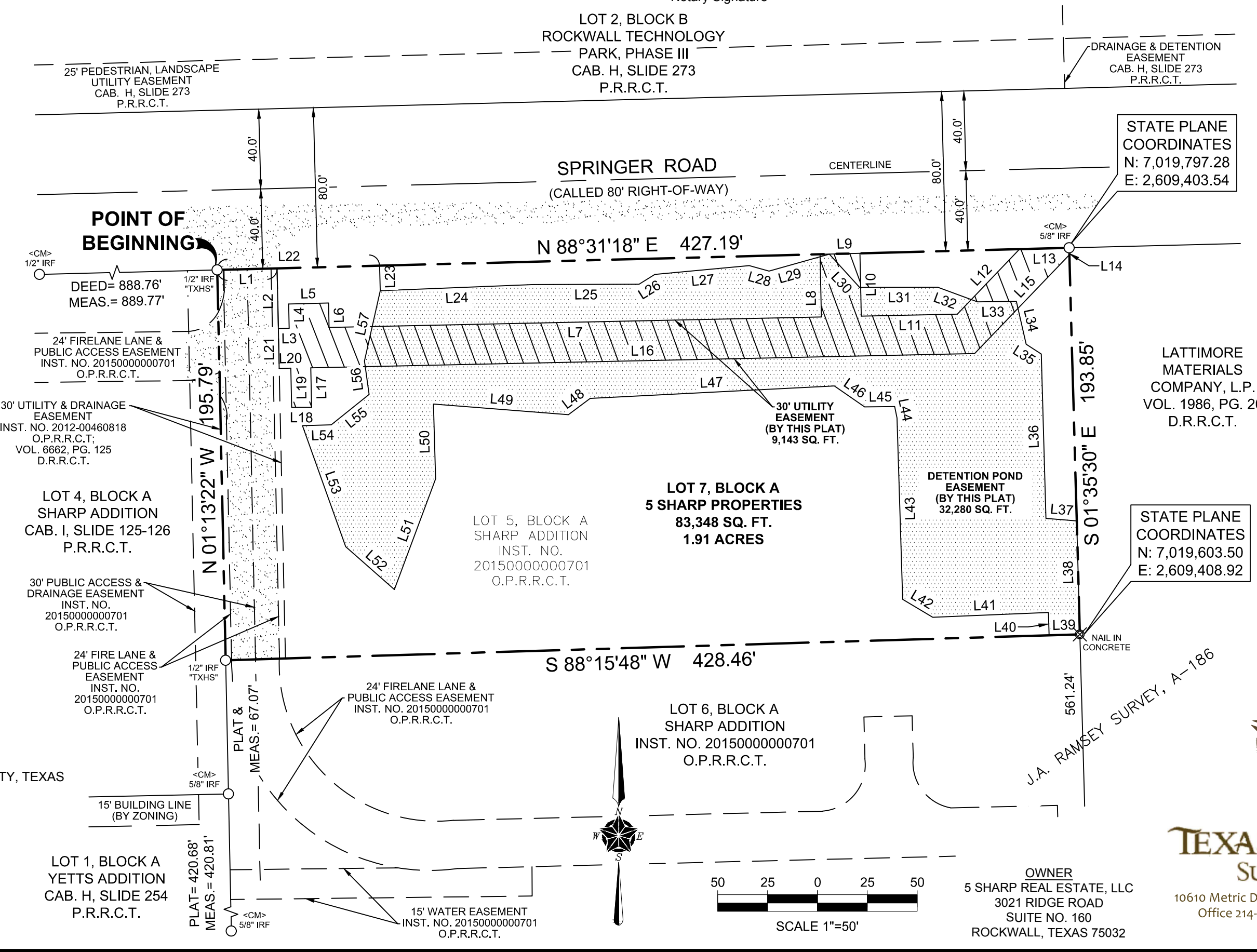
or
Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or
Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.
I further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I, my successors and assigns hereby waive any claim, damage or cause of action that I may have as a result of the dedication of exactions made herein.
WITNESS MY HAND THIS _____ DAY OF _____, 2021.

5 Sharp Real Estate, LLC
Kris Sharp - Managing Member

STATE OF TEXAS
COUNTY OF ROCKWALL
BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Kris Sharp known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Signature



OWNER'S CERTIFICATE:

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, 5 Sharp Real Estate, L.L.C., is the sole owner of a tract of land situated in the J.A. Ramsey Survey, Abstract No. 186 in the City of Rockwall, Rockwall County, Texas, and being known as Lot 5, Block A, Sharp Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Instrument Number 2015000000701, Official Public Records, Rockwall County, Texas, and being the same tract of land described in General Warranty Deed to 5 Sharp Real Estate, L.L.C., recorded in Instrument No. 2021000010533, Official Public Records, Rockwall County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2 inch iron rod with plastic yellow cap stamped "TXHS", said point being the northeast corner of Lot 4, Block A, of said Sharp Addition, also being the northwest corner of said Lot 5, Block A, lying on the south right-of-way of Springer Road (called 80' right-of-way);

THENCE North 88 degrees 31 minutes 18 seconds East, along the south right-of-way line of said Springer Road, a distance of 427.19 feet to a found 5/8 inch iron rod, said point being the northeast corner of said Lot 5, Block A, also being the northwest corner of that certain tract of land described in Special Warranty Deed to Lattimore Materials Company, L.P. recorded in Volume 1986, Page 20, Deed Records, Rockwall County, Texas;

THENCE South 01 degrees 35 minutes 30 seconds East, departing the south right-of-way line of said Springer Road, along the west line of said Lattimore tract, a distance of 193.85 feet to a nail in concrete found, said point being the southeast corner of said Lot 5, Block A, also being the northeast corner of Lot 6, Block A of said Sharp Addition;

THENCE South 88 degrees 15 minutes 48 seconds West, departing the west line of said Lattimore tract, along the north line of said Lot 6, Block A, a distance of 428.46 feet to a found 1/2 inch iron rod with plastic yellow cap stamped "TXHS", said point being the northwest corner of said Lot 6, Block A, also being the southwest corner of said Lot 5, Block A, lying on the east line of said Lot 4, Block A;

THENCE North 01 degrees 13 minutes 22 seconds West, along the east line of said Lot 4, Block A, a distance of 195.79 feet to the POINT OF BEGINNING and containing 83,348 square feet or 1.91 acre of land.

SURVEYORS CERTIFICATE:

I, Gary E. Johnson, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.
PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. (12/17/2021)
Gary E. Johnson, R.P.L.S. No. 5390

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Signature

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Includes lines L1 through L20.

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Includes lines L21 through L40.

EASEMENT LINE TABLE with columns: LINE #, LENGTH, DIRECTION. Includes lines L41 through L57.

Texas Heritage Surveying, LLC logo and contact information: 10610 Metric Drive, Suite 124, Dallas, TX 75243. Office 214-340-9700 Fax 214-340-9710 txheritage.com

FINAL PLAT
5 SHARP PROPERTIES
LOT 7, BLOCK A
83,348 SQUARE FEET / 1.91 ACRES
BEING A REPLAT OF LOT 5, BLOCK A SHARP ADDITION
IN THE J.A. RAMSEY SURVEY, ABSTRACT NO. 186
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
DATE: 09/23/2021 / JOB # 2100165-2 / SCALE= 1" = 50' / DRAWN: JAM



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and City Council
FROM: Mary Smith, City Manager
DATE: February 2, 2022
SUBJECT: Amending the Fiscal Year 2022 Budget

The final General fund budget summary sheets for the fiscal year 2022 to appropriate funds from the Tree Mitigation Fund to be used toward the Leadership Rockwall project in Lofland Park. This will increase the Parks Agricultural supplies line item by \$17,500.

The Council is asked to consider adoption of the Ordinance amending the FY2022 budget.

CITY OF ROCKWALL
ORDINANCE NO. 22-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY OF ROCKWALL FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the budget of the City of Rockwall for the fiscal year October 1, 2021, through September 30, 2022, be and the same is hereby amended as such amendment will increase the Parks Operations Agricultural Supplies line item by \$17,500.

Section 2. That this ordinance shall take effect immediately from and after its passage, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 7th DAY OF FEBRUARY, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Kristy Teague, City Secretary/Asst. to the City Mgr.

DATE: February 7, 2022

SUBJECT: POLICE DEPARTMENT'S GRANT APPLICATION

Attachments

Grant Summary
Grant Application
Resolution

Summary/Background Information

The enclosed information talks at length about this grant application. It is important to note that no local 'matching funds' will be required.

Action Needed

Council is asked to consider approving the resolution and authorizing the City Manager to apply for and accept the grant funding on behalf of the City / the Police Department, including executing all required documents.

Snapshot Description: Application - Submitted by Applicant
Created: 1/28/2022 6:16:22 PM

Agency Name: City of Rockwall
Grant/App: 4471201 **Start Date:** 9/1/2022 **End Date:** 8/31/2023

Project Title: SWAT Headset Project W/Push to Talk Capability
Status: Application Pending AO Certification

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17560006524004

Application Eligibility Certify:

Created on:1/21/2022 11:25:19 AM By:Edward Fowler

Profile Information

Applicant Agency Name: City of Rockwall
Project Title: SWAT Headset Project W/Push to Talk Capability
Division or Unit to Administer the Project: Police Department
Address Line 1: 385 South Goliad
Address Line 2:
City/State/Zip: Rockwall Texas 75087-3633
Start Date: 9/1/2022
End Date: 8/31/2023

Regional Council of Governments(COG) within the Project's Impact Area: North Central Texas Council of Governments
Headquarter County: Rockwall
Counties within Project's Impact Area: Dallas,Rockwall

Grant Officials:

Authorized Official

Name: mary smith
Email: msmith@rockwall.com
Address 1: 385 s goliad
Address 1:
City: rockwall, Texas 75087
Phone: 972-772-6420 Other Phone: 972-754-7736
Fax: 972-771-7728
Title: Ms.
Salutation: Ms.
Position: City Manager

Financial Official

Name: Misty Farris
Email: mfarris@rockwall.com
Address 1: 385 S. Goliad St.
Address 1:
City: Rockwall, Texas 75087
Phone: 972-772-6415 Other Phone:
Fax: 972-771-7728
Title: Ms.
Salutation: Ms.
Position: Finance Clerk

Project Director

Name: Jeffrey Lutes
Email: jlutes@rockwall.com
Address 1: 205 West Rusk Street
Address 1:
City: Rockwall, Texas 75087
Phone: 972-772-6714 Other Phone: 214-240-2757
Fax:
Title: Mr.
Salutation: Lieutenant
Position: Police Lieutenant

Grant Writer

Name: Edward Fowler
Email: efowler@rockwall.com
Address 1: 205 Rusk Street
Address 1:
City: Rockwall, Texas 75087
Phone: 972-772-6706 Other Phone: 972-771-7724
Fax: 972-771-7726
Title: Mr.
Salutation: Captain
Position: Support Services Captain

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)
Organization Option: applying to provide homeland security services
Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID): 17560006524004
Data Universal Numbering System (DUNS): 040407710

Narrative Information

Overview

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. HSGP supports core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Primary Mission and Purpose

State Homeland Security Program (SHSP) - Law Enforcement Terrorism Prevention Activities (LETPA): Supports state, tribal and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and support critical prevention and protection activities. All LETPA investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the State Preparedness Report (SPR).

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP-LETPA projects must assist grantees in achieving target capabilities related to preventing, preparing for, or protecting against acts of terrorism.**

Eligibility Requirements

Cybersecurity Training Requirement

Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the Cybersecurity Training Certification for State and Local Governments. A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources Statewide Cybersecurity Awareness Training page.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

National Incident Management System (NIMS) Implementation

Grantees are required to implement NIMS. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

Emergency Management Plans (Intermediate Level)

Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Program Requirements

Building and Sustaining Core Capabilities

1. All capabilities being built or sustained must have a clear link to one or more Core Capabilities in the National Preparedness Goal.
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of, protection from, mitigation of, response to, and recovery from terrorism.
3. Funding should be used to sustain core capabilities. New capabilities should not be built at the expense of maintaining current and critically needed core capabilities. New capabilities must be aligned with capability targets and gaps identified through the THIRA/SPR process.

Mission Areas

The National Preparedness Goal organizes the core capabilities into the five mission areas:

- **Prevention.** Prevent, avoid or stop an imminent, threatened or actual act of terrorism.
- **Protection.** Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations, and way of life to thrive.
- **Mitigation.** Reduce the loss of life and property by lessening the impact of future disasters.
- **Response.** Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident.
- **Recovery.** Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident.

Nationwide Cyber Security Review

Grantees will be required to complete the Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient agency should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. For more information about the NCSR, visit: <https://www.cisecurity.org/ms-isac/services/ncsr/>.

LETPA

Law Enforcement Terrorism Prevention Activities (LETPA)

The state is responsible for ensuring that at least 25 percent (25%) of the combined HSGP funds allocated under SHSP and UASI are dedicated towards law enforcement terrorism prevention activities, as defined in 6 U.S.C. 607.

Grant projects must be consistent with the [Federal Emergency Management Agency \(FEMA\) Information Bulletin \(IB\) 412](#) which discusses eligible activities outlined in:

- a. The [National Prevention Framework](#);
- b. The [National Protection Framework](#) where capabilities are shared with the prevention mission area;
- c. Section 2006 of the [Homeland Security Act of 2002](#), as amended; and
- d. The [FY 2007 Homeland Security Grant Program Guidance and Application Kit](#).

Activities eligible for use of LETPA focused funds include but are not limited to: Maturation and enhancement of designated state and major Urban Area fusion centers, including information sharing and analysis, threat recognition, terrorist interdiction, and training/hiring of intelligence analysts. Coordination between fusion centers and other analytical and investigative efforts. Implementation and maintenance of the Nationwide Suspicious Activity Reporting (SAR) Initiative. Implementation of the "If You See Something, Say Something" campaign to raise public awareness of indicators of terrorism and terrorism-related crime and associated efforts to increase the sharing of information with public and private sector partners. Increased physical security, through law enforcement personnel and other protective measures, by implementing preventative and protective measures at critical infrastructure sites or at-risk nonprofit organizations.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

This regional Special Weapons and Tactics (SWAT) project will assist in sustaining NIMS-typed SWAT teams throughout the NCTCOG region by procuring tactical communication headsets w/ push-to-talk functionality that will work with the specialized equipment SWAT team members are required to wear such as helmets, vests, hearing protection, air purifying respirators (APRs), etc. The tactical headsets will work with their department issued radios and will improve officer safety by providing SWAT officers the equipment necessary to better hear and communicate situational changes that often occur very quickly during tactical entries.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

The communications gear creates an improved level of safety and situational awareness for SWAT Operators. SWAT teams are required to make quiet coordinated tactical entries, regular law enforcement microphones and headsets won't work because it either won't fit under their helmets or face masks or the buttons are inaccessible and can't be reached because of other tactical gear or while wearing gloves. Previous regional exercises have shown that being outfitted with key equipment can determine the end result. These headsets can provide operators the ability to address day to day Operational Communications as well as critical incident/disaster Operational Communications. THIRA-Page 46 CCTA Scenario – Operational Communications – Interoperable Communications Between Responders

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

All our SWAT Teams currently have some level of communication headsets, but many are outdated, bulky and incompatible with newer equipment and technology. In many cases, current equipment has reached the end of its usable life cycle and do not provide proper seals for hearing protection, clear communication and officer safety. Communications equipment is fragile and due to the dangerous nature of SWAT deployments, equipment must be replaced more often.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

Recent survey results, from our regional SWAT teams, were analyzed to determine that a gap existed among many teams related to their ability to communicate during tactical responses and operations due to their specialized equipment and outdated, inefficient headsets that prevent a proper fit while wearing helmets, masks, and other gear. Addressing communication inefficiencies is the only way to close the gap and improve situational awareness and officer safety. Good communication can make a difference when making life and death decisions. These headsets will allow SWAT officers to operate more efficiently while responding to high threat situations. Operational Communications – Functional Area of Interoperable Communications Between Responders – Page 200 of the Regional State Preparedness Report (SPR)

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps. Capability needs are not static but evolve as operating environments and organizations themselves change. Communications is the glue which holds the collective strategy together, explicit communications are vital when dealing with assault maneuvers. Without timely communications Command and Control is lost. During SWAT operations team members routinely communicate deviations to plans, point out known threats and assist in locating and mitigating terrorist through radio communications. Additionally, Sniper-Observer posts continuously report vital information to the Command Center which analyzes and disseminates the information to SWAT operators. With the designated equipment, the SWAT team will have an enhanced capability and be better prepared and equipped to respond to major events. Effective, reliable, and **98ar**

communications are the bedrock of any successful tactical operation. When tactical officers can converse easily with each other and dispatch, their operational effectiveness and survivability is enhanced.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. *1.2.3 Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.*)

Goal 4. Increase the capability of the state's response system to minimize damage and loss of life from terrorist and criminal attacks and natural and technological disasters Objective 4.3. Achieve statewide communications operability and interoperability in Texas Priority Action 4.3.1. Enhance partnerships with regional radio systems across the state to ensure radio system coverage and connectivity for interoperability.

Target Group :

Identify the target group and population expected to benefit from this project.

The Rockwall Police SWAT team provides hazardous operations response for the City of Rockwall and Rockwall County including surrounding cities of Royse City, Heath and Fate. The City of Rockwall covers 30 (29.97) square miles and has a population of 47,251 and is seated in Rockwall County, which has a land mass of 149 square miles and has a total population of 107,000. In addition, The City of Rockwall's daytime population swells by 11% due to the large number of light and heavy manufacturing complexes, office and business space, retails districts and governmental contractors. Further, there are 15 public school campuses and 3 hospitals located in the City. Approximately 8 million people live in the North Central Texas (NCT) region.

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

The receiving SWAT Team is responsible for all maintenance, or additional equipment costs outside of the purchase of the grant. They are also responsible for replacement of the equipment upon damage and/or destruction.

Project Activities Information

HSGP Instructions for Project Activity Selection

Homeland Security Grant Program (HSGP) applicants should only select one project activity. The eGrants system will allow multiple selections, but each HSGP subrecipient project must fit into one and only one of the Investment Categories that are listed as project activities under the "Activity List".

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Establish\Enhance Regional Response Teams	100.00	Procurement of tactical communication headsets with push to talk functionality that will work with specialized equipment SWAT Team members are required to wear such as helmets, vests, hearing protection, air purifying respirators, etc.

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
----------------	--------------

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
-----------------	--------------

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
-----------------------	--------------

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by going to the **Upload.Files** tab and following the instructions on Uploading eGrants Files.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

- Yes
 No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Select the appropriate response:

- Yes
 No
 N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

- Yes
 No
 N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/31/2021

Enter the End Date [mm/dd/yyyy]:

9/30/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

23004

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

0

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

- Yes
 No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

I Certify

Unable to Certify

Enter the debarment justification:

FFATA Certification

Certification of Recipient Highly Compensated Officers – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (HSGD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

Yes

No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

Yes

No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Homeland Security Information

FUND SOURCE INFORMATION AND REQUIREMENTS

DHS Project Type: Establish/enhance regional response teams

Capabilities

Core Capability: Operational Communications

Identify if this investment focuses on building new capabilities or sustaining existing capabilities.

: New Capabilities (Build)

Are the assets or activities Deployable or Shareable: Deployable

___ Check if this Investment requires new construction or renovation, retrofitting, or modification of existing structures

___ Check if these funds will support a project that was previously funded with HSGP funding

Project Management Step Involved:

Check the step that most closely resembles the phase of the project activities to be completed during the grant period.

Step: Execute

Description: The period within the project lifecycle during which the actual work of creating the project's deliverables is carried out.

Process: Involves directing, accomplishing, managing, and completing all phases and aspects of work for a given project.

Milestones

Milestone: Research, Test and Evaluate; **Completion Date:** 09-01-2022

Milestone: Purchase Equipment; **Completion Date:** 10-07-2022

Milestone: Issue, Test and Evaluation Equipment; **Completion Date:** 11-14-2022

Milestone: Fully Implement and Utilize ; **Completion Date:** 12-19-2022

NIMS Resources

___ Check if this project supports a NIMS typed resource

Enter the name of the typed resources from the Resource Type Library Tool:

Enter the ID of the typed resources from the Resource Type Library Tool:

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

Yes

No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

Yes

No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

Yes

No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

Yes

No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

Yes

No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits. Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	06CP-03-PRAC Accessories, Portable Radio	Invisio V50 Control Units, which includes the Push to Talk (PTT) that allows for Communication on Multiple Talk Groups on a Single Radio and Multiple Audio Inputs that enable full Compatibility with	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00	20

Modern Team Radios. Invisio X5 Headsets: Provides hearing protection with a bone conduction microphone and functions with air filtration systems and gasmasks.
--

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
--	--------------	----------	------------	----------------------

You are logged in as **User Name:** EMF913



FY22 State Homeland Security Program Grant Application

Thank you for submitting a proposal. Please print this page for your records.

ELIGIBILITY

Texas Payee/Taxpayer ID Number 756000652

PROFILE

Jurisdiction/Agency Name Rockwall Police Department

Division or Unit to Administer the Project Police Department

Agency Address 205 West Rusk Street

City Rockwall

State TX

Zip Code 75087

Start Date 09/01/2022

End Date 12/14/2022

Plan Year 2022

Regional Councils of Government (COGs) within the Project's Impact Area NCTCOG

Headquarters County Rockwall

Geographic Impact of Project Local

Counties within the Project's Impact Area Collin, Dallas, Hunt, Kaufman, Rockwall

GRANT OFFICIALS

Authorized Official Email Address msmith@rockwall.com

Financial Officer Email Address msmith@rockwall.com

Project Director Email Address jlutes@rockwall.com

Grant Writer Email Address efowler@rockwall.com

GRANT VENDOR INFORMATION

Organization Type City Government

Organization Option Applying to provide homeland security services

Applicant Agency's State Payee ID Number 756000652

Data Universal Numbering System (DUNS) 040407710

NARRATIVE

Responses to the next three sections should be consistent with the region's (1) [Threat and Hazard Identification and Risk Assessment \(THIRA\)](#); (2) [State Preparedness Report](#); and (3) [Texas Homeland Security Strategic Implementation Plan](#).

Project Title SWAT HEADSET PROJECT WITH PUSH TO TALK

Check if this project is for law enforcement (LE).

This regional Special Weapons and Tactics (SWAT) project will assist in sustaining NIMS-typed SWAT teams throughout the NCTCOG region by procuring tactical communication headsets w/ push-to-talk functionality that will work with the specialized equipment SWAT team members are required to wear such as helmets, vests, hearing protection, air purifying respirators (APRs), etc. The tactical headsets will work with their department issued radios and will improve officer safety by providing SWAT officers the equipment necessary to better hear and communicate situational changes that often occur very quickly during tactical entries.

Problem Statement

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state [Threat and Hazard Identification and Risk Assessment \(THIRA\)](#), as applicable.

The communications gear creates an improved level of safety and situational awareness for SWAT Operators. SWAT teams are required to make quiet and coordinated tactical entries, regular law enforcement microphones and headsets won't work because it either won't fit under their helmets or face masks or the buttons are inaccessible and can't be reached because of other tactical gear or while wearing gloves. Previous regional exercises have shown that being outfitted with key equipment can determine the end result. These headsets can provide operators the ability to address day to day operational communications as well as critical incident/disaster Operational Communications. THIRA-Page 46 CCTA Scenario - Operational Communications - Interoperable Communications Between Responders

Existing Capability Levels - Team Typing, etc.

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

All our SWAT Teams currently have some level of communication headsets, but many are outdated, bulky and incompatible with newer equipment and technology. In many cases, current equipment has reached the end of its usable life cycle and do not provide proper seals for hearing protection, clear communication and officer safety. Communications equipment is fragile and due to the dangerous nature of SWAT deployments, equipment must be replaced more often.

Existing Capability Gaps

Describe the existing capability gap(s) which will be addressed by the project. For Federal Homeland Security grants, include specific references to the regional or statewide [State Preparedness Report \(SPR\)](#).

Recent survey results, from our regional SWAT teams, were analyzed to determine that a gap existed among many teams related to their ability to communicate during tactical responses and operations due to their specialized equipment and outdated, inefficient headsets that prevent a proper fit while wearing helmets, masks, and other gear. Addressing communication inefficiencies is the only way to close the gap and improve situational awareness and officer safety. Good communication can make a difference when making life and death decisions. These headsets will allow SWAT officers to operate more efficiently while responding to high threat situations. Operational Communications - Functional Area of Interoperable Communications Between Responders - Page 200 of the Regional State Preparedness Report (SPR)

Impact Statement

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps.

