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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 03, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

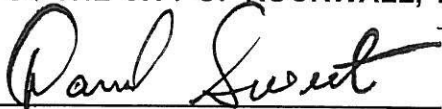
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken out of Executive Session.

IV. ADJOURNMENT

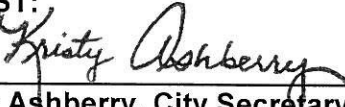
Council came out of Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 17th day of January, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, January 03, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

51 I. CALL TO ORDER

52
53 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
54 Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle
55 Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick
56 Crowley and City Attorney Pete Eckert.

57
58 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

59
60 Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

61
62 Mayor Pro Tem Russo made a motion to direct the city attorney to change the Rockwall
63 Economic Development Corporation (REDC) bylaws to alter the number of members from
64 9 (nine) to 7 (seven) members. Councilmember Sevier seconded the motion, which
65 passed unanimously (7 ayes to 0 nays).

66
67 Mayor Pro Tem Russo then made a motion to make the following appointments to city
68 boards / commissions:

- 69
70 • Reappoint Clark Staggs to the Architectural Review Board with a term to expire in
71 August of 2013.
72
73 • Appoint Dennis Dayman to the Building & Standards Commission to replace
74 David Butler as an “interested citizen” with an initial term to expire in August of
75 2013.
76
77 • Appoint Freddie Jackson to the Building & Standards Commission to replace
78 Kenneth Szolosi as an “interested citizen” with an initial term to expire in August
79 of 2013.
80
81 • Appoint Kirk Lovett to the Historic Preservation Advisory Board as an “interested
82 citizen” with an initial term to expire in August of 2012.
83
84 • Appoint Sandra Whitley to replace Sherry Pittman as a “property owner” on the
85 Historic Preservation Advisory Board with a term to expire in August of 2012.
86
87 • Appoint Clifford Linsey to the Board of Adjustments to replace C.F. Pratt with an
88 initial term to expire in August of 2013.
89
90 • Appoint Stephen Geiger to replace Ted Sansom on the Board of Adjustments with
91 an initial term to expire in August of 2013.
92
93 • Appoint Matthew Nielsen to the Architectural Review Board to replace Ray Harton
94 with an initial term to expire in August of 2013.

95
96 Mayor Sweet seconded the motion, which passed unanimously of Council (7 ayes to 0
97 nays).

98
99 III. OPEN FORUM

100
101 Mayor Sweet explained how Open Forum is conducted and then asked if anyone would
102 like to come forth and address the council at this time.

103
104 Michael Kitkoski
105 2500 Shorecrest
106 Rockwall, Texas 75087
107

108 Mr. Kitkoski came forth and indicated that he would like to thank the city council for the
109 large success in achieving much higher live outcome rates at the Rockwall Animal
110 Adoption Center in the year 2011. He expressed that funds raised through adoption fees
111 have put many thousands of dollars back into city funds. He distributed to the Council
112 copies of various statistics he has compiled and generally offered positive comments
113 regarding high live outcome rates in 2011.

114
115 Brad Griggs indicated that the Rockwall City Council adopted a 90% live outcome rate in
116 July; however, the entire year of 2011 was successful in achieving positive live outcome
117 rates.

118
119 There being no one else to come forth and speak, Mayor Sweet then closed the Open
120 Forum.

121
122 IV. CONSENT AGENDA

- 123
124 1. Consider approval of the minutes from the December 19, 2011 regular
125 city council meeting, and take any action necessary.
- 126 2. Consider authorizing the purchase of in-car cameras/computer systems
127 for Police Department patrol vehicles in the amount of \$285,262.33 to be
128 funded out of budgeted contractual obligations and accumulated
129 technology replacement funds and take any action necessary.
- 130 3. Consider authorizing the purchase of additional New World Systems
131 Public Safety Software CAD AVL module in the amount of \$56,500 to be
132 funded out of contractual obligations as approved in the fiscal 2012
133 budget and take any action necessary.
- 134 4. Consider approval of an **ordinance** amending the Code of Ordinances of
135 the City of Rockwall by amending Chapter 6, Animals, Article III Dog and
136 Cat Permits, Sec. 686 to add a provision to allow for an increase in the
137 number of allowable animals for those who foster animals and take any
138 action necessary. **(1st Reading)**
- 139 5. P2011-021 - Consider approval of a request by Wade Davis of AutoZone
140 for a replat of Lot 13R, Block A, Horizon Ridge Addition, being a 1.02-
141 acre tract zoned (PD-9) Planned Development No. 9 district and located
142 at 3021 Ridge Road, and take any action necessary.

- 143 6. Consider approval of the construction contract for the sanitary sewer line
144 replacement on SH-66, east of Clark, in the amount of \$39,695.00 to be
145 funded by 2008 Revenue Bonds, and take any action necessary.

146 **Councilmember Smith pulled item #4 for further discussion.**

147
148 **Councilmember Nielsen then made a motion to approve the remaining Consent Agenda**
149 **items (#1, 2, 3, 5, and 6). Councilmember Sevier seconded the motion, which passed**
150 **unanimously of Council (7 ayes to 0 nays).**

151
152 **Regarding Consent Agenda item #4, Councilmember Smith expressed that although she**
153 **supported this item at the last council meeting, she has since reconsidered the topic and**
154 **does not believe that changes reflected in the proposed ordinance are truly needed at**
155 **this time.**

156
157 **Mayor Sweet added to Smith's comments, generally indicating that he also does not**
158 **believe an ordinance change to this end is needed at this time.**

159
160 **After brief discussion, no motion arose regarding Consent Agenda item #4. As such, the**
161 **ordinance did not receive 2nd reading and therefore did not pass due to the lack of a**
162 **motion and a second.**

163
164 **V. ACTION ITEMS**

- 165
166 1. Discuss and consider scheduling of a bond election related to capital
167 improvement recommendations and take any action necessary.

168 **Interim City Manager Rick Crowley provided brief introductory comments related to this**
169 **item, indicating that although no definitive decisions need to be made with regards to**
170 **calling a bond election at this time, a decision will need to be made in the near future.**

171
172 **Mayor Sweet briefly spoke about the potential timing associated with possibly calling a**
173 **bond election.**

174
175 **Councilmember Sevier shared with the city council information that he received, upon**
176 **request, from Interim City Manager Rick Crowley related to rough estimates associated**
177 **with maintenance and upkeep of a sports complex like the one that is being considered**
178 **by the council to potentially be put forth in a bond election. He generally expressed that**
179 **the upkeep associated with such complex is quite considerable, which is something that**
180 **members of the council may wish to consider when making a decision on putting forth a**
181 **bond package for voter consideration.**

182
183 **Councilmember Nielsen asked staff what the estimated revenues for such sports**
184 **complex might be if it were to be built. Parks Director Brad Griggs indicated that it is**
185 **very difficult to anticipate ahead of time what amount of revenues might be generated by**
186 **such a complex but that staff can attempt to bring something back to the council for**
187 **review at a later date.**

188
189 **Mayor Sweet shared some important dates associated with the May 12, 2012 general**
190 **election.**

192 Mayor Pro Tem Russo made a recommendation that he would like the spine associated
193 with fire suppression in the downtown area to be removed from the plans. He also
194 indicated that more discussion should take place regarding road projects.
195

196 Councilmember Smith also indicated that she has concerns associated with the fire
197 sprinkler suppression 'spine' reflected in the downtown improvement plans. She then
198 asked for some clarification from staff and council regarding how it came to be that a full
199 sports complex began being discussed. She indicated she has received emails from
200 citizens requesting additional softball practice fields and softball playing fields.
201

202 Councilmember Nielsen indicated that about eighteen months ago, the council chambers
203 was flooded with people who indicated a desire for more playing and practice fields,
204 including soccer fields.
205

206 General discussion then took place related to the history of how the proposed sports
207 complex originated.
208

209 Mayor Sweet then asked Mr. Crowley to explain more details associated with the fire
210 sprinkler suppression 'spine' currently reflected in downtown improvement plans. Mr.
211 Crowley then explained the purpose and logic behind installation of a 'spine' so that fire
212 suppression can be more easily provided to those property owners wishing to tap into
213 such spine to sprinkler their buildings and create additional fire suppression protection.
214

215 After brief discussion, the Council took no action related to this item.
216

217 **VI. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
218 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
219

- 220 1. Departmental Reports
221 Finance Department Monthly Report - November 2011
222 Building Inspection Monthly Report - November 2011
223 Fire Department Monthly Reports - November 2011
224 Police Department Monthly Report - November 2011
225 Recreation Department Monthly Report - November 2011
226 Harbor PD Monthly Report - November 2011
227 Internal Operations Department Monthly Report - November 2011
228

- 229 2. City Manager's Report
230 iManager's Report (Interim City Manager)
231

232 Interim City Manager Rick Crowley reminded the Council about a public meeting
233 scheduled for Monday, January 30, which will focus on a public input meeting associated
234 with the locally preferred realignment of SH-66 and a work session related to the city's
235 Comprehensive Plan.
236

237 He provided a brief update regarding Stage 3 water restrictions and associated
238 compliance. He indicated that staff will be writing citations for non-compliance in the
239 near future, and violators will either pay the citation at the court window or will set a
240 court date to go before the municipal court judge. He further indicated that the North
241 Texas Municipal Water District (NTMWD) has indicated that Stage 4 water restrictions will

242 likely need to be implemented in the coming months. Staff will bring forth more
243 information related to Stage 4 to the council in February.

244
245 He indicated that the Construction Advisory Board recently met with staff, and
246 recommendations associated with fire and building codes will be brought forth to the
247 council in the near future. He also indicated that adoptions at the Animal Adoption
248 Center have been successful.

249
250 Councilmember Nielsen asked staff to look into the school bus parked along the IH-30
251 service road that has a sign on it advertising hiring of drivers.

252
253 Mayor Sweet adjourned the public meeting at 6:47 p.m., and council did not reconvene
254 back into Executive Session.

255
256 **VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
257 **GOVERNMENT CODE TO DISCUSS:**

- 258
259 1. Deliberation regarding the purchase, exchange, lease, or value of real
260 property.
- 261 2. Personnel Issues, including Board, Commission, and Committee
262 Appointments, and Related Matters.
- 263 3. Commercial or financial information regarding business prospects that the
264 City seeks to have locate, stay, or expand in or near the territory of the
265 City of Rockwall and with which the Board is conducting economic
266 development negotiations.
- 267 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
268 with attorney with regard to a matter that it is the duty of the attorney to
269 consult with the Council pursuant to the Attorney Client Privilege under
270 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
271 Texas.

272 **VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

273
274 See start of public meeting above for actions taken by council out of Executive Session.

275
276 **IX. ADJOURNMENT**

277
278 The public meeting was adjourned at 6:47 p.m.

279
280 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
281 **this 17th day of January, 2012.**

282
283 **ATTEST:**
284 *Kristy Ashberry*
285 _____
286 **Kristy Ashberry, City Secretary**

David Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 17, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

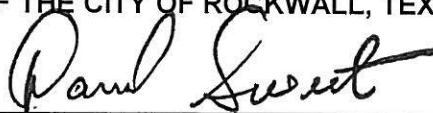
1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and regarding city manager selection process.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations and regarding PD-32 Harbor Heights.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The council took no action as a result of Executive Session.


IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of February, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

**MINUTES
ROCKWALL CITY COUNCIL**

Tuesday, January 17, 2012
6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

Mayor Sweet delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the January 3, 2012 regular city council meeting, and take any action necessary.

Mayor Pro Tem Russo made a motion to approve Consent Agenda item #1. Councilmember White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

IV. APPOINTMENTS

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

Chair of the Planning and Zoning Commission, Phillip Herbst, came forth and briefed the council on the recommendations of the P&Z Commission relative to items on the city council agenda. The council took no action related to this item.

V. PUBLIC HEARING ITEMS

1. Z2011-025 - Hold a public hearing and consider approval of an ordinance for a request from Mushtak Khatri of The Rockwall Commons, LLC for approval of an amendment to (PD-1) Planned Development No. 1 district, specifically for a PD Concept / Development plan for "Rockwall Commons Phase II," being a proposed retail and residential mixed-use development on a 2.88-acre tract currently described as Tract 6-2, Abstract 255, B. J. T. Lewis Survey, located along the east side of Ridge Road immediately north of Rockwall Commons Addition, and take any action necessary. (1st reading)

Planning Director Robert LaCroix offered background information related to this item, indicating that this Planned Development District was the first PD in the City of Rockwall,

89 and it originated in 1972. The creation of this PD zoned the property and required
90 submission and approval of a concept site plan associated with each phase of the
91 development. He explained that a portion of this area is zoned for mixed use
92 development, which includes higher density.

93
94 He offered that this particular property was purchased in May and the new owner has
95 made a number of upgrades since its purchase. They are at 100% occupancy for
96 residential and about 90% occupancy for the retail portions. Mr. LaCroix offered
97 comments related to the proposed density, height, elevations, architecture, parking and
98 layout of the new portion of this existing mixed use development.

99
100 LaCroix indicated that the proposed Phase II of this development will result in an
101 estimated \$12-15 million in additional value for a total of \$30 million dollar overall
102 property value for this property.

103
104 He indicated that notices were sent out to owners of 12 tracts located within 200 feet of
105 the property. One response was received back in favor, and no responses were received
106 back in opposition. The Planning & Zoning Commission recommended approval of this
107 item by a unanimous vote, and staff also recommends approval of this item with certain
108 conditions.

109
110 Mayor Sweet opened the public hearing.

111
112 **Mushtak Katri**
113 **9919 Avalon Creek Court**
114 **Dallas, Texas**

115
116 Mr. Katri, the applicant, came forth and provided background information related to
117 having acquired this property in May of 2011 after obtaining it through foreclosure. He
118 offered information on the lease space available versus the space that has been leased
119 to date. He indicated that he and his family have numerous property investments
120 throughout the metroplex, and they have a vested interest in the success of the Rockwall
121 Commons. In addition, he indicated the family plans to keep this property long-term and
122 has upgraded the property through the addition of several desirable amenities.

123
124 Discussion took place regarding the city's ability or inability to require the applicant to
125 install the stainless steel appliances and granite countertops. Councilmember Nielsen
126 generally indicated that she would like some sort of assurance from the applicant with
127 regards to his commitment to ensure these high-end amenities will be installed. The
128 applicant agreed that he is willing to agree to this stipulation in writing.

129
130 Mayor Sweet asked if anyone would like to come forth and address the council regarding
131 this public hearing. There being no one to come forth and speak, Mayor Sweet then
132 closed the public hearing.

133
134 Councilmember Nielsen made a motion to approve Z2011-025 with staff
135 recommendations and with the understanding that the applicant agree to install high end
136 stainless steel sinks and appliances as well as granite countertops and wood flooring.
137 Councilmember White seconded the motion.

139 Councilmember Sevier asked Fire Chief Mark Poindexter to clarify how the height of this
140 development compares to other developments located within the city. He also asked for
141 and received clarification regarding the density requirement of this development
142 compared to the density associated with other multi family developments in the city.
143 Poindexter indicated that the height of this building is very comparable to the existing
144 Hilton Hotel. Regarding density, this proposed development will result in approximately
145 31.2 units per acre.

146
147 Councilmember Smith asked clarifying questions regarding the height and number of
148 stories associated with this proposed expansion compared to the existing structures
149 located at the development.

150
151 Mayor Pro Tem Russo asked staff questions regarding anticipated traffic impacts
152 associated with this proposed expansion. Staff indicated that traffic impacts associated
153 with this expansion are anticipated to be minimal.

154
155 Brief discussion took place regarding the percentage break down of one, two and three
156 bedroom living units associated with this proposed expansion.

157
158 After additional discussion, the ordinance was read as follows:

159
160 CITY OF ROCKWALL
161 ORDINANCE NO. 12-

162
163 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
164 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
165 CODE OF THE CITY OF ROCKWALL AND (PD-1) PLANNED
166 DEVELOPMENT NO. 1 DISTRICT (ORDINANCE NO. 72-2 AND 83-21)
167 TO APPROVE A PD CONCEPT/DEVELOPMENT PLAN FOR A
168 RETAIL AND RESIDENTIAL MIXED USE DEVELOPMENT ON A 2.88-
169 ACRE TRACT OF LAND KNOWN AS TRACT 6-2, ABSTRACT 255, B.
170 J. T. LEWIS SURVEY, AND MORE FULLY DESCRIBED HEREIN;
171 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
172 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
173 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
174 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
175 PROVIDING FOR AN EFFECTIVE DATE.

176
177 The motion passed by a vote of 6 ayes to 1 nay (Sevier).

- 178
179 2. Z2011-026 - Hold a public hearing and consider approval of an
180 ordinance for a request by Frank Conselman for approval of a Specific
181 Use Permit (SUP) allowing for a landing/stairs exceeding the maximum
182 requirements within the Lake Ray Hubbard Takeline Overlay (TL OV)
183 District, in the take area adjacent to their property at 1210 Crestcove
184 Drive, being Lot 26, Block B, Hillcrest Shores Phase 3 Addition, and take
185 any action necessary. (1st Reading)

186 Planning Director Robert LaCroix provided brief background information related to this
187 item, indicating that Mr. Conselman is proposing to construct an earthen type ramp to
188 navigate down the high retaining wall at the rear of his property. LaCroix indicated at a
189 similar SUP to build an earthen ramp was granted a few years back. He explained some
190 of the aesthetics associated with what Mr. Conselman proposes to construct. Staff is

191 recommending that the applicant adhere to required sloping requirements to avoid any
192 sort of safety concerns. Notices were sent out within 200 feet of the property, and two
193 were received back in favor. The P&Z Commission has recommended approval of this
194 item.

195
196 **Mr. Conselman**
197 **1210 Crestcove Drive**
198 **Rockwall, Texas**
199

200 **Mr. Conselman indicated that he plans to construct his earthen ramp in much the same**
201 **way that his neighbor, Mr. Jungles, constructed a few years ago.**
202

203 **Mayor Sweet asked if anyone would like to come forth and speak during this public**
204 **hearing. There being no one to come forth, Mayor Sweet then closed the public hearing.**
205

206 **Mayor Pro Tem Russo then made a motion to approve Z2011-026. Councilmember Smith**
207 **seconded the motion.**
208

209 **The ordinance was read as follows:**

210 **CITY OF ROCKWALL**

211
212 **ORDINANCE NO. 12-**
213

214 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
215 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
216 **CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
217 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING**
218 **FOR A LANDING/STAIRS EXCEEDING THE MAXIMUM**
219 **REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE**
220 **OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT**
221 **26, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND**
222 **LOCATED AT 1210 CRESTCOVE DRIVE; PROVIDING FOR SPECIAL**
223 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO**
224 **EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR**
225 **EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**
226 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
227 **EFFECTIVE DATE.**
228

229 **The motion passed unanimously of council (7 ayes to 0 nays).**
230

231 **VI. ACTION ITEMS**
232

- 233 **1. Discuss and consider a request from Mrs. Shannon Beasley with Shoe**
234 **Carnival for a height and size variance for a wall sign located at 1053 IH**
235 **30, and take any action necessary.**

236 **Jeffrey Widmer, Building Official and Director of Code Enforcement, offered brief**
237 **background information related to this item. He explained that the applicant is**
238 **requesting variances for both height and size of the sign.**
239

240 **Roslan Holderfield**
241 **I.D. Associates Incorporated**
242 **1771 Industrial Blvd.**

243 Dothan, AL 36303

244

245 Ms. Holderfield came forth and explained her request to the council.

246

247 Mayor Pro Tem Russo made a motion to approve both variances as requested.
248 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

249

250 2. Discuss and consider a recommendation from the Park Board regarding
251 approval of a Parasailing Concession Agreement at the Harbor and take
252 any action necessary.

253 Parks Director Brad Griggs provided brief background information related to this item.

254

255 Henry "Rance" Rudy, the applicant, then came forth and provided background
256 information related to the parasailing business he is proposing to operate out of The
257 Harbor.

258

259 Mayor Pro Tem Russo asked the applicant to expound upon the safety aspects
260 associated with parasailing and whether or not a person needs to be athletic in order to
261 parasail. Mr. Rudy offered clarification regarding safety precautions that will be taken.
262 He further indicated that a person does not need to be athletic in order to parasail. Brief
263 discussion took place regarding the visibility of this business at the boat dock itself.

264

265 Councilmember White made a motion to approve the parasailing concession agreement.
266 Mayor Pro Tem Russo seconded the motion.

267

268 Councilmember Sevier offered comments related to concerns associated with the city
269 allowing a private business to operate off of a public boat dock.

270

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

272

273 3. Discuss and consider approval of a Park Board recommendation related
274 to a request from Suntex Waterfront Management regarding marina
275 improvements and take any action necessary.

276 Parks Director Brad Griggs offered background information related to this item,
277 indicating that Suntex took over management of the Chandlers Marina this past year. He
278 explained that Suntex began covering G dock to accommodate power boats instead of
279 leaving the dock open to accommodate sail boats since they believed there to be a larger
280 demand for covered docks instead. However, building inspectors stopped the project
281 because Suntex had not received approval from the city to cover G dock. Since then,
282 Suntex has sought approval, and the city's Park Board has recommended granting said
283 approval.

284

285 Brian Walden
286 1 Harbor View Drive
287 Rockwall, Texas

288

289 Mr. Walden indicated that the existing roofline of G dock covers about half of the dock.
290 They would like to finish covering G dock entirely. They sought approval and received it
291 from the condo association. Sailboats have been relocated since they cannot be
292 accommodated by covered docks.

293 Council members Nielsen and Russo expressed concern on behalf of residents who may
294 have preferred to look at sail boat masts when looking out towards the lake instead of a
295 roofline. Mr. Walden expressed that, to his knowledge, the condo homeowners
296 associated did speak to the property owners whose view is directly impacted, and the
297 HOA did issue a letter of approval to cover the remaining portion of G dock.
298

299 Councilmember White made a motion to approve this item as presented. Councilmember
300 Sevier seconded the motion.

301 Mr. Griggs clarified that three residents spoke in opposition of covering G dock when it
302 came before council last time back in 2008.

303 Fire Chief Mark Poindexter indicated that he is still working with Suntex to remedy some
304 existing fire protection related concerns. He asked that if the council approves Suntex
305 moving forth, that they include in their motion a provision that such concerns must be
306 worked out.

307 Mayor Sweet indicated that he is not in support of the motion on the floor. He believes
308 there are too many outstanding questions and concerns surrounding this issue. He
309 asked Chief Poindexter to outline the outstanding fire related issues so that the council
310 can review those.