Capability needs are not static but evolve as operating environments and organizations themselves change. Communications is the glue which holds the collective strategy together, explicit communications are vital when dealing with assault maneuvers. Without timely communications Command and Control is lost. During SWAT operations team members routinely communicate deviations to plans, point out known threats and assist in locating and mitigating terrorist through radio communications. Additionally, Sniper-Observer posts continuously report vital information to the Command Center which analyzes and disseminates the information to SWAT operators. With the designated equipment, the SWAT team will have an enhanced capability and be better prepared and equipped to respond to major events. Effective, reliable, and clear communications are the bedrock of any successful tactical operation. When tactical officers can converse easily with each other and dispatch, their operational effectiveness and survivability is enhanced.

Homeland Security Priority Actions

Identify the State Homeland Security Priority Action.

Goal 4. Increase the capability of the state's response system to minimize damage and loss of life from terrorist and criminal attacks and natural and technological disasters

- Objective 4.3. Achieve statewide communications operability and interoperability in Texas
 - Priority Action 4.3.1. Enhance partnerships with regional radio systems across the state to ensure radio system coverage and connectivity for interoperability.

Identify the target group and population expected to benefit from this project.

The Rockwall Police SWAT team provides hazardous operations response for the City of Rockwall and Rockwall County including surrounding cities of Royse City, Heath and Fate. The City of Rockwall covers 30 (29.97) square miles and has a population of 47,251 and is seated in Rockwall County, which has a land mass of 149 square miles and has a total population of 107,000. In addition, The City of Rockwall's daytime population swells by 11% due to the large number of light and heavy manufacturing complexes, office and business space, retails districts and governmental contractors. Further, there are 15 public school campuses and 3 hospitals located in the City. Approximately 8 million people live in the North Central Texas (NCT) region.

Long-Term Approach

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal funds. If sustainment is dependent upon federal grants, describe the ongoing need for future grants, as applicable.

The receiving SWAT Team is responsible for all maintenance, or additional equipment costs outside of the purchase of the grant. They are also responsible for replacement of the equipment upon damage and/or destruction.

Check if this project supports a fusion center.

PROJECT ACTIVITIES

Investment Category Interoperable Emergency Communications

Implementation Strategy

Provide a brief description of how the project activity is performed.

The SWAT Team will conduct an Initial test and evaluation of communication equipment to determine functionality and viability, which is slated to take 30 days. After selection of appropriate equipment, it will be purchased and assigned to team members, followed by training and practical application to ensure a working knowledge and competency with the headsets. Team Member will conduct self checks and continually follow up during each training cycle to determine if any issues or problems have been encountered with the equipment and re-evaluated and addressed any concerns.

CAPABILITIES

DHS Project Type Establish/enhance regional response teams

Core Capability

Identify if this investment focuses on building new capabilities or sustaining existing capabilities.

- New capabilities (Build)
- Existing capabilities (Sustain)

Are the assets or activities deployable or shareable?

- Deployable
- Shareable
- Neither deployable nor shareable

Will this investment require new construction or renovation, retrofitting, or modification of existing structures?

- Yes
- No

Will these funds support a project that was previously funded with HSGP funding?

- Yes
- No

PROJECT MANAGEMENT AND MILESTONES

Project Management Step involved Execute

Check if this project supports a NIMS Typed Resource (i.e., Team, Training, or Equipment).

Resource [EOD, SWAT, Public Safety Dive Team, etc.]
 Team Type Type 3

Enter the amount of funding for each category, UASI and Law Enforcement.

	Personnel	Planning	Organization	Equipment	Training	Exercise	M/A	Total [Calculated]
UASI	0.00	0.00	0.00	50,000.00	0.00	0.00	0.00	\$50,000.00
LE [if applicable]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
Grand Total [Calculated]	0.00	0.00	0.00	50,000.00	0.00	0.00	0.00	\$50,000.00

Overall Budget Description

Narrative of what will be purchased, and explain cost effectiveness, purchasing process, and compliance with all local, state, and federal procurement rules.

Invisio V50 Control Units, which includes the Push to Talk (PTT) that allows for Communication on Multiple Talk Groups on a Single Radio and Multiple Audio Inputs that enable full Compatibility with Modern Team Radios. Invisio X5 Headsets: Provides hearing protection with a bone conduction microphone and functions with air filtration systems and gasmasks. We will follow the guidelines set by the City of Rockwall's local code and best practices to purchase at the equipment at the most competitive through a bid process.

You must include a specific breakdown by funding category. Provide detailed information on exactly what the funding will be used to purchase.

Personnel

Planning

Organization

Equipment

06CP-03-PRAC 24 Sets Invisio V50 Control Units, which includes the Push to Talk (PTT) that allows for Communication on Multiple Talk Groups on a Single Radio and Multiple Audio Inputs that enable full compatibility with modern Team Radios. Invisio X5 Headsets: Provides hearing protection with a bone conduction microphone and functions with air filtration systems and gas masks.

Training

Exercises

M&A

List 3-5 milestones of this project, and then list the intended completion date for each milestone. Milestones should occur throughout the project.

Milestone 1

Test and Evaluate Equipment

Intended Milestone Completion Date 9/1/2022

Milestone 2

Purchase Equipment through a competitive bidding process

Intended Milestone Completion Date 10/7/2022

Milestone 3

Intended Milestone Completion Date 11/17/2022

Milestone 4

Solicit feedback, address any technical issues or concerns and fully implement usage of equipment.

Intended Milestone Completion Date 12/19/2022

Milestone 5

Intended Milestone Completion Date

CITY OF ROCKWALL, TEXAS

RESOLUTION NO. 22-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPLYING FOR AND ACCEPTING GRANT FUNDING FROM THE STATE HOMELAND SECURITY GRANT PROGRAM FOR THE PURPOSE OF EQUIPPING THE ROCKWALL POLICE DEPARTMENT'S SPECIAL WEAPONS & TACTICS (SWAT) TEAM WITH TACTICAL COMMUNICATION HEADSETS; ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF SAID GRANT REQUIREMENTS; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS FOR THE GRANT APPLICATION AND AWARD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall (herein referred to as "the City") supports the Rockwall Police Department and its Special Weapons & Tactics (SWAT) Team; and

WHEREAS, the City likewise supports submission of a grant application to the 2022 State Homeland Security Grant Program (SHSP) to obtain grant funding to equip SWAT Team members with tactical communication headsets that will work with both the specialized equipment team members wear and with department issued radios; and

WHEREAS, the City acknowledges that said equipment will help improve the level of safety and situational awareness of SWAT Team officers; and

WHEREAS, the City understands that matching funds will *not* be required associated with this SHSP grant application submission and/or any associated grant funding which may be awarded; and

WHEREAS, the City agrees that, in the unlikely event of loss or misuse of the grant funds, the City of Rockwall will return said funds in full to the State.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the City of Rockwall hereby designates Mary Smith, Rockwall City Manager, as the grantee's authorized official and empowers her to apply for, accept, reject, alter or terminate the grant on behalf of the City of Rockwall and to execute all documents on behalf of the City; and

Section 2. That the City of Rockwall approves submission of a grant application for the purpose of procuring tactical communication headsets with push-to-talk functionality to the 2022 Texas State Homeland Security Program Grant; and

Section 3. That this Resolution shall be effective immediately after passage and approval, and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7th day of February, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Lea Ann Ewing, Purchasing Agent

DATE: February 7, 2022

SUBJECT: BID AWARD FOR THE PURCHASE OF A 2022-23 POLICE PURSUIT MOTORCYCLE

Attachments

Summary/Background Information

Approved is \$42,680 in the Police Patrol operating budget to replace a 2013 model Traffic Division Motorcycle.

The 2022-23 model Harley-Davidson motorcycle for police pursuit has been competitively bid and available for purchase from Longhorn Harley-Davidson through the Texas Association of School Boards Buy Board Cooperative Purchasing Program contract 601-19. The City, as a member and participant in this cooperative program, has met all formal bidding requirements pertaining to this purchase. Cost of the bike and emergency equipment totals 42,435.53.

Action Needed

For Council consideration is the bid award to Longhorn Harley-Davidson for the 2022/23 Harley-Davidson FLTHP Police Pursuit Motorcycle for \$42,435.53 and authorize the City Manager to execute a purchase order for the new bike.



City of Rockwall
The New Horizon

MEMORANDUM

TO: City Council

FROM: Joey Boyd, Assistant City Manager

DATE: January 31, 2022

SUBJECT: Police Dispatch UPS Upgrade / Relocation

The City of Rockwall is a member of the Rockwall County Interoperable Radio Network. In 2017, when the new radio system was being installed, the Rockwall PD 911 Dispatch Center received a backup power UPS system to aid in carrying dispatch power needs until the building generator would come online in the event of a line power outage.

Due to excessive noise from this UPS unit in the Dispatch Center, backup power had to be diverted to a much smaller and older existing UPS. The UPS unit currently being used is 19 years old and at its end-of-life. It is proposed to relocate the UPS provided with the new radio system to another location outside of the 911 Dispatch Center and upgrade it with new batteries for optimum performance. This system will continue to aid in providing a seamless transition from line power loss to generator power distribution, without interruption to critical dispatch operations.

The City Council is asked to consider approval of the proposal from Tubbesing Solutions, LLC in the amount of \$35,698 for relocation of the hardware, upgrades, and electrical necessary to bring this UPS unit online for the Rockwall Dispatch Center. Funds were approved in the FY 2022 IT Department Operating Budget for this project.



Tubbesing Solutions LLC
 1920 Hutton Ct. #500
 Dallas, TX 75234

Tel: 972-234-3855
 Fax: 972-234-8865

Quote	
Project Number	T202105-22331
Quote Number	00028088
Project Name	City of Rockwall Police Department
Date	December 18, 2021
Prepared By	Heath Wilson
Phone	972-234-3855

Quote To:
Rockwall Police John Vermillion Tips Interlocal Contract 200105 ,

Ship To:
,

UPS Battery replacement and move				
Qty	Part Number	Description	Unit Price	Ext Price
4		Remove 9315 3000 UPS battery frames and replace 12V batteries Recycle existing batteries		
9		Remove XR frames and replace 12V batteries Recycle existing batteries		
1	Equipment Move	Move (4) 9315 UPS and batteries to new location Provide rack in existing room to support stacking UPS and battery frames		
1	Electrical Installation	Install (4) wall mounted L5-20 receptacles and extend circuits above dispatch to connect to existing 120 v ceiling circuits. Labor quoted to be connected to existing dispatch consoles one day at a time. Labor is all quoted as weekday hours.		
			UPS Battery replacement and move Subtotal	\$35,698.00

SubTotal	\$35,698.00
Sales Tax	
Shipping	
Total	\$35,698.00

Notes:

Shipment time: .

FOB: N/A. Freight Terms: Freight N/A.

Quotation Notes

1. Unless noted on quote, Tubbesing Solutions LLC will bill the actual freight amount upon issuance of invoice. If actual freight cost was provided, please note on your purchase order.
2. Sales tax is not included in pricing. Any deliveries made outside the State of Texas will not be charged sales tax. It is the responsibility of the buyer and end user to report and pay any applicable out of state taxes.
3. Pricing does not include inside delivery unless noted in quotation.
4. Please allow 2 weeks for quoted startup on all products.
5. Submittals have a 1 to 2 week lead time depending on manufacturer.
6. A hard copy purchase order must be provided. A purchase order number is not sufficient.
7. TSC General Terms and Conditions apply (See Attachment).
8. Prices good for 30 days.
9. Terms are: Net 30 days with prior approved credit. See attached document.
10. The above pricing does not include any rigging or installation unless noted.

Should you find this proposal acceptable and wish to place an order, please issue your purchase order to Tubbesing Solutions LLC.

Please also include:

- Ship to address with site contact name and phone number
- Tax exemption status with applicable paperwork
- Special delivery requirements (preferred carrier, lift-gate, etc.)
- Purchase order number

Terms & Conditions

Payment is due in net 30 days. Overdue accounts are subject to 1½% monthly charge; annual rate 18%, terms 30, and attorney's fees if collection proceedings are required. Performance of this proposal is contingent on submission of credit application and subsequent approval. **Proposal does not include sales tax, start-up or freight unless otherwise indicated.** All materials are subject to applicable sales taxes unless a tax exempt certificate is supplied by the customer. Freight terms are FOB Factory unless otherwise indicated on proposal.

The contents of this proposal and any other cost or pricing data are proprietary information generated by Tubbesing Solutions LLC for the exclusive use by the client. Contents may not be copied or used for any purpose other than for evaluation by the client. Any other use than that described above is prohibited unless authorized in writing by Tubbesing Solutions LLC.

Customer shall be responsible for all charges and amounts in connection with all transactions requested by Customer and its authorized agents, whether or not Customer (or such agent) is acting on Customer's own behalf, or as an agent, disclosed or undisclosed, for any third party. In the event Customer is acting as an agent on behalf of any third party, in addition to all other requirements of this agreement, Customer shall provide Vendor, in writing prior to the delivery of any product or service hereunder, with the name, address, correct legal name, type of legal entity, and identify, as applicable, of all officers, owners, shareholders and/or partners of such entity. Provision of the aforementioned information shall not limit, in any manner, Customer's liability pursuant to this agreement.

All material is guaranteed to be as specified. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate.

Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the administrator(s) may be entered in any court having jurisdiction thereof, provided however, that this shall be in addition to any rights and remedies available under applicable mechanic's lien laws or bond rights.

Products Order Cancellation Policy:

Order Status	Cancellation Charge as a Percent of the Order
Hold for release order entry	0%
Submittals completed	10%
Material ordered*	40 to 60% *(dependent upon if manufacturer allows for cancellations)
Production/fabrication started*	90% *(dependent upon if manufacturer allows for cancellations/restocking)
Product shipped to customer*	100% *(dependent upon materials that may be returned to vendor(s))

NOTE: This proposal may be withdrawn by TSC if not accepted within 30 days.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Amy Williams, P.E., Director of Public Works/City Engineer

DATE: February 7, 2022

SUBJECT: W. QUAIL RUN ROAD SANITARY SEWER IMPROVEMENT PROJECT

Attachments
Contract

Summary/Background Information

Staff requested a proposal from Birkhoff, Hendricks and Carter, L.L.P. to provide the engineering design, construction plans and specifications for this sanitary sewer project. The contract proposal for this project is \$57,310.00.

Action Needed

Staff requests that the City Council consider approving the professional engineering services contract for Birkhoff, Hendricks and Carter, L.L.P., to perform the engineering design services and specifications in an amount not to exceed \$57,310.00 and authorize the City Manager to execute the contract.

STATE OF TEXAS



COUNTY OF ROCKWALL



PROFESSIONAL ENGINEERING SERVICES CONTRACT

This Agreement is made and entered into in Rockwall County, Texas, between City of Rockwall, Texas (“CITY”), a municipal corporation and political subdivision of the State of Texas, acting by and through its City Manager and Birkhoff, Hendricks and Carter, L.L.P., (“ENGINEER”), located at 11910 Greenville Avenue, Suite 600, Dallas, Texas, Engineers duly licensed and practicing under the laws of the State of Texas.

WHEREAS, CITY desires to engage Engineer as an independent contractor to render certain technical and professional services necessary for performing:

PROFESSIONAL ENGINEERING SERVICES for the W. Quail Run Road Sanitary Sewer Improvements project.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the Parties hereby agree as follows:

1. Scope of Work

Engineer agrees to perform professional engineering services as specifically defined in this Contract as Attachment “A” and as authorized by CITY. Specifically, Engineer shall perform Professional services as requested by CITY and defined in Attachment “A”.

The Parties by mutual agreement through contract amendments may provide for additional technical and professional services to be performed under the basic general terms and conditions of this Contract. CITY reserves the right to enter into another agreement with other engineering firms to provide the same or similar professional services during the term of this Contract for different projects.

2. Compensation & Term of Agreement

Cost for such services will be an amount not to exceed Fifty-Seven Thousand Three Hundred Ten dollars and zero cents (\$57,310.00) and billed in accordance with the payment schedule provided in Attachment “B”. Engineer is not authorized to perform any work beyond the limited not to exceed amount without authorized written approval by CITY.

The term of this Agreement shall commence upon execution of this agreement and follow the schedule described in Attachment “C”. In the event of termination, Engineer will assist the CITY in arranging a smooth transition process. However, Engineer’s obligation to provide services to the CITY will cease upon the effective date of termination, unless otherwise agreed in writing.

3. Method of Payment

CITY shall pay Engineer its fees based on the presentation by Engineer to CITY of a correct monthly statement for all the amounts earned under the Contract together with reasonable supporting documentation verifying the accuracy of the fees and expenses. CITY shall then pay Engineer its fee within thirty (30) days after presentation of the accurate monthly statement by Engineer to CITY. CITY is a State sales and use tax exempt political subdivision of the State of Texas. All records supporting payment shall be kept in the offices of Engineer for a period of not less than three (3) years and shall be made available to CITY for inspection, audit or copying upon reasonable request.

4. Engineer's Standard of Care

Engineer shall provide its services under this Contract with the same degree of care, skill and diligence as is ordinarily provided by a professional Engineer under similar circumstances for a similar project. Engineer represents that it has the capability, experience, available personnel, and means required to perform the services contemplated by this Contract. Services will be performed using personnel and equipment qualified and/or suitable to perform the work requested by the CITY. CITY retains the right to report to Engineer any unsatisfactory performance of Engineer personnel for appropriate corrective action. Engineer shall comply with applicable federal, state, and local laws in connection with any work performed hereunder.

Engineer will seek written CITY approval to accept any contract or perform any services for any person, entity, or business working on this project. CITY may waive this potential conflict, but such waiver is at CITY's sole discretion and its decision shall be final.

5. Ownership of Documents

As part of the total compensation which CITY has agreed to pay Engineer for the professional services to be rendered under this Contract, Engineer agrees that hard copies of all finished and unfinished documents, data, studies, surveys, drawings, specifications, field notes, maps, models, photographs, preliminary reports, reports, bid packet/construction contract documents/advertisement for bids incorporating any CITY standard provisions provided by Engineer, will remain the property of the CITY. Engineer will furnish CITY with paper and electronic copies, to the extent they are available, of all of the foregoing to facilitate coordination, however, ownership of the underlying work product shall remain the intellectual property of the Engineer. Engineer shall have the right to use such work products for Engineer's purposes. However, such documents are not intended to be suitable for reuse by CITY or others on extension of the Project or on any other project. Any reuse without the express written consent of the Engineer will be at reuser's sole risk and without liability or legal exposure to the Engineer, and CITY to the extent allowed by law, shall hold harmless the Engineer from all claims, damages, losses, expenses, and costs, including attorneys' fees arising out of or resulting from the reuse of said documents without the Engineer's consent. The granting of such consent will entitle the Engineer to further compensation at rates to be agreed upon by CITY and the Engineer. The above notwithstanding, Engineer shall retain all rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary and intellectual property information provided pursuant to this Contract, whether or not such proprietary information was modified during the course of providing the services.

6. Insurance

A. Engineer agrees to maintain Worker's Compensation and Employer's Liability Insurance to cover all of its own personnel engaged in performing services for CITY under this Contract in at least the following amounts:

Workmen's Compensation – Statutory
Employer's Liability – \$100,000
Bodily Injury by Disease - \$500,000 (policy limits)
Bodily Injury by Disease - \$100,000 (each employee)

B. Engineer also agrees to maintain Commercial General Liability, Business Automobile Liability, and Umbrella Liability Insurance covering claims against Engineer for damages resulting from bodily injury, death or property damages from accidents arising in the course of work performed under this Contract in not less than the following amounts:

\$2,000,000 General aggregate limit

\$1,000,000 each occurrence sub-limit for all bodily injury or property damage incurred all in one occurrence

\$1,000,000 each occurrence sub-limit for Personal Injury and Advertising

C. Engineer shall add CITY, its City Council members and employees, as additional insureds on all required insurance policies, except worker's compensation, employer's liability and errors and omissions insurance. The Commercial General Liability Policy and Umbrella Liability Policy shall be of an "occurrence" type policy.

D. Engineer shall furnish CITY with an Insurance Certificate on the date this Contract is executed and accepted by CITY, which confirms that all above required insurance policies are in full force and effect.

E. Engineer agrees to maintain errors and omissions professional liability insurance in the amount of not less than one million dollars (\$1,000,000) annual aggregate, on a claims made basis, as long as reasonably available under standard policies.

7. INDEMNIFICATION

ENGINEER SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS CITY COUNCIL MEMBERS AND EMPLOYEES FROM SUITS, ACTIONS, LOSSES, DAMAGES, CLAIMS, OR LIABILITY, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL EXPENSES OF LITIGATION, COURT COSTS, AND REASONABLE ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS OF ENGINEER OR ITS AGENTS OR EMPLOYEES, IN THE EXECUTION OF PERFORMANCE OF THIS CONTRACT.

ENGINEER'S TOTAL LIABILITY TO CITY FOR ANY LOSS OR DAMAGES FROM CLAIMS ARISING OUT OF, OR IN CONNECTION WITH, THIS CONTRACT FROM ANY CAUSE INCLUDING ENGINEER'S STRICT LIABILITY, BREACH OF CONTRACT, OR PROFESSIONAL NEGLIGENCE, ERRORS AND OMISSIONS SHALL NOT EXCEED ONE MILLION DOLLARS (\$1,000,000). NEITHER PARTY TO THIS AGREEMENT SHALL BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY CLAIMING THROUGH THE OTHER RESPECTIVE PARTY, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, LIQUIDATED, DELAY OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING BUT NOT LIMITED TO LOST PROFITS OR USE OF PROPERTY, FACILITIES OR RESOURCES, THAT MAY RESULT FROM THIS AGREEMENT, OR OUT OF ANY GOODS OR SERVICES FURNISHED HEREUNDER.

8. Addresses for Notices and Communications

CITY

Amy Williams, P.E.
Director of Public Works/City Engineer
City of Rockwall
385 S. Goliad Street
Rockwall, Texas 75087

ENGINEER

Derek B. Chaney, P.E., R.P.L.S.
Partner
Birkhoff, Hendricks & Carter, L.L.P.
11910 Greenville Ave., #600
Dallas, Texas 75243

All notices and communications under this Contract shall be mailed or delivered to **CITY** and **Engineer** at the above addresses.

9. Successors and Assigns

CITY and Engineer each binds itself and its successors, executors, administrators and assigns to the other parties of this Contract and to the successors, executors, administrators and assigns of such other parties, in respect to all covenants of this Contract. Except as noted in the first part of this Paragraph, neither CITY nor Engineer shall assign, sublet or transfer its interest in this Contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer, council member, employee or agent of any public body which is a party hereto.

10. Termination for Convenience of the Parties

Engineer and CITY may terminate this Contract for their convenience at any time by giving at least thirty (30) days notice in writing to each other. If the Contract is terminated by CITY and/or Engineer as provided herein, Engineer will be paid for the Work provided and expenses incurred up to the termination date, if such final compensation is approved by CITY, in its sole discretion. If this Contract is terminated due to the fault of Engineer, Paragraph 10 hereof, relative to Termination for Cause, shall apply.

11. Changes

CITY may, from time to time, request changes in the Scope of Work of **Engineer** to be performed hereunder. Such changes, including any increase or decrease in the amount of **Engineer's** compensation, or time for performance, which are mutually agreed upon by and between CITY and **Engineer**, shall be incorporated in written amendments to this Contract. Any subsequent contract amendments shall be executed by the City Manager or other authorized representative as designated by the City Manager or City Council.

Any alterations, additions or deletions to the terms of this Contract, including the scope of work, shall be by amendment **in writing** executed by both CITY and Engineer.

13. Reports and Information

Engineer, at such times and in such forms as CITY may reasonably require, and as specified in the Scope of Work or in additional Contract Amendments shall furnish CITY periodic reports pertaining to the Work or services undertaken pursuant to this Contract, the cost and obligations incurred, or to be incurred in connection therewith, and any other matter covered by this Contract.

14. Entire Agreement

This Contract and its Attachments and any future Contract Amendments constitute the entire agreement, and supersede all prior agreements and understandings between the parties concerning the subject matter of this Contract.

15. Waiver

The failure on the part of either party herein at any time to require the performance by the other party, of any portion of this Contract, shall not be deemed a waiver of, or in any way affect that party's rights to enforce such provision, or any other provision. Any waiver by any party herein of any provision hereof, shall not be taken or held to be a waiver of any other provision hereof, or any other breach hereof.

16. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract.

17. Survival

Any and all representations, conditions and warranties made by Engineer under this Contract are of the essence of this Contract and shall survive the execution, delivery and termination of it.

18. Governing Powers and Law

Both Parties agree and understand that the City does not waive or surrender any of its governmental powers by execution of this Agreement. To that end, the parties further understand that this agreement shall not be considered a contract for goods or services under Texas Local Government Code, Section 271.151 and Contractor waives any right or entitlement granted said provisions. This Contract is governed by the laws of the State of Texas and all obligations of the parties under this Contract are performable in Rockwall County, Texas.

19. Attorney's Fees

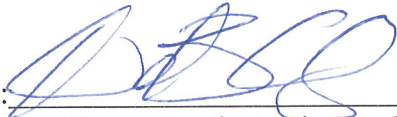
If it is necessary for either Party herein to file a cause of action at law or in equity against the other Party due to: (a) a breach of this Contract by the other Party and/or (b) any intentional and/or negligent act or omission by the other Party arising out of this Contract, the non-breaching or non-negligent Party shall be entitled to reasonable attorney's fees and costs, and any necessary disbursements, in addition to any other relief to which it is legally entitled.

20. State or Federal Laws

This Contract is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

EXECUTED in triplicate originals on this 12th day of January 2022.

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
A Texas Limited Liability Partnership
TPBE Firm No. 526
TBPLS Firm No. 100318-00

By: 
Name: Derek B. Chaney, P.E., R.P.L.S.
Title: Partner

EXECUTED in triplicate originals on this ____ day of _____ 2022.

ATTEST:

City of Rockwall, Texas

Mary Smith
City Manager

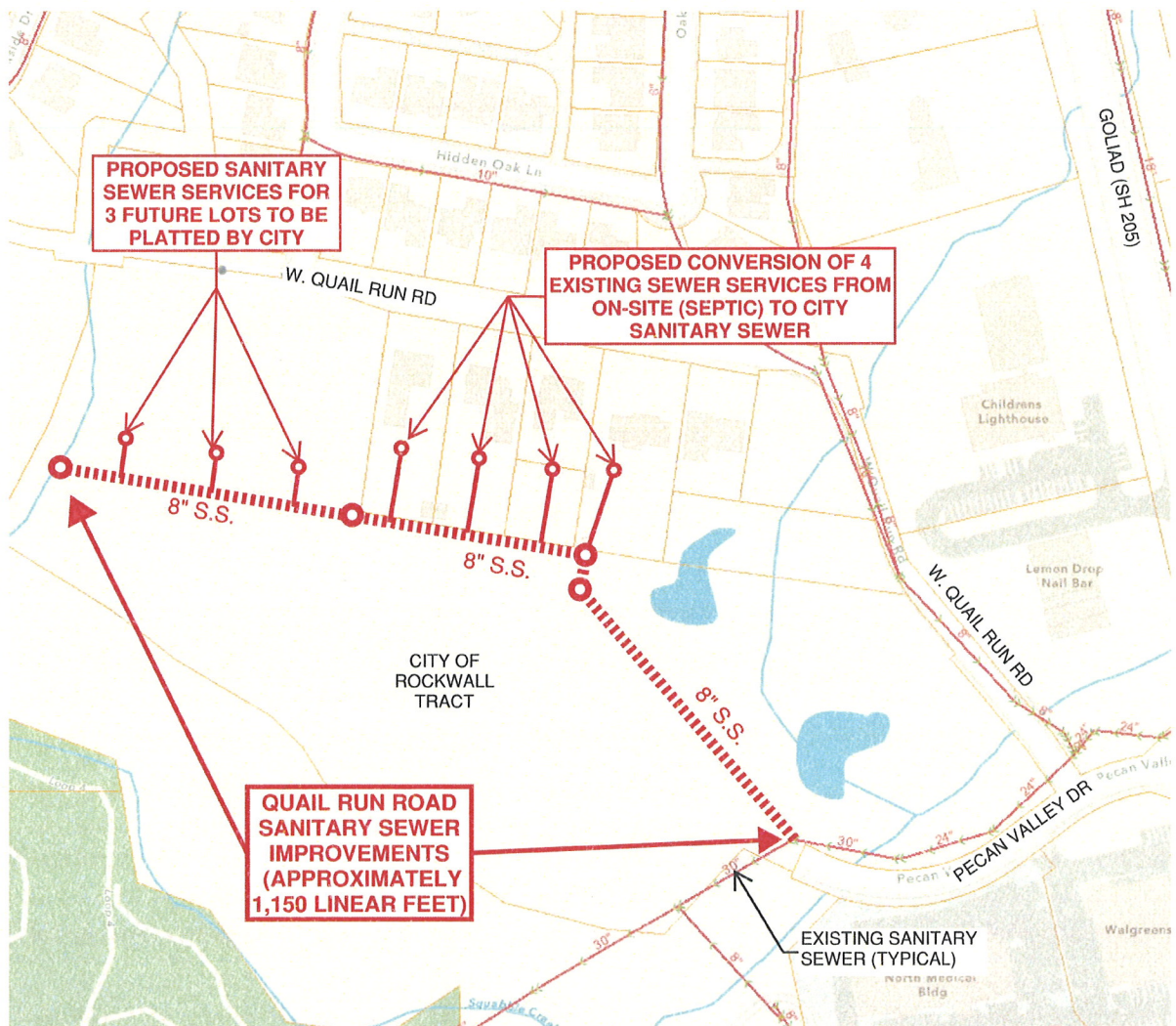
ATTACHMENT "A"

Scope of Services

W. Quail Run Road Sanitary Sewer Improvements

Project Description:

The City of Rockwall (City) desires to engage the services of Birkhoff, Hendricks and Carter, L.L.P. (Consultant) to provide engineering design, bidding, construction administration, and topographic surveying services for the W. Quail Run Road Sanitary Sewer Improvements project. A project location map is provided below.



The proposed 8-inch diameter sanitary sewer improvements begin at the termination of Pecan Valley Drive and extend northwest approximately 1,150 linear feet. The proposed sanitary sewer will provide service to four existing residences currently service by on-site sewer treatment systems (e.g., septic), and three new lots to be platted by the City at a future date (not this contract). The proposed improvements will be situated on a parcel owned by the City of Rockwall.

BASIC SERVICES

1. Design Phase

1.1. Project Management

- 1.1.1. Conduct project kickoff meeting with Consultant's Project Manager and City Staff.
- 1.1.2. Conduct progress meetings with the City at 60% and 90% completion to monitor the development of the project regarding project status, coordination issues and discuss City review comments of the plans.
- 1.1.3. Prepare and send Project Status Update (PSU) to City's Project Manager on monthly basis. PSU will summarize work completed in previous period, work in process and/or anticipated to be completed in next period, actions or information needed from City, and a Project schedule update. PSU will be attached to the monthly invoice.
- 1.1.4. Prepare and submit project schedule to city staff.
- 1.1.5. Conduct one project site visit.

1.2. Preliminary Design

- 1.2.1. Obtain available construction record drawings for the City Utilities in the improvement area from the City. Research and obtain additional construction record drawings if needed.
- 1.2.2. Conduct Property Research to obtain relevant plats, deeds, existing right-of-way (ROW) and easement information from Rockwall County records, and other records provided by the city.
- 1.2.3. Develop base map showing existing property lines, known easements, and known utilities in the vicinity of the proposed improvements.
- 1.2.4. Establish preliminary horizontal alignments for the proposed sanitary sewer improvements.
- 1.2.5. Coordinate with the City to arrange for the Public Works Department to pothole existing City utilities as necessary.

1.3. Submittals

- 1.3.1. Submit 60% and 90% progress submittals to the City for review and comment. The following will be required for each submittal:
 - (a) Construction Plans
 - i. Two (2) Half Size copies – 11-inch x 17-inch
 - ii. Electronic PDF copy
 - iii. Electronic PDF copy– Scanned City comments previous submittal
 - (b) Engineer's Opinion of Probable Construction Cost
 - i. Two (2) Copies and electronic PDF copy
 - (c) 90% – Project Specifications and Bidding Documents
 - i. Two (2) Copies and electronic PDF copy

1.4. Construction Plans

- (a) Each plan sheet in the construction plans set will conform to the Engineering Drawing Requirements set forth in the City of Rockwall's Standards of Design and Construction.
- (b) Plan sheets will include additional documentation, notation, and clarification required by the City's Project Manager.
- (c) Each stage of the construction plan review process will address City comments from previous submittals.

- (d) Following is a table of the required construction plan sheets and at which submittals they are required.

Plan Sheets	60%	90%
Cover Sheet w/ Location Map and Sheet Index	X	X
General Notes Sheet	X	X
Horizontal/Vertical Coordinate Control Sheets (1"=40' scale)	X	X
Erosion Control Plans (1"=40' scale)		X
Sanitary Sewer Plan/Profiles (1"=20'H, 1'=5'V scale)	X	X
Surface Restoration Plan (1"=40' scale)		X
Construction Sequencing & Access Plan (no greater than 1"=100' scale)		X
Construction Details		X

- (e) Prepare plan-profile sheets for the sanitary sewer improvements at a horizontal scale of not less than 1"= 40' on 11"x17" sheet size.
- (f) Show approximate horizontal and vertical location of utility crossings along the proposed alignment from record drawings and field surveys.
- (g) Identify existing sanitary sewer cleanouts and service lines to be converted from on-site sewer treatment (septic) system to the proposed sanitary sewer.
- (h) Coordinate with the City to obtain location for placement of three (3) new sanitary sewer services for future lots to be platted later.
- (i) Review FEMA flood plain mapping to determine approximate elevation of 100-year floodplain along the route. If necessary, design improvements to set proposed manhole rim elevations above flood plain elevation and/or provide sealed manholes with venting at TCEQ required spacing.
- (j) Design vertical profile of proposed sanitary sewer improvements.
- (k) Design connections of proposed sanitary sewer to the existing wastewater collection system.
- (l) Prepare site access plan.
- (m) Prepare erosion control plans.
- (n) Prepare surface restoration plan to identify required replacement limits for revegetation.
- (o) Select applicable City standard construction details and incorporate into the plans. Prepare additional details as required.
- (p) Complete internal QA/QC review of the 90% plans, and address comments.

1.5. Franchise Utility Coordination

- (a) Obtain list of franchise utility contacts from the city. (60%)
- (b) Provide electronic PDF set of preliminary construction plans adequate for franchise utility relocation via email to each franchise utility for their review. Request each franchise utility to mark up the plans to show the size, type and location of their existing and proposed utilities. (60%)
- (c) If required, attend one franchise utility coordination meetings hosted by the City.
- (d) Notify the city if franchise utility relocations are required. (90%)
- (e) Conduct coordination with the franchise utilities if any relocations are required. (90%)

1.6. Specifications/Construction Contracts (90%)

Prepare general notes, specifications, and bidding documents in accordance with City of Rockwall requirements. Identify and prepare special specifications and/or special provisions applicable to the project. Prepare proposal and bid schedule of applicable items.

1.6.1. Contract documents will include the following:

- (a) City of Rockwall standard construction contract forms
- (b) Notice to bidders
- (c) Special instructions to bidders
- (d) Bid Schedule (Bid-Tab) – Electronic for Bidding
- (e) Standard construction contract
- (f) Performance bond
- (g) Payment bond
- (h) Maintenance bond
- (i) Certificate of insurance
- (j) General conditions
- (k) Special conditions
- (l) Technical specifications
- (m) Bid Item Descriptions
- (n) Permits for work as may be required from the USACE

1.7. Engineer's Opinion of Probable Construction Cost (60% and 90%)

Generate tabulation of proposed quantities of work and formulate an engineer's opinion of probable construction cost based on historic bidding data of similar projects.

2. Bidding Phase

- 2.1. Furnish the City with one 11-inch x 17-inch set of final construction plans, and one set of final Bidding Documents and Specifications for use during the bidding phase. Documents shall also be provided to the City in electronic PDF format.
- 2.2. City will be responsible for public advertisement of the project in the local newspaper.
- 2.3. Consultant will upload a PDF version of the plans and specifications to the project bidding distribution site CivCast. Consultant will manage the project for the City on CivCast, which will include setting up project, payment of fees, document upload, and issuing of addendum(s).
- 2.4. There will be no pre-bid meeting.
- 2.5. Consultant will respond to contractor questions submitted via phone call and email correspondence only. Consultant will provide design clarifications in addenda format, sealed, signed, and dated. The Consultant will upload the addenda to CivCast. All addenda will be posted a minimum of 48-hours before the bid opening.
- 2.6. Attend the Bid Opening at City Hall.
- 2.7. Consultant shall complete tabulation of bids, checking for mathematical errors and unbalanced bids. Original bid documents to be returned to the City after tabulation.
- 2.8. Provide bid tabulation and bid summary, in PDF format, to City via email and to Contractors who submitted bids via CivCast.
- 2.9. Obtain experience record and references from the apparent low bidder. Check references of apparent low bidder. Formulate opinion from information received and provide a letter of recommendation to the City for award of a construction contract.

- 2.10. After award of contract by the City, Return Bid Bonds to their respective bidders.
- 2.11. Assemble and prepare five (5) sets of construction contract documents between the City and the contractor and facilitate execution of all sets by both parties.

3. Construction Administration Phase

- 3.1. Conform construction plans and project specifications to addendums.
- 3.2. Pre-Construction Meeting: Prepare for and attend the Pre-Construction Meeting prior to commencement of Work at the Site. Consultant to provide the following quantities of plans and specifications for distribution at the Pre-Construction Meeting.
 - a) Half-size plans (11-inch x 17-inch) plans – (15 Total)
 - 7 – City (File, Engr. Dept. PM, Inspector, Sub-Inspector, Water, Wastewater, Streets/Drainage)
 - 4 – Franchise Utility Company Reps. (AT&T, Atmos, TXU/ONCOR, Charter)
 - 3 – Contractor/Sub-contractors
 - 1 – Geotech/Materials Testing Lab
 - b) Full-size plans (24-inch x 36-inch) plans – (5 Total)
 - 2 – City (File and Inspector)
 - 3 – Contractor/Subcontractors
 - c) Specification Books – (7 Total)
 - 3 – City (Engr. PM, Inspector, Sub Inspector)
 - 3 – Contractor/Subcontractors
 - 1 – Geotech/Materials Testing Lab
 - d) Plan Set “Approved for Construction” on CD.
- 3.3. Attend on-site construction observation meetings to observe progress, clarify design concepts and/or assist with solutions needed to overcome obstacles in construction (as applicable to scope of work) or to study and evaluate possible practical alternative solutions. Two (2) site visits are included in the budget.
- 3.4. When requested by the city, provide a memo of the site visit observations to the city.
- 3.5. Clarifications and Interpretations. Issue clarifications and interpretations of the Contract documents to City as appropriate. Field Orders authorizing variations from the requirements of the Contract Documents will be made by City from clarifications and interpretations made by the Consultant.
- 3.6. Shop Drawings and Samples. Review and take appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to Submit. Review of shop drawings will be completed by review of electronic PDF files provided by the Contractor. Consultant review and appropriate action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs. Such appropriate action of the Consultant is limited to the following:
 - (a) No exceptions taken,
 - (b) Revise and resubmit,
 - (c) Make corrections noted, and
 - (d) Rejected.
- 3.7. Substitutes and “or-equal”. Evaluate and determine the acceptability of substitute or “or-equal” materials and equipment proposed by Contractor in accordance with the Contract documents, but subject to the provisions of applicable standards of state or local government entities. “Or-equal” acceptance by the Consultant will only be provided if the Consultant has experience with the substitution.

- 3.8. Limitation of Responsibilities. The Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work.
- 3.9. Construction Walk Through. Consultant shall be present at the City's construction walk through and will prepare a "punch/checklist" for the contractor to use to achieve final project acceptance.

ADDITIONAL SERVICES

The following scope items defined as additional services are those anticipated to be necessary to facilitate design of the project. These services will be performed on an as-need basis and invoiced based on effort and expenses incurred.

4. Design Surveys

- 4.1. Consultant will prepare and send a "Request for Right of Entry for Surveying" and "Start of Engineering Design Notice" documents to property owners immediately adjacent to the proposed project route via regular U.S. Postal Service. Templates for documents and information for property owners will be provided by the City.
- 4.2. Consultant will submit request to Texas 811 for location of franchise utilities.
- 4.3. Consultant will submit request for location of City Utilities by calling City Service Center at 972-771-7730.
- 4.4. Design Surveys
 - 4.4.1. Establish horizontal control points and temporary vertical control benchmarks in the vicinity of the proposed improvements.
 - 4.4.2. Perform field survey to identify and tie the horizontal and vertical location of relevant topographic elements. The field survey shall include, but is not limited to the following:
 - (a) Property boundary corner monumentation (that can be located)
 - (b) Sanitary sewer manholes (including measurement to pipe flow line)
 - (c) Perimeter of ponds, if necessary.
 - (d) Top of bank, toe of bank and flow line of drainage channels/tributary.
 - (e) Utility vaults, water valves, water meters, wastewater cleanouts, sprinkler heads, utility poles, utility markers, and City and franchise utilities and markings
 - (f) Trees, including species and caliper (2-inch caliper and larger)
 - (g) Landscape features, including planters, shrubs, rocks and borders
 - (h) Buildings and permanent structures
 - (i) Retaining walls, fences and screening walls (including material type)

5. Construction Record Drawing Preparation

- 5.1. Consultant shall prepare project "Record Drawings" based on information provided by the Contractor, and/or City as to the actual field placement of the work, including any changes or deletions. All documented field changes and revisions provided shall be shown and noted in the revision block. Revisions shall be drawn using accepted drafting standards and shall be clear and legible. Line work and notes related to work deleted or changed shall be omitted from the Record Drawing. Record drawings shall be sealed, dated and signed by the Engineer of Record in accordance with the Texas Board of Professional Engineers Policy Advisory Opinion Regarding Record Drawings.
- 5.2. Consultant shall provide the following deliverables:

- (a) Electronic copy of the record drawings shall be submitted on CD/DVD or flash drive in the following formats.
 - i. AutoCAD (.dwg) format
 - ii. Portable Document File (PDF) 400 dpi (min) (22-inch x 34-inch paper size)
- (b) If applicable, an electronic copy of geotechnical reports, survey data, photographs, and exhibits used for the project, in .PDF or jpg format.
- (c) Electronic copy of project specifications in Microsoft Word (.doc) and PDF format.

ATTACHMENT "B"

Payment Schedule

Compensation for Basic Services in Tasks 1-3 shall be on a lump sum basis. The tabulation below establishes the not to exceed amount for each category of contract service:

	<u>Task</u>	<u>Fee Amount</u>
	<u>BASIC SERVICES</u>	
1	Design Phase	\$26,600.00
2	Bidding Phase	\$5,000.00
3	Construction Administration Phase	\$9,800.00
	Basic Services Subtotal:	\$41,400.00
Compensation for additional services under Tasks 4-5 shall be on an hourly basis of salary cost times a multiplier of 2.45 for time expended on the task. Field survey crew shall be based on \$170.00 per hour, inclusive of all equipment rentals and software licensing; plus, mileage charge at the IRS established rate. Expenses shall be at invoice cost times a multiplier of 1.15.		
	<u>ADDITIONAL SERVICES</u>	
4	Design Surveys	\$7,600.00
5	Construction Record Drawing Preparation	\$3,100.00
	Additional Services Subtotal:	\$10,700.00
	Basic + Additional Services Subtotal:	\$52,100.00
	ENGINEERING SERVICES CONTINGENCY** (To be 10% of Services)	\$5,210.00
	<i>** (This service is a miscellaneous amount to be used at the discretion of the City for additional Services outside of the scope of the contract. This item will be controlled by the City and will only be used if the City chooses. The Engineer has no right or guarantee to the use of this Contingency)</i>	
	Project Total:	\$57,310.00

Fees that are Lump Sum for each task and will be invoiced monthly based upon the overall percentage of services performed.

ATTACHMENT “C”

Project Schedule

Notice to Proceed (NTP)	February 2022
Complete Field Surveys	February 2022
Submit 60% Preliminary Plans	May 2022
Submit 90% Preliminary Plans & Specifications	August 2022
Submit 100% Final Plans & Specifications	September 2022
Advertise Project & Open Bids	September – October 2022
Construction Contract Award	October 2022
Construction (Assumes 90 Calendar Days)	November 2022 – January 2023

ATTACHMENT “D”

Sub-Consultants

No Sub-Consultants are anticipated for the work included in the scope of services for this project.



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Kristy Teague, City Secretary / Asst. to the City Manager

DATE: February 7, 2022

SUBJECT: RESOLUTION CALLING THE MAY 7, 2022 GENERAL ELECTION

Attachments

Resolution (Order Calling Election)

Summary/Background Information

This resolution serves to call a General Election to be held on May 7, 2022 for the purpose of electing three City Council Members - one each for Places 2, 4 and 6. Terms for all elected Rockwall City Council Members are for a period of two years. Two of the three incumbents - Trace Johannesen, Place 4; and Anna Campbell, Place 6 - are eligible to run for re-election, and both have filed an Application for a Place on the Ballot to do so. Councilmember John Hohenshelt, who currently serves in Place 2, will be 'termining out,' having served the maximum allowable length of time according to the city charter. So far, applicant Mark Moeller has filed to run in that seat (Place 2). The deadline to file an application to run for city council is Friday, February 18 at 5:00 p.m. If it turns out that all three seats end up being 'uncontested,' an order cancelling the election will be brought before Council for consideration at a future date. It should be noted that a joint election agreement between the City, RISD and Rockwall County will also be brought forth at a later date, as the City of Rockwall will again appreciate the opportunity to have the Rockwall County Elections Office administer the city's election on its behalf.

Action Needed

Council is asked to consider approving the resolution calling the May 7, 2022 City of Rockwall General Election.

CITY OF ROCKWALL, TEXAS
RESOLUTION NO. 22-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, CALLING A GENERAL ELECTION TO BE HELD JOINTLY WITH THE ROCKWALL INDEPENDENT SCHOOL DISTRICT AND ADMINISTERED BY THE ROCKWALL COUNTY ELECTIONS ADMINISTRATOR ON SATURDAY, MAY 7, 2022 FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS - ONE (1) FOR PLACE 2, ONE (1) FOR PLACE 4, AND ONE (1) FOR PLACE 6 - EACH FOR TWO (2) YEAR TERMS; DESIGNATING THE ENTIRE CITY AS ONE ELECTION PRECINCT; DESIGNATING THE POLLING PLACES; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SAID ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 41.001(a) of the Texas Election Code, as amended (the "Code") specifies that each general or special election in this state shall be held on the first Saturday in May in an even-numbered year and that a general election of a city may be held on such day; and

WHEREAS, the City Council of the City of Rockwall, Texas (hereinafter referred to as the "City"), in accordance with its City Charter, Section 5.01, has determined that the City shall conduct general municipal elections on the first Saturday in May 2022; and

WHEREAS, Section 271.002(a) of the Texas Election Code authorizes two or more political subdivisions to enter into an agreement to hold elections jointly in the election precincts that can be served by common polling places; and

WHEREAS, the City of Rockwall and Rockwall Independent School District desire that a joint election be held in order to provide a convenient, simple, and cost-saving election to the voters in their respective jurisdictions; and

WHEREAS, the City of Rockwall and Rockwall County Elections Administrator will enter into an agreement setting out their respective duties and responsibilities for the May 7, 2022 election; and

WHEREAS, by this Resolution, it is the intention of the City Council to: (i) call for said election to be held on said date, (ii) designate the entire City as one election precinct, (iii) designate the Rockwall County Library as the polling place for the election and (iv) establish and set forth procedures for conducting said election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. Incorporation of Premises. That all of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Election Date, Purpose of Election, Officers and Terms of Office. That a General Election is hereby ordered to be held in and throughout the City of Rockwall on Saturday, May 7, 2022, for the purpose of electing three (3) Council Members - one (1) for Place 2, one (1) for Place 4, and one (1) for Place 6 - each for two (2) year terms.