311 After brief discussion, Councilmember Sevier rescinded his second to Councilmember
312 White's motion. There being no second to White's motion, the motion failed due to lack
313 of a second.
314

315 Mayor Sweet then made a motion to instruct Chief Poindexter to clarify the fire related
316 issues with the applicant and work through those outstanding issues and that
317 clarification regarding any potential resident concerns should be addressed by the
318 applicant through assistance by Parks Director, Brad Griggs. Councilmember Nielsen
319 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.
320

321 4. Discuss and consider an **ordinance** adopting Chapter 18 Fire Prevention
322 and Protection, Article II. Fire Code Standards, Sec. 18-32 and Sec. 18-
323 33 of the Code of Ordinances regarding the 2009 International Fire Code
324 with certain local amendments and exceptions and take any action
325 necessary. (1st reading)

326 Fire Chief Mark Poindexter provided background information related to this item,
327 indicating that the proposed ordinance will update local fire codes from the 2006 version
328 to the 2009 edition.
329

330 Councilmember Smith made a motion to approve the ordinance as presented.
331 Councilmember Sevier seconded the motion. The ordinance was read as follows:
332

333 CITY OF ROCKWALL
334 ORDINANCE NO. 12-01
335

336 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
337 ROCKWALL, TEXAS, ADOPTING CHAPTER 18 FIRE PREVENTION
338 AND PROTECTION, ARTICLE II. FIRE CODE STANDARDS, SEC. 18-
339 32 AND SEC. 18-33; REPEALING CHAPTER 18 FIRE PREVENTION
340 AND PROTECTION, ARTICLE II, SEC. 18-32 AND SEC. 18-33
341 AMENDMENTS WITH THE EXCEPTION OF SUBSECTION (41) (2006

342 IFC, SECTION 903.2, AS ADOPTED BY ORD. 11-24); PROVIDING
343 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
344 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A
345 SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH
346 DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING
347 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
348 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
349

350 **The motion passed by a vote of 6 ayes to 1 nay (White).**
351

- 352 **5.** Discuss and consider an **ordinance** adopting Chapter 10 Buildings and
353 Building Regulations, Articles III, IV, V, VI, VII, VIII, AND IX of the Code of
354 Ordinances regarding the 2009 International Building Code, Residential
355 Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Energy
356 Conservation Code and the 2008 National Electric Code with certain local
357 amendments and exceptions and take any action necessary. **(1st**
358 **reading)**

359 **Building Official Jeffrey Widmer provided brief background information related to this**
360 **item.**
361

362 **Mayor Sweet made a motion to approve the ordinance as presented. Mayor Pro Tem**
363 **Russo seconded the motion. The ordinance was read as follows:**
364

365 **CITY OF ROCKWALL**
366 **ORDINANCE NO. 12-02**
367

368 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
369 **ROCKWALL, TEXAS, ADOPTING CHAPTER 10 BUILDINGS AND**
370 **BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, AND IX**
371 **OF THE CODE OF ORDINANCES; REPEALING ARTICLE III,**
372 **ARTICLE IV, SECS. 10-137 AND 10-138 (1)-(58); ARTICLE V,**
373 **ARTICLE VI, ARTICLE VII, ARTICLE VIII, AND ARTICLE IX, DIVISION**
374 **3; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE**
375 **SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
376 **OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED**
377 **COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION**
378 **OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING**
379 **FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE**
380 **DATE.**
381

382 **The motion passed by a vote of 6 ayes to 1 nay (White).**
383

- 384 **6.** Discuss and consider approval of a resolution regarding raw water supply
385 and take any action necessary.

386 **Interim City Manager Rick Crowley provided brief background information related to this**
387 **item, indicating that he attended a meeting of the North Texas Municipal Water District**
388 **this morning where he learned that moving to Stage 4 of the Water Conservation Plan will**
389 **likely not be necessary as early as expected. He explained that recent rainfalls coupled**
390 **with NTMWD recently reaching an agreement with the City of Dallas will result in the**
391 **move to Stage 4 being unnecessary at this time. However, Crowley still recommended**
392 **approval of the proposed resolution since water related concerns will continue to be**
393 **present moving forward.**

394
395 After additional discussion and comments on the part of council and staff, Mayor Pro
396 Tem Russo made a motion to approve the resolution as presented. Councilmember
397 Sevier seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.
398

399 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
400 GOVERNMENT CODE TO DISCUSS:

- 401
402 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
403 2. Personnel Issues, including Board, Commission, and Committee Appointments,
404 and Related Matters and regarding city manager selection process.
405 3. Commercial or financial information regarding business prospects that the City
406 seeks to have locate, stay, or expand in or near the territory of the City of
407 Rockwall and with which the Board is conducting economic development
408 negotiations and regarding PD-32 Harbor Heights.
409 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
410 attorney with regard to a matter that it is the duty of the attorney to consult with
411 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
412 Rules of Professional Conduct of the State Bar of Texas.

413
414 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

415
416
417 IV. ADJOURNMENT

418
419
420 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this
421 6th day of February, 2012.

422
423 ATTEST:
424 *Kristy Ashberry*
425 _____
426 Kristy Ashberry, City Secretary

David Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Sunday, January 22, 2012
4:00 p.m. Special City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, and Bennie Daniels. Also present was City Attorney Pete Eckert. Council Member Cliff Sevier was absent from the meeting. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTION 551.074 OF THE TEXAS GOVERNMENT CODE TO DISCUSS:

Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and regarding city manager selection process.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Russo made a motion to accept the proposal of Strategic Government Resources (SGR), Ron Holifield, Principle, to conduct the search assignment for the City Manager position. Council Member White seconded the motion, which passed with 6 ayes and 0 nays (Sevier absent).

IV. ADJOURNMENT

The meeting was adjourned at 4:57 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6th day of February, 2012.

ATTEST:



Pete Eckert, City Attorney



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, January 30, 2012
4:00 p.m. Special City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. **CALL TO ORDER**

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert.

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II. **(4:00 P.M.) HOLD WORK SESSION TO DISCUSS AND CONSIDER REVISIONS TO THE CITY'S COMPREHENSIVE PLAN AND TAKE ANY ACTION NECESSARY.**

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Interim City Manager Rick Crowley offered brief, introductory remarks. Planning Director Robert LaCroix then came forward and provided extensive background information to the council related to the city's comprehensive zoning plan. Lengthy discussion took place among city council members and staff related to various concerns of the council relative to some of the language contained within the comprehensive plan. It was suggested by several council members that consideration be given to possibly appointing a new citizen committee to extensively review the comp plan, including its components and language.

27
28
29
30

Councilmember Nielsen suggested the council consider placing a thirty (30) day moratorium on any potential development in areas of the city not already included in the city's Comprehensive Plan.

31
32
33
34

After additional discussion, staff was instructed to place a discussion item on the February 6 regular council meeting agenda for consideration of possibly forming a citizen input committee associated with revising the city's Comp Plan.

35
36
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38

The council took no formal action relative to this agenda item, and Mayor Sweet adjourned the work session at 5:12 p.m.

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42

III. **(6:00 P.M.) TAKE PUBLIC INPUT AND DISCUSS AND CONSIDER THE LOCALLY PREFERRED REALIGNMNET OF STATE HIGHWAY 66 AND TAKE ANY ACTION NECESSARY.**

43
44

Mayor Sweet called the meeting back to order at 6:00 p.m.

45
46

Chad Gardiner, consultant with Halff Associates, Inc. came forth to provide a presentation to the city council and members of the public regarding the State Highway

47 66 (SH-66) Corridor Study, including a description of various re-alignment route options
48 and potential impacts associated with each alternative route. Mr. Gardiner indicated that
49 Halff and Associates is currently under contract with Rockwall County to analyze and
50 make recommendations associated with the realignment of SH-66. He indicated that the
51 purpose of this current project is to plan for and accommodate growth and traffic
52 traveling along this roadway up to the year 2035 and beyond.
53

54 Sheri Fowler
55 2974 SH 66
56 Rockwall, TX
57

58 Ms. Fowler came forth and asked clarifying questions regarding potential displacement
59 considerations for those property owners whose homes may be negatively impacted
60 such that when they walk out their front door, they would be standing in the new
61 roadway.
62

63 Mr. Gardiner offered clarifying comments related to this question, indicating that TXDOT
64 will give consideration to such displacement-related concerns during negotiations with
65 individual property owners.
66

67 Tammy Sullivan
68 609 East Washington
69 Rockwall, TX
70

71 Ms. Sullivan came forth and asked Mr. Gardiner some clarifying questions regarding
72 potential impacts to her specific property.
73

74 Greg Smith
75 610 East Rusk
76 Rockwall, TX
77

78 Mr. Smith expressed concern about the speed with which cars are currently traveling
79 along the roadway in front of his house and the speed with which the cars will travel
80 once the roadway is redone and widened. He also expressed concern related to the
81 speed of cars traveling on Washington. Mr. Smith expressed concern about bringing the
82 roadway closer to existing homes and also about increasing the speed limit.
83

84 Vincent Edwards
85 2068 SH-66
86 Rockwall, TX
87

88 Mr. Edwards came forth and indicated that he is speaking on his own behalf as well as on
89 behalf of his mother-in-law, Carolyn Browning, who lives at 2098 SH-66. He asked for
90 clarification regarding why expansion to two and three lanes in some areas would be
91 necessary.
92

93 Mr. Gardiner explained that the three lanes are needed due to the need to accommodate
94 projected traffic counts along various portions of SH-66.
95

96 Mr. Edwards also asked for clarification regarding displacement and associated
97 negotiations with TXDOT, including potential timeframes.

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**Chris West
401 East Rusk
Rockwall, TX**

Mr. West asked if the address of his property is anticipated to change if it is switched over to a state roadway. Chuck Todd, City Engineer, indicated that it may result in the street having a 'dual street name.'

Mr. West asked for clarification regarding the information that was mailed out to property owners, specifically the elevations shown on the provided map. He asked if underground drainage will be installed. Mr. Gardiner indicated that it will be converted to underground drainage. Brief discussion ensued related to people attending downtown 'special events' parking in Mr. West's driveway and yard. Mr. West asked if current overhead utilities will be considered to be relocated underground. Mr. Gardiner indicated that no plans for putting utilities underground are expected. Mr. Gardiner also answered Mr. West's question related to the expected budget for this project, indicating there is a \$120-\$130 million estimated cost associated with this 10 mile stretch of SH-66.

**Kendra Kilpatrick
402 East Washington Street
Rockwall, TX**

Mrs. Kilpatrick indicated that she walks her children to school each day. She asked for clarification regarding the safest anticipated pedestrian access for her and her children once the roadway is redone. She asked if the same parade routes will be expected once the roadway is redone. She generally expressed concern about the availability and safety of pedestrian walkways since she does not drive and mainly travels on foot. She is also concerned about relocation of her large, stately pecan trees and relocation of utility poles currently located on or near her property.

**Christie Gates
104 North Clark Street
Rockwall, TX**

Ms. Gates indicated that her home is located in the historic district. She asked clarifying questions related to future access to her two outbuildings once the roadway is redone. She is also concerned about pedestrian access for children and families walking to and from Dobbs Elementary.

**Mike Spampinato
605 East Washington
Rockwall, TX**

Mr. Spampinato asked for clarification regarding anticipated traffic control to mitigate cars speeding along the roadway in front of the homes. Mr. Gardiner expressed that TXDOT will conduct a speed study to determine what the speed limit will be once the road is redone, and input from the city will also be taken into consideration before the final speed limit is set. Mr. Spampinato also expressed concern related to the potential for large and oversized trucks to navigate the road once it is redone. He asked if any

148 designated parking will be included along the roadway. Mr. Gardiner indicated that no
149 parking along the side of the street is anticipated.

150
151
152 **Martha Myers**
153 **507 East Rusk Street**

154
155 **Mrs. Myers expressed that she hopes TXDOT does not come and park their vehicles or**
156 **equipment on her property when construction begins.**

157
158
159 **Joe Burkenback**
160 **506 East Rusk**

161
162 **Mr. Burkenback expressed concern about current drainage issues and future**
163 **maintenance of utilities.**

164
165 **Dave Ruff**
166 **202 Hammock**
167 **Rockwall, TX**

168
169 **Mr. Ruff expressed general concerns about drainage near his particular property and**
170 **potential impacts to a certain existing school, football field and park. Mr. Gardiner**
171 **indicated that a mitigation plan will be put in place to limit the impacts to the school and**
172 **park. He also clarified information about planned 'curb and gutter' drainage and some**
173 **culverts and drainage ditches. Mr. Gardiner also explained that a hydraulic study will be**
174 **done to help mitigate drainage concerns as well.**

175
176 **Tom Jones**
177 **Binkley & Barfield Consulting Engineers**
178 **Plano, Texas**

179
180 **Mr. Jones indicated that he is speaking on behalf of Mr. Bill Bricker and on behalf of**
181 **Columbia Development, Columbia Extrusion and Rockwall Property Corporation. He**
182 **expressed that he and Mr. Bricker are generally in agreement with what TXDOT and Half**
183 **are proposing regarding the proposed re-alignment. He is concerned about a few things,**
184 **in particular some commitments that were made by the Rockwall City Council in 2007.**
185 **He expressed the belief that the city agreed to place a berm on the south side of the road**
186 **at the city's expense. He also stated that some commitments were made with regard to**
187 **the profile of the road through the area of his properties, including pedestrian walkways**
188 **and a 30 mile per hour speed limit. Regarding the location at which Airport Road**
189 **intersects with the proposed realignment, they would like to see it shifted more to the**
190 **north to allow for better access into the park. He pointed out a fifty foot utility easement**
191 **belonging to the North Texas Municipal Water District (NTMWD). He requested**
192 **consideration of aligning the road as much as possible with that existing easement in an**
193 **effort to not leave an unusable strip of land in between the right-of-way and easement.**
194 **Where Williams Street is proposed to intersect with the re-aligned SH-66, they would like**
195 **consideration of this intersection moving more West to coincide with the Carol Ann Lane**
196 **intersection instead. He expressed general concerns about limiting the right-of-way**
197 **needed alongside his client's property, more closely aligning right-of-ways with existing**
198 **easements and avoiding leaving strips of unusable land. He made some suggestions**

199 regarding the split of the proposed realignment due to the Oncor utility lines. He also
200 made some suggestions regarding his client's two driveways. He indicated he, Bricker
201 and the City met to discuss some of these concerns back in June and July. He
202 encouraged the city and the design engineers to continue providing opportunities for
203 public input in order to avoid any unnecessary delays.
204

205 **Michael Hanrahan**
206 **201 South Clark**
207 **Rockwall, TX**
208

209 Mr. Hanrahan expressed the belief that the expansion and realignment of this roadway
210 will likely have a very negative impact on existing houses, especially pier and beam built,
211 historic homes. Mr. Hanrahan expressed concern about a somewhat recently installed
212 parking niche currently located on Washington in front of his home. City Engineer
213 Chuck Todd indicated that this particular parking niche will likely be lost because it will
214 fall in the TXDOT right-of-way associated with the realignment. Mr. Hanrahan generally
215 expressed concern related to speeding and traffic control as well as proposed elevations
216 associated with the proposed roadway. Hanrahan and Gardiner then exchanged
217 dialogue related to potential impacts and attempts by TXDOT to mitigate potential
218 impacts.
219

220 **Marilyn Mock**
221 **Classic Rock**
222 **SH-66**
223

224 Mrs. Mock came forth and expressed concern about potential relocation of the driveway
225 associated with her business. She asked for clarification on when affected property
226 owners will have a voice and the method by which they will be able to express their
227 opinions and preferences. Mr. Gardiner indicated that public input and comments will be
228 taken into account when making future decisions on the preferred realignment of the
229 roadway.
230

231 **Lisa Trammell**
232

233 Mrs. Trammell asked for clarification regarding widening of the road in certain areas from
234 two lanes up to a six lane, divided roadway.
235

236 **Sean Powell**
237 **724 East Washington Street**
238 **Rockwall, TX**
239

240 Mr. Powell expressed a desire to have someone come out to his home to physically show
241 him where the right-of-way and property lines will be once the roadway is redone. He
242 expressed concern also about drainage and potential floodplain impacts. He indicated
243 that he has spoken with tenured, local realtors, and he anticipates that the value loss
244 associated with his home will be very substantial.
245

246 **Mr. Tomlin**
247 **700 Davis Drive**
248 **Rockwall, TX**
249

250 Mr. Tomlin expressed a suggestion for a potential alternative proposal. He suggested
251 two lanes, one in each direction, with a turn line in the center.

252
253 Mayor Sweet asked for clarification regarding the overall anticipated impacts on
254 homeowners located along Segment 1 and Segment 2, which are within Rockwall's city
255 limits. Sweet also asked for clarification regarding a timeline associated with moving
256 forward on selecting a preferred alignment of SH-66. Mr. Gardiner shared his thoughts
257 on an anticipated timeline.

258
259 Mr. Vincent Edwards
260 2068 SH-66

261
262 Mr. Edwards came forth and expressed concern about appraisals associated with his
263 property, particularly related to assessment of taxes.

264
265 Bruce Mock
266 Classic Rock

267
268 Mr. Mock indicated that he has concerns about the anticipated loss of seventy-five (75) or
269 so feet of the front of his business's property.

270
271 The gentleman who resides at 609 Washington came forth to express that he and many
272 of the people in the audience tonight do not like any of the identified routes and would
273 prefer that SH-66 just be left 'as is.' He also asked for clarification regarding existing and
274 projected traffic counts on various, nearby roadways. He expressed dissatisfaction with
275 patrons of the Rockwall Community Playhouse who drive on and park on the grass in
276 front of his home.

277
278 After closing remarks, Mayor Sweet recessed the public meeting at 8:48 p.m., and the
279 council convened into Executive Session following a break.

280
281 **IV. HOLD EXECUTIVE SESSION UNDER SECTION 551.074, SECTION 551.071(2), AND SECTION**
282 **551.087 OF THE TEXAS GOVERNMENT CODE TO DISCUSS:**

- 283 1. Personnel Issues related to employee positions.
- 284 2. Commercial or financial information regarding business prospects that the
285 City seeks to have locate, stay, or expand in or near the territory of the
286 City of Rockwall and with which the Board is conducting economic
287 development negotiations.
- 288 3. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
289 with attorney with regard to a matter that it is the duty of the attorney to
290 consult with the Council pursuant to the Attorney Client Privilege under
291 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
292 Texas.

293 **V. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

294
295 The council took no action as a result of Executive Session.

296
297 **VI. ADJOURNMENT**

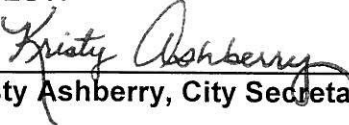
298
299 Mayor and council came out of Executive Session and adjourned the public meeting at
300 9:15 p.m.

301
302 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
303 this 6th day of February, 2012.



David Sweet, Mayor

304
305 ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL

Monday, February 06, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Please see end of meeting Executive Session below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

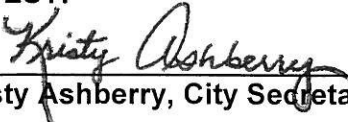
Executive Session was adjourned at 5:40 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of February, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, February 06, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH

Councilmember Smith delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Deputy Keven Rowan, Local Hero Day

Mayor Sweet called guest county officials forward, including Deputy Rowan, Sheriff Eavenson, County Judge Hogan, County Commissioner Magness, and County District Attorney Kenda Culpepper. Sheriff Eavenson told the story of Deputy Rowan recently rescuing two young ladies from drowning in a car that was submerging in Lake Ray Hubbard. He then read and presented a proclamation as well as a U.S. flag from Congressman Ralph Hall to Deputy Keven Rowan for his heroism.

2. Black History Month

Mayor Sweet read the proclamation for Black History Month.

3. Utley Middle School Day

Mayor Sweet called Principal Carri Eddy of Utley Middle School forward and then read and presented the proclamation to Ms. Eddy, her students and members of her staff. Ms. Eddy shared brief comments related to her school, and Mayor Sweet also provided additional information on recent accomplishments of Utley, its students and staff.

IV. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and asked if anyone in the audience would like to speak to the Council at this time.

Jeff McMurtchy
3803 Juniper Hills Drive
Rockwall, Texas

Jeff came forth and generally expressed the belief that the ball fields in Rockwall are insufficient and dangerous. He briefly mentioned the potential revenue that might be

realized through hosing tournaments and encouraged the city council to put this CIP project before the voters for consideration.

Jami Werth
1628 Deerwood Drive
Rockwall, TX

Ms. Werth generally expressed support for new ball fields for children in Rockwall, including softball and soccer fields. She encouraged the city council to allow the people of Rockwall an opportunity to speak via voting at the polls.

Leon Tuttle
603 Stonebridge Drive
Rockwall, TX

Mr. Tuttle indicated that he served as Mayor of the City of Rockwall from 1981 to 1987. He indicated that he played a key role in moving Rockwall from a general city to a home rule city through development and passing of a city charter. He expressed that the charter requires every city ordinance to have two readings before it is passed. He encouraged the city council to have further discussion and reconsider approval of the Rockwall Commons-related consent agenda item prior to a potential second reading.

Guy Collins
1340 Scarborough Hills Lane
Rockwall, TX

Mr. Collins indicated that he and his family moved to the City of Rockwall about seven years ago. He generally expressed that there is a need for new ball fields. With the population still projected to grow, coupled with low construction costs and interest rates, he urged the council to consider this as a CIP project.

Jill Randolph
3314 Anna Cade Circle
Rockwall, TX 75087

Mrs. Randolph expressed that she knows a euthanasia policy is needed; however, she believes that the proposed policy should not be restricted to applying the "90 percent live outcome" rate to 'companion animals' only. Instead, she suggested it should be applied to all animals – not just 'companion animals.' She believes that every life should be accounted for in the numbers. She requested that the city openly seek assistance from 501(c)(3) rescue groups and incorporate these partnerships into the proposed euthanasia policy.

Dwain Smith
2165 Hillcroft Drive
Rockwall, TX 75087

Mr. Smith spoke to the council about the proposed sports complex, generally pointing out various restrictions and inadequacies posed by our current, insufficiently equipped ball fields. He is especially concerned about insufficient parking and restroom facilities at Tuttle Field.

Denise Smith
2165 Hillcroft Drive
Rockwall, TX 75087

Mrs. Smith indicated that her and her family moved here about ten years ago. She expressed great dissatisfaction with the city not currently having sufficient ball fields in the community. She expressed the belief that having kids involved in sports keeps them out of trouble. Mrs. Smith encouraged the city council to allow the people to decide by putting the athletic fields before the voters for consideration.

Christina Arriaga
308 Derrick Drive
Fate, TX 75132

Ms. Arriaga came forth to speak about the proposed euthanasia policy, expressing concern that some animals who others may believe are aggressive or dangerous may not be so with some training or if placed in an alternate environment. She encouraged the council to consider all dogs and cats as 'companion animals.'

Tommy Jenkins
2160 Garden Crest Drive
Rockwall, TX

Mr. Jenkins indicated he's lived in Rockwall County for about fifteen years and has lived the City of Rockwall city limits for about seven years. He indicated that he coaches girls softball, ages eight, nine and ten. He expressed that his girls' team used to play in Rockwall but now goes to the City of Forney to play since Rockwall's facilities are inadequate.

Scott Cole
236 Henry M. Chandler
Rockwall, TX

Mr. Cole came forth to speak on the proposed euthanasia policy. He said he has been volunteering with Rockwall Pets for about three months. Mr. Cole expressed concern about the definition of 'companion animals' in the proposed euthanasia policy. He generally expressed his love for animals and his desire for animals to not be unfairly judged. He would also like better communication between rescue groups and the shelter. He would also like to see more compassionate people in our Animal Services Department.

Linda Armstrong
205 Country Club Drive
Heath, TX

Mrs. Armstrong indicated that she lives in Heath and has lived in the Rockwall area since the seventies. She shared that she volunteers with Rockwall Pets and interacts with animals at the shelter every Sunday during her volunteer work. She expressed that she has not encountered any bad animals at the shelter. She is concerned about dogs that bite, if even only one time, potentially being euthanized if the current, proposed

euthanasia policy is passed by the Council. She expressed the general belief that an animal that bites can be rehabilitated and saved. She indicated that current shelter staff members are overwhelmed and the number of staff at the shelter is insufficient to allow staff to learn about animals housed at the shelter. She believes staff does not truly have time to interact with the animals, whereas volunteers do. She expressed a desire to have input and authorization from other individuals, in addition to or instead of the listed persons in the proposed policy, before an animal is put down.