Section 3. Eligibility for Candidacy. That in accordance with Section 22.032 of the Texas Local Government Code and Section 5.02 of the City Charter of the City of Rockwall, no person shall be eligible for the office of Council Member, unless he/she is a registered voter who shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the filing deadline, shall be twenty-one years old and not be in arrears in payment of taxes or other liabilities due the City. In accordance with Section 5.04 of the City Charter, a plurality vote is required to be elected and declared the winner.

Section 4. Application for a Place on the Ballot. That in accordance with Section 143.007 of the Code, any eligible and qualified person may have his/her name printed upon the official ballot as a candidate for the offices herein before set forth by filing his/her sworn application with the City Secretary not earlier than 8:00 a.m., January 19, 2022 and not later than 5:00 p.m., February 18, 2022. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Election Precinct, Polling Place, and Election Hours. That the entire City of Rockwall, Texas shall constitute one (1) election precinct for the election, and the election day polling place is hereby designated to be located at the Rockwall County Library – 1215 E. Yellow Jacket Lane, Rockwall, TX 75087. In accordance with and pursuant to the requirements of the Code, said polling place shall be open from 7:00 a.m. until 7:00 p.m. on the date of the election (Saturday, May 7).

Section 6. Early Voting. That the main location for early voting by personal appearance shall be the Rockwall County Library - 1215 E. Yellow Jacket Lane Rockwall, TX 75087 - and that early voting shall be conducted there on the following dates and times:

Monday, April 25 through Friday, April 29 from 8:00 a.m. until 5:00 p.m.;
Saturday, April 30 from 10:00 a.m. until 3:00 p.m.;
Sunday, May 1 (CLOSED)
Monday, May 2 and Tuesday, May 3 from 7:00 a.m. until 7:00 p.m.

Qualified voters of the City of Rockwall may also vote early at any of the additional, countywide (branch) early voting locations open under contract with the Rockwall County Elections Administration. Said locations, once determined, will be advertised on the City of Rockwall website at: www.rockwall.com/citysec.asp under the “City Elections” heading.

Applications for ballot by mail (ABBM) and Federal Postcard Applications (FPCA) shall be requested from and mailed to:

Rockwall County Election Administrator
915 Whitmore Drive, Suite D
Rockwall, TX 75087.

Applications may be obtained by contacting the County Elections Office by phone at (972) 204-6200 or by e-mail at elections@rockwallcountytexas.com. The Early Voting Clerk's website is: www.rockwallvotes.com. The last day to receive an application by mail for a ballot to be voted by mail is no later than the close of business on April 26, 2022.

Section 7. Method of Voting. That ES&S' ExpressVote System shall be used for early voting by personal appearance and for Election Day voting. Optical scan ballots shall be used for early voting by mail. The City Secretary, acting as chief elections officer, shall ensure at least one (1) ES&S ExpressVote "ADA" approved voting machine is provided at the polling place as required by Section 61.012, of the Texas Election Code.

Section 8. Governing Law and Qualified Voters. That the election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident, qualified electors of the city, shall be eligible to vote at the election.

Section 9. Publication and Posting of the Notice. That notice of the election in English and Spanish shall be given by posting a notice of election on the City Hall bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper of general circulation in accordance with Section 2051.44 of the Texas Government Code, the date of said publication to be not less than ten (10) days and not more than thirty (30) days prior to the date set for the election.

Section 10. That the Rockwall County Elections Administrator shall serve as the Administrator of the election to be held on May 7, 2022. The Elections Administrator shall appoint a sufficient number of judges and clerks in accordance with Chapter 32 Texas Elections Code to assist in the proper conduct of the election.

Section 11. Delivery of Returns: Preservation of Election Records. That in accordance with the City's contract with the Rockwall County Elections Administrator, the returns of said election shall be made in accordance with the Code. All election records and supplies shall be preserved by the County, on behalf of the City, in accordance with the Code.

Section 12. Representatives. That the following slate of officials and other designated persons are hereby authorized but not required to be present to observe the election counting process:

- the Mayor and members of the City Council of the City of Rockwall;
- candidates for the City Council of the City of Rockwall; and
- the Rockwall City Secretary or her designated representative.

Section 13. Canvassing of Returns. That the City Council of the City shall convene between May 10, 2020 and May 18, 2022 to canvass the returns of the election in accordance with the Texas Election Code.

Section 14. Necessary Action. That the Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 16. Severability. That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 17. Effective Date. That this resolution shall be in force and effect from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 7th DAY OF FEBRUARY, 2022.

ATTEST:

Kevin Fowler, Mayor

Kristy Teague, City Secretary

CITY OF ROCKWALL

ORDINANCE NO. 22-05

SPECIFIC USE PERMIT NO. S-268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW CHICKENS ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Mike Peoples for the approval of a Specific Use Permit (SUP) to allow *Chickens* on a 42.66-acre tract of land described as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and being more specifically depicted and described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing *Chickens* as stipulated by Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *Farm Animals and Horses*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Chapter 6, *Animals*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to having *Chickens* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) *Chickens* shall be allowed on the subject property as an ancillary use to the existing single-family home. Should the subject property be conveyed, sold, or subdivided the City Council reserves the right to review this Specific Use Permit (SUP); however, in no case shall the subject property be subdivided in a way that would separate the *Chicken Coop* from the existing single-family home or where the *Chicken Coop* would exist on a property that is less than ten (10) acres in size.
- (2) The *Chicken Coop* shall generally conform to the *Site Plan* depicted in *Exhibit 'B'* of this ordinance.
- (3) The *Chickens* shall be kept in an enclosed area within a *Chicken Coop* that provides for the free movement of *Chickens*, and are not permitted to be free range. The *Chicken Coop* shall conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- (4) If the applicant moves the *Chicken Coop* it shall be moved to a location that is behind the front façade of the primary structure and that is a minimum of 20-feet from all property lines as depicted in *Exhibit 'B'* of this ordinance. In addition, the *Chicken Coop* shall be screened from view of adjoining properties.
- (5) The number of chickens permitted on the subject property shall be limited to no more than ten (10), and no ducks, geese, pigeons, turkeys, roosters, or any other poultry or fowl are permitted on the subject property.
- (6) The *Chickens* shall be kept for personal use only and the applicant shall be prohibited from selling or operating a commercial animal establishment on the subject property (*i.e. the offering of animal byproducts -- e.g. eggs, chicken manure, etc. -- or chickens for sale on the subject property shall be prohibited*).
- (7) The *Chickens* shall be sheltered or confined in such a fashion as to prevent them from coming into contact with wild fowl or their excrement.
- (8) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans or animals.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Building Permit*, should the homeowner fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 2.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning

described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

Exhibit 'A'
Zoning Exhibit

Address: 1700 E. SH-66

Legal Description: Tract 7 of the D. Harr Survey, Abstract No. 102

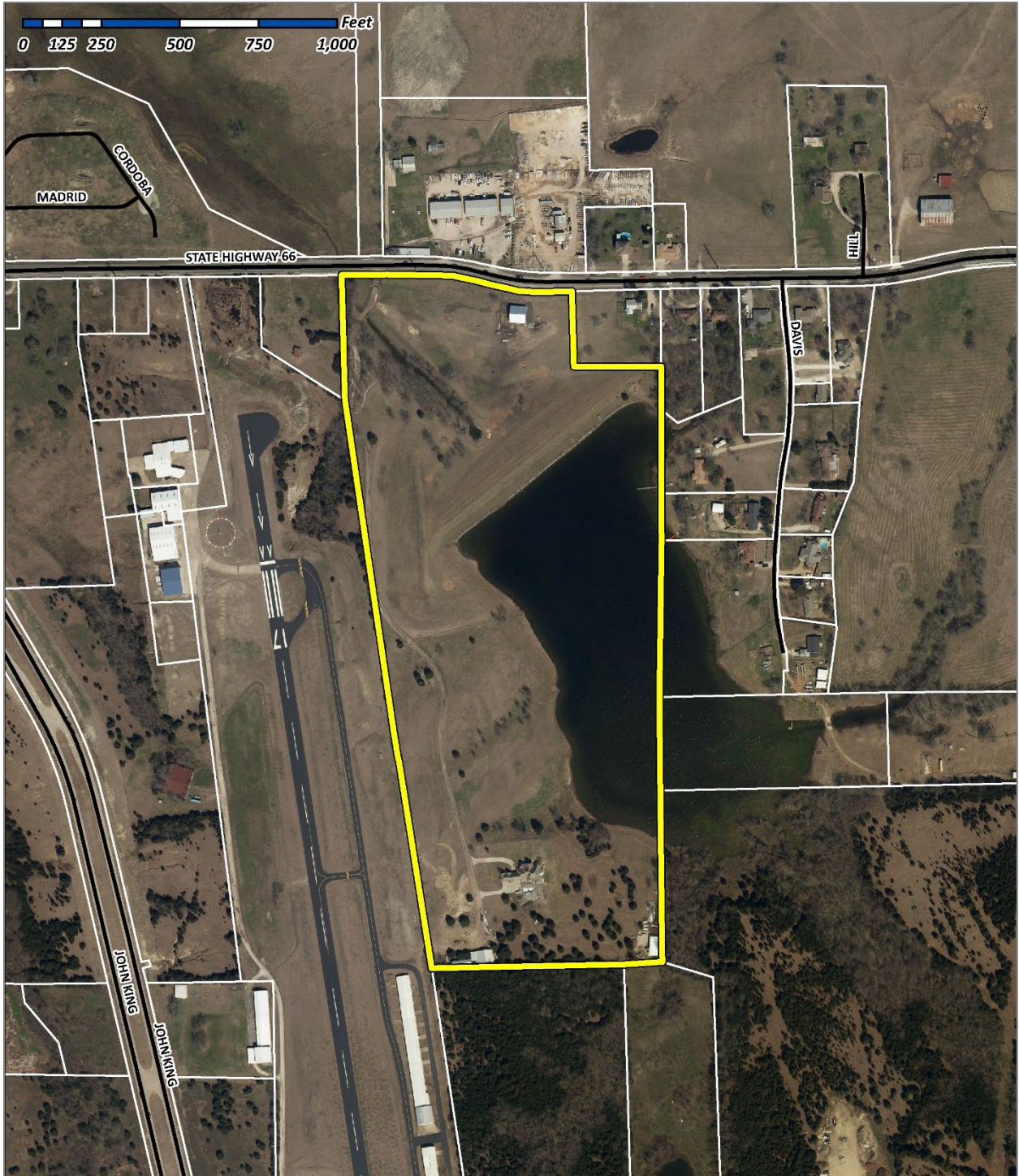


Exhibit 'B':
Site Plan



Exhibit 'C':
Building Elevations





Memo

To: Rockwall City Council
From: Phil Wagner, REDC President
Date: February 2, 2022
Re: Rockwall Technology Park Phase III – Traffic Modification Plan

For over the past two years, the Rockwall Economic Development Corporation (REDC) has been working to develop and receive approval on infrastructure plans for an expansion to the Rockwall Technology Park (RTP). This project, referred to as the Phase III infrastructure project, consists of the planned development of 215 acres of raw REDC-owned land east of Data Drive, west of Rochell Road, and north of State Highway-276. A map of the RTP is attached, depicting the Phase III expansion. The project includes new or improved roads, water, sewer, stormwater drainage, regional detention, and franchise utilities, among other improvements. Upon completion, the project will result in “shovel-ready” light industrial sites ranging from 20-67 acres, to be marketed to end users with the goal of attracting companies that will diversify the tax base and create high quality jobs in Rockwall.

After various reviews of plans by City staff, the Phase III project was put out to bid in October. After receiving three competitive proposals, both REDC staff and REDC engineers at Freese & Nichols (FNI) made a recommendation to move forward with Mario Sinacola & Sons Excavating, Inc. (MSSEI), the low bidder. In January, the REDC Board of Directors authorized staff to take the necessary steps to finalize a contract with MSSEI.

To date, this contract has yet to be executed as there remains a component – that has cost and schedule impact – requiring a decision from the Rockwall City Council. This decision relates to the reconstruction of Rochell Road. Early in the design stages, City staff emphasized that it was important to find a way to keep a southern access point available for City of Fate residents living in the Carrington Farms neighborhood, in order to more efficiently access Rockwall Independent School District (RISD) locations to the south, as well as I-30 west at the Corporate Crossing / I-30 intersection. Because of this direction, the REDC asked bidders to propose a solution as a bid alternative to the longer, costlier approach of keeping two lanes of Rochell opened at all times.

As a response to the bid, MSSEI proposed an alternative alignment, reflected in blue in the attached map. This route would result in the placement of a temporary asphalt road just south of Carrington Farms, which would extend between Rochell Road and Data Drive. Upon reaching Data Drive, a Carrington Farms resident would then have the option to use Capital Boulevard, Discovery Boulevard, or Springer Lane to head west to access Corporate Crossing – the north/south road that will take motorists to I-30 to the north or SH-276 to the south. MSSEI has indicated that this route is most efficient from a cost and schedule standpoint, as it allows the contractor to do all the necessary roadwork in the project (Rochell Road, Springer Lane, and the new extension of Discovery Boulevard) in one phase.

While REDC staff is supportive of the “blue route,” City staff suggested that there may be a preference to keep the intersection between Rochell and SH-276 open. This potential path, shown in red on the attached map, would still use the temporary asphalt road south of Carrington Farms, but upon reaching Data Drive and heading south, motorists would have the option of heading east on Springer Lane, and then south on a temporary road adjacent to Rochell Road, extended until the temporary road met SH 276. This “red route” would require the roads for the Phase III project be built in two steps; first Discovery and Rochell, followed then by the reconstruction of Springer. Due to the creation of a second temporary roadway, the multiple steps for construction and the remobilization efforts, MSSEI has said that this “red route” will cost an extra \$300,000 and add 68 more working days to the contract.

The REDC has requested the approval of the “blue route” due to these cost and time savings, which will essentially allow for the complete closure of the Springer and Rochell portions in the RTP throughout the construction project. REDC staff has been in contact with Terry Penn, the Director of Transportation at the RISD, and he has stated that the RISD would prefer the “blue route” as the best alternative for student busing. Additionally, contact has been made with Scott Monaghan, City of Fate Public Works Director, to discuss outreach on the optimal way the REDC can inform Carrington Farms residents about the upcoming roadway and traffic modification plans.

Upon a decision on this issue by the City Council, the REDC will work to finalize the contract with MSSEI. A pre-construction meeting has been scheduled at City Hall on February 17 to discuss the project, with an anticipated notice to proceed date to follow. MSSEI will first clear and grub utility easements on Rochell and Springer to allow the franchise utilities to relocate their lines underground. Upon completion of the undergrounding, MSSEI will begin on the public utilities, dirt work, and road closures. A ceremonial groundbreaking event will likely occur in March or April. The timeline for the overall project will range between 14 and 17 months depending upon the preferred traffic alignment.

ROCKWALL TECHNOLOGY PARK

PHASE I

Phase I site plan details:

- REDC / L3HARRIS: 25,812 sf, 4.895 ac
- PRECISION SHEET METAL: 24,239 sf, 3.000 ac
- NOLAN POWER / STANDARD SUPPLY: 20,000 sf, 2.109 ac
- LIME MEDIA: 36,456 sf, 3.634 ac
- L3HARRIS: 5.872 ac
- PEGASUS FOODS: 124,419 sf, 8.482 ac
- INTERSTATE WIRE / AGAVE WIRE: 227,610 sf, 11.153 ac
- L3HARRIS: 105,750 sf, 8.557 ac
- L3HARRIS: 49,920 sf, 5.131 ac
- MORPAK SPECIALTIES: 53,010 sf, 5.691 ac
- LOT D-6: 4.020 Acres
- L3HARRIS: 29,520 sf, 4.000 ac
- LOT A-7: 8.035 Acres
- SPECIAL PRODUCTS & MANUFACTURING: 134,076 sf, 10.231 ac
- EZ-FLO INTERNATIONAL: 99,600 sf, 7.693 ac
- FALCON FINE WIRE: 71,970 sf, 4.763 ac
- HATFIELD & COMPANY: 49,532 sf, 3.665 ac
- LOT B-4: 7.696 Acres
- LOT A-5: 7.128 Acres
- LOT A-8: 8.405 Acres

PHASE II

Phase II site plan details:

- Regional Detention Pond
- LOT A-2: 11.3 Acres
- KARAT BY LOLLICUP / ATOSA USA: 656,340 sf, 34.229 ac
- PRATT INDUSTRIES: 391,599 sf, 30.035 ac
- LOT A-1: 8.885 Acres
- BIMBO BAKERIES USA: 288,266 sf, 38.932 ac
- COL-MET ENGINEERED FINISHING SOLUTIONS: 145,375 sf, 12.000 ac
- LOT B-1: 10.649 Acres

PHASE III

Phase III site plan details:

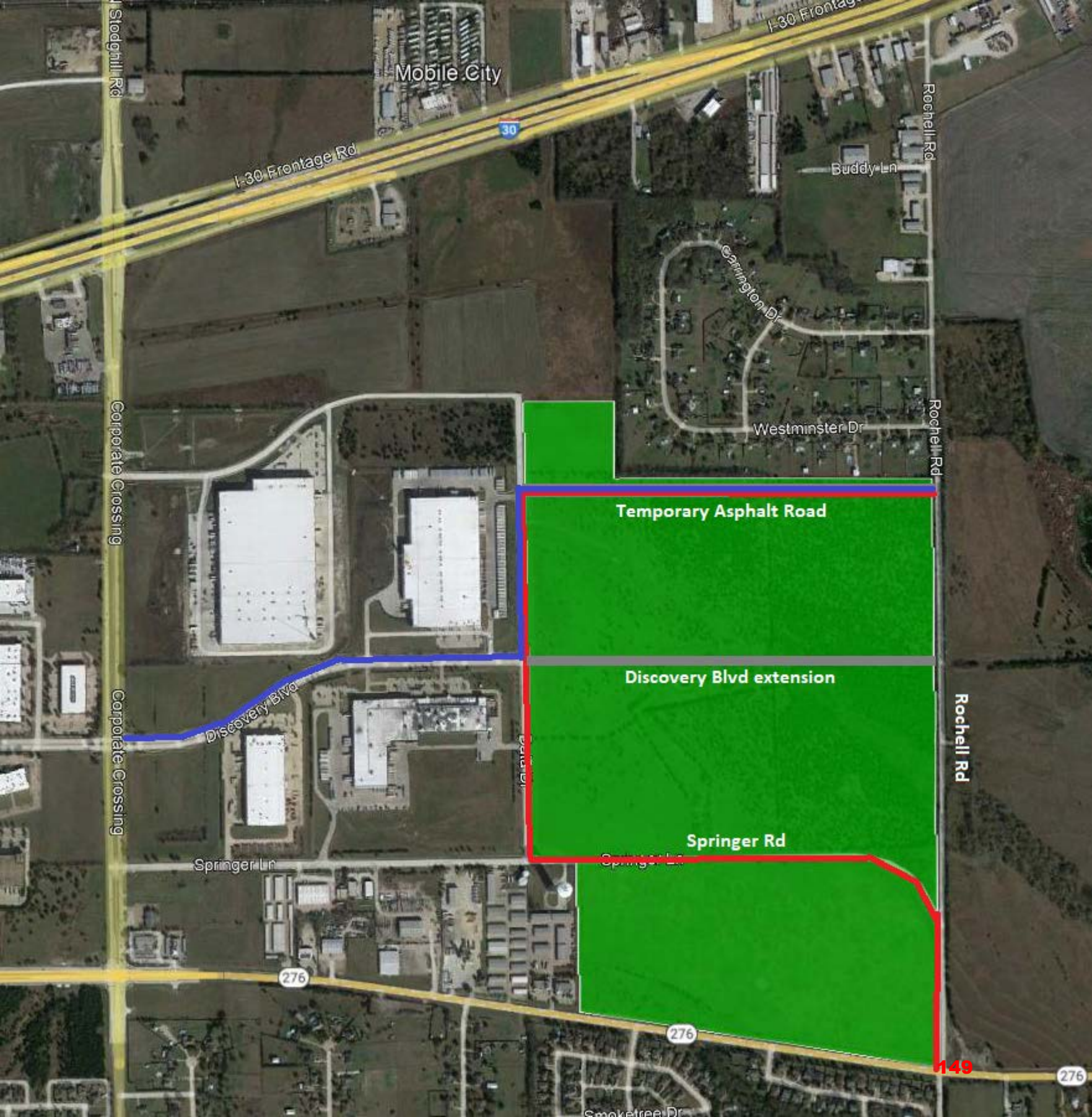
- 7.144 Acres
- 20.7 Acres
- 20.7 Acres
- 26.4 Acres
- 67.8 Acres Contiguous
- 43.5 Acres
- Regional Detention Pond
- 31.1 Acres
- 26.2 Acres
- 57.3 Acres Contiguous

State Hwy. 276

Springer Rd.

State Hwy. 276

Rochell Rd.



Mobile City

I-30 Frontage Rd

30

Rochell Rd

Buddy Ln

Carlington Dr

Westminister Dr

Rochell Rd

Stoddard Rd

Corporate Crossing

Corporate Crossing

Discovery Blvd

Springer Ln

Temporary Asphalt Road

Discovery Blvd extension

Springer Rd

Rochell Rd

276

276

149

276

Smoketree Dr



MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: February 7, 2022

SUBJECT: 380 ECONOMIC DEVELOPMENT AGREEMENT FOR THE BOYS AND GIRLS CLUB OF AMERICA

Attachments

Memorandum

Airport Exhibit

380 Economic Development Agreement

Summary/Background Information

Discuss and consider directing the City Manager to enter into a 380 Economic Development Agreement with Saro Partners, LLC to facilitate the swap of a 4.18-acre tract of land (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*) at the southwest corner of John King Boulevard and FM-1141 for a 5.07-acre tract of land (*i.e. Tract 2-06 of the D. Harr Survey, Abstract No. 102*) at the southeast corner of John King Boulevard and Airport Road, and take any action necessary.

Action Needed

The City Council is being asked to consider directing the City Manager to enter into the 380 Economic Development Agreement to facilitate a property swap.



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
CC: Mary Smith, *Interim City Manager*
Joey Boyd, *Assistant City Manager*
Frank Garza, *City Attorney*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: February 7, 2022
SUBJECT: 380 Economic Development Agreement for the Boys and Girls Club of America

On August 19, 2021, Maxwell Fisher of Masterplan submitted a development application on behalf of Saro Partners, LLC requesting to rezone a 5.07-acre tract of land (*i.e. Tract 2-06 of the D. Harr Survey, Abstract No. 102*) [known as the "Developers Property"] from an Agricultural (AG) District to a Light Industrial (LI) District. Provided with the application was a concept plan showing a proposed ~17,000 SF facility for a *Social Service Provider (i.e. Boys and Girls Club of America)*. After reviewing the application and concept plan, staff was made aware that the parking areas and a portion of the proposed facility would be situated within the Runway Protection Zone (RPZ) and *Clear Zone Easement [Instrument No. 19690000870386]* of the Ralph Hall Municipal Airport (*see attached RPZ layout with notes from the City's Airport Consultant*).