Mike House
1538 Murphy Drive
Rockwall, TX

Mr. House indicated the he works with the RBA (Rockwall Baseball Association) board and is in support of putting forth a sports complex to the voters for consideration. He indicated that little Celina has a beautiful complex that he and his kids drive to twice a year for tournaments. He generally expressed dissatisfaction for having to drive to other cities to participate in sports tournaments.

Paula Hambrick
440 Columbia Drive
Rockwall, TX

Mrs. Hambrick indicated she is very concerned about the proposed euthanasia policy. She expressed the general belief that dogs that are captured and brought into the shelter are scared and may unfairly be viewed as unsociable and possibly put down as a result. She expressed concern about some staff potentially embracing the belief that all pit bulls are dangerous and should be put down. She is generally concerned about who is going to decide whether or not an animal lives or gets put down.

Shelby Songer
224 Windy Lane

Emily Callan
559 McKinney Trail

Helima Willard and her sister (unnamed)
3014 Misty Way Drive
Rockwall County, TX

The group of girls generally expressed that they all play softball and have played at Tuttle Ball Fields. They generally believe that the current fields at Tuttle are dangerous and that the number of restroom facilities is not sufficient. They expressed a desire to have sufficient fields in Rockwall on which to play tournaments.

Nell Wellborn
810 Lake Meadows Circle
Rockwall, TX

Mrs. Wellborn briefly spoke about a CIP Committee made up of citizens who were appointed last year by the former city council to evaluate various potential CIP projects and make recommendations to the city council for consideration of putting forth a bond package to voters for consideration. She urged the current city council to consider the recommendations offered by that representative body of appointed citizens who volunteered their time to evaluate the projects and provide input to the city council.

Clifton Kropp
1950 Creekside Drive
Rockwall, TX

Mr. Kropp urged the council to put forth ball fields to the voters for consideration. He encouraged them to not use the economy or any other money related issues as an excuse for not letting voters decide.

Norma Valdez
(no address provided)
Owner, El Cayote Rojo

Norma generally urged the city council to consider putting forth downtown improvements to the voters for consideration in a bond package.

Darla Rupert
(no address provided, but past records show 5925 Volunteer Place Rockwall, TX 75032)

Ms. Rupert expressed the belief that all animals at the animal adoption center are adoptable. She thanked the Mayor, Councilmember Russo and Councilmember Nielsen for replying to her emails. She expressed concern about a dog currently at the shelter that bit a mailman. She asked the city council to reconsider possibly putting down a dog like this one. She encouraged the Council to follow in the footsteps of the City of Austin and the City of Seagoville by having a truly no kill shelter. She asked that passing of this proposed euthanasia policy be reconsidered.

Kelly Armstrong
236 Henry M. Chandler
Rockwall, TX

and

Jade Chrone
213 Salmer Court

These two speakers came forth together. Ms. Armstrong expressed that she has been volunteering for Mike and Pam for the past three months and is a major animal advocate. She believes that communication between shelter staff and volunteers could be improved. She mentioned she works at Petco in addition to volunteering.

Ms. Chrone expressed concern about shelter staff mentioning at a volunteer orientation class on Saturday that staff members do not know animals at the shelter as much as the volunteers know them. She is concerned about individuals who may not truly know the animals being the ones to make decisions on their being put down. She indicated that

she believes shelter staff does not want volunteers at the shelter because volunteers are making the staff work and making them do their jobs. She believes it is easier for staff to put a needle in a dog's leg rather than working to find dogs homes or rehabilitate them.

Sandra Solomon
1635 Shores Boulevard
Rockwall, TX

Mrs. Solomon came forth and expressed the realization that animals do not make up the main focus of most people; however, animals are a major focal point of her own, personal life. Mrs. Solomon expressed that decisions related to the euthanasia policy should not be made by the city council tonight. Mrs. Solomon expressed that Rockwall Paws does not support the euthanasia of healthy animals. She pointed out some language within the proposed policy with which she disagrees, specifically related to a quarantined animal that has bitten and has not been picked up by a potential owner. She is concerned about animals that are deemed aggressive towards other animals or toward other species. She is concerned about animals in a shelter environment being under stress and thus potentially behaving differently than they might otherwise. She is also concerned about staff that are authorized to sign off on euthanizing an animal – she believes that both individuals should be present and visually see the animal together before signing off on its euthanasia. Mrs. Solomon is concerned about feral cats being proposed to always be put down in the language of the current proposed policy. She asked if anyone has investigated the location and estimated number of feral cats living in the City of Rockwall. She believes that capture, spay / neuter, vaccinate and release is an acceptable alternative to dealing with the feral cat population.

Linda Diaz
1935 Copper Ridge Circle

Ms. Diaz expressed a desire that the proposed sports complex include multiple sports, including softball, baseball and soccer fields. She would like residents to be better educated regarding this topic. She is concerned about the lack of competitive baseball leagues in Rockwall due to the insufficient and inadequate fields locally. She indicated that she is on the Rockwall Baseball Association Board, and her board is currently working with the Softball Board to educate others on this need. She would like the chance to educate citizens about this topic and allow them a chance to vote on it.

Jamie Werth

Ms. Werth re-approached the council to convey she just received an email from Dr. Kurt Pflieger, owner of Rockwall Pediatrics and Train Up Team Fitness, expressing his support for ball fields as a business owner in the City of Rockwall.

Jill Hubble
410 McKenzie Place
Rockwall, TX

Mrs. Hubble came forth to express concern about the current, proposed euthanasia policy. She believes the wording in the proposed policy is not direct enough – it leaves room for too much interpretation. She also believes that the current language allows for statistics to be inaccurately reported.

Terry Sinclair
209 Rowdy Drive
Rockwall County, Texas

Ms. Sinclair indicated she is a resident of Rockwall County and works with a countywide organization. She expressed that she is proud of what the City of Rockwall has done in moving towards achieving a “no kill” status and that her countywide organization is speaking with other cities in the county to discuss possibly extending “no kill” into those communities as well. She is concerned about the definition of ‘companion animal’ in the proposed policy.

Chad Scott
1367 Stewart Drive
Rockwall, TX

Mr. Scott indicated that he is a business owner in town and also coaches young boys in baseball. Mr. Scott came forth with a handful of young baseball players to generally express a desire to have better and more playing fields for kids in the community. The young boys who came forth asked for better fields, safer fields and more fields on which to play baseball.

Sharon Hillgartner
505 Bessie Street
Rockwall, TX

Mrs. Hillgartner came forth and expressed a concern about the general physical fitness opportunities in our community. She believes that the proposed ball fields will encourage more physical fitness among residents in our community. She shared that she is a bike rider and that there are not a lot of locations within Rockwall to safely ride. She generally expressed that while she does not have small children and does not yet have grandchildren, she is in support of the proposed sports facility and believes it will be an asset to the community.

Jill Randolph

Mrs. Randolph came forth once more to express thanks to the Rockwall City Council for its support of the animal shelter, Rockwall Pets and Rockwall Paws.

Mayor Sweet expressed that the Council will take a brief, five minute break and will then come back to address the Consent agenda followed by Action item #1 and Action item #5.

V. CONSENT AGENDA

1. Consider approval of the minutes from the January 17, 2012 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the January 22, 2012 special city council meeting, and take any action necessary.
3. Consider approval of the minutes from the January 30, 2012 special city council meeting, and take any action necessary.

4. Consider Change Order No. 2 for the Airport Road Phase 2 Project in the amount of \$147,510.61 to be funded out of water revenue bonds, and take any action necessary.
5. Consider approval of an **ordinance** adopting Chapter 18 Fire Prevention and Protection, Article II. Fire Code Standards, Sec. 18-32 and Sec. 18-33 of the Code of Ordinances regarding the 2009 International Fire Code with certain local amendments and exceptions and take any action necessary. **(2nd reading)**
6. Consider approval of an **ordinance** adopting Chapter 10 Buildings and Building Regulations, Articles III, IV, V, VI, VII, VIII, AND IX of the Code of Ordinances regarding the 2009 International Building Code, Residential Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Energy Conservation Code and the 2008 National Electric Code with certain local amendments and exceptions and take any action necessary. **(2nd reading)**
7. Z2011-025 - Consider approval of an **ordinance** for a request from Mushtak Khatri of The Rockwall Commons, LLC for approval of an amendment to (PD-1) Planned Development No. 1 district, specifically for a PD Concept / Development plan for "Rockwall Commons Phase II," being a proposed retail and residential mixed-use development on a 2.88-acre tract currently described as Tract 6-2, Abstract 255, B. J. T. Lewis Survey, located along the east side of Ridge Road immediately north of Rockwall Commons Addition, and take any action necessary. **(2nd Reading)**
8. Z2011-026 - Consider approval of an **ordinance** for a request by Frank Conselman for approval of a Specific Use Permit (SUP) allowing for a landing/stairs exceeding the maximum requirements within the Lake Ray Hubbard Takeline Overlay (TL OV) District, in the take area adjacent to their property at 1210 Crestcove Drive, being Lot 26, Block B, Hillcrest Shores Phase 3 Addition, and take any action necessary. **(2nd Reading)**
9. Consider authorizing the Interim City Manager to enter into an agreement with Clean Harbors Inc. to manage Household Hazardous Waste Day collection and disposal on April 23, 2012 and take any action necessary.
10. Consider authorizing the Interim City Manager to enter into an agreement with Rockwall County Elections Administrator for administration of the May 12, 2012 General Election, and take any action necessary.

Councilmember White pulled items #5 and #6 for further discussion.

Councilmember Smith pulled item #7 for discussion.

Councilmember Nielsen then made a motion to approve the remaining items (#1, 2, 3, 4, 8, 9 and 10). Mayor Pro Tem Russo seconded the motion. The ordinance for #8 was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 12-04**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (S-91) ALLOWING FOR A LANDING/STAIRS EXCEEDING THE MAXIMUM REQUIREMENTS WITHIN THE LAKE RAY HUBBARD TAKELINE OVERLAY DISTRICT, ON A TRACT OF LAND ADJACENT TO LOT 26, BLOCK B, HILLCREST SHORES PHASE 3 ADDITION AND LOCATED AT 1210 CRESTCOVE DRIVE; 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 unanimously of Council (7 ayes to 0 nays).

Councilmember White expressed non-support for items #5 and #6, indicating that he voted against these on first reading. Councilmember Nielsen then made a motion to approve Consent Agenda items #5 and #6. Councilmember Smith seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 12-01

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

CITY OF ROCKWALL
ORDINANCE NO. 12-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLES III, IV, V, VI, VII, VIII, AND IX OF THE CODE OF ORDINANCES; REPEALING ARTICLE III, ARTICLE IV, SECS. 10-137 AND 10-138 (1)-(58); ARTICLE V, ARTICLE VI, ARTICLE VII, ARTICLE VIII, AND ARTICLE IX, DIVISION 3; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes to 1 nay (White).

Regarding Consent Agenda item #7, Councilmember Smith clarified that the council is not altering any zoning associated with this property. Council is only approving a site plan. She indicated it was already previously zoned as multi-family. Mayor Pro Tem Russo indicated that he has thought about this issue since the last meeting, and he has concerns about current water shortages and potential traffic impacts as well as other concerns about its impact on the community. As such, he indicated that he will be voting against the item tonight, a change to his previous vote. Councilmember Sevier expressed that he voted against this item last time, and he will be voting against it again tonight.

Councilmember Nielsen then made a motion to approve Consent Agenda item #7. Councilmember White seconded the motion. Mayor Sweet provided brief comments related to this item. Mayor Sweet generally indicated that he will be changing his vote tonight as well. He will now be voting against it although he voted to approve it at the last meeting. After brief clarification that the motion was to approve Consent Agenda item #7, the ordinance for Consent Agenda item #7 was then read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 12-03**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND (PD-1) PLANNED DEVELOPMENT NO. 1 DISTRICT (ORDINANCE NO. 72-2 AND 83-21) TO APPROVE A PD CONCEPT/DEVELOPMENT PLAN FOR A RETAIL AND RESIDENTIAL MIXED USE DEVELOPMENT ON A 2.88-ACRE TRACT OF LAND KNOWN AS TRACT 6-2, ABSTRACT 255, B. J. T. LEWIS SURVEY, AND MORE FULLY DESCRIBED HEREIN; 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 and associated ordinance passed by a vote of 4 in favor and 3 against (Sevier, Sweet and Russo).

Mayor Sweet next reordered the agenda to address Action Item #1 related to a potential CIP bond election.

VI. APPOINTMENTS

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

Planning and Zoning Chairman Phillip Herbst came forth and provided a brief summary to the council regarding the Planning & Zoning Commission's recommendations associated with P&Z related items on tonight's council agenda. The Council took no action related to this item.

VII. SITE PLANS / PLATS

1. SP2011-018 - Discuss and consider a request by Greg Peters of Pacheco Koch for approval of special exceptions to the Unified Development Code, in association with an administrative site plan for the Hatfield & Company development, being a 50,108-sf office/warehouse development located on part of Lot 2, Block B, Rockwall Technology Park Addition, being 3.665-acres zoned (LI) Light Industrial district and situated at the southwest corner of Innovation Dr and Discovery Blvd, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item, including recommendations of the Planning & Zoning Commission and staff.

Councilmember Sevier made a motion to approve SP2011-018. Mayor Pro Tem Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

Action Item #2 was then addressed by the Council.

VIII. ACTION ITEMS

1. Discuss and consider scheduling of a bond election related to capital improvement recommendations and take any action necessary.

Interim City Manager Rick Crowley provided brief background information related to this item, indicating that a deadline is rapidly approaching for the council to make a decision related to calling a potential bond election.

Councilmember Nielsen thanked the previous CIP committee for its work last spring and summer. She indicated that the total of all bond issues amounts to about \$59 million, though the items are broken up into four separate potential bond propositions – the sports complex, downtown improvements, the Heritage Park, and streets and roads. She expressed a strong belief that all of the items need to be put forth to the voters for consideration.

Councilmember Nielsen then made a motion to put forth these four, separate initiatives before the voters for consideration on the May 12, 2012 ballot. Councilmember Sevier seconded the motion. He encouraged citizens to educate themselves on the bond propositions before going to vote.

Councilmember Daniels expressed that his being ‘for’ or ‘against’ any certain bond proposition is unimportant. He indicated that what is important is that the voters are given an opportunity to decide by voting in a bond election.

Councilmember Nielsen clarified that her motion does include the inclusion and addition of the fire protection portions of the downtown related bond proposition.

Councilmember Sevier pointed out that there is a portion of the bond propositions that the public may not be as aware of - that for each bond proposition that is passed, one percent will be put aside to be used for art in public places.

Mayor Pro Tem Russo indicated that once a commitment from the community is expressed, some of the projects may have an opportunity for some level of federal and state grant funding to offset some of the costs in the future.

Councilmember Smith expressed a desire that consideration be given to existing Tuttle ball fields being redone and potentially expanded. She generally expressed the belief that spending at the Federal Government level is out of control and she is concerned about the tax impact that passing of bonds will have on local taxpayers who already pay into federal, state, county and other taxes. She is generally concerned about the \$25 million athletic complex as it is being proposed and the debt burden it will place on citizens in the future.

She generally believes that ball fields are a discretionary item, not a necessity. She is also open to purchasing land for a future park or expansion of our current fields. She generally expressed concern about water shortages and the drought and would rather provide water to people's homes rather than using water to water ball fields. She is also concerned about non city residents benefitting from ball fields that only City of Rockwall taxpayers will be funding. She suggested perhaps a joint venture between the city and the county.

Councilmember White indicated that the worst case scenario associated with these four bond propositions would result in about a thirty-percent increase in local city taxes.

Mayor Pro Tem Russo generally indicated support for putting forth a bond package to the citizens to allow them personal consideration by allowing them an opportunity to cast their votes and have a voice in their government.

Mayor Sweet offered comments regarding citizens at the local level having an opportunity to participate in democracy by coming forth, during Open Forum, for example and expressing their views. Citizens at the local level also have an opportunity to elect at least three city council members each year. Sweet expressed the belief that the city council currently has an opportunity to hear from the citizens through their vote. Therefore, he expressed that he is in support of the motion on the floor this evening.

Councilmember Smith indicated a desire to put two sports complex related bond propositions forward to the voters:

- (1) redo what the city currently owns (Tuttle Fields); and
- (2) buy land to expand current fields enough in order to host tournaments

and then perhaps consider expanding into a full complex in the future.

She also expressed general support for the roads related bond project for the downtown related bond project. She, however, suggested splitting up the bond propositions on the ballot into two separate propositions -

- (1) Fire Protection for downtown in one bond; and
- (2) downtown improvements in a separate bond proposition.

Regarding the potential \$5 million historic park, Councilmember Smith asked if the council would consider putting forth a bond proposition to purchase the land only at this point for possible future development later on.

Mayor Sweet then called for the vote.

The motion passed by a vote of 6 ayes to 1 nay (Smith).

Mayor Sweet then readjusted the agenda to next address Action Item #5.

2. Discuss and consider a request from Mr. Craig Stevenson with Custom Outdoor Trends for a size and material variance for a monument sign located at 5811 Horizon Rd, and take any action necessary.

Jeffrey Widmer, Building Official, provided background information related to this item, indicating that the applicant is requesting variances for both size and material. He expressed that the applicant's variance request related to the material desired to be used is unique in that he would like to utilize cedar wood on the sign.

Mayor Pro Tem Russo made a motion to approve the variances as presented. Councilmember White seconded the motion.

Councilmember Nielsen asked for some clarification regarding what the proposed sign might look like, and Mr. Widmer pointed out that some illustrations were included in the council members' packets.

Mayor Sweet asked for some clarification regarding how a sign of this nature might fit in with our sign regulations, specifically those relative to the downtown district.

The applicant briefly came forth and spoke about the sign material.

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

3. Discuss and consider action related to the fire sprinkler system requirement for Archer's Car Care, and take any action necessary.

Interim City Manager Rick Crowley provided brief background information related to this item.

Mayor Pro Tem Russo then made a motion to extend installation of the fire sprinkler system to require Mr. Archer to complete installation of said system within six (6) weeks. Councilmember White seconded the motion.

Fire Chief Mark Poindexter provided brief comments, generally indicating that he believes Mr. Archer will be able to complete installation of the fire sprinkler system within the extended six (6) week timeframe. Brief discussion took place related to the city's extension of the water line to Mr. Archer's building.

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

4. Discuss and consider appointment of a citizen committee associated with review of the Comprehensive Plan, and take any action necessary.

Interim City Manager Rick Crowley provided brief background information related to this item, providing comments relative to staff's understanding of how the council would like to move forward with appointing such committee and what sorts of tasks the committee might be charged with doing.

After brief discussion and clarification, Mr. Crowley indicated that Planning Department staff will proceed with working with a citizen committee to bring back to the council recommendations within a period of thirty (30) days. Councilmember Nielsen indicated that the city council will work to identify and appoint individual citizens to serve on said committee. She further indicated that the committee will be charged with review of the text of the Comprehensive Plan including both the text that was proposed for change or

addition to the plan in the current recommended update and the remainder of the text in the plan that has been previously adopted.

The Council took no formal action related to this item.

5. Discuss and consider approval of the Rockwall animal services department policy for euthanasia of animals, and take any action necessary.

Interim City Manager Rick Crowley provided background information related to this item, offering a history of how this policy came about to be placed on the agenda for consideration this evening. He then spoke about the definition of 'companion animal' provided in the proposed policy. He also spoke about staff having previously evaluated the potential of spaying / neutering, vaccinating and releasing back into the wild feral cats. Mr. Crowley apologized for any potential misunderstandings with any of the language provided in the proposed policy.

Councilmember Nielsen made a motion to postpone decision making regarding this policy for a period of two weeks to allow for receipt of public input regarding this policy plus an additional two more weeks to allow a workshop to be held with the staff, citizens and city council discuss this policy further. Councilmember Sevier seconded the motion and expressed support for postponing the item and allowing for more citizen input.

Councilmember Daniels asked that the motion be slightly amended to specify that the policy will be brought back before the Council for consideration by March 5, 2012. Councilmember Nielsen amended her motion, and Councilmember Sevier seconded the amended motion.

Councilmember Nielsen asked that the proposed policy be placed on the website for the public to see and that a means by which citizens can comment electronically be provided.

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

Mayor Sweet then addressed Appointment Items on the agenda.

6. Discuss and consider construction of a parking lot on city property on Storrs Street, and take any action necessary.

Interim City Manager Rick Crowley provided brief background information related to this item.

Mayor Pro Tem Russo stepped out at the start of this item to recuse himself from the discussion and subsequent vote since he owns adjacent property.

Councilmember Sevier expressed concern about the county recently relocating the location where the public goes to test for their drivers' licenses. He indicated it is causing a large impact on overcrowding the nearby parking lot.

Councilmember Nielsen made a motion to approve moving forward with the construction of the city owned property on Storrs Street to allow for constructing twenty-seven additional parking spaces. Councilmember Sevier seconded the motion. After

additional, brief discussion, the motion passed by a vote of 6 ayes with 1 abstention (Russo recused himself).

IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Departmental Reports
 - Engineering Department Monthly Report - December 2011
 - Finance Department Monthly Report - December 2011
 - Fire Department Annual Report 2011
 - Fire Department Monthly Reports - December 2011
 - Police Department Monthly Report - December 2011
 - Police Department Quarterly Report
 - Recreation Monthly Report - December 2011
 - Harbor PD Report December 2011
 - Building Inspection's Monthly Report - December 2011
 - Internal Operations Monthly Report - December 2011.
 - Rockwall County Committee on Aging Quarterly Report
2. City Manager's Report

Interim City Manager Rick Crowley indicated that his City Manager's Report will be e-mailed out to the council later in the week and that it will primarily be a compilation of the e-mails and information that has already been provided to the council throughout the month.

No action was taken regarding this agenda item.

X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council came out of Executive Session and Mayor Sweet called the public meeting back to order. Councilmember Daniels made a motion, which was seconded by

Councilmember Sevier, to appoint a Comprehensive Plan Review Committee to be comprised of the following individuals:

Nell Wellborn
Bob Cotti
Sharon Hillgartner
Kevin Shepherd
David White
David Sweet
Mark Russo.

The motion passed by a vote of 6 ayes with 1 absent (Russo had not participated in the end-of-meeting Executive Session and was therefore not present for this vote).

XII. ADJOURNMENT

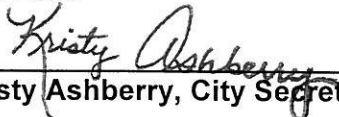
The meeting was adjourned at 9:49 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 20th day of February, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 20, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION


See start of the public meeting for actions taken out of Executive Session.

IV. ADJOURNMENT

Council came out of Executive Session at 5:40 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 5th day of March, 2012.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Monday, February 20, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert

Mayor Pro Tem Russo made a motion to reappoint Sarah Kesting to the Rockwall Economic Development Corporation (REDC) Board with a term to expire in December of 2013. Councilmember Sevier seconded the motion, which passed unanimously (7 ayes to 0 nays).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

III. CONSENT AGENDA

1. Consider approval of the minutes from the February 6, 2012 regular city council meeting, and take any action necessary.
2. Consider recommendations of the Park Board related to the following, and take any action necessary:
 - a) Approval of a resolution establishing the “cost per acre” to be used in calculation of a new development’s pro rata share contribution for neighborhood park land; and
 - b) Approval of a resolution adopting the per neighborhood park development cost to be used in calculation of a new development’s pro rata share contribution for neighborhood park development equipment fees.
3. Consider approval of the purchase of Stalker Radars for police patrol and traffic divisions for \$44,840 funded with police seizures special revenue fund 11, and take any action necessary.
4. Consider approval of a resolution suspending Atmos Mid-Tex’s proposed March 6, 2012 effective date for a rate increase, and take any action necessary.
5. P2012-002 - Discuss and consider a request by Daniel Dewey of JBI Partners for approval of a final plat of Caruth Lakes Phase 7A Addition, being 20 single family lots on 4.47-acres tract zoned (PD-5) Planned Development No. 5 district and located along the north side of Bay Line Dr, and take any action necessary.

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6. P2012-003 - Discuss and consider a request by Bryan Burger of Burger Engineering, LLC for approval of a preliminary plat of Ridge/Summer Lee Addition, being two lots on 4.19-acres zoned (PD-9) Planned Development No. 9 district and designated for "general retail" uses, situated at the southeast corner of Ridge Road and Summer Lee Drive within the Scenic Overlay district, and take any action necessary.
 7. Consider approval of a resolution ordering the General Election to be held jointly with the Rockwall Independent School District and to be administered by the Rockwall County Elections Administrator on May 12, 2012 for the purpose of electing three (3) council members, one each for Places 2, 4 and 6, and take any action necessary.
 8. Consider approval of a one year extension of the interlocal agreement between the City of Rockwall and Rockwall County for septic system inspection services, and take any action necessary.
 9. Consider approval of a resolution authorizing the printing of Supplement No. 1 of the Code of Ordinances and authorizing future supplements to be printed annually in May and October with electronic updates being authorized monthly, and take any action necessary.

108 **Councilmember Nielsen made a motion to approve the entire Consent Agenda (#s 1, 2, 3,**
109 **4, 5, 6, 7, 8, and 9). Mayor Pro Tem Russo seconded the motion, which passed**
110 **unanimously of council (7 ayes to 0 nays).**

111
112 **IV. APPOINTMENTS**

- 113
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115
116
1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues, and take any action necessary.

117 **Chair of the Planning and Zoning Commission, Phillip Herbst, came forth and discussed**
118 **items on tonight's agenda to explain the Planning and Zoning Commission's**
119 **recommendations. The council took no action related to this item.**

- 120
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124
2. Appointment with the Rockwall Rubber Duck Regatta, Boys and Girls Club of Rockwall County and the Rockwall County Committee on Aging (Meals on Wheels) to consider a request associated with waiving the fees at The Harbor for an upcoming not-for-profit event benefiting these two organizations, and take any action necessary.

125 **Misti Potter, CEO of the Boys and Girls Club, Rockwall Fire Marshal Ariana Hargrove, and**
126 **Margie VerHagen of the Rockwall County Committee on Aging, showed a brief power**
127 **point presentation describing the upcoming Rockwall Rubber Duck Regatta to be held at**
128 **The Harbor. They explained the fundraiser will benefit the Boys and Girls Club and the**
129 **Committee on Aging. They described their request to have the fees waived for the**
130 **Harbor rental. The civic rental fee would otherwise be \$3,600.**

131
132 **Councilmember Nielsen made a motion to waive the Harbor rental fees (\$3,600). Mayor**
133 **Pro Tem Russo seconded the motion, which passed unanimously of council (7 ayes to 0**
134 **nays).**

135

136 V. PUBLIC HEARING ITEMS
137

- 138 1. Z2012-001 - Hold a public hearing and consider approval of an
139 ordinance for a request by Roger Sefzik of Hoss Properties, LLC for
140 approval of a zoning change from (Ag) Agricultural district to (LI) Light
141 Industrial district on a 1-acre property located at 1785 I-30 and known as
142 Tract 5-1, Abstract 134, J. Lockhart Survey, and take any action
143 necessary. (1st Reading)

144 Planning Director Robert LaCroix provided the council with background information
145 related to this item, indicating that the Planning & Zoning Commission did recommend
146 approval of this item by a vote of 7-0. Mayor Sweet then opened the public hearing. The
147 applicant, Roger Sefzik came forward and indicated he is representing the applicant.
148 There being no one else present wishing to speak during the public hearing, Mayor Sweet
149 then closed the public hearing.

150
151 Mayor Pro Tem Russo made a motion to approve Z2012-001. Councilmember Sevier
152 seconded the motion. The ordinance was read as follows:

153 CITY OF ROCKWALL
154 ORDINANCE NO.12-
155

156
157 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
158 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
159 CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED
160 SO AS TO APPROVE A CHANGE IN ZONING FROM (AG)
161 AGRICULTURAL DISTRICT TO (LI) LIGHT INDUSTRIAL DISTRICT,
162 ON A TRACT OF LAND CONTAINING 1.0-ACRE AND KNOWN AS
163 TRACT 5-1, ABSTRACT 134, J. LOCKHART SURVEY, LOCATED AT
164 1785 IH-30; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
165 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
166 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
167 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
168 EFFECTIVE DATE.
169

170 The motion passed by a vote of 7 ayes to 0 nays.
171

- 172 2. Z2012-002 - Hold a public hearing and consider approval of an
173 ordinance for a request by Sandy Johnson of Bella's House for approval
174 of a Specific Use Permit (SUP) to allow for an "Antiques / Collectible
175 Store" within the (DT) Downtown district, specifically in conjunction with
176 their existing retail business located at 206 E. Rusk, being a 0.057-acre
177 tract known as west 25-ft of Lot 2, Block L, Rockwall O T Addition, and
178 take any action necessary. (1st Reading)

179 Planning Director Robert LaCroix provided the council with background information
180 related to this item. He indicated that 35 notices were sent out in the downtown area, but
181 no responses were received back.

182
183 Mayor Sweet then opened the public hearing. The applicant, Sandy Johnson spoke in
184 support of her application. There being no one else in attendance wishing to speak,
185 Mayor Sweet then closed the public hearing.
186

187 Mayor Pro Tem Russo made a motion to approve Z2012-002. Councilmember Nielsen
188 seconded the motion. The ordinance was read as follows:

189
190 CITY OF ROCKWALL
191 ORDINANCE NO. 12-____

192
193 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
194 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
195 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
196 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT ALLOWING
197 FOR ANTIQUE/COLLECTABLE SALES WITHIN THE (DT)
198 DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN AS WEST
199 25-FT OF LOT 2, BLOCK L, ROCKWALL O T ADDITION AND
200 LOCATED AT 206 E. RUSK; PROVIDING FOR SPECIAL
201 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
202 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
203 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
204 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
205 EFFECTIVE DATE.
206

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

208
209 VI. SITE PLANS / PLATS

- 210
211 1. MIS2012-001 - Discuss and consider a request by Larry Gray for
212 approval of a special request to the standards of the (PD-75) Planned
213 Development No. 75 district (Ord 09-37), specifically to the "one-time
214 replacement" standards in Area 2, for a proposed manufactured home on
215 Lots 851 and 852, Rockwall Lake Estates #2 Addition, which is located at
216 162 Donald, and take any action necessary.

217 Planning Director Robert LaCroix gave a brief description of the request by Mr. Gray.
218 LaCroix answered questions about the lifespan of the OSB SimPlank siding material
219 which is warranted for 30 years. He explained that the cost differential between OSB and
220 the material required by PD 75 is about \$2800.

221
222 Larry Gray
223 162 Donald
224 Rockwall, Texas
225

226 The applicant, Mr. Gray, came forth and briefly spoke regarding his request.

227
228 Mayor Pro Tem Russo then made a motion to approve MIS 2012-001. Councilmember
229 Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.
230

231 VII. ACTION ITEMS

- 232
233 1. Discuss and consider a request by Rockwall Housing Authority (RHA) to
234 waive their PILOT tax (Payments in Lieu of Taxes) for Fiscal Year 2011,
235 and take any action necessary.

236 Interim City Manager Rick Crowley explained this item. He indicated that since the
237 Housing Authority is a non-profit entity, they are not subject to property taxes on

238 property the own. In addition, the city's agreement with the RHA provides for the ability
239 to request a waiver of the PILOT tax.

240
241 Councilmember Nielsen then offered a motion to waive the PILOT taxes for the Rockwall
242 Housing Authority (RHA) for the year 2011. Mayor Pro Tem Russo seconded the motion,
243 which passed unanimously of council (7 ayes to 0 nays).

244
245 Councilmember Sevier pointed out that the amount of fees being waived is just over
246 \$9,700.00

- 247 2. Discuss and consider a program for providing public information about the
248 upcoming bond election, and take any action necessary.

249
250 Interim City Manager Rick Crowley explained the upcoming bond election process. He
251 expressed that our bond counsel is preparing a bond resolution for Council
252 consideration on March 5, 2012. The order in which the propositions will appear on the
253 ballot will be decided at the next meeting as well. Crowley briefly spoke about a Political
254 Action Committee that has formed and is meeting separate and apart from city staff. He
255 explained that the city is obligated to remain neutral on the bond proposition items;
256 however, the city is able and expected to disseminate factual information about the
257 various projects. He further indicated that a public information timeline and associated
258 materials are being developed and will be presented to the Council on March 5th. The
259 council took no action related to this item.

- 260
261 3. Hear report from Police Chief regarding 2011 Racial Profiling Report,
262 2011 Holiday Crime Prevention Initiative and 2011 Crime Comparison,
263 and take any action necessary.

264 Police Chief Mark Moeller presented the required 2011 Racial Profiling Report. He
265 explained that a single complaint was received, and, after investigation, it was
266 determined to be unfounded. He then spoke briefly about the 2011 holiday crime
267 prevention initiative and provided associated statistics to Council. He also briefly
268 presented the 2011 Crime Comparison Report. No action was taken by council related to
269 this item.

- 270
271 4. Discuss and consider renovation of the Municipal Court and Police
272 Department buildings, and take any action necessary.

273 Interim City Manager Rick Crowley explained options to move forward with design and
274 construction processes to renovate the recently purchased court building and the
275 existing police department building including options for use of a general contractor,
276 construction manager at risk or design-build services. He explained that staff
277 recommends moving forward with selecting a design-build process similar to what was
278 most recently utilized on the newest fire station. Crowley explained that Requests for
279 Qualifications (RFQs) would be solicited and received by City staff with a
280 recommendation presented to the Council at a future date. Councilmember Nielsen
281 referred to previous fire station projects having been constructed under a design-build
282 method successfully.

283

284 Councilmember White then made a motion to approve moving forward with the design
285 build method. Councilmember Sevier seconded the motion, which passed by a vote of 7
286 ayes to 0 nays.

287
288 Mayor Sweet adjourned the meeting at 7:01 p.m.

289
290 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
291 **GOVERNMENT CODE TO DISCUSS:**

- 292
293 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
294 2. Personnel Issues, including Board, Commission, and Committee Appointments,
295 and Related Matters.
296 3. Commercial or financial information regarding business prospects that the City
297 seeks to have locate, stay, or expand in or near the territory of the City of
298 Rockwall and with which the Board is conducting economic development
299 negotiations.
300 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
301 attorney with regard to a matter that it is the duty of the attorney to consult with
302 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
303 Rules of Professional Conduct of the State Bar of Texas.

304 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

305
306 Council did not reconvene back into Executive Session at the close of the public
307 meeting; therefore, no action was taken as a result of this end-of-meeting Executive
308 Session.


309
310 **X. ADJOURNMENT**

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312
313 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
314 **this 5th day of March, 2012.**



David Sweet, Mayor

316 **ATTEST:**

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318 _____
319 Kristy Ashberry, City Secretary



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MNUTES
ROCKWALL CITY COUNCIL

Monday, March 05, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor Sweet, Mayor Pro Tem Mark Russo and council members David White, Margo Nielsen, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session. Councilmember Smith arrived at 4:10 p.m. to join the meeting.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

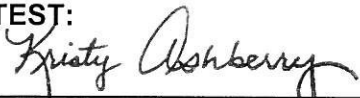
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The council took no action as a result of Executive Session.


IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of March, 2012.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, March 05, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

49 I. CALL TO ORDER

50
51 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor Sweet, Mayor
52 Pro Tem Mark Russo and council members David White, Margo Nielsen, Michelle Smith,
53 Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley
54 and City Attorney Pete Eckert

55
56 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SEVIER

57
58 Councilmember Sevier delivered the invocation and led the pledge of allegiance

59
60 III. PROCLAMATIONS / AWARDS

61
62 1. Colon Cancer Awareness Month

63
64 Mayor Sweet called Nikki Mutschler from Presbyterian Hospital Rockwall forth and
65 presented the proclamation to her and members of her staff.

66
67 IV. OPEN FORUM

68
69 Fred Lively
70 1545 Summer Lee Drive

71
72 Mr. Lively came forth to address the council on the bond proposals and expressed that
73 he would like the city to evaluate the cost related to the budget impacts by the proposed
74 bond items, specifically with regards to the sports complex and the park. Mr. Lively
75 suggested that council table these issues until a complete analysis of the full budget
76 impact could be done including the ongoing costs.

77
78 John White
79 1929 South Lakeshore

80
81 Mr. White came forth to address the council on the bond election and expressed he is a
82 former park board member. He generally expressed support for ball fields but believes it
83 would have a negative affect on residents paying taxes. He is generally concerned about
84 the uncertainty of the current economy and political stability of the state and federal
85 government. He suggested that the council go forth with the road bond package first,
86 the downtown bond project second and that everything else be tabled until later.

87
88 V. CONSENT AGENDA

- 89
90 1. Consider approval of the minutes from the February 20, 2012 regular city
91 council meeting, and take any action necessary.

- 92 2. Consider approval of a Facilities Agreement with Rockwall Marine and
93 take any action necessary.
- 94 3. Consider authorizing a contract with Euterpe Productions for the
95 Founders Day 2012 concert in the amount of \$25,000 to be paid out of
96 Hotel/Motel tax funds, and take any action necessary.
- 97 4. Consider approval of the purchase of Public Safety Software Module
98 MSP and associated In-Car Mobile 9 Module changes to be used for
99 demographic profiling and reporting by the Police Records division at a
100 cost of \$36,060 to be funded by police seizure revenues, and take any
101 action necessary.
- 102 5. P2012-001 - Discuss and consider a request by Jay Bedford of A.J.
103 Bedford Group, Inc., for approval of a final plat of Lot 1, Block A, Yetts
104 Addition, being a 2.202-acre tract zoned (PD-46) Planned Development
105 No. 46 district and located at 2315 SH 276, and take any action
106 necessary.
- 107 6. P2012-004 - Discuss and consider a request by Jay Bedford of A. J.
108 Bedford Group, Inc. for approval of a replat of Lots 3 and 5, Block A,
109 Newman Center No. One Addition, being 3.301-acres tract zoned (C)
110 Commercial district and located at 1030 and 1040 East IH-30, and take
111 any action necessary.
- 112 7. Z2012-001 - Consider approval of an **ordinance** for a request by Roger
113 Sefzik of Hoss Properties, LLC for approval of a zoning change from (Ag)
114 Agricultural district to (LI) Light Industrial district on a 1-acre property
115 located at 1785 I-30 and known as Tract 5-1, Abstract 134, J. Lockhart
116 Survey, and take any action necessary. **(2nd Reading)**
- 117 8. Z2012-002 - Consider approval of an **ordinance** for a request by Sandy
118 Johnson of Bella's House for approval of a Specific Use Permit (SUP) to
119 allow for an "Antiques / Collectible Store" within the (DT) Downtown
120 district, specifically in conjunction with their existing retail business
121 located at 206 E. Rusk, being a 0.057-acre tract known as west 25-ft of
122 Lot 2, Block L, Rockwall O T Addition, and take any action necessary.
123 **(2nd Reading)**

124 **Councilmember Sevier pulled Consent Agenda Item no. 1 for further discussion.**

125
126 **Councilmember Nielsen made a motion to approve the remainder of the consent agenda**
127 **items (#2, 3, 4, 5, 6, 7, and 8). Mayor Pro Tem Russo seconded the motion. The**
128 **ordinances were read as follows:**

129 CITY OF ROCKWALL
130 ORDINANCE NO. 12-05

131
132 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
133 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
134 ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A CHANGE IN
135 ZONING FROM (AG) AGRICULTURAL DISTRICT TO (LI) LIGHT INDUSTRIAL
136 DISTRICT, ON A TRACT OF LAND CONTAINING 1.0-ACRE AND KNOWN AS
137 TRACT 5-1, ABSTRACT 134, J. LOCKHART SURVEY, LOCATED AT 1785 IH-
138 30; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
139 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
140 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;

141 PROVIDING FOR AN EFFECTIVE DATE.
142

143
144 CITY OF ROCKWALL
145 ORDINANCE NO. 12-06
146

147 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
148 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
149 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
150 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT
151 ALLOWING FOR ANTIQUE/COLLECTABLE SALES WITHIN THE
152 (DT) DOWNTOWN DISTRICT, ON A TRACT OF LAND KNOWN
153 AS WEST 25-FT OF LOT 2, BLOCK L, ROCKWALL O T ADDITION
154 AND LOCATED AT 206 E. RUSK; PROVIDING FOR SPECIAL
155 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
156 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
157 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
158 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
159 FOR AN EFFECTIVE DATE.
160

161 The motion was approved unanimously of council (7 ayes to 0 nays).
162

163 Regarding consent agenda item no. 1, Councilmember Sevier asked for clarification on a
164 motion made out of executive session on February 20, 2012 council meeting. After
165 clarification was given, Councilmember Sevier then made a motion to approve consent
166 agenda item no. 1. Councilmember Nielsen seconded the motion. The motion passed
167 unanimously (7 ayes to 0 nays).
168

169 VI. APPOINTMENTS
170

- 171 1. Appointment with the Planning and Zoning Chairman to discuss and
172 answer any questions regarding cases on the agenda and related issues
173 and take any action necessary.

174 Chairman of Planning and Zoning commission Phillip Herbst came forth and briefed the
175 council on recommendations of the commission relative to planning related items on
176 tonight's agenda. The council took no action regarding this item.

- 177 2. Appointment with representative(s) of the city's 2012 Comprehensive
178 Plan Review Committee to hear update on the committee's progress, and
179 taken any action necessary.

180 Councilmember White, who serves on this committee, provided brief introductory
181 comments related to this item and recognized the committee members for their work.
182

183 Councilmember Sevier asked for clarification regarding a few of the definitions included
184 in the plan. He expressed that he does not necessarily agree with the portions of the plan
185 which focus on future development of John King Blvd.
186

187 Councilmember Nielsen thanked the committee for its work. She acknowledged that this
188 plan may well be modified again in the future and that she is generally in support of the
189 plan.
190

191 The council took no formal action related to this agenda item.

192 **VII. SITE PLANS / PLATS**

- 193
- 194 1. SP2012-002 - Discuss and consider a request by Cliff Applegate of The
- 195 Lathrop Company for approval of exceptions to the Unified Development
- 196 Code, specifically to the parking standards, the landscaping standards,
- 197 the screening standards and the General Industrial District standards, in
- 198 association with an administrative site plan for the Project Ontario
- 199 development, being a 276,548-sf industrial development located on a
- 200 38.932-acre tract comprised of Tract 7, Abstract 125, J. H. B. Jones
- 201 Survey, and Tracts 15 and 15-1, Abstract 186, J. A. Ramsey Survey,
- 202 zoned (LI) Light Industrial district and situated along the south side of
- 203 Discovery Blvd, the north side of Springer Ln and the west side of Data
- 204 Dr, and take any action necessary.

205 **Mayor Sweet recused himself from this discussion and Mayor Pro Tem Russo facilitated**

206 **this item in Sweet's absence.**

207 **Planning Director Robert LaCroix provided brief background information related to this**

208 **item.**

209 **Councilmember Nielsen asked if these variances are consistent with other areas of the**

210 **technology park. LaCroix indicated that they are generally consistent.**

211 **The applicant, Cliff Applegate, came forth to address the council and ask for approval.**

212 **Councilmember White made a motion to approve SP2012-002. Councilmember Sevier**

213 **seconded the motion. The motion passed by a vote of 6 ayes and 1 abstention (Sweet).**

- 214
- 215 2. SP2012-004 - Discuss and consider a request by Zac Bartz of Alliance
- 216 Architects for approval of variances to the SH 205 Overlay district and the
- 217 IH-30 Overlay district, specifically to the architectural standards, in
- 218 association with amended building elevations for Lakeside Chevrolet,
- 219 being an existing auto dealership located on Lot 3, Block A, Lakeside
- 220 Chevrolet Addition, being 8.635-acres zoned (C) Commercial district and
- 221 situated within the SH 205 Overlay district and the IH-30 Overlay district,
- 222 located at 2005 S. Goliad St, and take any action necessary. (¾ Super-
- 223 majority vote required)

224 **Planning Director Robert LaCroix provided background information on this item,**

225 **indicating that it will need 3/4th super majority vote of the council in order to pass. He**

226 **indicated that the Planning & Zoning commission recommended approval of this item.**

227 **Councilmember Nielsen asked for some clarification regarding colors of the alternate**

228 **material.**

229 **Mayor Pro Tem Russo then made a motion to approve SP2012-004 including associated**

230 **variances, Councilmember White seconded the motion. The motion passed unanimously**

231 **(7 ayes to 0 nays).**

- 232
- 233 3. SP2012-005 - Discuss and consider a request by Gary J. Jacobs of
- 234 Jacobs & Associates for approval of exceptions to the Unified
- 235 Development Code, specifically to the parking standards and the General
- 236 Industrial District standards, in association with an administrative site plan

237 for Whitmore Manufacturing Company, being a proposed 113,634-sf
238 expansion, located on Lot 3, Block A, Whitmore Industrial Park, being
239 6.379-acres zoned (LI) Light Industrial district and located at 930
240 Whitmore Dr., and take any action necessary.

241 **Planning Director Robert LaCroix provided background information on this item,**
242 **indicating the Planning and Zoning Commission recommended approval of this item.**
243

244 **Interim City Manager Crowley clarified that enclosure of the pond will be an option for**
245 **Whitmore if the council approves this item tonight.**
246

247 **Councilmember Smith made a motion to approve SP2012-005 including associated**
248 **exceptions, Councilmember Sevier seconded the motion. The motion passed**
249 **unanimously. (7 ayes to 0 nays)**
250

251 **VIII. ACTION ITEMS**

252

- 253 1. Discuss and consider a request from Mr. and Mrs. Henry Phillips with
254 Uptown Goliad for a height, material, and setback variance for a
255 monument sign and a material variance for a wall sign located at 4037
256 North Goliad, and take any action necessary.

257 **Building Official Jeffrey Widmer provided background information on this item.**

258 **Mr. Henry Phillips, the applicant (2008 S. Lakeshore), came forward to address the**
259 **council, explaining that they have consulted with the North Texas Municipal Water**
260 **District regarding the affected easement. He generally explained the nature of his**
261 **variance requests and asked for approval.**

262 **Councilmember Smith made a motion to approve Action Item No. 1 including associated**
263 **variances. Mayor Pro Tem Russo seconded the motion.**
264

265 **Councilmember Nielsen asked for clarification on the materials that are to be used, and**
266 **Mr. Widmer provided said clarification.**
267

268 **The motion passed unanimously (7 ayes to 0 nays).**
269

- 270 2. Discuss and consider approval of a resolution adopting the
271 Comprehensive Plan in accordance with the City Charter, and take any
272 action necessary.