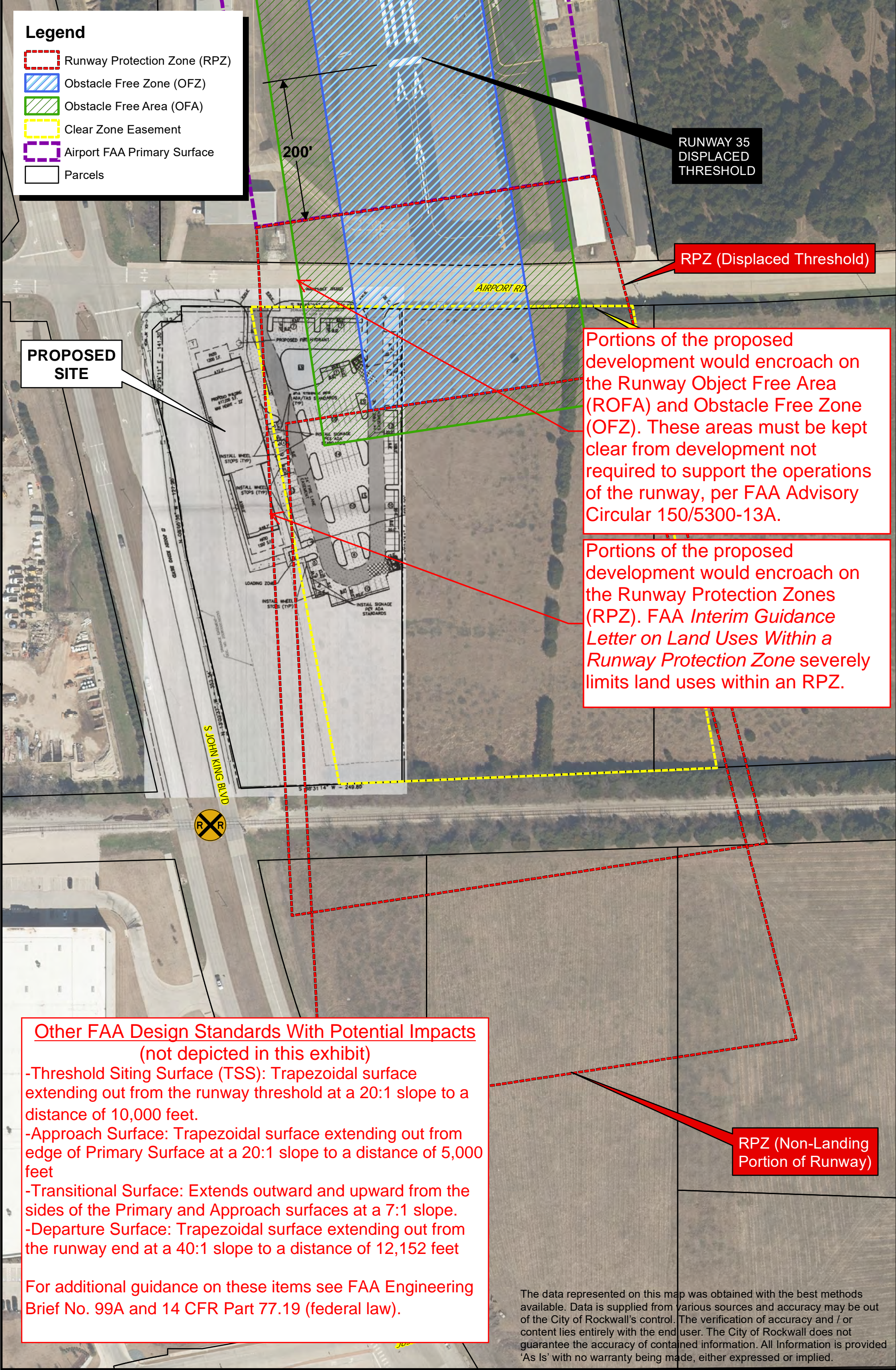
In response to these findings, staff contacted the applicant to discuss possible options to protect the airport's RPZ while still finding a way to facilitate the proposed development. The option that appeared to be the most beneficial to all parties involved was an option that involved trading the 5.07-acre subject property for a 4.18-acre tract of land (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*) [known as the "City's Property"] owned by the City of Rockwall and situated at the southwest corner of John King Boulevard and FM-1141. This property was acquired by the City as part of the right-of-way acquisition for John King Boulevard and is currently vacant. To facilitate the swap of land, staff and the City Attorney have prepared a 380 Economic Development Agreement. This agreement creates the following conditions concerning the proposed swap of land:

- (1) The City will initiate zoning procedures to rezone the *City's Property* from an Agricultural (AG) District to a Commercial (C) District. This zoning change would be in accordance with the City's Future Land Use Map contained in the OURHometown Vision 2040 Comprehensive Plan, and would allow the requested land uses (*i.e. a Daycare with Seven [7] or More Children/Office*) needed to establish the *Boys and Girls Club of America* facility. The City will also be responsible for platting the property as shown in the agreement into a 4.18-acre parcel of land to facilitate the swap.
- (2) Upon the zoning and platting being approved for the *City's Property*, the City and Saro Partners, LLC will legally document the exchange of the two (2) properties. This exchange of property will secure a portion of the Airport Runway Protection Zone (RPZ) of the Ralph Hall Municipal Airport under the City's ownership.
- (3) Once Saro Partners, LLC is in possession and has acquired ownership of the *City's Property*, the *Boys and Girls Club of America* will have 36-months from the date of the exchange of property to begin developing the *City's Property* with the proposed facility. Once the facility has commenced construction, Saro Partners, LLC will have 24-months to complete the project or the land could revert back to the City's ownership.

Based on this agreement the City would benefit by securing ownership of a portion of the southern RPZ for the Ralph Hall Municipal Airport. This would ensure that nothing would be built on this land or create a conflict with federal guidelines. For the *Boys and Girls Club of America* this would provide a property outside of the flight path of the airport that would be safer in the future. Sean Valk of Saro Partners, LLC and his legal representation have reviewed the proposed 380 Economic Development Agreement, and have stated that they are ready to move forward. Should the City Council approve the agreement and direct the City Manager to enter into the agreement, staff will get the agreement executed and move forward with the proposed rezoning of the *City's Property*. Should the City Council have any questions, staff and the City Attorney will be available at the February 7, 2022 City Council meeting.

Legend

- Runway Protection Zone (RPZ)
- Obstacle Free Zone (OFZ)
- Obstacle Free Area (OFA)
- Clear Zone Easement
- Airport FAA Primary Surface
- Parcels



**RUNWAY 35
DISPLACED
THRESHOLD**

RPZ (Displaced Threshold)

**PROPOSED
SITE**

Portions of the proposed development would encroach on the Runway Object Free Area (ROFA) and Obstacle Free Zone (OFZ). These areas must be kept clear from development not required to support the operations of the runway, per FAA Advisory Circular 150/5300-13A.

Portions of the proposed development would encroach on the Runway Protection Zones (RPZ). FAA *Interim Guidance Letter on Land Uses Within a Runway Protection Zone* severely limits land uses within an RPZ.

Other FAA Design Standards With Potential Impacts
(not depicted in this exhibit)

- Threshold Siting Surface (TSS): Trapezoidal surface extending out from the runway threshold at a 20:1 slope to a distance of 10,000 feet.
- Approach Surface: Trapezoidal surface extending out from edge of Primary Surface at a 20:1 slope to a distance of 5,000 feet
- Transitional Surface: Extends outward and upward from the sides of the Primary and Approach surfaces at a 7:1 slope.
- Departure Surface: Trapezoidal surface extending out from the runway end at a 40:1 slope to a distance of 12,152 feet

For additional guidance on these items see FAA Engineering Brief No. 99A and 14 CFR Part 77.19 (federal law).

**RPZ (Non-Landing
Portion of Runway)**

The data represented on this map was obtained with the best methods available. Data is supplied from various sources and accuracy may be out of the City of Rockwall's control. The verification of accuracy and / or content lies entirely with the end user. The City of Rockwall does not guarantee the accuracy of contained information. All information is provided 'As Is' with no warranty being made, either expressed or implied.

CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT

This **CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT** (hereinafter referred to as the *Agreement*) is entered into by and between the *CITY OF ROCKWALL, TEXAS*, a Texas home-rule municipality (hereinafter referred to as the *City*) and *SARO PARTNERS, LLC* [a Texas limited liability company], (hereinafter referred to as the *Developer*). The *City* and *Developer* are collectively referred to in this *Agreement* as the *Parties*.

WHEREAS, the *City* owns approximately 4.18-acre tract of land (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*) -- depicted in Exhibit 'A' attached hereto and incorporated herein for all purposes (the *City's Property*), which is part of a larger portion of a 5.702-acre tract of land in the City of Rockwall located at the southwest corner of John King Boulevard and FM-1141; and

WHEREAS, the *Developer* owns approximately 5.07-acre tract of land (*i.e. Tract 2-06 of the D. Harr Survey, Abstract No. 102*) -- depicted in Exhibit 'B' attached hereto and incorporated herein for all purposes (the *Developer's Property*), which is in the City of Rockwall at the southeast corner of Airport Road and John King Boulevard; and

WHEREAS, the *Developer's Property* is located in the Airport Runway Protection Zone of the Ralph Hall Municipal Airport, which limits the type of development that can be developed on the *Developer's Property*, including the development of an assembly type land use (*i.e. the Boys and Girls Club*); and

WHEREAS, the *Developer* has offered to exchange the *Developer's Property* for the *City's Property* in order to allow for the development of a Boys and Girls Club facility (the *Project*) based on the agreed to terms of an executed **CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT** between the *City* and the *Developer*; and

WHEREAS, the *City* has determined that the development of the *Project* will be a benefit to the *City* and will promote economic development in the area; and

WHEREAS, in accordance with Section 52-a, *Programs and Loans or Grants of Public Money for Economic Development*, of Article 3, *Legislative Department*, of the Texas Constitution and Section 380.001 of the Texas Local Government Code, the *City* has established a program to provide for the administration of programs to promote state or local economic development and to stimulate business and commercial activity in the *City*; and

WHEREAS, to ensure that the benefits the *City* provides under this *Agreement* are utilized in a manner consistent with Section 52-a, *Programs and Loans or Grants of Public Money for Economic Development*, of Article 3, *Legislative Department*, of the Texas Constitution and Chapter 380, *Miscellaneous Provisions Relating to Municipal Planning and Development*, of the Texas Local Government Code, the *Developer* has agreed, to receive such benefits, to cooperate with the *City* in the design and construction of certain public improvements; and

WHEREAS, the *City* acknowledges that the provisions of this *Agreement* substantially advance a legitimate interest of the *City* by providing public infrastructure, expanding the tax base of the *City* and promoting economic development.

NOW, THEREFORE, for and in consideration of the above recitals and the terms and conditions set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the *City* and the *Developer* hereby agree as follows:

(1) PROJECT.

(A) Jurisdiction. The design, specifications and ordinances for the *Project* applicable in the City of Rockwall shall apply to the *Project*, except where the City of Rockwall City Council concurs in writing the application of differing requirements and specifications.

(B) Property for the Project. The *City Property* for the *Project* consists of a 4.18-acre tract of land (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*) -- depicted in Exhibit A attached hereto and incorporated herein for all purposes,

which is part of a larger portion of a 5.702-acre tract of land in the City of Rockwall located at the southwest corner of John King Boulevard and FM-1141.

(C) Conditions Precedent. This Agreement and the Developer's obligation to execute the Project are subject to the following conditions:

- (I) The City will initiate zoning procedures to rezone the City's Property from an Agricultural (AG) District to a Commercial (C) District. This zoning change would be in accordance with the City's Future Land Use Map contained in the OURHometown Vision 2040 Comprehensive Plan, and would allow the requested land uses (*i.e. a Daycare with Seven [7] or More Children/Office*) needed for the Project.
- (II) Upon the zoning being approved on the City's Property, the City and Developer will legally document the exchange of the City's Property for the Developer's Property. This exchange of property will secure a portion of the Airport Runway Protection Zone of the Ralph Hall Municipal Airport.
- (III) Once the Developer is in possession and has acquired ownership of the City's Property, the Boys and Girls Club will have 36-months from the date of the exchange of property to begin developing the City's Property with the Project. Once the Project has commenced, Developer shall have 24-months to complete the Project.

(D) Return of City Property. Should the Project fail to commence within 36-months from the date the exchange of the property or if the Parties do not extend the term to commence the Project, the Developer will reconvey the City's Property back to the City of Rockwall at no cost to the City and the City will reconvey the Developer's Property back to the City at no cost to the Developer. If the City returns the Property to Developer, Developer must comply with the regulations of the Airport Runway Protection Zone on any future development of the returned Developer's Property.

(E) Plans and Approvals. The Developer shall be responsible for pursuing and obtaining the necessary plats, site plan approvals and all other approvals and permits required from the City which are necessary for construction of the improvements for the development for the Project as well as all occupancy and use permits required to allow the development and occupancy of the Project.

(F) Construction. If sufficient funds are raised to proceed with the Project, the Developer shall require its construction contractor(s) to construct the Project in a good and workmanlike manner and in substantial accordance with the approved plans and specifications and shall diligently pursue the construction of the Project until it is completed. The City shall have the right to inspect the Project to confirm compliance with the approved plans and specifications and applicable City codes.

(2) DEFAULT.

(A) Notice and Opportunity to Cure. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of 30-days after receipt by such party of notice of default from the other party. Upon the passage of 30-days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement, unless such party has commenced to cure such default and is prosecuting the same with reasonable diligence. Notwithstanding the foregoing, commencement of cure, with reasonable diligence, shall only prevent a party from being in default for 60-days after notice was received and a cure had not been achieved unless the non-defaulting party agrees to allow the defaulting party additional time to cure the default.

(B) Remedies. In the event of a default not cured within the time period set forth herein, the non-defaulting party may, as its sole and exclusive remedy, terminate this Agreement or seek injunctive relief of other equitable relief, including, without limitation, specific performance, to enforce the terms of this Agreement. Notwithstanding the foregoing, if injunctive or other equitable relief is barred by governmental immunity, then the Developer may pursue all other legal and equitable remedies that are not barred by governmental immunity; however, in no event shall a non-defaulting party be entitled to an award of damages or any other monetary relief. The foregoing remedies shall not be applicable to the facts set forth in Section (1)(D) above and the remedy set forth in such Section shall be the exclusive remedy of the City and the Developer for the facts set forth in that Section.

(C) Attorney's Fees. In the event that the *Developer* and the *City* fail to resolve a dispute and become involved in litigation with regard to breach of or dispute arising out of this *Agreement*, the prevailing *Party* shall be entitled to be paid its reasonable attorneys' fees and court costs.

(3) DISPUTE RESOLUTION.

(A) If a dispute arises out of or relates to this *Agreement* or the breach thereof, the *Parties* shall first in good faith seek to resolve the dispute through negotiation between the upper management of each respective *Party*. If such dispute cannot be settled through negotiation, the *Parties* agree to try in good faith to settle the dispute by mediation under the *Commercial Mediation Rules of the American Arbitration Association*, Dallas, Texas, before resorting to litigation, or some other dispute resolution procedure; provided that a *Party* may not invoke mediation unless it has provided the other *Party* with written notice of the dispute and has attempted in good faith to resolve such dispute through negotiation. Notwithstanding the foregoing, any *Party* may seek immediate equitable relief, without attempting to settle a dispute through mediation, in any case where such *Party* is entitled to equitable relief by law, the terms of the *Agreement*, or otherwise. All costs of negotiation, mediation, and arbitration collectively known as Alternate Dispute Resolution (ADR) shall be assessed equally between the *City* and *Developer* with each party bearing their own costs for attorneys' fees, experts, and other costs of ADR and any ensuing litigation.

(4) GENERAL PROVISIONS.

(A) INDEMNIFICATION. THE *DEVELOPER* AGREES TO DEFEND, INDEMNIFY AND HOLD THE *CITY* AND ITS ELECTED OFFICIALS, OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY THE *CITY*) HARMLESS FROM AND AGAINST ANY AND ALL REASONABLE LIABILITIES, DAMAGES, CLAIMS, DEMANDS, LAWSUITS, JUDGMENTS, ATTORNEY FEES, COSTS, EXPENSES AND ANY CAUSE OF ACTION OF ANY KIND AND NATURE, INCLUDING BUT NOT LIMITED TO, PERSONAL OR BODILY INJURY, DEATH AND PROPERTY DAMAGE, MADE UPON THE *CITY* DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM OR RELATED TO *DEVELOPER'S* ACTIVITIES UNDER THIS *AGREEMENT*, INCLUDING ANY ACTS OR OMISSIONS OF *DEVELOPER'S* AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, CONSULTANT OR CONTRACTOR OF THE *DEVELOPER*, AND THEIR RESPECTIVE OFFICERS, AGENTS EMPLOYEES, DIRECTORS AND REPRESENTATIVES WHILE IN THE EXERCISE OF PERFORMANCE OF THE RIGHTS OR DUTIES UNDER THIS *AGREEMENT*. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE NEGLIGENCE OF THE *CITY*, ITS OFFICERS OR EMPLOYEES, IN INSTANCES WHERE SUCH NEGLIGENCE IS THE SOLE CAUSE OF PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE.

(B) THE PROVISIONS OF THE ABOVE SECTIONS ARE SOLELY FOR THE BENEFIT OF THE *PARTIES* HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. IT BEING THE INTENTION OF THE *PARTIES* THAT THE *DEVELOPER* SHALL BE RESPONSIBLE FOR THE REPAYMENT OF ANY AMOUNTS PAID TO THE *DEVELOPER* HEREIN THAT INCLUDES *CITY* SALES TAX RECEIPTS THAT THE STATE OF TEXAS HAS DETERMINED WAS ERRONEOUSLY PAID, DISTRIBUTED OR ALLOCATED TO THE *CITY*.

(C) Mutual Assistance. The *City* and the *Developer* will do all things and execute all documents reasonably necessary or appropriate to carry out the terms and provisions of this *Agreement* and to aid and assist each other in carrying out such terms and provisions.

(D) Inconsistencies. Where any inconsistency exists between this *Agreement* and other provisions of subsequent collateral contractual agreements that are made a part hereof by reference or otherwise, the provisions of this *Agreement* shall control.

(E) Rule of Construction. The *Parties* hereto acknowledge that each party and its legal counsel have reviewed and revised this *Agreement*, and the *Parties* hereby agree that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this *Agreement* or any amendments hereto.

(F) Independent Contractors and Immunity.

- (I) It is expressly understood and agreed by all *Parties* hereto that in performing their services hereunder, the *Developer* at no time will be acting as an agent of the *City* and that all consultants or contractors engaged by the *Developer* respectively will be independent contractors of the *Developer*; and nothing contained in this *Agreement* is intended by the *Parties* to create a partnership or joint venture between the *Parties* and any implication to the contrary is hereby expressly disavowed. The *Parties* hereto understand and agree that the *City* will not be liable for any claims that may be asserted by any third party occurring in connection with services performed by the *Developer* respectively under this *Agreement*, unless any such claims are due to the fault of the *City*.
- (II) By entering into this *Agreement*, the *Parties* do not waive, and shall not be deemed to have waived, any rights, immunities, or defenses either may have, including the defense of parties, and nothing contained herein shall ever be construed as a waiver of sovereign or official immunity by the *City* with such rights being expressly reserved to the fullest extent authorized by law and to the same extent which existed prior to the execution hereof.
- (III) No employee of the *City*, or any councilmember or agent of the *City*, shall be personally responsible for any liability arising under or growing out of this *Agreement*.

(G) Invalidity. If any provision of this *Agreement* is held to be invalid, illegal or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired. The *Parties* shall use their best efforts to replace the respective provision or provisions of this *Agreement* with legal terms and conditions approximating the original intent of the *Parties*.

(H) Written Notice. All notices from one party to the other must be in writing and are effective upon receipt when mailed to or hand delivered as follows:

CITY: City of Rockwall
Attention: Mary Smith, *City Manager*
385 S Goliad Street
Rockwall, Texas 75087

CITY CC: Davidson Troilo Ream & Garza
Attention: Frank Garza, *City Attorney*
601 NW Loop 410 Suite 100
San Antonio, Texas 78216

DEVELOPER: Saro Partners, LLC
Attention: Shawn Valk
1450 T. L. Townsend Drive, Suite 100
Rockwall, Texas 75087

DEVELOPER CC: Holmes Firm PC
Attention: Ronald L. Holmes
14241 Dallas Parkway, Suite 800
Dallas, Texas 75254

NOTE: Either party may change its business address by providing at least 30 calendar days written notice to the other party of such change.

(I) Entire Agreement. It is understood that this *Agreement* and the *Exhibits* contain the entire agreement between the *Parties* and supersedes any and all prior agreements, arrangements, statements, promises, inducements, or understandings, whether oral or written, between the *Parties* relating to the subject matter. This *Agreement* cannot be

changed or terminated orally. No verbal agreement or conversation with any officer, agent or employee of the *City*, either before or after the execution of this *Agreement*, shall affect or modify any of the terms or obligations hereunder.

- (J) Amendment. No amendment to this *Agreement* shall be effective and binding unless and until it is reduced to writing, approved by the City Council, and signed by duly authorized representatives of both *Parties*.
- (K) Choice of Law and Forum Selection. This *Agreement* shall be governed, enforced and construed in accordance with laws of the State of Texas. Any and all contested matters arising out of this *Agreement* in any way shall be brought in the courts of Rockwall County, Texas, United States of America.
- (L) Authority. The *Developer* hereby certifies, represents, and warrants that the execution of this *Agreement* is duly authorized and adopted in conformity with its governing documents. The *City* hereby certifies, represents, and warrants that the execution of this *Agreement* is duly authorized and adopted in conformity with the *City* charter and ordinances. The *City's* execution of this *Agreement* is authorized by Chapter 380, *Miscellaneous Provisions Relating to Municipal Planning and Development*, of the Texas Local Government Code and constitutes a valid and binding obligation of the *City*. The *City* acknowledges that the *Developer* is acting in reliance upon the *City's* performance of its obligations under this *Agreement* in making the decision to commit substantial resources and money to the construction of the *Project*.
- (M) Assignment. The *Developer's* rights and obligations under this *Agreement* may be assigned by the *Developer* provided such assignment receives prior written approval of the City Council of the City of Rockwall, not to be unreasonably withheld, conditioned, delayed, or denied. Notwithstanding the foregoing, the *Developer* may, without the *City's* approval, assign any credits accruing to the *Developer* under this *Agreement*.
- (N) Waiver. Failure of either party, at any time, to enforce a provision of this *Agreement* shall in no way constitute a waiver of that provision nor in any way affect the validity of this *Agreement*, any part hereof, or the right of the *City* or the *Developer* thereafter to enforce each and every provision hereof. No term of this *Agreement* shall be deemed waived unless the waiver is in writing and signed by the party claimed to have waived such term. Furthermore, any consent to or waiver of a breach will not constitute consent to, waiver of, or excuse of any other different or subsequent breach.
- (O) Force Majeure. If performance of this *Agreement* or any obligation under this *Agreement* is prevented, restricted, or interfered with by causes beyond either party's reasonable control (*Force Majeure*), then the obligations of the party invoking this provision will be suspended to the extent necessary by such event. Events constituting *Force Majeure* include without limitation: acts of God, fire, explosion, vandalism, storm, casualty, illness, injury, general unavailability of materials or similar occurrence, orders or acts of military or civil authority, national emergencies, insurrections, riots, wars, strikes, lock-outs, or work stoppages. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, or its employees, officers, agents or affiliates.
- (P) Agreement Acknowledged. The *Parties* acknowledge that they have read, understand and intend to be bound by the terms and conditions of this *Agreement*.
- (Q) Multiple Originals. This *Agreement* may be executed in multiple originals.
- (R) Construction. This *Agreement* shall be construed without the aid of any canon or rule of law requiring interpretation against the party drafting or causing the drafting of this *Agreement* or the portions of this *Agreement* in question.
- (S) Incorporation of Recitals. Any recitals in this *Agreement* are represented by the *Parties* to be accurate and constitute a part of the *Agreement*.
- (T) Effective Date. The effective date of this *Agreement* is the last signature date below (the *Effective Date*).

[SIGNATURE PAGES TO FOLLOW]

EXECUTED as of the dates indicated below in multiple originals:

CITY:

CITY OF ROCKWALL, TEXAS,
a Texas home-rule municipality

By: _____
Name: Mary Smith
Title: City Manager

Date: _____

ATTEST:

By: _____
Name: Kristy Teague
Title: City Secretary

Date: _____

DEVELOPER:

SARO PARTNERS, LLC,
a Texas limited liability company

By: _____
Name: Shawn Valk, Manager

Date: _____

EXHIBIT 'A':
MAP OF THE CITY'S PROPERTY



EXHIBIT 'B':
MAP OF THE DEVELOPER'S PROPERTY





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Kristy Teague, City Secretary/Asst. to the City Mgr.

DATE: February 7, 2022

SUBJECT: MAIN ST. ADVISORY BOARD MEMBERS

Attachments

Summary/Background Information

Three Main St. Advisory Board members - **Stacy Fuqua, Geoffrey Lyons, and Gary Cannavo** - have TWO (2) year terms that expired last month. They are all eligible for reappointment and have all indicated a desire to continue serving. In addition, Craig Stoddart has submitted his resignation from the board, so his seat is now vacant and needs to be filled.

Action Needed

Council is asked to consider reappointing the three board members and filling the one vacancy.



City of Rockwall
The New Horizon

Building Inspections Department Monthly Report

December 2021

Permits

Total Permits Issued:	264
Building Permits:	8
Contractor Permits:	256
Total Commercial Permit Values:	\$12,464,967.04
Building Permits:	\$11,500,000.00
Contractor Permits:	\$964,967.04
Total Fees Collected:	\$310,002.73
Building Permits:	\$147,609.93
Contractor Permits:	\$162,392.80

Board of Adjustment

Board of Adjustment Cases: 0

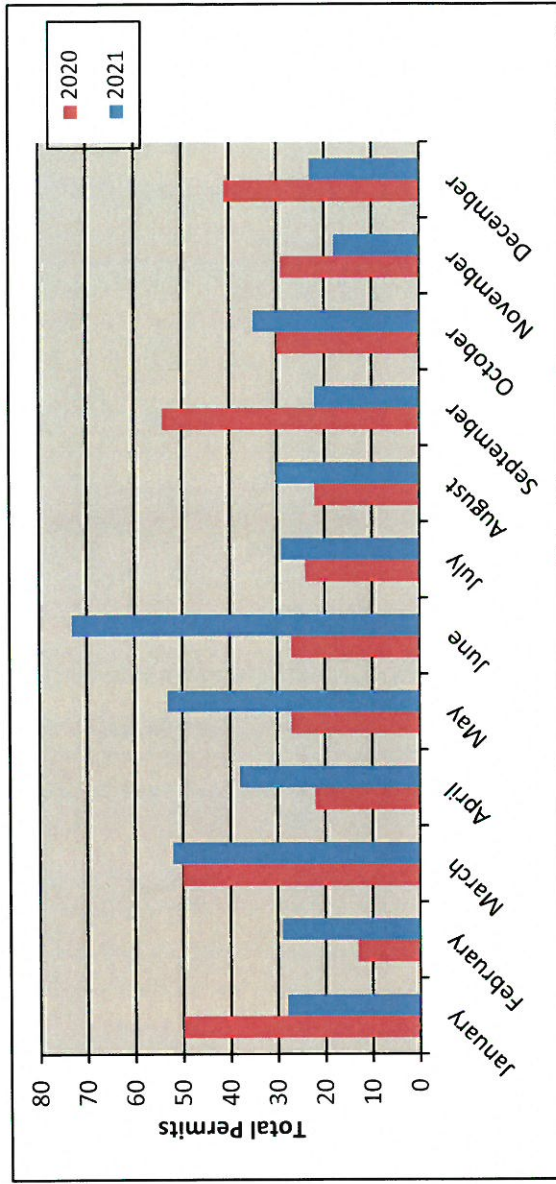
1/3/2022
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City of Rockwall
PERMITS ISSUED - Summary by Type and Subtype
For the Period 12/1/2021 to 12/31/2021

Type/Subtype	# of Permits Issued	Valuation of Work	Fees Charged
Commercial Building Permit	48	\$12,464,967.04	\$150,605.75
Addition	1	500,000.00	\$3,310.15
Cell Tower Permit	2	24,768.04	\$464.62
Certificate of Occupancy	17		\$1,281.00
Concrete Permit	1	3,200.00	\$110.93
Electrical Permit	2	7,500.00	\$244.55
New Construction	1	11,000,000.00	\$135,986.88
Plumbing Permit	6	14,600.00	\$544.89
Remodel	8	870,000.00	\$7,591.73
Roofing Permit	1		\$76.50
Sign Permit	8	44,899.00	\$688.50
Temporary Certificate of Occupancy	1		\$306.00
Residential Building Permit	216		\$159,396.98
Accessory Building Permit	3		\$889.09
Addition	2		\$1,049.40
Concrete Permit	3		\$367.20
Demolition	1		\$50.00
Driveway Permit	1		\$0.00
Electrical Permit	8		\$1,484.56
Fence Permit	47		\$2,394.00
Irrigation Permit	27		\$2,061.00
Mechanical Permit	15		\$1,854.00
New Construction	1		\$6,374.41
New Single Family Residential	22		\$132,654.25
Outdoor Kitchen Permit	1		\$363.37
Patio Cover/Pergola	9		\$1,068.23
Plumbing Permit	32		\$2,419.50
Pool	8		\$1,065.00
Remodel	4		\$2,632.03
Retaining Wall Permit	5		\$255.00
Roofing Permit	16		\$1,224.00
Solar Panel Permit	2		\$733.94
Window & Door Permit	9		\$458.00
Totals:	264		\$310,002.73

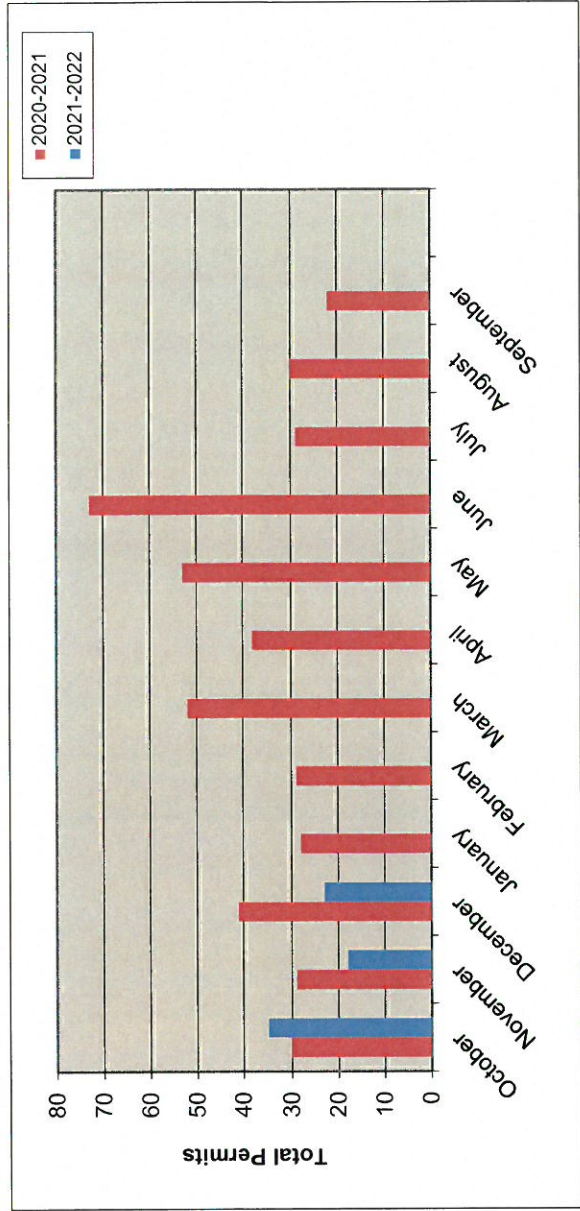
New Residential Permits Calendar Year

	Year	
	2020	2021
January	50	28
February	13	29
March	50	52
April	22	38
May	27	53
June	27	73
July	24	29
August	22	30
September	54	22
October	30	35
November	29	18
December	41	23
Totals	389	430



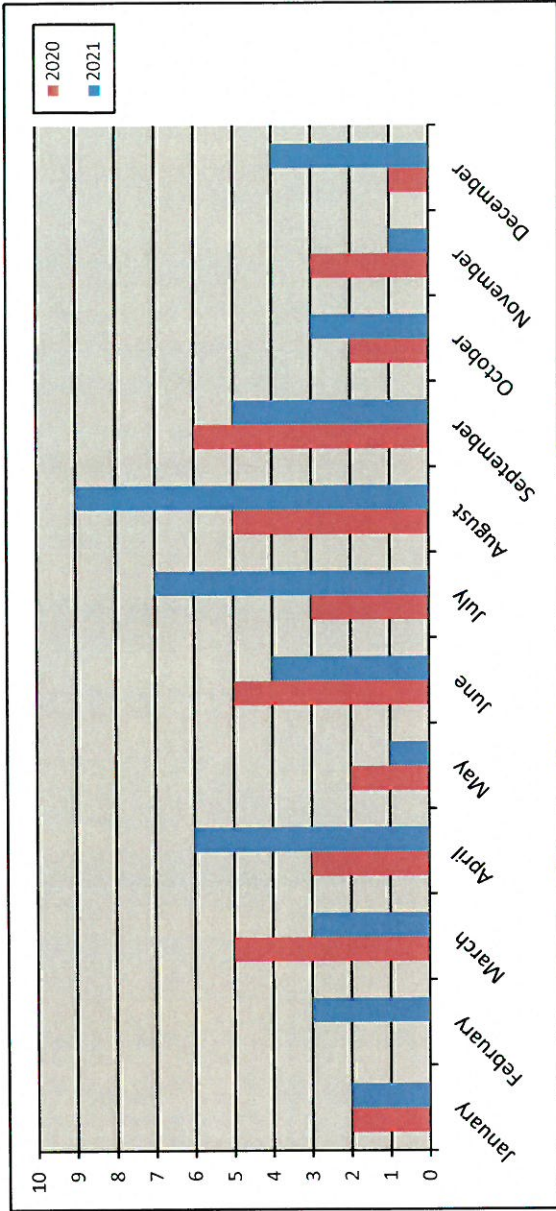
New Residential Permits Fiscal Year

	Year	
	2020-2021	2021-2022
October	30	35
November	29	18
December	41	23
January	28	
February	29	
March	52	
April	38	
May	53	
June	73	
July	29	
August	30	
September	22	
Totals	454	76



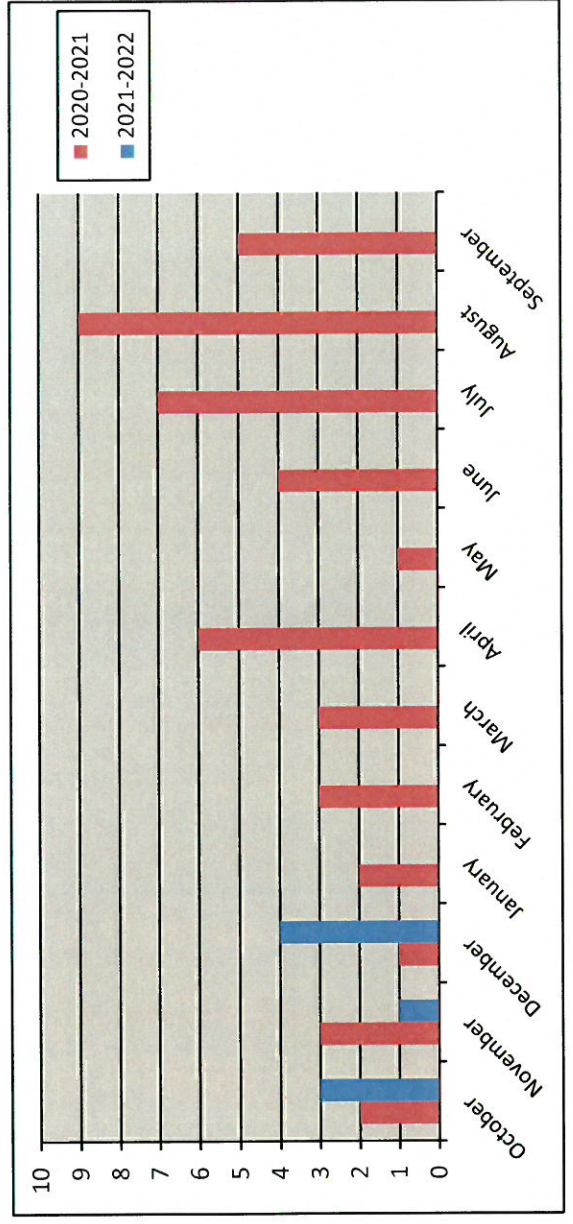
Residential Remodel Permits Calendar Year

	Year	
	2020	2021
January	2	2
February	0	3
March	5	3
April	3	6
May	2	1
June	5	4
July	3	7
August	5	9
September	6	5
October	2	3
November	3	1
December	1	4
Totals	37	48



Residential Remodel Permits Fiscal Year

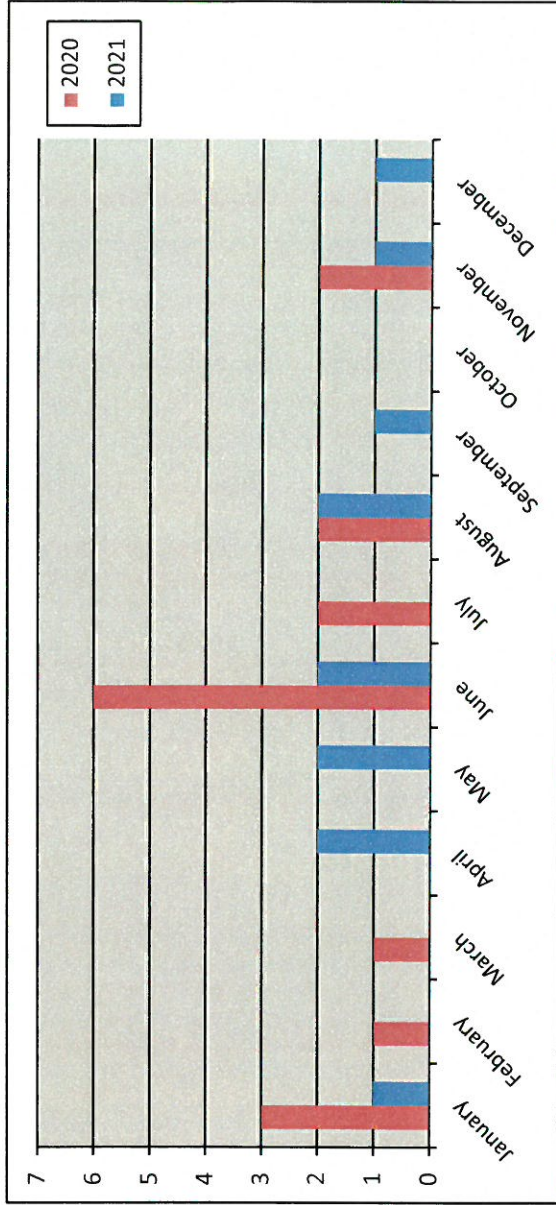
	Year	
	2020-2021	2021-2022
October	2	3
November	3	1
December	1	4
January	2	
February	3	
March	3	
April	6	
May	1	
June	4	
July	7	
August	9	
September	5	
Totals	46	8



New Commercial Permits

Calendar Year

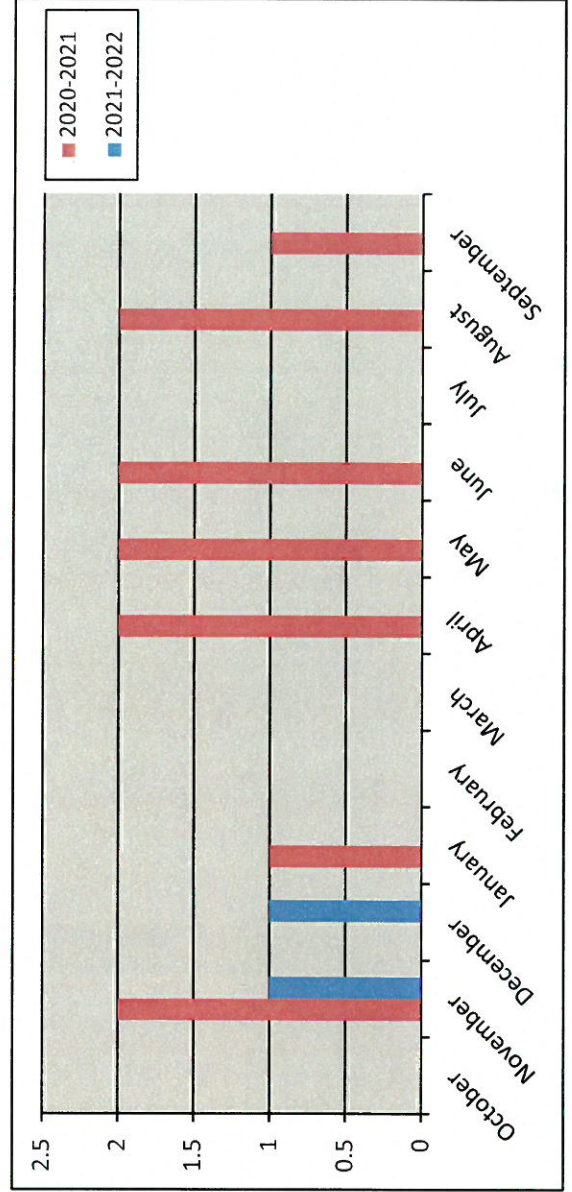
	Year	
	2020	2021
January	3	1
February	1	0
March	1	0
April	0	2
May	0	2
June	6	2
July	2	0
August	2	2
September	0	1
October	0	0
November	2	1
December	0	1
Totals	17	12



New Commercial Permits

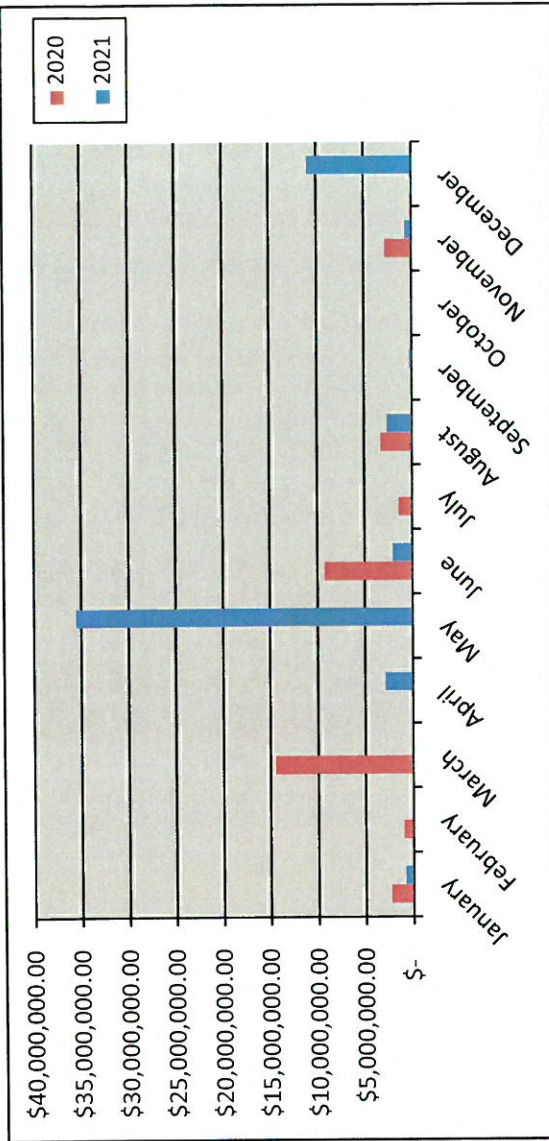
Fiscal Year

	Year	
	2020-2021	2021-2022
October	0	0
November	2	1
December	0	1
January	1	0
February	0	0
March	0	0
April	2	0
May	2	0
June	2	0
July	0	0
August	2	0
September	1	0
Totals	12	2



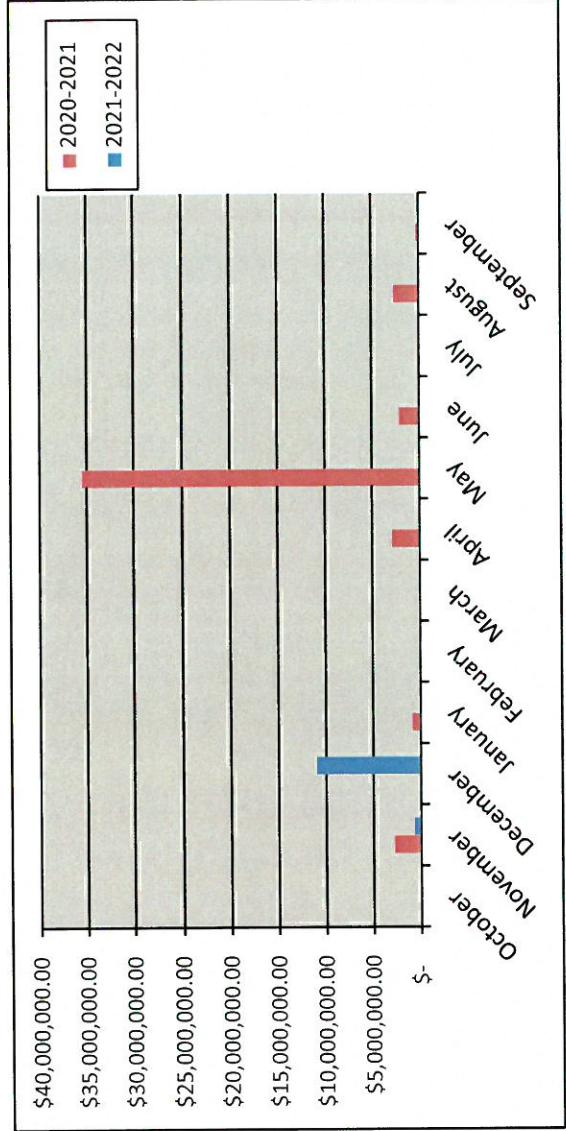
New Commercial Value Calendar Year

	Year	
	2020	2021
January	\$ 2,375,000.00	\$ 885,000.00
February	\$ 995,000.00	\$ -
March	\$ 14,500,000.00	\$ -
April	\$ -	\$ 2,900,000.00
May	\$ 9,244,001.00	\$ 35,500,000.00
June	\$ 1,445,000.00	\$ 2,080,000.00
July	\$ 3,284,065.00	\$ 2,650,000.00
August	\$ -	\$ 286,200.00
September	\$ -	\$ -
October	\$ 2,800,000.00	\$ 750,000.00
November	\$ -	\$ -
December	\$ -	\$ -
Totals	\$ 34,643,066.00	\$ 56,051,200.00



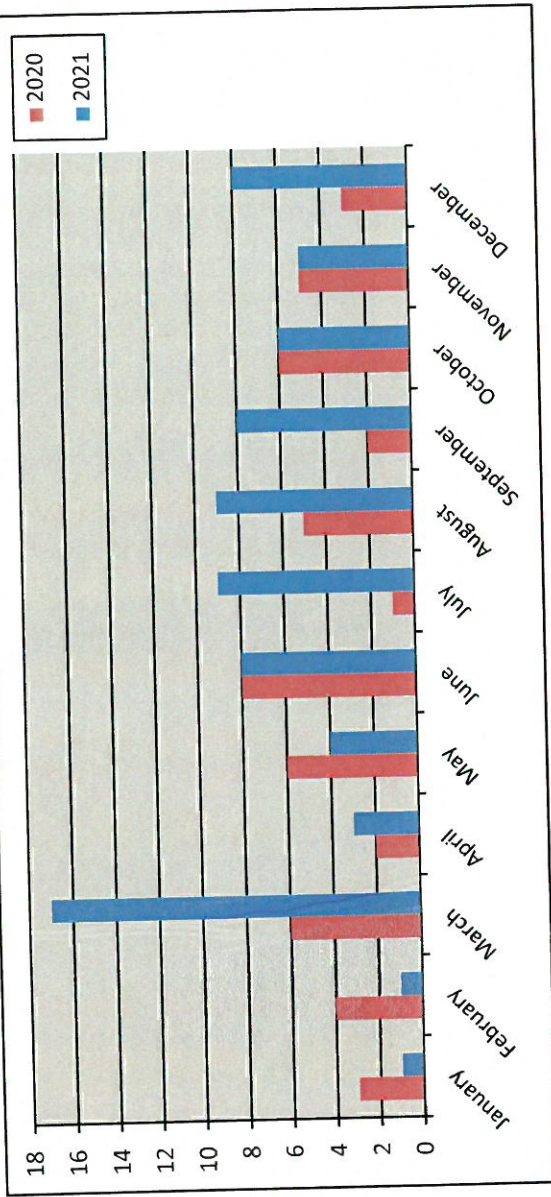
New Commercial Value Fiscal Year

	Year	
	2020-2021	2021-2022
October	\$ -	\$ -
November	\$ 2,800,000.00	\$ 750,000.00
December	\$ -	\$ 11,000,000.00
January	\$ 885,000.00	\$ -
February	\$ -	\$ -
March	\$ -	\$ -
April	\$ 2,900,000.00	\$ -
May	\$ 35,500,000.00	\$ -
June	\$ 2,080,000.00	\$ -
July	\$ -	\$ -
August	\$ 2,650,000.00	\$ -
September	\$ 286,200.00	\$ -
Totals	\$ 47,101,200.00	\$ 11,750,000.00