273 **Mayor Pro Tem Russo made a motion to approve Action Item No. 2 (City's**
274 **Comprehensive Plan). Councilmember White seconded the motion.**
275

276 **Mayor Sweet thanked the committee for its work.**
277

278 **The motion passed unanimously. (7 ayes to 0 nays)**
279

- 280 3. Hold a Show Cause Hearing to discuss and consider demolition of a
281 dangerous building located at 880 FM 1141, and take any action
282 necessary.

283 Building Official Jeffrey Widmer provided background information explaining that staff
284 recommends demolition of this dangerous structure. One of the owners who as power of
285 attorney has been informed of this show cause hearing and plans for possible
286 demolition. Notices have been issued as required by law, and funds are available in the
287 current fiscal year budget to pay for the demolition. It is possible that the applicant will
288 pay for the demolition; however, if not, the city will move forward with placing a lien on
289 the property as is typically done.

290
291 City Attorney Pete Eckert suggested that a description of the photos included in the
292 councilmember packets be included in the official record of this meeting. He asked that
293 Widmer provide a general description of these photos, including the notices. Widmer
294 described the photos as follows:

- 295
- 296 • A photo of the front of a residential structure and part of the yard
- 297 • Photos of the public notices which were sent (a notice was attached to each of the
- 298 owner's homes)
- 299 • A rear photo of the house taken from John King Boulevard
- 300 • Interior photos taken (with owner / power-or-attorney's permission) showing dilapidated
- 301 condition, including substantial water damage.
- 302

303 Mr. Eckert shared with the council a couple of examples of case law relative to
304 demolition of dangerous structures in other cities in Texas. He also offered a brief
305 description of required notices and the property owner's rights associated with the
306 appeal process.

307
308 Mayor Sweet asked if any of the owners were present in the audience, but no one
309 indicated such or came forth.

310
311 Councilmember Nielsen made a motion to approve the demolition of the building located
312 at 880 FM-1141 after a period of 90 days if no action has been taken by the property
313 owner to remove it or repair it. Councilmember Sevier seconded the motion. Widmer
314 indicated that the estimated cost of demolition would be \$6,800. The motion passed
315 unanimously (7 ayes to 0 nays).

- 316
- 317 4. Discuss and consider the city's sign ordinance regulations, including
 - 318 those related to banner signs, and take any action necessary.

319 Councilmember White indicated he placed this item on the agenda. He suggested we
320 move to allow banner signs in the city except that they would not be allowed at certain
321 major intersections.

322 Councilmember Sevier indicated he agrees that allowing banner signs in the areas other
323 than major intersections would be a viable option.

324 Councilmember Nielsen generally expressed concern with allowing banner signs at all
325 because doing so will likely lead to complaints about banner clutter. She cautioned the
326 council regarding moving forward with allowing them once again and suggested looking
327 into specific areas other than major intersections that the council may consider allowing.

328 Councilmember Daniels expressed that he has concerns as well and that he would not be
329 able to support this item at this time. He thinks it needs further evaluation before any
330 action is taken.

331 Mayor Sweet acknowledged receiving past complaints about banner proliferation;
332 however, he has also received a lot of input from non-profit organizations who used to
333 utilize banner signs.

334 Councilmember Nielsen suggested staff look at the number of signs allowed at any given
335 area at a given time as well as the amount of time and the material used.

336 Councilmember Sevier expressed concern about the city's existing banner sign display
337 location on the property of The Center and the events that may or may not be
338 appropriately advertised there under the city's current regulations. Interim City Manager
339 Rick Crowley and Building Official Jeffrey Widmer offered clarification regarding Sevier's
340 concerns.

341 Crowley indicated that staff will consider council's input and bring back
342 recommendations to the council to consider at a future council meeting.

343
344 The Council took no formal action related to this item.

345
346 5. Discuss and consider alternate paving widths for Amity Lane and Indian
347 Trail and take any action necessary.

348 Interim City Manager Rick Crowley gave background information on this item.

349 General discussion took place among council members regarding the width options and
350 associated citizen desires and concerns.

351 Mayor Pro Tem Russo and Councilmember Daniels asked staff to look back at when
352 these properties were annexed to determine if the width of the road was included as a
353 stipulation at the time of annexation. They expressed the belief that former residents at
354 the time of the annexation desired that Amity Lane have a width of 24 feet.

355 Councilmember Sevier asked City Engineer Chuck Todd for clarification associated with
356 the survey. Mayor Pro Tem Russo asked Fire Chief Poindexter for clarification on fire
357 requirements associated with the width of roads in order for fire trucks to access the
358 properties. Councilmember Daniels expressed concern with fire safety or lawsuits if the
359 street is not wide enough. He also expressed concern with designing the streets at two
360 different widths.

361 Councilmember White stated that Amity Lane is constructed at 24 feet for fire protection,
362 then Indian Trail should be at 24 feet as well for fire protection reasons. Lengthy
363 discussion took place among council members regarding the width and cost options
364 associated with each street.

365 Interim City Manager indicated that staff will seek input from property owners on each of
366 these streets and will bring back details, including how to fund the road widening, during
367 a future council meeting.

368 The council took no formal action regarding this item.

369 Mayor Sweet then recessed the meeting and called for a five minute break (at 8:23 p.m.).
370

371 6. Discuss and consider adoption of a resolution by the City Council of the
372 City of Rockwall, Texas, calling a bond election to be held within said
373 City; making provision for the conduct of the election; approving an
374 amendment to an election contract with the Rockwall County Elections

375 Administrator; and containing other provisions incident and related to the
376 purpose of the resolution and take any action necessary.

377 **Mayor Sweet called the meeting back to order.**

378
379 **Interim City Manager Rick Crowley provided information about the bond election**
380 **resolution. He indicated that the city's bond counsel spoke with the Texas Attorney**
381 **Generals office who indicated that the downtown related propositions regarding**
382 **economic development improvements and fire related improvements must be put forth**
383 **before the voters as two separate bond propositions on the ballot.**

384
385 **Councilmember Nielsen made a motion to approve the resolution as presented with the**
386 **understanding that a stand alone bond proposition will be put forth related to fire**
387 **protection improvements in the downtown area. Councilmember Daniels seconded the**
388 **motion. Councilmember Sevier asked for clarification on where the fire suppression**
389 **mechanical room is going to be located and who will be paying for it. Chief Poindexter**
390 **indicated that the locations have already been predetermined and discussed with the**
391 **property owners and that pumps will not be necessary. Councilmember Smith asked for**
392 **clarification on whether or not property owners will be mandated to sprinkle their**
393 **businesses. Crowley indicated that no mandate is in existence at this time; however, the**
394 **council may decide to mandate that in the future. After brief discussion, the motion**
395 **passed by a vote of 6 ayes to 1 nay (Smith).**
396

- 397 7. Discuss and consider a public relations plan for the May 2012 bond
398 election, and take any action necessary.

399 **Interim City Manager Rick Crowley clarified that this is a public information plan instead**
400 **of a public relations plan and gave background information on this item.**

401 **Councilmember White expressed that he would like to see what the percentage increase**
402 **would be on the bond items and what the estimated recurring expenses would be on**
403 **each bond item.**

404 **Councilmember Nielsen expressed that operating costs, long term expenses and**
405 **potential revenues should be included in the information provided to the public.**

406 **Councilmember White requested staff to assemble the tax impact percentages and**
407 **include these in the proposed public information plan. Estimated recurring expenses**
408 **associated with each individual bond proposition. Councilmember Nielsen expressed**
409 **concern about only providing one-sided information regarding impacts of these bonds.**
410 **She asked staff to also try and include estimated revenues which are anticipated to be**
411 **generated from the projects, especially the ball fields. Crowley indicated that staff will**
412 **work on this information and bring it back to the council for consideration soon.**

413 **The council took no formal action related to this item.**

- 414 8. Discuss and consider financial planning associated with water
415 conservation, and take any action necessary.

416 **Interim City Manager Rick Crowley provided background information on this item and**
417 **updated the council on water related revenues, expenditures and staffing levels to date.**
418 **He indicated that staff anticipates an increase in water rates being necessary in the next**
419 **fiscal budget year. The Council took no formal action on this item.**

420 9. Discuss and consider concerns associated with noise at The Harbor and
421 in the area of The Harbor, and take any action necessary.

422 **Interim City Manager Rick Crowley gave background information on this item and**
423 **expressed that it would be necessary to test the sound levels when events are going on**
424 **at The Harbor to determine if the sounds are in compliance with the city's noise**
425 **ordinance. He indicated that staff will continue to remind businesses at The Harbor that**
426 **they need to be neighbor friendly in regards to noise.**

427 **Director of Code Enforcement Mr. Widmer indicated that the consultants cost of**
428 **conducting this study is estimated to be \$7,879.**

429 **Councilmember Daniels then made a motion to authorize staff to proceed with the Harbor**
430 **noise assessment as proposed. Councilmember Nielsen seconded the motion. The**
431 **motion passed unanimously. (7 ayes to 0 nays)**

432 10. Discuss and consider taking action regarding the City's Strategic Planning
433 initiatives, and take any action necessary.

434 **Interim City Manager Rick Crowley provided background information on this item. He**
435 **indicated that staff will soon begin meeting with individual council members in order to**
436 **solicit feedback from the council regarding the city's strategic planning efforts.**

437 **The Council took no formal action on this item.**

438
439 **IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
440 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

441
442 1. Departmental Reports
443 Police Department Monthly Report - January 2012
444 Finance Department Monthly Report - January 2012
445 Recreation Department Graph - January 2012
446 Harbor PD Report - January 2012
447 Building Inspections Monthly Report - January 2012
448 Internal Operations Monthly Report - January 2012.
449 Fire Department Monthly Report - January 2012

450 2. City Manager's Report

451 **Interim City Manager Rick Crowley indicated that information regarding the fire**
452 **department's ISO rating will be brought forth to the council in the near future. Staff has**
453 **received comments from citizens regarding the proposed euthanasia policy and those**
454 **emails have been provided to council this evening. He indicated that staff will be**
455 **performing further evaluations on the input submitted. He also indicated that staff will**
456 **soon be meeting with those organizations that have expressed an interest in possible**
457 **privatization of the animal adoption center. Councilmember Nielsen indicated that she is**
458 **only interested in considering organizations that specifically have experience in running**
459 **municipal adoption centers.**

460 **The council took no action related to these reports and recessed the public meeting back**
461 **into Executive Session at 9:06 p.m.**

462
463 **X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
464 **GOVERNMENT CODE TO DISCUSS:**
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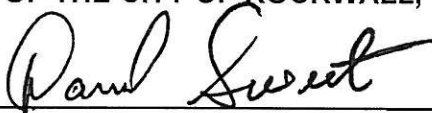
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1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

479 **XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

480
481 **The council came out of Executive Session at 9:21 p.m. and took no action.**


482
483 **XII. ADJOURNMENT**

484
485 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
486 **this 19th day of March, 2012.**



David Sweet, Mayor

487
488 **ATTEST:**

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490 _____
491 **Kristy Ashberry, City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, March 19, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session. Councilmember Margo Nielsen was absent from the meeting.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The council took no action as a result of Executive Session.

IV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of April, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, March 19, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Councilmember Margo Nielsen was absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM RUSSO

Mayor Pro Tem Russo delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

1. Rochell Elementary School Day

Mayor Sweet called forth school principal, Mrs. Packard, and several members of her staff. He then read and presented a proclamation to the staff and students of Rochell.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the March 5, 2012 regular City Council meeting and take any action necessary.
2. Consider adoption of a resolution by the City Council of the City of Rockwall, Texas, amending Resolution 12-02 calling a general election to be held within said City; and containing other provisions incident and related to the purpose of this resolution and take any action necessary.
3. Consider adoption of a resolution by the City Council of the City of Rockwall, Texas, amending Resolution 12-08 calling a bond election to be held within said City; and containing other provisions incident and related to the purpose of this resolution and take any action necessary.
4. Consider renewal of the contract mowing services agreement in the amount of \$70,000 to be paid out of Parks Department Operating funds (as budgeted) and take any action necessary.
5. Consider approval of a resolution supporting the temporary closing of the IH-30 westbound off-ramp, west of Industrial Blvd., and a section of the IH-30 Service Road, west of John King Blvd., for the Klassic Rock Kiwanis Sprint Triathlon and take any necessary action.
6. P2012-005 - Consider a request by Ron Ramirez of Wier & Associates, Inc., for approval of a replat of Lot 2, Block B, Rockwall Technology Park, being a 11.361-acre tract zoned (LI) Light Industrial district and situated along the south side of Discovery Blvd, the north side of SH-276 and the west side of Innovation Dr, and take any action necessary.

90

91 Councilmember Sevier pulled Consent Agenda item number 5 for further discussion.

92 Councilmember Smith pulled item numbers 2 and 3 for further discussion.

93 Councilmember White made a motion to approve all remaining Consent Agenda items (#1, 4,
94 and 6). Mayor Pro Tem Russo seconded the motion, which passed unanimously of council
95 present.

96

97 Mayor Pro Tem Russo made a motion to approve Consent Agenda item #2. Councilmember
98 White seconded the motion, which passed unanimously of council present (6 ayes with 1
99 absent (Nielsen)).

100

101 Regarding Consent Agenda item #3, Mayor Pro Tem made a motion to approve this item.
102 Councilmember White seconded the motion, which passed by a vote of 5 ayes, 1 against
103 (Smith) and 1 absent (Nielsen).

104

105 Regarding Consent Agenda item #5, Councilmember Sevier made a motion to postpone
106 action on this item for a period of two weeks to allow for staff to bring forth additional
107 information, including a route map. Councilmember Daniels seconded the motion. The
108 motion passed by a vote of 6 ayes with 1 absent (Nielsen).

109

110 V. APPOINTMENTS

111

- 112 1. Appointment with the Planning and Zoning Chairman to discuss and answer
113 any questions regarding cases on the agenda and related issues and take
114 any action necessary.

115 Planning and Zoning Chairman, Phillip Herbst, came forth and briefed the council on
116 recommendations of the Commission relative to planning related items on tonight's council
117 agenda.

118

119 VI. PUBLIC HEARING ITEMS

120

- 121 1. Discuss and consider a request from Mr. Kenneth Kovacs for a height
122 variance and approval for a front yard fence located at 1413 Willow Lane,
and take any action necessary.

123 Jeffrey Widmer, Director of Code Enforcement and Building Inspections, provided
124 background information related to this item. Mayor Sweet then opened the public hearing.

125 The applicant, Mr. and Mrs. Kovacs, came forth and expressed they would like to install this
126 wrought iron fence to enhance safety on their property due to concerns associated with a
127 very high retaining wall and associated drop off.

128 There being no one else to come forth and speak, Mayor Sweet then closed the public
129 hearing.

130 Mayor Pro Tem Russo made a motion to approve the variance request as presented.
131 Councilmember Smith seconded the motion, which passed by a vote of 6 ayes to 0 nays with
132 1 absent (Nielsen).

33

- 34 2. Z2012-003 - Hold a public hearing and consider approval of an ordinance
35 for a request by Jenniffer Norman of JW Winery, LLC for approval of a

136 Specific Use Permit (SUP) to allow for an "Winery" within the (DT) Downtown
137 district, specifically located at 301 N. San Jacinto, a 0.23-acre tract being
138 part of Lot 1, 4 & 5, Block C, Rockwall O T Addition, and take any action
139 necessary. (1st Reading)

140 Planning Director Robert LaCroix provided background information related to this item.
141 Twenty-three notices were sent out to adjacent property owners in accordance with law, and
142 two were received back by staff. One was in favor, and one seemed somewhat neutral. The
143 Planning and Zoning Commission recommended approval of this item.

144 Mayor Sweet then opened the public hearing. There being no one to come forth, Mayor
145 Sweet closed the public hearing.

146
147 Mayor Pro Tem Russo made a motion to approve Z2012-003, including staff
148 recommendations. Councilmember White seconded the motion. The ordinance was read as
149 follows:

150 CITY OF ROCKWALL
151 ORDINANCE NO. 12-07

152
153 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
154 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
155 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE
156 PERMIT (S-93) TO ALLOW FOR A "WINERY" WITHIN THE (DT) DOWNTOWN
157 DISTRICT, LOCATED AT 301 N SAN JACINTO, A 0.23-ACRE TRACT BEING PART
158 OF LOT 1, 4 & 5, BLOCK C, ROCKWALL O T ADDITION; PROVIDING FOR
159 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
160 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
161 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
162 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
163

164 The motion passed by a vote of 6 ayes with 1 absent (Nielsen).

165 VII. ACTION ITEMS

- 166
167 1. MIS2012-002 - Discuss and consider a request by Margarito Arroyo for
168 approval of a special request to the standards of the (PD-75) Planned
169 Development No. 75 district (Ord 09-37), specifically to the "one-time
170 replacement" standards in Area 2, for a proposed manufactured home on
171 Lot 845A, Rockwall Lake Estates #2 Addition, which is located at 202
172 Blanche Dr., and take any action necessary.

173 Planning Director Robert LaCroix provided background information related to this item,
174 including a description of the city's current regulations related to replacement standards
175 and other regulations in this area of Lake Rockwall Estates. Mr. LaCroix indicated that Mr.
176 Arroyo did come to the city to pull a permit before beginning work on his home and staff
177 provided him with information at that time on the regulations associated with the work to be
178 done on his home. Mr. Arroyo is now coming to the council to seek approval of a special
179 request associated with the improvements to his home.

180
181 General discussion took place regarding the conditional permit that was issued to the
182 applicant and how best to address these types of issues in the future.

183
184 The applicant came forth and gave his name and address.

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**Mr. Arroyo
202 Blanche Drive**

Councilmember White then made a motion to approve MIS2012-002. Mayor Pro Tem Russo seconded the motion, which passed unanimously of those present (6 ayes with 1 absent (Nielsen)).

Mayor Sweet clarified that Mr. Widmer spoke with the applicant and he is comfortable with a 90 day time frame on the project.

- 2. Discuss and consider a recommendation from the Airport Subcommittee regarding consulting services related to an airport development plan at the Rockwall Municipal Airport and take any action necessary.

Interim City Manager Rick Crowley provided brief background information related to this item.

Councilmember Sevier made a motion to approve the subcommittee's recommendation, including appointing a contract negotiation team to include David White, Chip Imrie and Joey Boyd. Brief discussion took place related to funding for this consulting contract. The motion then passed by a vote of 6 ayes with 1 absent (Nielsen).

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
- 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

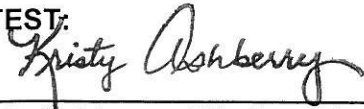
The council took no action as a result of Executive Session.

X. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of April, 2012.


David Sweet, Mayor

ATTEST:

Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Tuesday, March 20, 2012
5:30 p.m. Special Council Meeting
City Hall, Council Conference Room
385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 5:30 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Cliff Sevier and Bennie Daniels. Also present was City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTION 551.074 (A)(1) OF TEXAS GOVERNMENT CODE TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE RE: CITY MANAGER POSITION.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The council took no action as a result of Executive Session.

IV. ADJOURNMENT


The meeting was adjourned at 7:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of April, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 02, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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16

I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

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1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Personnel Matters.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

Council came out of Executive Session at 5:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of April, 2012.

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

David Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 02, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

49 I. CALL TO ORDER

50
51 Regarding actions taken out of Executive Session, Mayor Pro Tem Russo made a motion to
52 reappoint Larry Parks to the North Texas Municipal Water District. Councilmember White
53 seconded the motion, which passed unanimously of council.
54

55 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE

56
57 Councilmember White delivered the invocation and led the Pledge of Allegiance.
58

59 III. PROCLAMATIONS / AWARDS

60
61 1. Rose Antony Day
62

63 Mayor Sweet called Ms. Antony forward to recognize her for her dedication to children in
64 the Rockwall community, including her work with the Texas Special Olympics. He then read
65 and presented the proclamation to Ms. Antony.
66

67 2. Motorcycle Safety Awareness Month
68

69 Mayor Sweet called Council Member Nielsen forward to share her story of her nephew who
70 passed away three years ago in a motorcycle accident. Sandy Daniels, a motorcycle safety
71 advocate, came forward and spoke about a motorcycle accident she was involved in which
72 seriously injured her. She urged motorists to pay attention when driving at the wheel,
73 urging individuals to pay special, close attention to motorcyclists driving on roadways. She
74 encouraged the city to work with the Texas Department of Transportation (TXDOT) to install
75 “Share the Road” signs which encourage drivers to be cautious and aware of motorcyclists.
76 Mayor Sweet indicated that Interim City Manager Rick Crowley is currently working with
77 TXDOT regarding these signs. Mayor Sweet then read the proclamation, declaring April
78 Motorcycle Safety and Awareness Month in Rockwall.
79

80 IV. OPEN FORUM

81
82 Mayor Sweet shared how Open Forum is conducted and asked if anyone in the audience
83 would like to come forth and speak during this time. There being no one to come forth and
84 speak, Mayor Sweet then closed Open Forum.
85

86 V. CONSENT AGENDA

87
88 1. Consider approval of the minutes from the March 19, 2012 regular City
89 Council meeting and take any action necessary.

90 2. Consider award of the Quail Run Drainage Improvements construction
91 contract in the amount of \$132,160.00, funded from the 2005 drainage bond
92 funds, and take any action necessary.

- 93 3. Consider a resolution for the Kiwanis of Rockwall's Classic Rock Sprint
94 Triathlon, and take any action necessary.
- 95 4. Consider a facilities agreement with Allen Foods, Inc., postponing
96 construction of sidewalks along Springer Rd. at the REDC Tech Park, and
97 take any action necessary.
- 98 5. Consider approval of the amended Rockwall Economic Development
99 Corporation By-laws, and take any action necessary.
- 100 6. P2012-008 - Discuss and consider a request by Bryan Burger of Burger
101 Engineering, LLC for approval of a final plat for Ridge/Summer Lee Addition,
102 City of Rockwall, Texas, being a 4.1878-acre tract zoned (PD-9) Planned
103 Development No. 9 district and designated for "general retail" uses, situated
104 at the southeast corner of Ridge Road and Summer Lee Drive within the
105 Scenic Overlay district, and take any action necessary.
- 106 7. P2012-010 - Discuss and consider a request by Ron Ramirez of Weir &
107 Associates for approval of a final plat, for Lot 2, Block B of the Rockwall
108 Technology Park Phase III, City of Rockwall, Texas, being a 38.932-acre
109 tract comprised of Tract 7, Abstract 125, J. H. B. Jones Survey, and Tracts
110 15 and 15-1, Abstract 186, J. A. Ramsey Survey, zoned (LI) Light Industrial
111 district and situated along the south side of Discovery Blvd, the north side of
112 Springer Ln and the west side of Data Dr, and take any action necessary.
- 113 8. Z2012-003 - Consider approval of an **ordinance** for a request by Jenniffer
114 Norman of JW Winery, LLC for approval of a Specific Use Permit (SUP) to
115 allow for a "Winery" within the (DT) Downtown district, specifically located at
116 301 N. San Jacinto, a 0.23-acre tract being part of Lot 1, 4 & 5, Block C,
117 Rockwall O T Addition, and take any action necessary. **(2nd Reading)**

118 **Mayor Sweet pulled item #4, and Nielsen pulled item #1. Councilmember Sevier then made**
119 **a motion to approve the remaining items (2, 3, 5, 6, 7 and 8). Mayor Pro Tem Russo**
120 **seconded the motion. The ordinance for Consent Agenda item #8 was read as follows:**

121
122 CITY OF ROCKWALL
123 ORDINANCE NO. 12-07
124

125 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
126 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY
127 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT
128 A SPECIFIC USE PERMIT (S-93) TO ALLOW FOR A "WINERY" WITHIN
129 THE (DT) DOWNTOWN DISTRICT, LOCATED AT 301 N SAN JACINTO, A
130 0.23-ACRE TRACT BEING PART OF LOT 1, 4 & 5, BLOCK C, ROCKWALL
131 O T ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
132 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
133 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING
134 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
135 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
136

137 **The motion passed unanimously of council present.**

138
139 **Councilmember Nielsen pulled item #1 because she was absent from the March 19 meeting**
140 **and needed to abstain. Mayor Pro Tem Russo then made a motion to approve Consent**
141 **Agenda item #1. Councilmember White seconded the motion, which passed by a vote of 6**
142 **eyes with 1 abstention (Nielsen).**

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Mayor Sweet indicated he will abstain from Consent Agenda item #4 because it's associated with the company for which he is employed. Mayor Pro Tem Russo then asked if anyone on council would like to speak about Consent Agenda item #4. Councilmember White made a motion to approve this item. Councilmember Sevier seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Sweet).