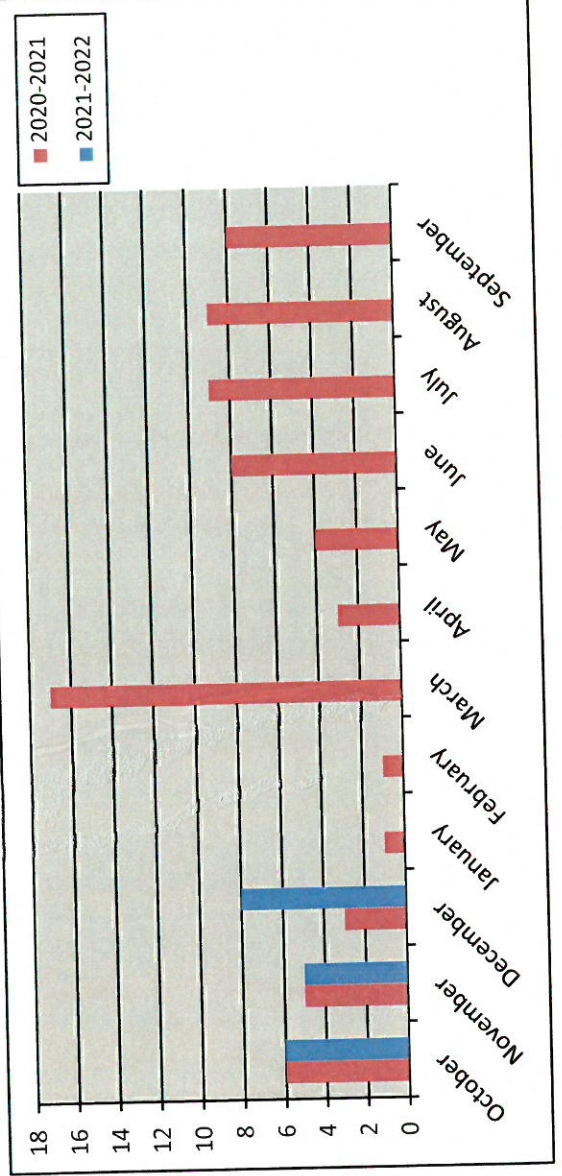
Commercial Remodel Permits Calendar Year

	Year	
	2020	2021
January	3	1
February	4	1
March	6	17
April	2	3
May	6	4
June	8	8
July	1	9
August	5	9
September	2	8
October	6	6
November	5	5
December	3	8
Totals	51	79



Commercial Remodel Permits Fiscal Year

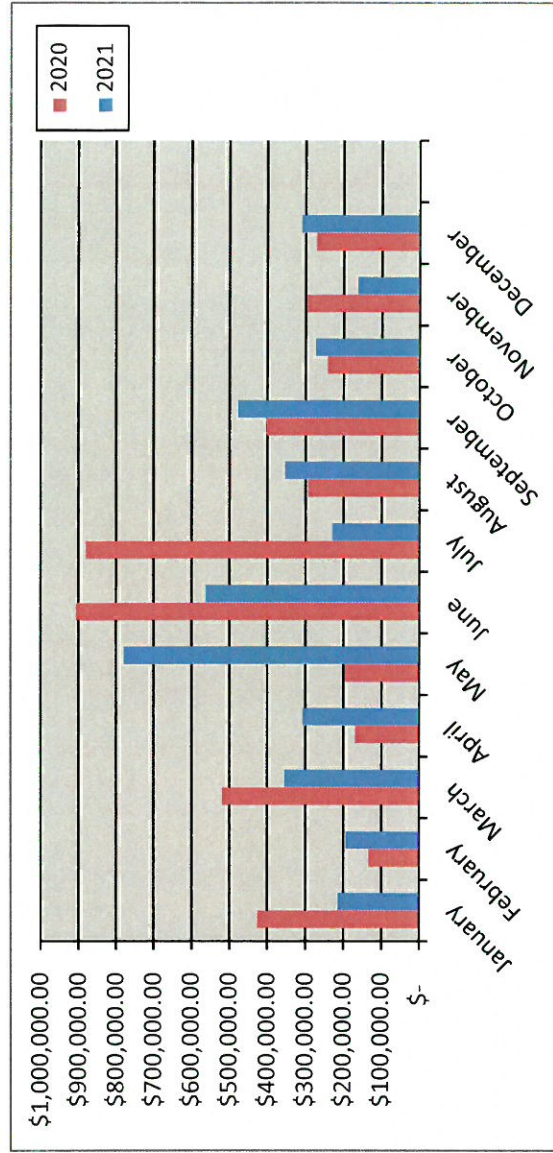
	Year	
	2020-2021	2021-2022
October	6	6
November	5	5
December	3	8
January	1	1
February	1	17
March	17	3
April	3	4
May	4	8
June	8	9
July	9	9
August	9	8
September	8	
Totals	74	19



Total Fees Collected

Calendar Year

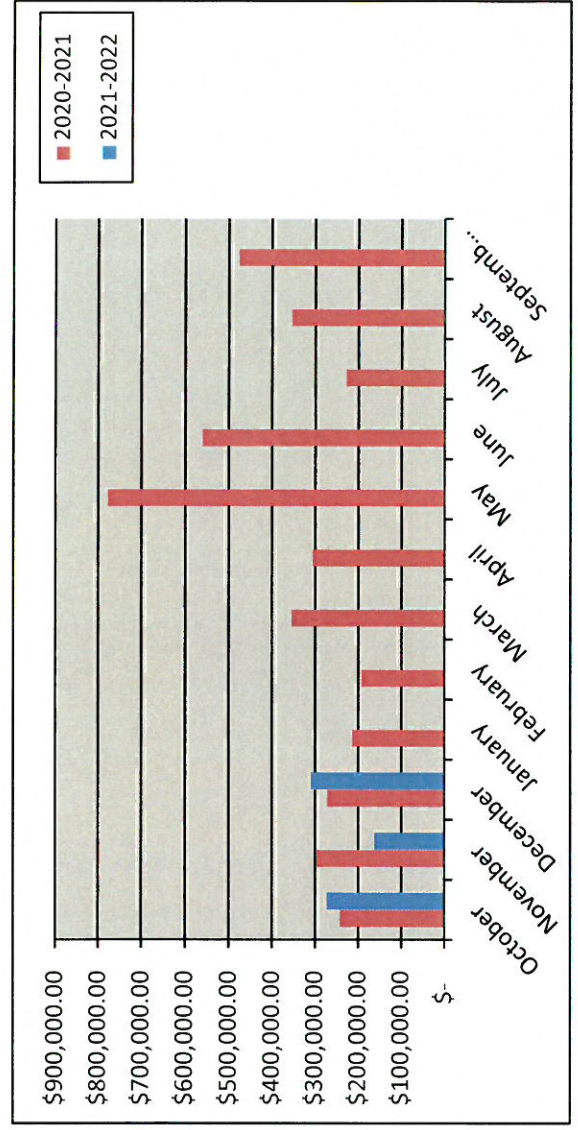
	Year	
	2020	2021
January	\$ 427,697.11	\$ 214,263.11
February	\$ 134,061.03	\$ 193,245.03
March	\$ 521,238.63	\$ 354,901.19
April	\$ 169,632.18	\$ 306,654.35
May	\$ 196,119.77	\$ 778,422.17
June	\$ 906,969.19	\$ 561,245.38
July	\$ 880,396.43	\$ 228,777.52
August	\$ 294,303.58	\$ 353,601.69
September	\$ 401,730.63	\$ 476,935.40
October	\$ 242,859.42	\$ 273,670.22
November	\$ 296,217.55	\$ 163,206.06
December	\$ 272,486.48	\$ 310,002.73
Totals	\$ 4,743,712.00	\$ 4,214,924.85



Total Fees Collected

Fiscal Year

	Year	
	2020-2021	2021-2022
October	\$ 242,859.42	\$ 273,670.22
November	\$ 296,217.55	\$ 163,206.06
December	\$ 272,486.48	\$ 310,002.73
January	\$ 214,263.11	
February	\$ 193,245.03	
March	\$ 354,901.19	
April	\$ 306,654.35	
May	\$ 778,422.17	
June	\$ 561,245.38	
July	\$ 228,777.52	
August	\$ 353,601.69	
September	\$ 476,935.40	
Totals	\$ 4,279,609.29	\$ 746,879.01



9:14:25AM

PERMITS ISSUED

For the Period 12/1/2021 to 12/31/20

Permit Number	Permit Type	Site Address				
Application Date	Subtype	Parcel Number			Total Fees	
Issue Date	Status of Permit	Subdivision Name			Total SQFT	Fees Paid
		Plan Number	Valuation			
COM2020-2820	Commercial Building Permit					
08/13/2020	Certificate of Occupancy	930 W RALPH HALL			\$75.00	\$75.00
12/06/2021	ISSUED	PKWY. S. 102, ROCKWALL TX 75032			965.00	
Contact Type						
Business Owner	SAM CARTER	8350 N CENTRAL EXPWY, STE 1225	Dallas	TX	75206	
Property Owner	ROCKWALL HORIZON RIDGE LP	P.O. BOX 2500	Rockwall	TX	75087	
Manager	Eddie Tomlinson	**contact for inspections**				
Manager	Kirsha Murphy					
Contractors						
COM2020-4813	Commercial Building Permit					
11/17/2020	Certificate of Occupancy	101 E BOURN ST,			\$75.00	\$75.00
12/08/2021	ISSUED	ROCKWALL, TX 75087			1,325.00	
Contact Type						
Business Owner	WILL JOHNSON	101 E BOURN ST	Rockwall	TX	75087	
Property Owner	JASON EDWARDS	10 DANCING WATER	Rockwall	TX	75032	
Contractors						
COM2021-174	Commercial Building Permit					
01/13/2021	Certificate of Occupancy	108 S GOLIAD ST,			\$75.00	\$75.00
12/13/2021	ISSUED	ROCKWALL, 75087			3,600.00	
Contact Type						
Business Owner	Manuel Sanchez	108 S. Goliad St.	Rockwall	TX	75087	
Property Owner	Manuel Sanchez	721 Meadowlark	Plano	TX	75094	
Contractors						
COM2021-1817	Commercial Building Permit					
04/19/2021	Certificate of Occupancy	513 E INTERSTATE 30,			\$75.00	\$75.00
12/13/2021	ISSUED	ROCKWALL, 75087			2,100.00	
Contact Type						
Business Owner	Lauren Twichell	513 E Interstate 30	Rockwall	TX	75087	
Property Owner	BENT TREE REALTY CO	Attn: Robert Kennedy	Addison	TX	75001	
Contractors						

9:14:25AM

PERMITS ISSUED

For the Period 12/1/2021 to 12/31/20

Permit Number	Permit Type	Site Address	Total Fees	Fees Paid
Application Date	Subtype	Parcel Number		
Issue Date	Status of Permit	Subdivision Name	Total SQFT	
		Plan Number	Valuation	
COM2021-1932	Commercial Building Permit			
04/22/2021	Certificate of Occupancy	316 S GOLIAD ST, SUITE	\$75.00	\$75.00
12/13/2021	ISSUED	113, ROCKWALL, TX 75087	1,024.00	
Contact Type	Contact Name	Contact Address		
Business Owner	LUANA GHAOUCHE	316 S GOLIAD ST, S. 113	ROCKWALL TX	75087
Property Owner	DJ ROCKWALL LLC	P.O. BOX 671007	Dallas TX	75367
Contractors				
COM2021-3379	Commercial Building Permit			
06/29/2021	Certificate of Occupancy	1001 N. Goliad St., Suite	\$75.00	\$75.00
12/02/2021	ISSUED	A, Rockwall, TX 75087	1,526.00	
Contact Type	Contact Name	Contact Address		
Business Owner	Haley Crespo	1001 N. Goliad St.	Rockwall TX	75087
Property Owner	ADAT Estate, LLC	482 Arcadia Way	Rockwall TX	75087
Contractors				
COM2021-4808	Commercial Building Permit			
09/02/2021	Certificate of Occupancy	6540 ALLIANCE DR,	\$75.00	\$75.00
12/13/2021	ISSUED	SUITE 110, ROCKWALL, 75032	1,920.00	
Contact Type	Contact Name	Contact Address		
Business Owner	Cogan Capital LLC		Rockwall TX	75032
Property Owner	5 Sharp Real Estate LLC	3021 Ridge Rd, Suite 160	Rockwall TX	75032
Contractors				
COM2021-4865	Commercial Building Permit			
09/07/2021	Certificate of Occupancy	206 W RUSK ST,	\$75.00	\$75.00
12/06/2021	ISSUED	ROCKWALL, 75087	2,100.00	
Contact Type	Contact Name	Contact Address		
Business Owner	TBD Shen Investement LLC	206 W Rusk St	Rockwall TX	75087
Property Owner	H N Heath	101 N ALAMO RD	Rockwall TX	75087
Contact	Chia C Shen			
Contractors				
COM2021-5539	Commercial Building Permit			
10/05/2021	Certificate of Occupancy	801 S GOLIAD ST,	\$76.50	\$76.50
12/08/2021	ISSUED	ROCKWALL, 75087	3.00	

9:14:25AM

PERMITS ISSUED

For the Period 12/1/2021 to 12/31/20

Permit Number	Permit Type	Site Address		Total Fees	
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Subdivision Name	Valuation	Total SQFT	Fees Paid
		Plan Number			
Contact Type	Contact Name	Contact Address			
Business Owner	Noelia Hernandez	801 S. Goliad St	Rockwall	TX	75087
Property Owner	VICTORIA E DELGADILLO	6104 LYNDON B JOHNSON FREEWAY APT#2502	Dallas	TX	75240
Contractors					
COM2021-6002	Commercial Building Permit			\$75.00	\$75.00
10/26/2021	Certificate of Occupancy	2545 RIDGE RD,			
12/14/2021	ISSUED	ROCKWALL, TX 75087		3,043.00	
Contact Type	Contact Name	Contact Address			
Business Owner	WKS FROSTY CORPORATION	5856 CORPORATE AVE., SUITE 200	Cypress	CA	90630
Property Owner	WENDY'S INTERNATION, LLC.	ONE DAVE THOMAS BLVD.	Cypress	CA	90630
Contractors					
COM2021-6237	Commercial Building Permit			\$75.00	\$75.00
11/05/2021	Certificate of Occupancy	2245 RIDGE RD, S. 115,			
12/16/2021	ISSUED	ROCKWALL, TX 75087		1,010.00	
Contact Type	Contact Name	Contact Address			
Business Owner	ANDREW SIMMONS	2245 RIDGE RD., SUITE 115	ROCKWALL	TX	75087
Property Owner	Lakewood Properties LLC	102 S. Goliad St	Rockwall	TX	75087
Contractors					
COM2021-63	Commercial Building Permit			\$75.00	\$75.00
01/06/2021	Certificate of Occupancy	2231 RIDGE RD #200,			
12/08/2021	ISSUED	ROCKWALL, TX 75087		1,000.00	
Contact Type	Contact Name	Contact Address			
Business Owner	JOHN WOMBLE	2231 RIDGE RD #200	Rockwall	TX	75087
Property Owner	Ron & Bennie Stanberry	1425 Hunters Glen	Royse City	TX	75189
Contact	GINGER WOMBLE				
Contractors					
COM2021-6384	Commercial Building Permit			\$75.00	\$75.00
11/12/2021	Certificate of Occupancy	3005 N GOLIAD ST.,			
12/17/2021	ISSUED	SUITE 140, ROCKWALL, TX 75087		2,325.00	

9:14:25AM

PERMITS ISSUED

For the Period 12/1/2021 to 12/31/20

Permit Number	Permit Type	Site Address		Total Fees	
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Subdivision Name	Valuation	Total SQFT	Fees Paid
Contact Type	Contact Name	Contact Address			
Business Owner	JAMES NUTLEY	3005 N. GOLAI D ST. SUITE 140	Rockwall	TX	75087
Property Owner	FOREMARK	8350 N. CENTRAL EXPRESSWAY SUITE 1313	Dallas	TX	75206
Contractors					
COM2021-6473	Commercial Building Permit			\$76.50	\$76.50
11/17/2021	Certificate of Occupancy	3035 RIDGE RD, S. 104,			
12/15/2021	ISSUED	ROCKWALL, TX 75032		948.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Asurion UBIF Franchise LLC	1101 Church Street	Nashville	TN	37203
Property Owner	B R DALLAS PROPERTIES LLC	26050 MUREAU RD STE 102	CALABASAS	CA	91302
Contractors					
COM2021-6504	Commercial Building Permit			\$76.50	\$76.50
11/18/2021	Certificate of Occupancy	2855 RIDGE RD,			
12/16/2021	ISSUED	ROCKWALL, 75032		38,857.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Big Lots	4900 E Dublin Granville Rd	Westerville	OH	43081
Property Owner	Trinity Holdings	580 Decker Dr, Suite 203	Irving	TX	75062
Contractors					
COM2021-6650	Commercial Building Permit			\$76.50	\$76.50
11/30/2021	Certificate of Occupancy	1905 ALPHA DR, SUITE			
12/16/2021	ISSUED	170, ROCKWALL, 75087		2,380.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Mike Nichols	1905 Alpha Dr, Suite 170	Rockwall	TX	75087
Property Owner	ROCKWALL URBAN INDUSTRIAL LP	13150 COIT RDM STE 205	Dallas	TX	75240
Contractors					
COM2021-7106	Commercial Building Permit			\$306.00	\$306.00
12/23/2021	Temporary Certificate of Occupancy	908 E INTERSTATE 30,			
12/30/2021	ISSUED	ROCKWALL, 75087		57,000.00	
Contact Type	Contact Name	Contact Address			
Business Owner	Greencrest TPS Hotel LP	908 E Interstate 30	Rockwall	TX	75087
Property Owner	Greencrest TPS Hotel LP	3021 Ridge Rd, A-120	Rockwall	TX	75032
Inspection Report Contac	Juan A Lizanaga				

For the Period 12/1/2021 to 12/31/20

Permit Number	Permit Type	Site Address	Total Fees	Fees Paid
Application Date	Subtype	Parcel Number		
Issue Date	Status of Permit	Subdivision Name	Total SQFT	
		Plan Number	Valuation	
Contractors				
COM2021-840	Commercial Building Permit			
03/02/2021	Certificate of Occupancy	627 NATIONAL DR,	\$75.00	\$75.00
12/15/2021	ISSUED	ROCKWALL, 75032	1,200.00	

Contact Type	Contact Name	Contact Address			
Business Owner	Mahtab Doty	627 National Dr	Rockwall	TX	75032
Property Owner	D&A Real Estate, Ltd.	PO Box 850	Rockwall	TX	75087

Contractors

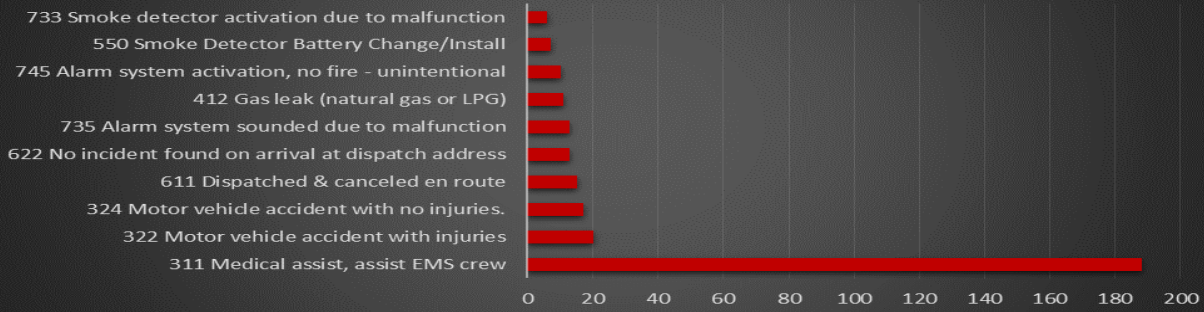
18

Total Valuation:
Total Fees: \$1,587.00
Total Fees Paid: \$1,587.00



December 2021 Monthly Report

Top 10 Call Types

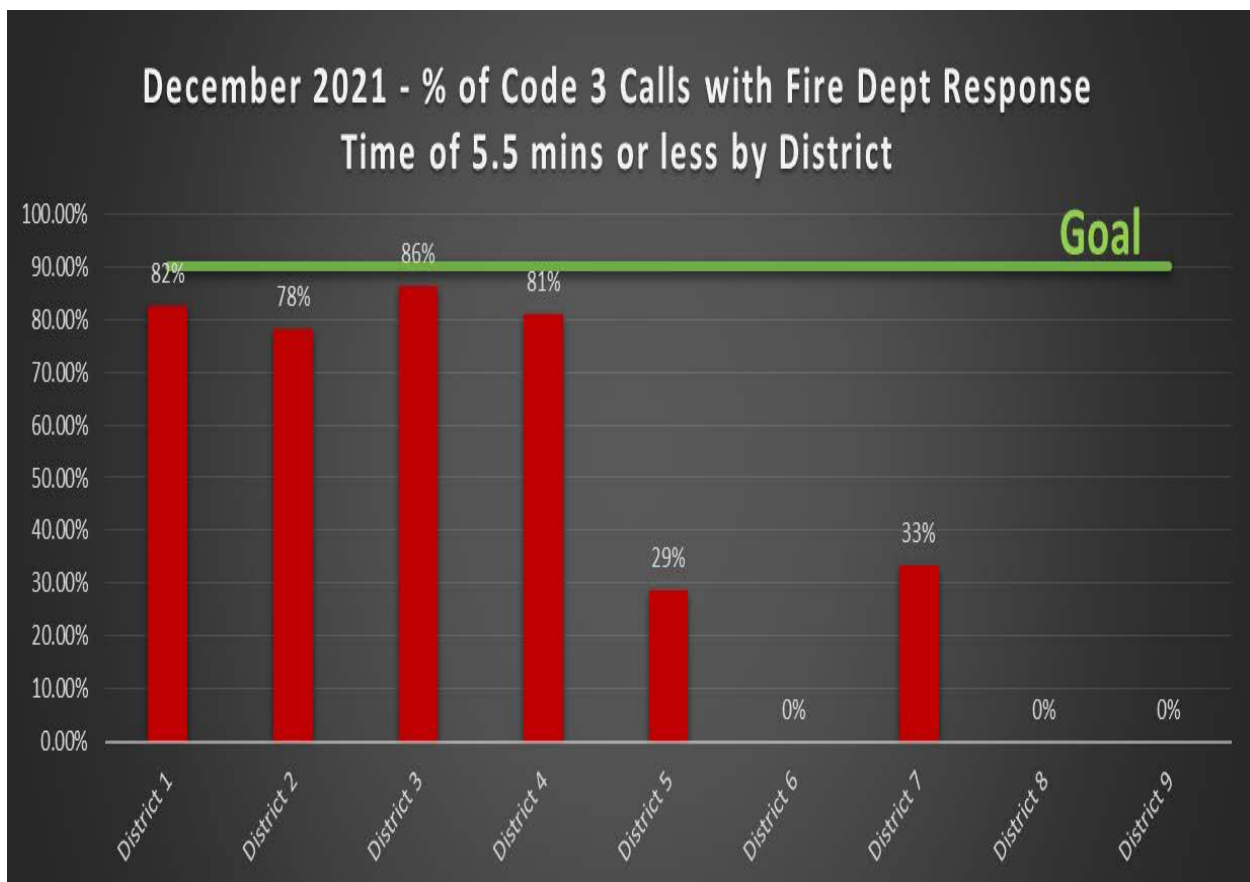


All Calls By NFIRS Call Type	Incident Count
111 Building fire	1
131 Passenger vehicle fire (cars, pickups, SUV's)	1
142 Brush or brush-and-grass mixture fire	1
151 Outside rubbish, trash or waste fire	2
160 Special outside fire, other	1
311 Medical assist, assist EMS crew	188
322 Motor vehicle accident with injuries	20
323 Motor vehicle/pedestrian accident (MV Ped)	2
324 Motor vehicle accident with no injuries.	17
342 Search for person in water	1
353 Removal of victim(s) from stalled elevator	1
400 Hazardous condition, other	1
412 Gas leak (natural gas or LPG)	11
422 Chemical spill or leak	1
423 Refrigeration leak	1
441 Heat from short circuit (wiring), defective/worn	2
444 Power line down	2
445 Arcing, shorted electrical equipment	2
471 Explosive, bomb removal (for bomb scare, use 721)	2
511 Lock-out	1
512 Ring or jewelry removal	1
520 Water problem, other	1
522 Water or steam leak	2
550 Public service assistance, other	2
550 Smoke Detector Battery Change/Install	7
553 Public service	3
555 Defective elevator, no occupants	1
561 Unauthorized burning	3
600 Good intent call, other	3
611 Dispatched & canceled en route	15
621 Wrong location	1
622 No incident found on arrival at dispatch address	13
631 Authorized controlled burning	1
650 Steam, other gas mistaken for smoke, other	1
651 Smoke scare, odor of smoke	2
671 HazMat release investigation w/no HazMat	2
700 False alarm or false call, other	1
731 Sprinkler activation due to malfunction	1
733 Smoke detector activation due to malfunction	6
735 Alarm system sounded due to malfunction	13
736 CO detector activation due to malfunction	4
740 Unintentional transmission of alarm, other	1
741 Sprinkler activation, no fire - unintentional	1
742 Extinguishing system activation	1
743 Smoke detector activation, no fire - unintentional	3
744 Detector activation, no fire - unintentional	5
745 Alarm system activation, no fire - unintentional	10
746 Carbon monoxide detector activation, no CO	1
900 Special type of incident, other	1
Grand Total	364