VI. APPOINTMENTS

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

Mayor Sweet indicated that the chair of the Planning and Zoning Commission is unable to attend this evening. No discussion took place regarding this item, and no action was taken by council.

VII. ACTION ITEMS

1. Discuss and consider a request from Mr. and Mrs. Chad Hudson for an approval of a front yard fence located at 107 Independence Pass, and take any action necessary.

Building Official and Director of Code Enforcement Jeffrey Widmer provided background information related to this item, explaining the nature of Mr. Hudson's request. He indicated that the Chandlers Landing HOA is in agreement with this request as well as Oncor.

Chad Hudson
106 Independence Pass

Mr. Hudson came forth and shared additional information related to his front yard fence request, including a brief description on future development that will take place on his property.

After Mr. Hudson spoke, Councilmember White made a motion to approve this request. Councilmember Smith seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider **ordinances** amending the City's Sign and Special Event Ordinances to allow non-profit organizations to utilize off-premise banners in certain circumstances, and take any action necessary. (1st Reading)

Interim City Manager Rick Crowley offered background information related to this item. Director of Code Enforcement, Jeffrey Widmer, then added to Mr. Crowley's comments, explaining what changes these proposed ordinances address. Mayor Sweet offered additional commentary, indicating that about this time last year, several residents expressed that the proliferation of banner signs at certain intersections in the city were concerning to them. However, Sweet indicated that he recently received comments of concern from the Aspasians Art group with regards to signage for their downtown art fair / festival and the current limitations on banner signs.

Councilmember Nielsen indicated that she is not in favor of the use of PVC piping and zip ties for those placing signs out to advertise their events. She expressed the belief that

192 these types of sign materials are not aesthetically pleasing. Brief discussion took place
193 regarding possible placement of directional signage on the day of a particular event.
194 Interim City Manager Rick Crowley indicated that some additional, minor modifications to
195 this ordinance can be added prior to second reading at the next meeting.

196 Councilmember Daniels expressed that he is a bit leery of these ordinances because he
197 believes that the previous banner clutter was quite unattractive looking. He expressed that
198 he would like the IH-30 and Horizon Road / Village Drive intersection included as a
199 prohibited site within these ordinances.

200 Councilmember Nielsen then made a motion to approve the ordinances with the
201 understanding that the following changes will be incorporated into these ordinances prior
202 to second reading:

203 (c) Each permit will allow a non-profit organization to place no more than six
204 (6) off-premise corrugated plastic ("coroplast") signs with t-posts and one
205 dozen (12) direction signs that would be allowed the day before and the day of
206 the event and would have to be removed at the conclusion of the event and
207 that the IH-30 intersection would be added to the list of non-permissible
208 locations.

209 Councilmember White seconded the motion.

210 Brief discussion took place related to material to be used on signs (coroplast with t-posts in
211 lieu of banner signs)

212 Councilmember Nielsen then amended a portion of her motion to clarify that the
213 intersections of IH-30 at Village Drive and IH-30 at Horizon Road are intersections that will
214 be added as non-permissible sign placement locations.

215 Councilmember White seconded Nielsen's amended motion.

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

217 3. Discuss and consider the Amity Lane and Indian Trail roadway width, and
218 take any action necessary.

219 Interim City Manager Rick Crowley provided background information related to this item,
220 including a short briefing on recent input received as a result of notices being sent to
221 residents living along each of these roadways.

222 Mayor Sweet offered brief comments and then made a motion to move forward with
223 widening Amity Lane to twenty-four (24) feet and widening Indian Trail to eighteen (18) feet.
224 Councilmember Smith seconded the motion.

225 Councilmember White clarified and confirmed that no parking will be allowed on and along
226 the eighteen (18) foot roadway. He also clarified the cost associated with these projects.

227 Councilmember Daniels asked for additional clarification on the motion to confirm that the
228 twenty-four foot (24 ft.) realignment will not be included. Mayor Sweet confirmed that the
229 realignment is not included.

230 After brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

231 4. Discuss and consider report on status of water conservation, and take any
232 action necessary.

233 Interim City Manager Rick Crowley provided background information related to this item,
234 indicating that the North Texas Municipal Water District has relaxed its water restrictions to
235 some degree. Mr. Crowley indicated that our water restrictions and associated enforcement

236 locally can be relaxed some as a result. For example, the water monitoring program may
237 now be suspended, and watering may now take place once every week instead of only once
238 every two weeks. He reiterated that conservation and the public message about the
239 importance of water conservation is still very important for local residents and businesses
240 to hear and understand.

241 Councilmember Nielsen made a motion to approve the modified watering policy, including
242 the associated schedule and relaxed plan for water restriction enforcement.
243 Councilmember White seconded the motion.

244 Councilmember Sevier asked for clarification on new plantings installed at residential
245 homes and commercial businesses. Mr. Crowley indicated that those who install new
246 plantings will be able to hand water plants daily and will be allowed a thirty day period from
247 the time of installation to water those new plantings.

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

249 5. Discuss and consider a recommendation for selection of a Design-Build
250 Contractor for renovation of the municipal court and police department
251 buildings, and take any action necessary.

252 Interim City Manager provided background information related to this item, indicating that
253 staff recommends moving forward with attempting to negotiate a contract with Rogers
254 O'Brien.

255
256 Councilmember White made a motion to authorize staff to move forward with negotiating a
257 design build contract with Rogers O'Brien and Brinkley Sargeant Architects. Mayor Pro
258 Tem Russo seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

259
260 **VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
261 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 262
263 1. Departmental Reports
264 Finance Department Monthly Report - February 2012
265 Police Department Monthly Report - February 2012
266 Recreation Department Monthly Report - February 2012
267 Harbor PD Monthly Report - February 2012
268 Building Inspections Monthly Report - February 2012
269 Internal Operations Department Monthly Report - February 2012
270 Fire Department Monthly Report - February 2012
271 STAR Transit Quarterly Report

- 272 2. City Manager's Report
273

274 Interim City Manager briefed the council on various items, including upcoming interviews
275 with the city council regarding strategic planning and a request for qualifications related to
276 privatization of the Animal Adoption Center. An upcoming meeting is scheduled with the
277 NTMWD to get an update on their federal lobbying efforts pertaining to the Lacy Act and to
278 discuss acquisition of investor owned utilities. The annual audit report will be issued soon
279 and a draft of the city's annual report is forthcoming. Council will soon receive some public
280 information related to the upcoming bond election.

281
282 Councilmember Sevier thanked the Police Department on its monthly report and pointed out
283 the Parks & Recreation Department's new Fun Guide which highlights fun city programs.
284

285 City Engineer Chuck Todd provided a brief update on a traffic light at Tubbs Road.

286
287 Mayor Sweet then read aloud a "thank you" letter from a representative of Home Depot, who
288 provided very positive comments about Fire Chief Mark Poindexter and the aid that he and
289 the Rockwall Fire Department provided to Home Depot to help them get back up and
290 running after a severe flood unexpectedly occurred in their building. Mayor Sweet thanked
291 Dana Macalik of the Rockwall Chamber as well as Rick Crowley, Mark Poindexter and all city
292 staff that helped Home Depot recover and reopen from this flood event.

293
294 Mayor Sweet then recessed the public meeting at 7:09 p.m., indicating that the Council will
295 reconvene back into Executive Session following a brief break.

296
297 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
298 GOVERNMENT CODE TO DISCUSS:

- 299
- 300 1. Deliberation regarding the purchase, exchange, lease, or value of real
- 301 property.
- 302 2. Personnel Issues, including Board, Commission, and Committee
- 303 Appointments, and Related Matters.
- 304 3. Commercial or financial information regarding business prospects that the
- 305 City seeks to have locate, stay, or expand in or near the territory of the City
- 306 of Rockwall and with which the Board is conducting economic development
- 307 negotiations.
- 308 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
- 309 attorney with regard to a matter that it is the duty of the attorney to consult
- 310 with the Council pursuant to the Attorney Client Privilege under the Texas
- 311 Disciplinary Rules of Professional Conduct of the State Bar of Texas.

312 X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

313
314 The council took no action as a result of end-of-meeting Executive Session.

315
316 XI. ADJOURNMENT

317
318 Mayor Sweet adjourned the meeting at 7:50 p.m.

319
320 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
321 this 16th day of April, 2012.

322
323 ATTEST:
324 *Kristy Ashberry*
325 _____
326 Kristy Ashberry, City Secretary

Paul Sweet

David Sweet, Mayor



MINUTES
ROCKWALL CITY COUNCIL
Wednesday, April 11, 2012
4:00 p.m. Special Council Meeting
Council Conference Room
385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and Council Members David White, Margo Nielsen, Michelle Smith, Cliff Sevier and Bennie Daniels. Also present was City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTION 551.074 (A)(1) OF TEXAS GOVERNMENT CODE TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE RE: CITY MANAGER POSITION.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The council took no action as a result of Executive Session.

IV. ADJOURNMENT

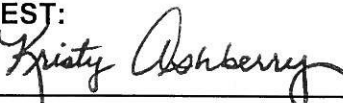
The meeting was adjourned at 10:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of April, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 16, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters including city manager selection.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

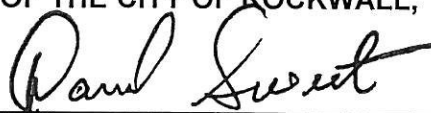
III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for action taken as a result of Executive Session.

IV. ADJOURNMENT

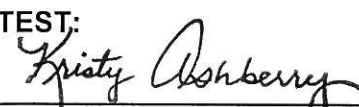
Council came out of Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 7th day of May, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, April 16, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert.

Mayor Pro Tem Mark Russo made a motion to appoint Rick Crowley as City Manager according to Section 4.01 of the city charter conditioned on the basis that a contract be approved by both parties. Councilmember White seconded the motion. The motion passed unanimously of council (7 ayes to 0 nays).

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER NIELSEN

Councilmember Nielsen delivered the invocation and led the Pledge of Allegiance.

III. CONSENT AGENDA

1. Consider approval of the minutes from the March 20, 2012 special City Council meeting, and take any action necessary.
2. Consider approval of the minutes from the April 2, 2012 regular City Council meeting and take any action necessary.
3. Consider approval of the minutes from the April 11, 2012 special City Council meeting, and take any action necessary.
4. Discuss and consider authorizing the purchase of two new fire apparatus, a ladder truck and a pumper, and take any action necessary.

During Consent Agenda discussion, this item was moved and addressed later on in the public meeting. At the very end of the public meeting agenda, Chief Mark Poindexter came forth to explain issues and concerns associated with the purchase of these two new fire apparatus. He explained that the price of aluminum has significantly increased, and the fire apparatus manufacturers have notably increased their prices.

Councilmember White made a motion to approve a purchase order in the amount of \$1,625,581.00 for purchase of these two apparatus. Mayor Pro Tem Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember White made a motion to authorize the city manager to approve change orders, if needed, up to a maximum expenditure of \$16,000.00. Mayor Pro Tem Russo seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

93 5. P2012-009 - Discuss and consider a request by Daniel Dewey of JBI
94 Partners for approval of a final plat of Caruth Lakes Phase 7B Addition,
95 City of Rockwall, Texas, being 66 single family lots on 17.182-acres tract
96 zoned (PD-5) Planned Development No. 5 district and located along the
97 west side of John King Blvd. and north of SH-66, and take any action
98 necessary.

99 6. SP2012-008 - Discuss and consider a request by Carol Inman for
100 approval of exceptions to the Unified Development Code, in association
101 with a PD Site Plan for a Hair Salon and Sign Shop, located on a 1.699-
102 acre tract proposed to be Lots 1 & 2, Block 1, Pfeffer/Inman Addition, City
103 of Rockwall, Texas, which is zoned (PD-54) Planned Development No. 54
104 district and located south side of Ralph Hall Parkway east of Flagstone
105 Creek Blvd, and take any action necessary.

106
107 **Consent agenda item #4 was pulled by Mayor Sweet at the request of the fire chief , Mark**
108 **Poindexter, and it was moved to Action Items for consideration at the end of the public**
109 **meeting instead.**

110
111 **Councilmember Smith made a motion to approve all remaining consent agenda items**
112 **(#1, 2, 3, 5, and 6). Councilmember White seconded the motion, which passed by a vote**
113 **of 7 ayes to 0 nays.**

114
115 **IV. APPOINTMENTS**

116
117 1. Appointment with the Planning and Zoning Chairman to discuss and
118 answer any questions regarding cases on the agenda and related issues
119 and take any action necessary.

120 **Chair of the Planning and Zoning Commission, Phillip Herbst, came forth and briefed the**
121 **city council on recommendations of the commission relative to planning related items on**
122 **tonight's city council agenda. The Council took no action related to this agenda item.**

123 2. Appointment with the Rockwall Ministerial Alliance to hear concerns
124 related to the Rockwall Toyota Triathlon, and take any action necessary.

125 **Todd Bell**
126 **2913 Wild Oak Lane**
127 **Rockwall, Texas**

128
129 **Mr. Bell came forth to express concern about the triathlon and its negative impacts on**
130 **church going members in the community. He indicated that he and some of the**
131 **residents and ministers within the community do not believe that their concerns are truly**
132 **being heard by the city. He is concerned about the event running from 7:00 a.m. to noon,**
133 **which has caused a 20-25% drop in attendance in some churches and up to a 50% drop**
134 **in attendance in other churches. He explained that this drop in attendance negatively**
135 **impacts revenue generation for local churches. He is concerned about the route,**
136 **especially as it relates to the impact it will have on the large Methodist church in town.**
137 **He proposed that when something is scheduled to be held on Sunday which will affect all**
138 **the churches in town, he encouraged the city to utilize the Ministerial Alliance as a**
139 **resource for having dialogue with local ministers within the city. He is generally**

140 concerned that this particular triathlon may set precedence for other events of this type
141 being scheduled on Sundays during more than just one Sunday a year.
142

143 Councilmember Smith thanked Mr. Bell for his comments and indicated that she has not
144 personally heard from or spoken with any pastors in the community related to this topic.
145

146 Councilmember Sevier asked for clarification regarding which churches are a part of the
147 Ministerial Alliance and from which churches Mr. Bell has received input.
148

149 City Manager Rick Crowley explained that a proposed route for the triathlon will be
150 coming to the council for consideration within the next month or so.
151

152 Councilmember Daniels offered brief comments related to him feeling 'torn' regarding
153 this issue. He indicated that monthly revenues of First Baptist Rockwall were still above
154 monthly giving for the year before, even though giving on that particular Sunday may
155 have been somewhat less than other Sundays. He indicated that he has spoken with
156 some local pastors about the issue. He is unsure how he would vote on this issue if it
157 were before the city council for a vote this evening. General, brief discussion then took
158 place related to revenues and how those are or are not potentially affected.
159

160 After the discussion, the council took no action related to this item.
161

- 162 3. Appointment with Lewis Crain of Rutledge, Crain & Company to present
163 the City's Comprehensive Annual Financial Report, and take any action
164 necessary.

165 Mr. Crain came forth and provided brief comments related to this report and asked if
166 council members have any questions related to any of the information that has been
167 provided. Mr. Crain indicated that the city was 'up' overall in water and sewer revenues
168 as well as sales tax revenues. He indicated that the city was 'down' close to \$1 million in
169 franchise fees.
170

171 Mr. Daniels offered compliments to the city's finance director and had favorable
172 comments related to the city's reserves and over all financial health.
173

174 Councilmember Sevier made a motion to accept the Comprehensive Financial Report.
175 Councilmember Nielsen seconded the motion, which passed by a vote of 7 ayes to 0
176 nays.
177

178 V. PUBLIC HEARING ITEMS 179

180 Mayor Sweet then reordered the Public Hearing items in order to address #3 first.
181

- 182 1. P2012-006 - Hold a public hearing and consider a request by John F.
183 Dudek of Dudek Properties, LLC. for approval of a residential replat of
184 Lots 33 and 34, Block A, Chandlers Landing Phase 2, City of Rockwall,
185 Texas, being 0.28-acre tract zoned (PD-8) Planned Development No. 8
186 district and located at 430 and 432 Columbia Drive, and take any action
187 necessary.

188 Mr. LaCroix provided brief background information related to this item, indicating that
189 this is a request to replat a property to combine two lots into one for a residential home.
190 The Chandler's Landing HOA has issued to the property owner no objections to this
191 requested replat. He further indicated that thirty notices were mailed out to property
192 owners within 200 feet and one notice was received back in favor. The Planning &
193 Zoning Commission did recommend approval of this item by a unanimous vote.
194

195 Mayor Sweet opened the public hearing and called the applicant forth. No one in the
196 audience came forth to identify themselves as the property owner. City Attorney Pete
197 Eckert indicated that the council can either approve this request based on the comments
198 the Planning Director indicated were provided at the Planning and Zoning Commission
199 meeting by the applicant, or the council may continue the public hearing for two weeks.
200

201 Councilmember Smith then made a motion to continue the public hearing for P2012-006
202 until the next regular city council meeting. Mayor Sweet seconded the motion, which
203 passed by a vote of 6 ayes to 1 nay (White).
204

205 2. P2012-007 - Hold a public hearing and consider a request by Billy Self for
206 approval of a residential replat of Lots 8 and 9, Block B, Harbor Landing
207 Phase 2, City of Rockwall, Texas, being 0.46-acre tract zoned (PD-8)
208 Planned Development No. 8 district and located at 323 and 321
209 Harborview Drive, and take any action necessary.

210 Robert LaCroix provided brief background information related to this item, indicating that
211 thirty (30) notices were sent out to adjacent property owners located within 200 feet.
212 Three notices were received back in favor of this request.

213 Mayor Sweet then opened the public hearing and called the applicant forth.

214 Mr. Self came forth and indicated that he is seeking council approval of this item so that
215 he and his wife may build their forever home.

216 There being no other speakers to come forth and address the council, the public hearing
217 was then closed, and Councilmember Sevier made a motion to approve P2012-007.
218 Mayor Pro Tem Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

219 3. Z2012-004 - Hold a public hearing and consider approval of an
220 ordinance for a request by DW Bobst of JBR2, for approval of a zoning
221 change from (SF-10) Single-Family Residential district to a (PD) Planned
222 Development district, specifically located at 1310 Ridge Road and within
223 the Scenic Overlay District, containing 1.72-acres of land being Lots 1 &
224 2, Block B, Eagle Point Estates, City of Rockwall, Texas, and take any
225 action necessary. (1st Reading) (3/4 Super Majority Vote Required)
226 (Applicant Requesting Withdrawal)

227 Councilmember Nielsen made a motion to honor the applicant's request to withdraw his
228 application. Brief discussion took place related to "with or without prejudice."
229 Councilmember Nielsen indicated that she would like to see the city council honor its
230 precedence of honoring an applicant's request to withdraw. Nielsen's motion died for
231 lack of a second.
232

233 Planning Director Robert LaCroix then provided background information related to this
234 item indicating that Mr. Bobst has demolished the previous Mitchell estate and has
235 replatted this particular property into residential lots with the hope that development

236 would begin sometime in the near future. He thereafter decided he would like to develop
237 this for professional office use and is requesting a rezoning of this property from single
238 family residential to a planned development district. LaCroix offered comments related
239 to other properties within this Ridge Road corridor which have transitioned over time
240 from residential to office type uses. He expressed that residents in this neighborhood
241 are very concerned about this property turning into office space. Sixteen (16) notices
242 were sent out. Two notices were received back in favor of the zoning change request,
243 and seven (7) were received back in opposition.

244
245 Mayor Sweet then opened the public hearing.

246
247 Dan Bobst
248 5133 S FM-549
249 Rockwall, Texas

250
251 Mr. Bobst came forth and asked the council to deny his request with prejudice. He
252 encouraged those in opposition to approach him with a proposed compromise.

253
254 Mr. Bill Lofland
255 1200 Ridge Road
256 Rockwall, Texas

257
258 Mr. Lofland indicated that he has lived on Ridge Road for a very long time, and his
259 grandparents used to live on Ridge Road. He has watched Ridge Road develop over the
260 years, and he feels it should be kept as a residential area. He is not in favor of this area
261 turning into office space. He wants to protect his own property and all the residents who
262 live behind his property. He indicated that he owns the properties from 1026 Ridge Road
263 to 1202 Ridge Road. He applauded the Planning and Zoning Commission for denying
264 this request for a change in zoning. He generally indicated opposition to the zoning
265 change and encouraged council to keep it residential.

266
267 Joy Bounds-Greenwalt
268 209 Tonya Drive
269 Rockwall, Texas

270
271 Mrs. Greenwalt came forth and indicated she and her husband have lived at this address
272 for twenty-eight (28) years. She generally indicated that she is opposed to a change in
273 zoning.

274
275 Terry Nevitt
276 201 Becky Lane
277 Rockwall, Texas

278
279 Mrs. Nevitt generally indicated that she believes this zoning change request is indicative
280 of 'spot zoning' and she is opposed to it. She is concerned that if this zoning were to be
281 changed for office or other type use other than residential, no proper buffer would exist
282 between it and the adjacent residential homeowners. She is generally opposed to this
283 change in zoning request and questions the notices which were sent out to adjacent
284 property owners.

285
286 Jim Hendricks

287 1602 Ridge Road
288 Rockwall, Texas

289
290 Mr. Hendricks indicated he has lived at this address for twenty-two (22) years. Mr.
291 Hendricks provided a brief history to the council of his property and home over the
292 years. He indicated he had been in favor of the zoning of these properties when they had
293 been platted as residential last year. He is not in favor, however, of allowing these to be
294 zoned as something other than residential. He urged the council not to change this
295 zoning, as requested, because he believes it will set a dangerous precedence.

296
297 Mr. Jim Greenwalt
298 209 Tonya Drive
299 Rockwall, Texas

300
301 Mr. Greenwalt indicated that he has owned his home for twenty-eight years, was
302 previously a residential realtor, a shopping center developer and spent eight years on the
303 city's Planning and Zoning Commission. Mr. Greenwalt thanked the council for allowing
304 the public hearing to be held. He asked the council to deny this request with prejudice.

305
306 Mr. Thomas Hawkins
307 207 Dartbrook
308 Rockwall, Texas

309
310 Mr. Hawkins is generally not in favor of this proposed change in zoning. He is concerned
311 about the negative impacts of such change, including increased traffic that will likely
312 result if the zoning change were granted. He is in favor of it remaining residential.

313
314 Ken Dickson
315 205 Meadowdale

316
317 Mr. Dickson did not provide his address. He strongly encouraged the council to deny
318 this zoning change request with prejudice because it will negatively impact residents'
319 quality of life.

320
321 Mr. Ron Mason
322 1402 Ridge Road
323 Rockwall, Texas

324
325 Mr. Mason offered brief background information related to his home and the surrounding
326 properties. Mr. Mason indicated that he and his wife have invested a lot of time and
327 money into improving his home, and he would like the city council to deny this zoning
328 change request.

329
330 Larry Wilcoxson
331 301 Stonecrest
332 Rockwall, Texas

333
334 Mr. Wilcoxson indicated that he enjoys looking at the stars from his back yard. He is
335 concerned that potential security lighting needed for such an office development would
336 ruin his view of the stars. He is opposed to this request for a change in zoning. Mr.
337 Wilcoxson encouraged this type of development on the Brookshires side of Ridge Road

338 as opposed to the opposite, residential side of Ridge Road. He also generally indicated
339 that allowing this to be developed as office space would pose a fire hazard.
340

341 **Mike Rogers**
342 **1404 Ridge Road**
343 **Rockwall, Texas**
344

345 Mr. Rogers indicated that he has lived in Rockwall since he was two years old. He
346 generally indicated that he believes allowing this zoning change would be 'spot zoning,'
347 and he is opposed to the proposed change in zoning. He urged the council to say 'no'
348 with prejudice.
349

350 **Sal Villasana**
351 **809 Village Green Drive**
352 **Rockwall, Texas**
353

354 He urged the city council to reject with prejudice this change in zoning request.
355

356 **Anthony Delarosa**
357 **203 Dartmoth**
358

359 Mr. Delarosa indicated that he is generally opposed to this requested rezoning. He urged
360 the developer to take his project somewhere else because it does not fit well in the
361 neighborhood. He urged the council to deny it with
362

363 **Myra Jackson**
364 **202 Meadowdale**
365 **Rockwall, Texas**
366

367 Mrs. Jackson indicated that she and her husband bought their home about eight (8)
368 months ago. The love their home and their neighborhood and are concerned that
369 approving this zoning would result in her home being devalued and would compromise
370 the views of the lake. She urged the council to deny this request with prejudice.
371

372 **Ron Gilleland**
373 **310 Meadowdale**
374 **Rockwall, Texas**
375

376 He indicated that he and his wife have lived in this home for eighteen (18) years now. He
377 expressed concern about the need to preserve lake views. He is concerned about Mr.
378 Bobst indicating that he believes the entire Ridge Road corridor will eventually be turned
379 into all commercial or office type developments. He asked the council to protect the
380 residential home values and vote 'no' to this zoning change request with prejudice.
381

382
383 **Mrs. Lyle**
384 **1603 South Alamo**
385 **Rockwall, Texas**
386

387 Mrs. Lyle indicated that she purchased her property as a residential property and she
388 would like to see it remain as such. She is concerned about declining home values in

389 this economy and believes this change in zoning would negatively impact their home
390 values. She asked the council to not only deny this zoning change request 'with
391 prejudice' but also ensure homeowners that this issue will not come up again in the
392 future.

393
394 **Greg Caffarel**
395 **304 Meadowdale**
396 **Rockwall, Texas**

397
398 **Mr. Caffarel** indicated that he served on the Planning and Zoning Commission and has
399 retained a comprehensive land use plan from the mid-1990's. In the plan, the property in
400 question was zoned as residential. He believes that the change in zoning would
401 represent a very bad use of this property. He believes it does not fit with the surrounding
402 residential homes and no proper buffer would be able to be put in place. He is not in
403 favor of planned developments (PDs) in general. He thanked the council for opening the
404 public hearing and allowing the concerns of residents to be heard.

405
406 **William Lyle**
407 **1603 South Alamo**
408 **Rockwall, Texas**

409
410 **Mr. Lyle** indicated that he considers **Mr. Bobst** a friend and does not believe he is of poor
411 character. He asked the city council to deny this zoning change request with prejudice.
412 He encouraged **Mr. Bobst** to develop his property as 'residential.'

413
414 **Eva Peck**
415 **1606 South Alamo**
416 **Rockwall, Texas**

417
418 **Mrs. Peck** is concerned about increased traffic that could potentially result if the zoning
419 change were approved. She indicated that her husband passed away about two weeks
420 and she is now concerned about handling her property on her own. She is concerned
421 about her home value and urged the council to not allow this change in zoning since it
422 will negatively affect residents in this area in many ways.

423
424 **Kathy Oehler**
425 **207 Tonya**
426 **Rockwall, Texas**

427
428 **Mrs. Oehler** indicated that her kids are grown now, and her family has lived in this home
429 for over twenty (20) years. She and her husband plan to retire and continue living in this
430 same home. She urged the council to deny this zoning change request with prejudice.

431
432 There being no one else to come forth and speak to the council related to this issue,
433 **Mayor Sweet** then closed the public hearing.

434
435 **Councilmember Smith** thanked everyone for speaking and then made a motion to deny
436 **Z2012-004** with prejudice. **Mayor Pro Tem Russo** seconded the motion.

437
438 **Councilmember Nielsen** asked that the emails she has received from the public related to
439 this issue be entered into the official public record. *Note* City Attorney **Pete Eckert**

440 advised the city secretary after the public meeting that these emails are best included in
441 the case file kept in the Planning Department.

442
443 Councilmember Daniels and Councilmember Sevier thanked the public for their
444 comments, interest and emails.

445
446 Mayor Sweet thanked the public for their concern and feedback and for exercising their
447 right to express concerns to their elected officials. Sweet indicated that this
448 neighborhood is his wife's favorite neighborhood in Rockwall, and they may look at
449 purchasing a home in this neighborhood should they move in the future. Sweet
450 commended the entire neighborhood for their efforts and thanked them for their
451 comments.

452
453 The motion passed by a vote of 7 ayes to 0 nays.

454
455 After a brief break, Mayor Sweet called the meeting back to order and addressed Public
456 Hearing #1.

- 457
458 4. Z2012-005 - Hold a public hearing and consider approval of an
459 ordinance for a request by Wayne Mershawn of Mershawn Architects for
460 approval of a Specific Use Permit (SUP) to allow for a "New Car
461 Dealership" within the (LI) Light Industrial district and the (IH-30 OV) IH-
462 30 Overlay District, being Lot 1, Block 1 and Lot 1, Block 2 of the
463 Rockwall Recreational Addition, containing 7.16-acres of land and
464 specifically located at 1540 IH-30 E, City of Rockwall, Texas, and take
465 any action necessary. (1st Reading)(Continued Public Hearing)

466 Planning Director Robert LaCroix provided brief background information related to this
467 item. Mayor Sweet then opened the public hearing and offered a motion to continue the
468 public hearing until the May 7, 2012 regular city council meeting. Councilmember Sevier
469 seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

470
471 VI. SITE PLANS / PLATS

- 472
473 1. SP2012-007 - Discuss and consider a request by Steven Seitz of Seitz
474 Architects, Inc. for approval of exceptions to the Unified Development
475 Code, specifically to the vertical and horizontal articulation and the
476 building materials, in association with an administrative site plan for Nolan
477 Power Group, being a 20,000-sf office/warehouse development located
478 on Lot 1, Block C, Rockwall Technology Park Addition, City of Rockwall,
479 Texas, being 2.109-acres zoned (LI) Light Industrial district and situated
480 at the northwest corner of Observation Trail and Technology Way, and
481 take any action necessary.

482 Planning Director Robert LaCroix provided background information related to this item,
483 explaining the exceptions being requested by the applicant.

484
485 Councilmember Nielsen generally indicated that she questions if the requirements in the
486 tech park are appropriate or not since it seems a lot of variance requests end up coming
487 before the council for consideration.

490 **Steven Seitz**
491 **2231 Ridge Road**
492 **Rockwall, Texas**
493

494 **Mr. Seitz came forward and offered comments related to the architectural elements**
495 **associated with this request.**
496

497 **Councilmember Nielsen made a motion to approve SP2012-007. Councilmember White**
498 **seconded the motion.**
499

500 **Councilmember Sevier offered brief comments and questions related to the proposed**
501 **articulation. The applicant came forth again to speak to the questions raised related to**
502 **the proposed building articulation and briefly described how the articulations of other**
503 **nearby businesses have been configured in the past.**
504

505 **Councilmember Sevier is concerned about his building potentially not having any true**
506 **stone on it when the other, surrounding businesses all seem to have stone articulation.**
507

508 **Councilmember Smith clarified that the Planning & Zoning Commission recommended**
509 **approval of this item by a vote of 7 to 0.**
510

511 **The motion then passed by a vote of 6 in favor and 1 against (Sevier).**
512

513 **VII. ACTION ITEMS**
514

- 515 **1. Hold a show cause hearing to discuss and consider demolition of a**
516 **dangerous structure located at 9 Amity Lane, and take any action**
517 **necessary.**

518 **Building Official Jeffrey Widmer provided background information related to this item,**
519 **indicating that this is a construction site for a property owner who started to build a new**
520 **home; however, the construction stopped, has never commenced and has not been**
521 **completed in quite a long time. The neighbors are generally dissatisfied that this site has**
522 **been left in an unfinished condition for so long. Staff would like the property owner to**
523 **either finish constructing the home or demolish and remove the little bit of construction**
524 **that has occurred on it thus far.**

525 **The property owner was not present for the council meeting; however, Widmer indicated**
526 **that notice of tonight's hearing was provided to the owner.**

527 **City Attorney Pete Eckert provided guidance to the council related to the steps that the**
528 **council may wish to take tonight related to ordering the partial structure demolished in**
529 **accordance with the city's dangerous buildings ordinance regulations. He indicated that**
530 **the applicant would have thirty (30) days to appeal such order if it is issued, and the city**
531 **could not take action to actually demolish the partial structure until at least ninety (90)**
532 **days.**

533 **Councilmember Sevier then made a motion to order demolition of the partial structure**
534 **located at 9 Amity Lane. Councilmember Smith seconded the motion.**

535 **Mr. Eckert indicated that if the city has to demolish this partial structure, the city would**
536 **place a lien against the property to recover the costs associated with doing so.**

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

- 538 2. Hold a show cause hearing to discuss and consider demolition of a
539 dangerous structure located at 7106 O'Dell, and take any action
540 necessary.

541 **Building Official Jeffrey Widmer provided background information related to this**
542 **property. He indicated that staff recommends that the council order the swimming pool**
543 **to be demolished so that the temporary pool barrier could then be removed.**

544 **It was noted that the property owner was not present in the council chambers during the**
545 **meeting.**

546 **Councilmember Sevier then made a motion to order the demolition in accordance with**
547 **recommendations provided by staff, including the timeline prescribed. Councilmember**
548 **Nielsen seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.**

- 549 3. Discuss and consider bond election informational materials including
550 mailers and take any action necessary.

551 **City Manager Rick Crowley provided information related to this item, indicating that**
552 **information that has been provided to the council is a draft of information that the city**
553 **plans to mail out to residents in an effort to provide factual information to the public**
554 **relative to each of the proposed bond projects.**

555 **Councilmember Sevier suggested that the proposition related to downtown fire**
556 **protection (\$1.6 million) be clarified for the reader / voter so that they know that half of**
557 **this amount is for the fire sprinkler 'spine' and half of it is for fire sprinklers to be**
558 **installed in each of the individual businesses. Finance Director Mary Smith indicated**
559 **that some wording adjustments can certainly be made to clarify and resolve Mr. Sevier's**
560 **concerns.**

561 **Councilmember White generally indicated that he believes this draft document sounds**
562 **too much like a marketing tool in the way it is worded instead of an informational tool.**
563 **He suggested that this document be disapproved and that the information that has been**
564 **provided on the website (previously approved by council) be mailed out to voters in lieu**
565 **of this particular document.**

566 **City Attorney Pete Eckert generally indicated that he also tends to view this document as**
567 **somewhat promotional in nature which may be a violation of the Texas Ethics**
568 **Commission's rules and regulations concerning neutrality.**

569 **City Manager Rick Crowley indicated that it was not staff's intent for this document to be**
570 **promotional.**

571 **Councilmember White made a motion to disapprove this draft document and instead**
572 **approve the existing bond-related documentation currently on the city's website for**
573 **mailing out to local residents and voters. Mayor Pro Tem Russo seconded the motion.**

574 **Councilmember Smith asked for clarification regarding if the buildings in downtown are**
575 **or are not considered to be 'historic.' Mr. Crowley clarified that the buildings are in a**
576 **designated historic downtown district; however, they do not have a historical**
577 **designation from the State Historical Foundation.**

578 **Mayor Pro Tem Russo clarified that many buildings in the downtown area do qualify for**
579 **historic placards and designations from the State Historical Foundation even though**
580 **they do not currently have those placards now.**

581 Councilmember White suggested that FAQs (Frequently Asked Questions) only be
582 provided, answered and publicized on the city's website if and when city staff receives
583 phone calls or inquiries asking those particular questions.

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

- 585 4. Discuss and consider approval of amendments to the City's Sign and
586 Special Events **Ordinances** to allow non-profit organizations to utilize off-
587 premise signage in certain circumstances, and take any action necessary.
588 (2nd Reading)

589 Building Official and Director of Code Enforcement, Jeffrey Widmer, provided
590 background information related to this item, pointing out the changes that have been
591 incorporated into these two ordinances at the city council's request in between first and
592 second reading of these ordinances.

593
594 Mayor Pro Tem Russo made a motion to approve these proposed ordinances and
595 associated amendments to these sign regulations. Councilmember White seconded the
596 motion.

597
598 Councilmember Sevier encouraged staff to include the map that the city council has
599 been provided in their packet to the public and future sign applicants for reference.

600
601 The two ordinances were read as follows:

602
603 CITY OF ROCKWALL, TEXAS
604 ORDINANCE NO. 12-08

605
606 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
607 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
608 CHAPTER 12 BUSINESSES AND SALES, ARTICLE V SPECIAL
609 EVENTS, DIVISION 3. STANDARDS BY REPEALING SECTION 12-
610 377. SIGNAGE IN ITS ENTIRETY AND PROVIDING FOR A NEW
611 SECTION 12-377 TO INCLUDE PROVISIONS FOR NON-PROFIT
612 OFF-PREMISE SPECIAL EVENT SIGNS; PROVIDING FOR A
613 PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
614 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING
615 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
616 CLAUSE; PROVIDING AN EFFECTIVE DATE.

617
618 CITY OF ROCKWALL, TEXAS
619 ORDINANCE NO. 12-09

620
621 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
622 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
623 CHAPTER 32 SIGNS, ARTICLE III REGULATIONS AND
624 REQUIREMENTS, DIVISION 6. SPECIFIC SIGN REGULATIONS BY
625 ADDING A NEW SECTION, 32-315, TO PROVIDE REGULATIONS
626 FOR NON-PROFIT OFF-PREMISE SIGNS; PROVIDING FOR A
627 PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
628 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING
629 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
630 CLAUSE; PROVIDING AN EFFECTIVE DATE.

633 The motion passed by a vote of 7 ayes to 0 nays.
634

635 City Manager Rick Crowley asked the city council to contemplate how they feel about
636 possibly allowing non-profit organizations to place off premise signs on city owned,
637 public property. He would also like the city council to consider how they feel about the
638 city advertising its events on its own (city owned) property.

639 Councilmember Nielsen encouraged the city to live by and under the same standards
640 that it places other organizations, including non-profits.
641

642 After additional, brief discussion, Mayor Sweet called for a five (5) minute break.
643

- 644 5. Discuss and consider a request from Mr. Robert McDonald with Facility
645 Solutions Group representing Applebee's for a height variance for a pole
646 sign located at 687 IH 30, and take any action necessary.

647 Building Official and Director of Code Enforcement Jeffrey Widmer provided brief
648 background information related to this item.

649 Mayor Pro Tem Russo made a motion to approve the height variance request.
650 Councilmember Daniels seconded the motion.

651 Mr. McDonald with Facility Solutions Group then came forth to explain this variance
652 request and the reasoning behind it. He explained that the higher sign height is being
653 proposed due to current conditions which inhibit visibility of the current sign.

654 Brief discussion took place among council members related to their individual
655 viewpoints associated with this and other, past sign variance requests and past sign
656 permits which have been granted.

657 Mr. McDonald indicated that a lot of Applebee's clientele are individuals who are passing
658 through a city while traveling along a major thoroughfare, so signage and its visibility are
659 very important. He then offered his personal perspective associated with sign
660 ordinances and associated sign ordinance variances.

661 Councilmember Smith suggested that the council consider amending the current motion
662 to allow a forty-five (45) foot sign in lieu of the fifty (50) foot sign that's currently being
663 considered within the motion.

664 After additional input from council members and the applicant, Mayor Sweet indicated
665 that the motion failed by a vote of 4 ayes to 3 nays (Nielsen, Sweet and Smith) because it
666 required a super majority vote of council in order to be approved.

667 Council asked staff to look into what the City of Greenville's sign standards are like,
668 including whether or not signs along IH-30 in Greenville were a result of existing
669 regulations in the ordinance or if they resulted from a variance. Staff indicated that they
670 will evaluate what Greenville and some other nearby cities do with regards to sign
671 standards and associated variances.
672

- 673 6. MIS2012-003 - Discuss and consider a request by Mike and Jan Foster
674 for approval of a special exception in accordance with Article II, Section
675 8.5 of the Unified Development Code specifically to allow a waiver to the
676 ten (10') foot side yard setback requirement on the south take line area
677 property line for the property being described as Lot 1, Block A, The

678 Estates of Coast Royale #2, located at 1600 S. Lakeshore, City of
679 Rockwall, Texas, and take any action necessary.

680 **Planning Director Robert LaCroix provided background information related to this item,**
681 **explaining the special exceptions that are being requested by the applicant and the**
682 **reasons why the requests are being made at this time. He indicated that the Planning &**
683 **Zoning Commission did recommend approval of this item by a vote of 7 to 0.**

684 **Mayor Pro Tem Russo made a motion to approve these special exceptions.**
685 **Councilmember White seconded the motion.**

686 **Council members Nielsen and Daniels generally expressed concern about approving this**
687 **catwalk and boat house because it could potentially inhibit lake views of the applicant's**
688 **neighbor.**

689 **Bill Schwisher**
690 **4422 Scenic Circle**
691 **Garland**

692
693 **Mr. Schwisher came forth and indicated that he represents the property owners, Mr. and**
694 **Mrs. Foster. He provided the council with a visual display of the current properties,**
695 **including property lines and boat houses and explained the nature of this special**
696 **exception request. He also generally described past discussions with Mr. and Mrs.**
697 **Deville, explaining that Mr. Deville has since passed away.**

698
699 **Councilmember Nielsen generally indicated that she is not in favor of approving**
700 **construction of this boat house because she believes it will negatively impact Mrs.**
701 **Deville's (the neighbor's) view of the lake.**

702
703 **Mr. Foster, the property owner himself, then came forth and offered comments related to**
704 **this issue. After some discussion, the motion to approve the special exceptions passed**
705 **by a vote of 5 in favor and 2 against (Nielsen and Daniels).**

706
707 **7. Discuss and consider an ordinance amending Chapter 12 Businesses**
708 **and Sales, Article IV Taxicabs, of the Code of Ordinances to add a new**
709 **Division 7, Section 12-300 to provide special exceptions for businesses**
710 **operating four (4) or fewer vehicles, and take any action necessary. (1st**
711 **Reading)**

712 **City Manager Rick Crowley provided brief background information related to this item,**
713 **explaining why the city chooses to regulate taxicab services. He expressed that the**
714 **city's current regulations are patterned after regulations in the City of Dallas. The**
715 **ordinance before the council for consideration tonight would impact those businesses**
716 **wishing to operate four (4) taxicabs or fewer by allowing certain exceptions to the city's**
717 **overall taxicab regulations.**

718 **Councilmember Sevier expressed concern about allowing cell phones in lieu of two way**
719 **radios, especially with the possibility of the owner / operator using a cell phone in a**
720 **school zone. Councilmember White generally expressed disagreement with Sevier's**
721 **comments, indicating that he does not believe allowing a taxicab business owner to**
722 **utilize cell phones would be problematic.**

723 **Councilmember Nielsen made a motion to adopt this ordinance as presented.**
724 **Councilmember Smith seconded the motion.**

725 The ordinance was read as follows:

726 CITY OF ROCKWALL
727 ORDINANCE NO. 12-
728

729 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
730 TEXAS, AMENDING CHAPTER 12 BUSINESSES AND SALES, ARTICLE IV
731 TAXICABS OF THE CODE OF ORDINANCES TO ADD A NEW DIVISION 7,
732 SECTION 12-300 TO PROVIDE SPECIAL EXCEPTIONS FOR BUSINESSES
733 OPERATING FOUR (4) OR FEWER VEHICLES; PROVIDING FOR A
734 PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED
735 DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A
736 SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
737

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

- 739 8. Discuss and consider above ground storage of Class 1B Liquid Materials,
740 and take action necessary.

741 Councilmember Sevier indicated that he placed this item on the council agenda for
742 discussion and consideration. He then called upon Fire Chief Mark Poindexter to explain
743 what types of liquids are classified as Class 1B materials. Poindexter shared information
744 with the council regarding these materials and the recommended fire suppression
745 requirements associated with these types of liquids.

746 After lengthy discussion, the council took no formal action related to this item.

- 747 9. Discuss and consider authorizing the distribution of a request for proposal
748 (RFP) for Animal Adoption Center services and take any action
749 necessary.

750 Director of Municipal Services, Brad Griggs, came forth and offered brief comments and
751 background information related to this item. He clarified that animal control duties are
752 not proposed to be considered for outsourcing at this time – only adoption center related
753 duties and services are proposed to be outsourced. Once the RFP is sent out and
754 responses are received back, the city will be under no obligation to follow through on
755 granting a contract if an acceptable agreement and terms cannot be decided upon
756 between the two parties.

757
758 Councilmember Nielsen requested that respondents answering the RFP also submit a
759 proposed euthanasia policy with the understanding that a 90% live outcome goal will still
760 be maintained.

761
762 Councilmember Nielsen then made a motion to direct staff to send out the RFP for
763 response. Councilmember White seconded the motion, which passed unanimously of
764 council (7 ayes to 0 nays).

765
766 Consent Agenda item #4 was then addressed by council.

767
768 VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
769 GOVERNMENT CODE TO DISCUSS:

- 770
771 1. Deliberation regarding the purchase, exchange, lease, or value of real
772 property.

- 773
774
775
776
777
778
779
780
781
782
783
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters including city manager selection.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

784 IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

785
786 The council took no action as a result of end-of-meeting Executive Session.

787
788 X. ADJOURNMENT

789
790
791 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
792 this 7th day of May, 2012.

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David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 07, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See end of meeting Executive Session for actions taken.

IV. ADJOURNMENT

Council came out of Executive Session at 5:45 p.m.

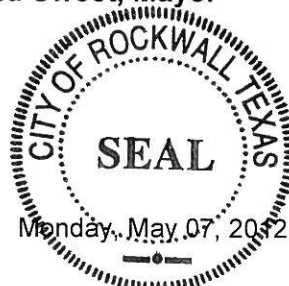
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 21st day of May, 2012.