COVID-19 Tests	Number Administered
Rapid Covid-19	59

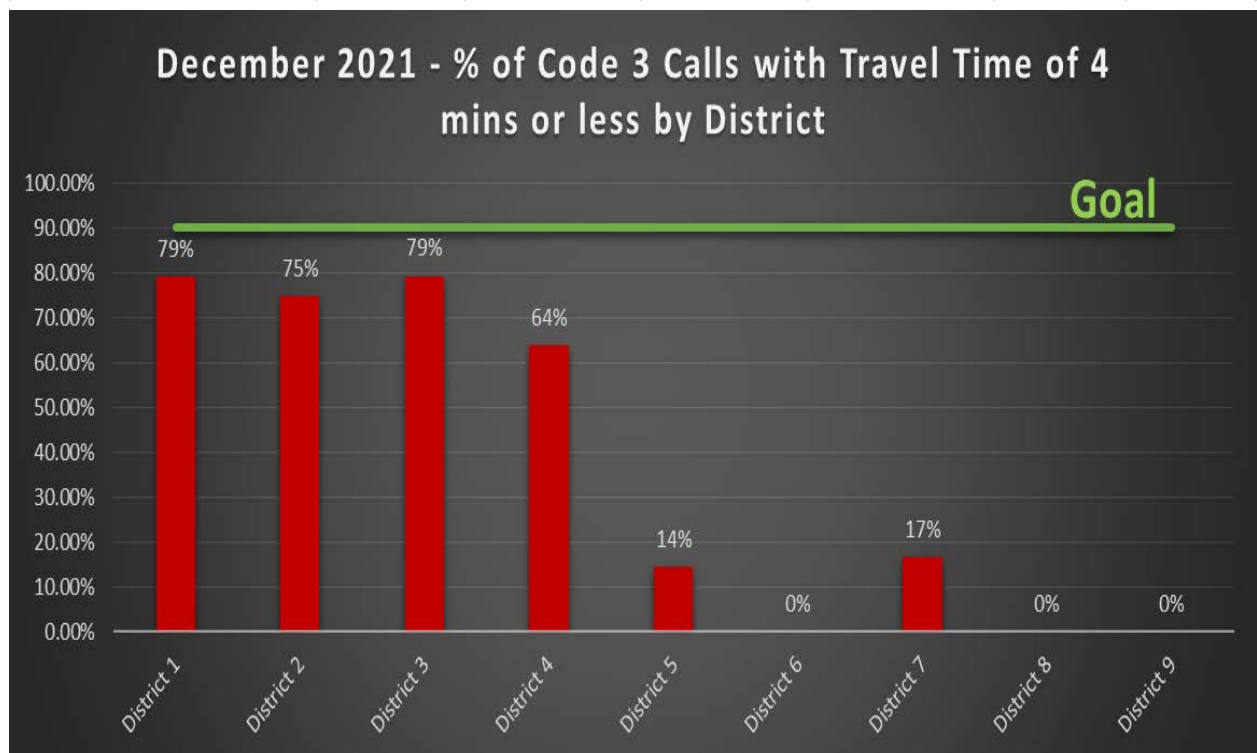
December 2021 Dispatch to Arrival Analysis

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 5.5 mins or Less	Average FD Response Time Minutes	% in 5.5 min or less	Goal of 90%
District 1	91	32%	75	0:04:13	82%	90%
District 2	87	31%	68	0:04:32	78%	90%
District 3	29	10%	25	0:04:12	86%	90%
District 4	47	17%	38	0:05:25	81%	90%
District 5	7	2%	2	0:07:36	29%	90%
District 6	4	1%	0	0:07:20	0%	90%
District 7	12	4%	4	0:08:24	33%	90%
District 8	5	2%	0	0:07:27	0%	90%
District 9	1	0%	0	0:09:51	0%	90%
Department	283	100%	212	0:04:54	75%	90%



December 2021 Travel Time by District

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 4 or Less	Average Travel Time Minutes	% in 4 min or less	Goal of 90%
District 1	91	32%	72	0:03:10	79%	90%
District 2	87	31%	65	0:03:37	75%	90%
District 3	29	10%	23	0:03:19	79%	90%
District 4	47	17%	30	0:04:30	64%	90%
District 5	7	2%	1	0:06:32	14%	90%
District 6	4	1%	0	0:06:21	0%	90%
District 7	12	4%	2	0:07:22	17%	90%
District 8	5	2%	0	0:06:20	0%	90%
District 9	1	0%	0	0:09:14	0%	90%
Department	283	100%	193	0:03:55	68%	90%





Total Dollar Losses

December 2021



City of Rockwall
The New Horizon

Rockwall Fire Department

Print Date/Time: 01/10/2022 13:36
Login ID: rck\ihatcher
Layer: All
Areas: All

ORI Number: TX504
Incident Type: All
Station: All

	Current Month	Last Month	Same Month Last Year	Year To Date	Last Year To Date
Total Property Loss:	\$0.00	\$100,500.00	\$12,000.00	\$343,850.00	\$2,396,957.50
Total Content Loss:	\$0.00	\$150,000.00	\$1,000.00	\$246,600.00	\$1,249,259.00
Total Property Pre-Incident Value:	\$0.00	\$2,000,000.00	\$225,430.00	\$29,709,429.00	\$90,370,443.00
Total Contents Pre-Incident Value	\$0.00	\$500,000.00	\$10,000.00	\$11,657,699.60	\$12,521,661.00
Total Losses:	\$0.00	\$250,500.00	\$13,000.00	\$590,450.00	\$0.00
Total Value:	\$0.00	\$2,500,000.00	\$235,430.00	\$41,367,128.60	\$102,892,104.00



Fire Marshal Division

December 2021 Report



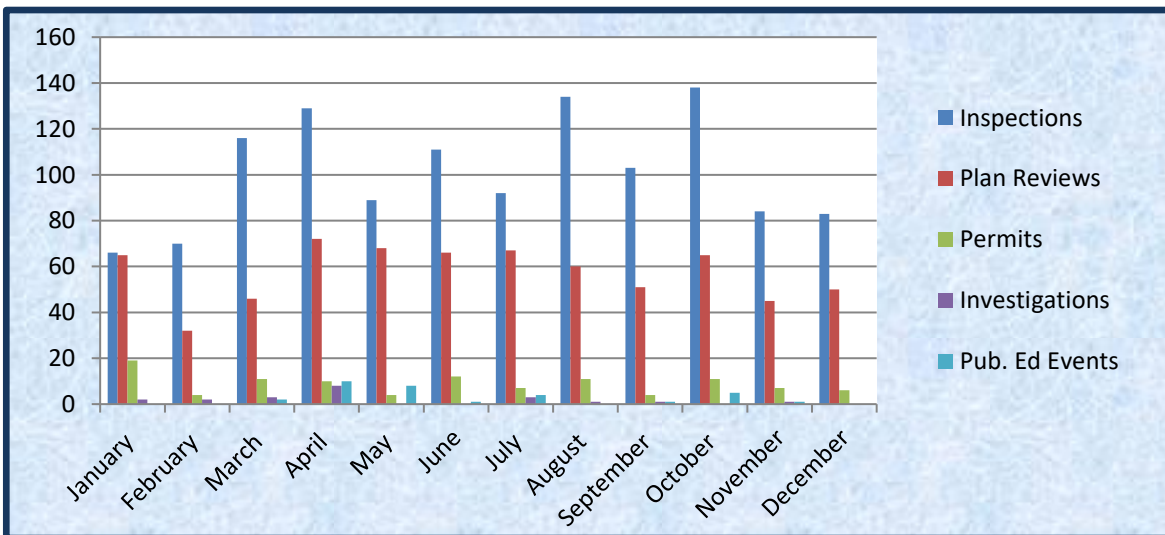
Inspections Conducted	
Total for the Month	83

Plan Reviews Completed	
Total for the Month	50

Permits Issued	
Total for the Month	6

Fire Investigations	
Active Investigations	0
Closed Investigations	0
Total for the Month	0

Public Education Events	
Total for the Month	0





Monthly Report December 2021



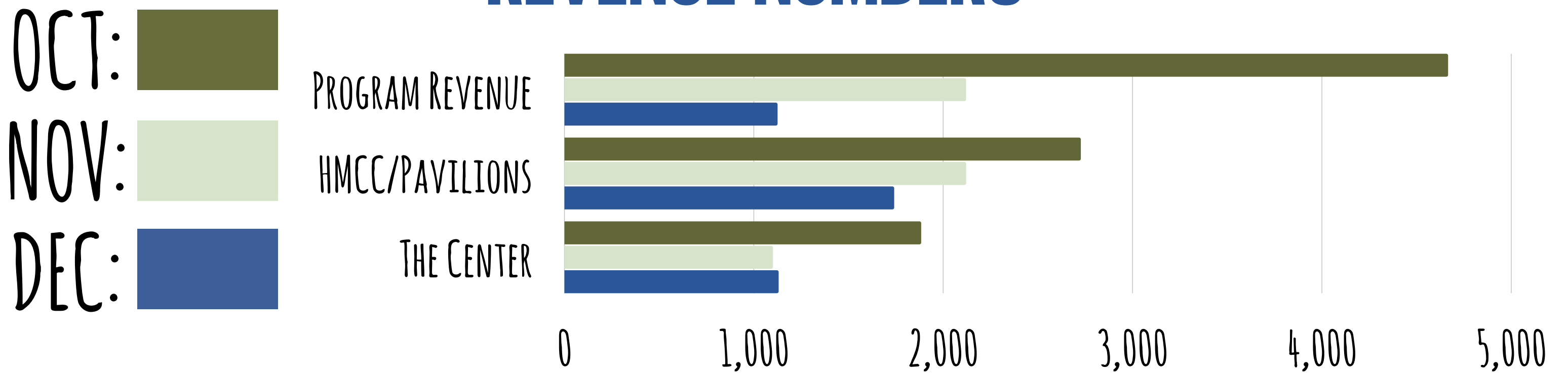
CHRISTMAS TREE LIGHTING
1000 ATTENDEES



BREAKFAST WITH SANTA
201 PARTICIPANTS



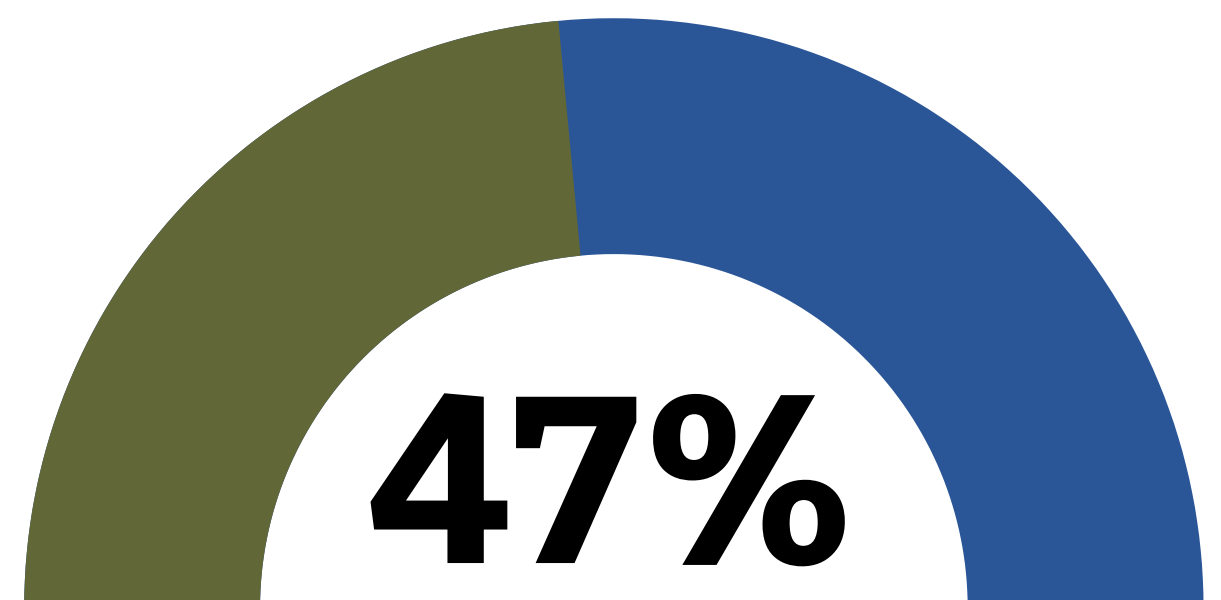
REVENUE NUMBERS



Upcoming:

- Trout Fishing Derby
- Spring RBSL Registration
- SNAP Valentines Dance
- Spring Break Rock Camp

% of Resident Accounts
as of December 2021



PARKS PROJECT UPDATE – DECEMBER 2021



BUTTERFLY ART FABRICATION



NEW NEON LIGHTING AT LEON TUTTLE CONCESSION STAND



LEON TUTTLE ATHLETIC COMPLEX
INFIELD RESERVATIONS



NEW EPOXY FLOORS AT PARK
RESTROOM FACILITIES

OTHER PROJECT UPDATES:

FACILITY/ EQUIPMENT WINTERIZATION

WATER LEAK FIXED AT LEON TUTTLE
ATHLETIC COMPLEX

Rockwall Police Department

Monthly Activity Report

December-2021

ACTIVITY	CURRENT MONTH DECEMBER	PREVIOUS MONTH NOVEMBER	YTD 2021	YTD 2020	YTD % CHANGE
----------	----------------------------------	-----------------------------------	---------------------	---------------------	-------------------------

PART 1 OFFENSES

Homicide / Manslaughter	0	0	0	0	0.00%
Sexual Assault	1	1	18	7	157.14%
Robbery	0	0	4	17	-76.47%
Aggravated Assault	5	3	33	26	26.92%
Burglary	1	5	34	62	-45.16%
Larceny	40	57	586	736	-20.38%
Motor Vehicle Theft	2	6	51	78	-34.62%
TOTAL PART I	49	72	726	926	-21.60%
TOTAL PART II	109	77	1428	1494	-4.42%
TOTAL OFFENSES	158	149	2154	2420	-10.99%

ADDITIONAL STATISTICS

FAMILY VIOLENCE	11	7	115	140	-17.86%
D.W.I.	10	14	194	153	26.80%

ARRESTS

FELONY	21	18	259	340	-23.82%
MISDEMEANOR	39	36	551	623	-11.56%
WARRANT ARREST	11	5	98	102	-3.92%
JUVENILE	2	9	42	49	-14.29%
TOTAL ARRESTS	73	68	950	1114	-14.72%

DISPATCH

CALLS FOR SERVICE	2166	1926	24760	17238	43.64%
-------------------	------	------	-------	-------	---------------

ACCIDENTS

INJURY	5	4	55	109	-49.54%
NON-INJURY	90	67	876	607	44.32%
FATALITY	0	0	1	3	-66.67%
TOTAL	95	71	932	719	29.62%

FALSE ALARMS

RESIDENT ALARMS	42	38	513	513	0.00%
BUSINESS ALARMS	155	138	1646	1571	4.77%
TOTAL FALSE ALARMS	197	176	2159	2084	3.60%
Estimated Lost Hours	130.02	116.16	1424.94	1375.44	3.60%
Estimated Cost	\$3,092.90	\$2,763.20	\$33,896.30	\$32,718.80	3.60%

ROCKWALL NARCOTICS UNIT

Number of Cases	5
Arrests	2
Arrest Warrants	0
Search Warrants	3
Seized	
Cocaine	140g
Dangerous Drugs	3000 pills
Marijuana	45oz
THC Oil	993g

Rockwall Police Department

Dispatch and Response Times

December 2021

Police Department

Average Response Time		
Priority 1		Number of Calls 177
Call to Dispatch	0:00:36	
Call to Arrival	0:05:17	
% over 7 minutes	25%	
Average Response Time		
Priority 2		Number of Calls 775
Call to Dispatch	0:03:18	
Call to Arrival	0:10:39	
% over 7 minutes	21%	
Average Response Time		
Priority 3		Number of Calls 63
Call to Dispatch	0:04:00	
Call to Arrival	0:11:32	
% over 7 minutes	51%	

Average dispatch response time goals are as follows:

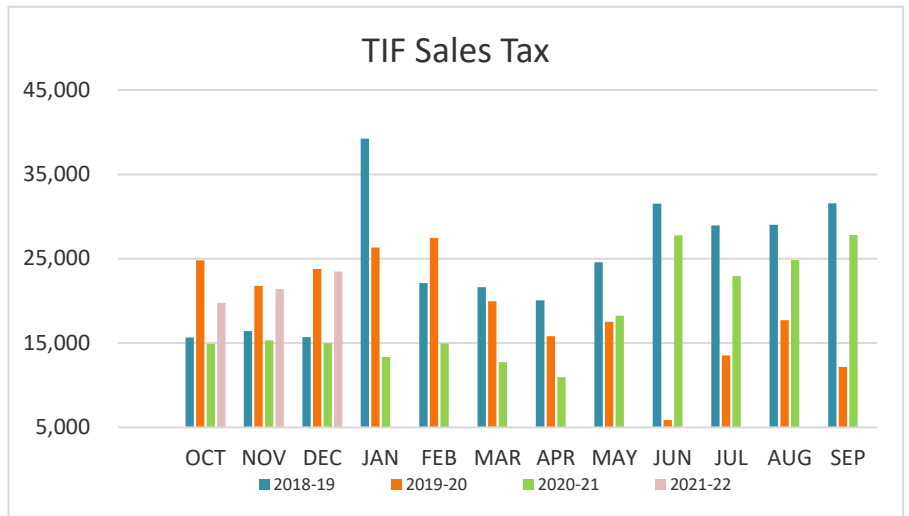
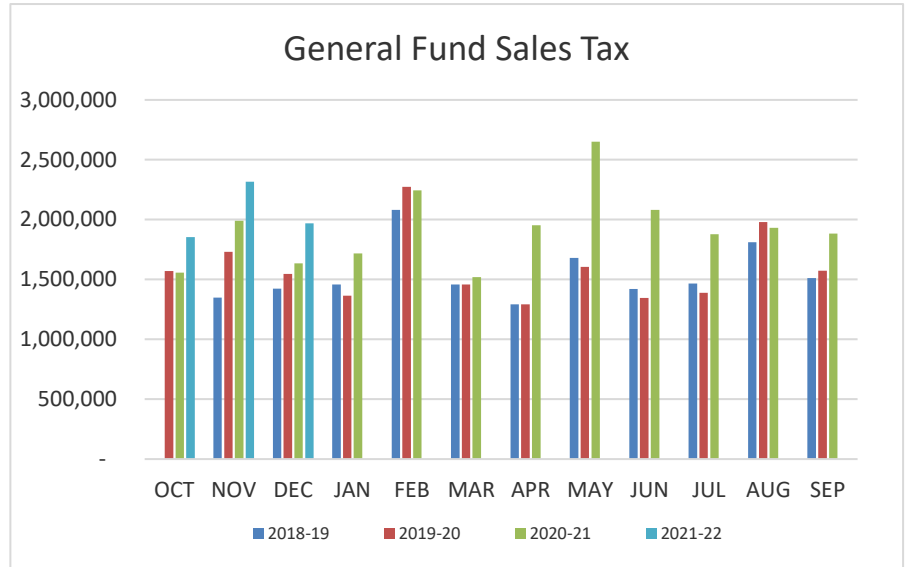
Priority 1: 1 Minute

Priority 2: 1 Minute, 30 Seconds

Priority 3: 3 Minutes

Sales Tax Collections - Rolling 36 Months

	<u>General Fund</u> <u>Sales Tax</u>	<u>TIF</u> <u>Sales Tax</u>
Jan-19	1,457,584	39,247
Feb-19	2,080,043	22,109
Mar-19	1,459,018	21,606
Apr-19	1,293,524	20,077
May-19	1,679,076	24,582
Jun-19	1,420,483	31,523
Jul-19	1,467,376	28,951
Aug-19	1,810,970	29,022
Sep-19	1,478,622	31,577
Oct-19	1,565,868	24,818
Nov-19	1,730,541	21,787
Dec-19	1,547,746	23,781
Jan-20	1,365,040	26,330
Feb-20	2,273,520	27,472
Mar-20	1,458,193	19,955
Apr-20	1,292,639	15,829
May-20	1,605,986	17,538
Jun-20	1,345,598	5,881
Jul-20	1,376,026	13,529
Aug-20	1,979,539	17,706
Sep-20	1,573,352	12,179
Oct-20	1,558,570	14,888
Nov-20	1,989,955	15,299
Dec-20	1,634,280	14,994
Jan-21	1,718,364	13,341
Feb-21	2,244,778	14,935
Mar-21	1,521,031	12,738
Apr-21	1,952,165	10,954
May-21	2,651,412	18,252
Jun-21	2,080,645	27,773
Jul-21	1,877,982	22,940
Aug-21	1,930,521	24,860
Sep-21	1,882,276	27,803
Oct-21	1,855,251	19,744
Nov-21	2,317,861	21,385
Dec-21	1,968,345	23,464



Notes:
 75% of total sales tax collected is deposited to the General Fund each month
 Comptroller tracks sales tax generated in the TIF and reports it monthly
 75% of TIF sales tax (city share) is pledged to the TIF

Monthly Water Consumption - Rolling 27 Months

	<u>Total Gallons</u>	<u>Daily Average</u>	<u>Maximum Day</u>
Oct-19	377,192,895	12,167,513	17,708,812
Nov-19	237,328,307	7,910,944	9,218,867
Dec-19	229,083,044	7,389,776	8,396,266
Jan-20	215,978,847	6,967,060	8,691,306
Feb-20	196,611,134	6,779,695	7,579,604
Mar-20	197,281,791	6,363,929	8,569,168
Apr-20	226,508,245	7,550,275	10,263,848
May-20	317,650,425	10,246,788	13,193,218
Jun-20	455,022,410	15,167,411	20,100,668
Jul-20	511,667,880	16,505,415	20,073,454
Aug-20	590,693,550	19,054,630	22,031,522
Sep-20	363,112,688	12,103,756	14,870,959
Oct-20	397,801,934	12,832,320	15,751,199
Nov-20	295,091,494	9,836,383	11,452,738
Dec-20	179,571,968	7,371,629	8,653,526
Jan-21	157,800,928	6,718,182	7,179,987
Feb-21	199,821,312	8,288,901	17,044,360
Mar-21	230,130,315	7,423,560	9,739,996
Apr-21	289,545,756	9,651,525	12,683,656
May-21	247,421,005	7,981,324	10,400,411
Jun-21	342,904,230	11,430,141	16,988,604
Jul-21	446,687,809	14,409,284	17,918,524
Aug-21	486,443,590	15,691,730	18,928,160
Sep-21	377,898,464	17,173,544	19,016,086
Oct-21	293,280,384	11,880,576	15,338,545
Nov-21	280,398,508	9,346,618	12,584,820
Dec-21	262,730,021	8,475,163	10,313,293

Source: SCADA Monthly Reports generated at the Water Pump Stations