ATTEST:



Kristy Ashberry, City Secretary


David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 07, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 I. CALL TO ORDER

54
55 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
56 Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle
57 Smith, Bennie Daniels and Cliff Sevier. Also present were Interim City Manager Rick
58 Crowley and City Attorney Pete Eckert.

59
60
61 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

62
63 Mayor Sweet delivered the invocation and led the Pledge of Allegiance.

64
65 III. PROCLAMATIONS / AWARDS

66
67 1. Grace Hartman Elementary Day

68
69 Mayor Sweet called Ms. Reidling, school principal, and her staff and students forward to
70 read and present the proclamation to them.

71
72 2. Historic Preservation Month

73
74 Bethany Golden, Main Street Manager, came forth with members of her Main Street
75 Advisory Board and other downtown volunteers to accept this proclamation from Mayor
76 Sweet. Mayor Sweet offered positive comments related to Rockwall's downtown and the
77 positive impact it has on our community and our sales tax base. Ms. Golden introduced
78 each of her guests and thanked them for their hard work related to downtown.

79
80 3. Recognition of Rockwall Youth Advisory Council members

81
82 Mayor Sweet recognized members of this school year's Youth Advisory Council and handed
83 out certificates to each one.

84
85 IV. OPEN FORUM

86
87 Mayor Sweet offered information regarding how Open Forum is conducted and asked if
88 anyone in the audience would like to come forth and speak.

89
90 Glen Farris
91 2330 Gold Coast Court
92 Rockwall, Texas 75087

93
94 Mr. Farris came forth and offered kind words and expressions of gratitude to
95 Councilmember Margo Nielsen and Councilmember Cliff Sevier for their service and for his
96 opportunity to have served on the City Council in years past with these two members of
97 council.

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**Ruth Peck
108 Lakedale
Rockwall, Texas**

Mrs. Peck came forth as the founder of Rockwall MusicFest and the co-founder of the Rockwall philharmonic orchestra to provide the city council with an update on MusicFest. She indicated that the 2012 MusicFest concert series will occur Labor Day weekend at The Harbor this year and will be an exciting event.

There being no one else to come forth and speak, Mayor Sweet then closed Open Forum.

V. CONSENT AGENDA

1. Consider approval of the minutes from the April 16, 2012 regular City Council meeting, and take any action necessary.
2. Consider an **ordinance** amending Chapter 12 Businesses and Sales, Article IV Taxicabs, of the Code of Ordinances to add a new Division 7, Section 12-300 to provide special exceptions for businesses operating four (4) or fewer vehicles, and take any action necessary. **(2nd Reading)**
3. Consider approval of a resolution denying Atmos Mid-Tex's rate increase as recommended by the Atmos Cities Steering Committee, and take any action necessary.
4. Consider authorizing the City Manager to execute necessary grant documents for drainage improvements at the Ralph M. Hall / Rockwall Municipal Airport and the City's 10% local match of up to \$16,500 to be paid from the Airport fund balance, and take any action necessary.
5. Consider the award of the SH-205 Cemetery Improvements construction contract to Venus Construction in the amount of \$39,800.20, utilizing Cemetery Funds, and take any action necessary.
6. Consider approval of an Extraterritorial Jurisdiction Agreement (ETJ) Agreement between the City of Rockwall and Collin County, and take any action necessary.
7. Consider approval of a bid award to Electric Inc. for new lighting fixtures and switches in City Hall and the Center for a total amount of \$55,100 funded through Oncor's "Take A Load Off Texas" (TALOT) energy savings grant program, and take any action necessary.

Councilmember Nielsen made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5, 6 and 7). Councilmember Smith seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 12-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12 BUSINESSES AND SALES, ARTICLE IV TAXICABS OF THE CODE OF ORDINANCES TO ADD A NEW DIVISION 7, SECTION 12-300 TO PROVIDE SPECIAL EXCEPTIONS FOR BUSINESSES OPERATING FOUR (4) OR FEWER VEHICLES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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The motion passed unanimously of council.

VI. APPOINTMENTS

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

Phillip Herbst, Chair of the Planning & Zoning Commission, came forth and briefed the council on planning related agenda items and associated recommendations of the Commission. The Council took no formal action related to this agenda item.

2. Appointment with Ruth Peck to hear report on Music Fest 2012, and taken any action necessary.

This item was not addressed by council since Mrs. Peck opted to speak earlier in the meeting during Open Forum.

3. Appointment with representatives with Lifetime Fitness to discuss and consider the use of the Harbor, the date and the course for the 2012 Toyota US Open Triathlon and take any action necessary.

City Manager Rick Crowley indicated that Mr. Brad Davidson from Lifetime Fitness is here this evening to speak with the city council regarding this event. He then provided brief background information related to this topic, and Mr. Davidson then came forth.

**Brad Davidson
903 Whitley Drive
Austin, TX 78641**

Mr. Davidson indicated that he is the designated local race coordinator for Lifetime Fitness for the Toyota US Open Triathlon. He offered detailed information to the council regarding the proposed race route and associated options for the 2012 event, including anticipated impacts on traffic within the community at various intersections along the route. He explained that an October 7th date is anticipated. He explained that Chandler's Landing has agreed to allow runners to route through this neighborhood.

Councilmember Daniels expressed some concern regarding a delay in the race planners having brought forth certain information for consideration, including the proposed race route options and associated estimates for traffic impact times. Mr. Daniels is also concerned that he is unsure if staff and Mr. Davidson are aware of the local churches continued concerns about race routes and traffic impacts. Discussion took place regarding possible customized maps for local churches to distribute to their congregation.

After additional discussion, Councilmember Daniels made a motion to postpone action on this agenda item until the next regular council meeting in two weeks to allow the council time to review the route options and receive additional input from the public before making decisions on this item. Councilmember Smith seconded the motion.

Councilmember Smith seconded the motion.

Councilmember Smith shared that she has personally not heard from any pastors in town regarding concerns about the triathlon; however, she does not doubt that some concerns

198 do exist. She stated that last year, she gave out her cell phone number to members of the
199 public on her Facebook page and invited them to call her if they had traffic congestion or
200 other concerns, and she did receive many phone calls; however, she was out in her car
201 during the race last week and did not personally witness or see long, congested traffic lines
202 in town. She generally expressed that she feels the Triathlon is beneficial for Rockwall, and
203 she thanked Mr. Davidson for being here and for working to resolve concerns which have
204 been expressed.

205
206 The motion passed by a vote of 7 ayes to 0 nays.

207
208 Mayor Pro Tem Russo suggested that Mr. Davidson consider speaking with the Ministerial
209 Alliance (Pastor Todd Bell) and any smaller churches along the route. Councilmember
210 Daniels asked Mr. Davidson and staff to actually make contact with and solicit individual
211 feedback from every church along the route and from any other church that may be
212 impacted. Russo suggested that any small business along or near the route be notified as
213 well.

214
215 4. Appointment with members of the Rockwall Youth Advisory Council (YAC) to
216 hear final project report, and take any action necessary.

217 Jennifer Stubbs and Blake Dwyer of the Rockwall Youth Advisory Council came forth and
218 briefed the council on their project for this school year. They indicated that the YAC has
219 created a social media campaign to advertise city offered volunteer opportunities to youth
220 in the community and solicit volunteers to meet these needs. The council thanked the
221 Youth Advisory Council for its work and took no formal action related to this item.

22
223 **VII. PUBLIC HEARING ITEMS**

224
225 1. P2012-006 - Continue a public hearing and consider a request by John F.
226 Dudek of Dudek Properties, LLC. for approval of a residential replat of Lots
227 33 and 34, Block A, Chandlers Landing Phase 2, City of Rockwall, Texas,
228 being 0.28-acre tract zoned (PD-8) Planned Development No. 8 district and
229 located at 430 and 432 Columbia Drive, and take any action necessary.

230 Planning Director Robert LaCroix indicated that this is a continued public hearing and
231 offered background information related to this item, indicating that notices were sent out to
232 property owners within 200 feet of this property. He indicated the applicant has received
233 approval from the Chandler's HOA and the Planning and Zoning Commission has
234 recommended approval of this item by a vote of 7 in favor and 0 opposed.

235 The applicant then came forth to address the council.

236 Jennifer Dudek
237 333 Harbor View Drive
238 Chandler's Landing Subdivision
239 Rockwall, TX 75032

240
241 Mrs. Dudek indicated that she would like to build a very nice, large home at these
242 addresses, one which will hopefully positively affect property values in this neighborhood.

243
244 Mayor Sweet then closed the public hearing.
245

246 Mayor Pro Tem Russo made a motion to approve P2012-006. Councilmember White
47 seconded the motion, which passed by a vote of 7 ayes to 0 nays.
48

49 2. Z2012-005 - Continue a public hearing and consider approval of an
250 ordinance for a request by Wayne Mershawn of Mershawn Architects for
251 approval of a Specific Use Permit (SUP) to allow for a "New Car Dealership"
252 within the (LI) Light Industrial district and the (IH-30 OV) IH-30 Overlay
253 District, being Lot 1, Block 1 and Lot 1, Block 2 of the Rockwall Recreational
254 Addition, containing 7.16-acres of land and specifically located at 1540 IH-30
255 E, City of Rockwall, Texas, and take any action necessary. (1st Reading)

256 Planning Director Robert LaCroix provided background information related to this item,
257 indicating that all car dealerships along IH-30 are required to go through an SUP process for
258 approval by council. He further indicated that this item is related to an existing Hyundai car
259 dealership that would like to do some expansions and upgrades to the existing building. He
260 indicated that the Architectural Review Board and Planning & Zoning Commission have
261 both reviewed this item. They and staff would like to tie the proposed building articulation
262 to the SUP if approved. LaCroix offered that staff would like to propose that additional
263 buffering and landscaping be included in this SUP approval as well (both on IH-30 and on
264 Commerce Street). It was also suggested that a timeline be associated with the SUP so that
265 if construction is not commenced within three years, they would have to come back to
266 request a time extension on the SUP. With inclusion of certain recommendations, LaCroix
267 indicated that both the Architectural Review Board and the Planning & Zoning Commission
268 have recommended approval of this SUP.

269
270 Mayor Sweet opened the public hearing and called the applicant forth for comment.
271

272 Wayne Mershawn of Mershawn Architects
273 2313 Ridge Road
274 Rockwall, TX 75087
275

276 Mr. Mershawn came forth and respectfully requested approval of this item. There being no
277 one else to come forth and speak, Mayor Sweet then closed the public hearing.
278

279 Mayor Pro Tem Russo made a motion to approve Z2012-005 including staff
280 recommendations. Councilmember White seconded the motion.
281

282 The ordinance was read as follows:
283

284 CITY OF ROCKWALL
285 ORDINANCE NO. 12-11
286

287 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
288 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
289 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
290 SPECIFIC USE PERMIT (S-93), ALLOWING FOR A "MOTOR VEHICLE
291 DEALERSHIP, NEW" ON AN 7.16-ACRE TRACT OF LAND KNOWN AS LOT 1,
292 BLOCK 1, AND LOT 1, BLOCK 2, ROCKWALL RECREATIONAL ADDITION,
293 AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR
294 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
295 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
296 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
297 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

VIII. ACTION ITEMS

1. MIS2012-004 - Discuss and consider a request by Charles Willard Jones for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically for the replacement of a carport structure with a detached garage, not meeting the exterior materials requirements, that encroaches into the minimum front yard and side yard set backs, and exceeds the maximum allowable area for a detached garage, and is located at 141 Yvonne Dr., being Rockwall Lake Est. #2 LOT 1138, 1139, 1140, City of Rockwall, Texas, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item, indicating that this is a proposed detached garage that encroaches into the allowable setback line. The Planning and Zoning Commission has recommended approval of this item with certain conditions (to match the color on the garage to the color of the existing home and to ensure gutters are installed on the roof to ensure water run off does not adversely affect the adjacent property owner). LaCroix explained that the roof will have to be made of a composition type roof rather than a metal roof.

Mr. Jones
141 Yvonne Drive
Rockwall, TX

Mr. Jones asked the council to approve his request. He explained that work has already been done on this structure to date because he was not aware that he needed to obtain a permit or seek approval of special exceptions.

Mayor Pro Tem Russo made a motion to approve this special request, including staff recommendations. Councilmember White seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

2. A2012-001 - Discuss and consider a request of Matthew Geisinger on behalf of Ridgeview Church, located at 1362 East FM 552 within the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall, for annexation of the church property into the City of Rockwall, and take any action necessary.

Planning Director Robert LaCroix indicated that this is a request that the church itself has come forth and asked, so it is considered a voluntary annexation. He indicated that the church really needs to be able to access water and sewer service from the city before they can grow. LaCroix indicated that if the council would like to approve this annexation request, staff will move forward with advertising a public hearing.

Councilmember Smith made a motion to approve this request to be annexed into the City of Rockwall. Mayor Sweet seconded the motion.

City Engineer Chuck Todd indicated that the church's main need is to be able to tap into the city's sewer system, something they plan to do just as soon as the annexation becomes effective.

346 3. Discuss and consider Hotel/Motel tax subcommittee's recommendation
47 regarding funding request for Klassic Rock 2012, sponsored by Kiwanis Club
48 of Rockwall County, and take any action necessary.

49 **Councilmember Smith made a motion to approve the use of \$5,000 Hotel/Motel tax funding**
350 **to support this race. Councilmember White seconded the motion. Councilmember White**
351 **clarified that this money is coming out of the hotel/motel fund.**

352
353 **The motion passed by a vote of 7 ayes to 0 nays.**

354
355 **IX. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
356 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 357
358 1. Departmental Reports
359 Finance Department Monthly Report - March 2012
360 Recreation Dept. Monthly Report - March 2012
361 Harbor PD Monthly Report - March 2012
362 Fire Department Monthly Reports - March 2012
363 Police Department Monthly Report - March 2012
364 Building Inspections Monthly Report - March 2012
365 Rockwall County Committee on Aging Quarterly Report
366 Internal Operations Dept. Monthly Report - March 2012

367 2. City Manager's Report

368 **City Manager Rick Crowley indicated that his written monthly report has been provided to**
69 **the city council for their review. He briefed the council on project proposals which the city**
70 **may wish to put forth to the countywide traffic consortium for consideration. He suggested**
71 **that city council members may wish to meet individually with city staff members in order to**
372 **get briefed on the role of the countywide traffic consortium, including past projects which**
373 **have resulted from this collaborative group effort. Thereafter, the council may wish to**
374 **formally put forth project proposal(s) for consideration by the countywide traffic**
375 **consortium.**

376 **Councilmember Daniels asked for brief clarification related to the route of the Klassic Rock**
377 **race. Mary Smith, Finance Director, provided this information, indicating that this year's**
378 **route will be the same one as has been used in years past.**

379 **Mayor Sweet then called for a ten minute break and then asked for the council to reconvene**
380 **back into Executive Session for a short while. (7:51 p.m.)**

381
382 **X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
383 **GOVERNMENT CODE TO DISCUSS:**

- 384
385 1. Deliberation regarding the purchase, exchange, lease, or value of real
386 property.
387 2. Personnel Issues, including Board, Commission, and Committee
388 Appointments, and Related Matters.
389 3. Commercial or financial information regarding business prospects that the
90 City seeks to have locate, stay, or expand in or near the territory of the City
91 of Rockwall and with which the Board is conducting economic development
92 negotiations.

393 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
394 attorney with regard to a matter that it is the duty of the attorney to consult
395 with the Council pursuant to the Attorney Client Privilege under the Texas
396 Disciplinary Rules of Professional Conduct of the State Bar of Texas.

397 **XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

398
399 The council came out of Executive Session at 8:19 p.m. and called the meeting back to
400 order. A motion was made by Mayor Pro Tem Russo to authorize execution of a contract
401 amendment extending the construction commencement date in the Harbor Heights
402 Development Agreement to July 31, 2012. Councilmember Daniels seconded the motion,
403 which passed unanimously.
404

405 Mayor Pro Tem Russo then made a motion to appoint the following individuals to assist in
406 review and evaluation of proposals for privatization of the Animal Adoption Center and to
407 provide a recommendation to the City Council regarding selection for entering into contract
408 negotiations:
409

410 Margo Nielsen
411 Dr. Keith Taylor
412 Chip Imrie
413 Kevin Shepherd
414 Glenn Varner
415 Ed Thatcher
416


417 The motion was seconded by Councilmember Daniels, and it passed unanimously.
418

419 **XII. ADJOURNMENT**

420
421 The meeting was adjourned at 8:20 p.m.
422

423 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
424 **this 21st day of May, 2012.**

425
426 **ATTEST:**

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428 _____
429 Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 21, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

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- 1) Deliberation regarding the purchase, exchange, lease, or value of real property and Re: PD-32.
 - 2) Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 - 3) Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 - 4)
 - a. Pursuant to Section 551.071(1): Settlement Offer
 - b. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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See end of the public meeting for actions taken as a result of Executive Session.

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IV. ADJOURNMENT

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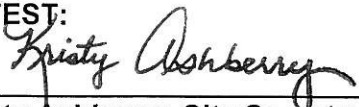
The council came out of Executive Session at 5:47 p.m.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 4th day of June, 2012.

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ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 21, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and city council members David White, Margo Nielsen, Michelle Smith, Bennie Daniels and Cliff Sevier. Also present were City Manager Rick Crowley and City Attorney Pete Eckert.

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II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH

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Councilmember Smith delivered the invocation and led the Pledge of Allegiance.

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III. PROCLAMATIONS / AWARDS

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1. RHS Girls Gymnastics State Champs Day

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Denise Hedges, head coach, and members of the girl's gymnastics team came forth to be recognized by Mayor Sweet for their accomplishments this year.

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2. RHS Academic Decathlon State Champs Day

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David Gear, team coach, and members of the academic decathlon team came forth to be recognized by Mayor Sweet for their accomplishments this year. Mr. Gear explained that this is the team's third state championship in a row. Mayor Sweet read and presented a proclamation to the team.

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3. National Safe Boating Week

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Randy Greenlee and other representatives of the Coast Guard Auxiliary came forth to accept Mayor Sweet's proclamation for National Safe Boating Week.

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4. Recognition of Councilmember Margo Nielsen and Councilmember Cliff Sevier

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Mayor Sweet read and presented proclamations and a small gift to both Councilmember Nielsen and Councilmember Sevier. Members of the council then took turns sharing kind words and thoughts about each of these council members for their service. Council members Nielsen and Sevier offered comments, reflecting on their years of service on the Rockwall City Council.

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IV. CONSENT AGENDA

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1. Consider approval of the minutes from the May 7, 2012 regular City Council meeting, and take any action necessary.

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2. Consider approval of an **ordinance** amending Chapter 18, Fire Prevention and Protection, Article II. Fire Code Standards, Sec. 18-33 to

- 96 add an additional exception to Section 906.1 of the International Fire
97 Code, and take any action necessary. **(1st Reading)**
- 98 3. P2012-011 - Discuss and consider a request by Kyle F. Whitis of
99 Pacheco Koch Consulting Engineers for approval of a replat of Lots 2, 3,
100 and 4, Block A of the Whitmore Industrial Park and Lots 4 and 7 of the
101 Municipal Industrial Park, City of Rockwall, Texas, being 27.725-acres
102 zoned Light Industrial (LI) district and specifically located at 930 Whitmore
103 Drive, City of Rockwall, Texas, and take any action necessary.
- 104 4. P2012-013 - Discuss and consider a request by Valerie M. Christensen
105 for approval of a final plat of Lot 1, Block A, Wagner Christensen Addition,
106 being a 0.19-acre tract zoned (PD-50) Planned Development No. 50
107 district and designated for (RO) Residential-Office uses, located at 801 N.
108 Goliad and currently described as Abstract 14, B. F. Boydstun Survey and
109 Block 23 E ½, Amick Addition, and take any action necessary.
- 110 5. Consider Airport Road Change Order Number 3 for the widening of Amity
111 Lane and miscellaneous quantity adjustments in the amount of
112 \$116,646.15, to be funded by remaining 2005 Bond Funds, and take any
113 action necessary.
- 114 6. Consider authorizing the City Manager to execute a contract with Garver,
115 LLC for professional consulting services related to an airport development
116 plan at the Ralph M. Hall / Rockwall Municipal Airport in the amount not to
117 exceed \$80,000; to be funded by an anticipated grant from TXDOT
118 Aviation, and take any action necessary.
- 119 7. Consider authorizing the City Manager to execute a contract with the
120 Rockwall Economic Development Corporation for advanced funding for
121 an airport development plan at the Ralph M. Hall / Rockwall Municipal
122 Airport and take any action necessary.
- 123 8. Consider approval of a bid award to APAC Texas in the amount of
124 \$130,558 for asphalt material for street repairs to be funded by general
125 fund, street department construction supplies budget, and take any action
126 necessary.
- 127 9. Z2012-005 - Consider approval of an **ordinance** for a request by Wayne
128 Mershawn of Mershawn Architects for approval of a Specific Use Permit
129 (SUP) to allow for a "New Car Dealership" within the (LI) Light Industrial
130 district and the (IH-30 OV) IH-30 Overlay District, being Lot 1, Block 1 and
131 Lot 1, Block 2 of the Rockwall Recreational Addition, containing 7.16-
132 acres of land and specifically located at 1540 IH-30 E, City of Rockwall,
133 Texas, and take any action necessary. **(2nd Reading)**
- 134 10. Consider adoption of a resolution by the City Council of the City of
135 Rockwall, Texas, canvassing returns and declaring results of the May 12,
136 2012 general city council member election, and take any action
137 necessary.
- 138 11. Consider adoption of a resolution by the City Council of the City of
139 Rockwall, Texas, canvassing returns and declaring results of the May 12,
140 2012 bond election; and containing provisions necessary and incidental
141 thereto.

142 Councilmember White made a motion to approve the entire Consent Agenda (#s 1-11).
143 Mayor Pro Tem Russo seconded the motion. The ordinances were read as follows:
144

145 CITY OF ROCKWALL
146 ORDINANCE NO. 12-__
147

148 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
149 ROCKWALL, TEXAS, AMENDING CHAPTER 18 FIRE PREVENTION
150 AND PROTECTION, ARTICLE II. FIRE CODE STANDARDS, SEC. 18-
151 33. AMENDMENTS TO ADOPTED CODE, SECTION 906.1;
152 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
153 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE
154 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON
155 EACH DAY DURING OR ON WHICH A VIOLATION OCCURS;
156 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN
157 EFFECTIVE DATE.
158

159 CITY OF ROCKWALL
160 ORDINANCE NO. 12-11
161

162 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
163 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
164 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
165 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (S-93),
166 ALLOWING FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON AN
167 7.16-ACRE TRACT OF LAND KNOWN AS LOT 1, BLOCK 1, AND
168 LOT 1, BLOCK 2, ROCKWALL RECREATIONAL ADDITION, AND
169 MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"; PROVIDING
170 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE
171 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
172 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
173 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
174 PROVIDING FOR AN EFFECTIVE DATE.
175

176 The motion passed unanimously of council (7 ayes to 0 nays).
177

178 Mayor Sweet then indicated that he would like to reorder the meeting agenda to next
179 address Appointment Item #3 and then Action Item #1.
180

181 V. APPOINTMENTS
182

- 183 1. Appointment with the Planning and Zoning Chairman to discuss and
184 answer any questions regarding cases on the agenda and related issues
185 and take any action necessary.

186 Phillip Herbst, Chair of the Planning and Zoning Commission came forth to provide brief
187 comments related to recommendations of the Commission relative to planning related
188 items on tonight's council agenda. The council took no formal action related to this item.

- 189 2. Appointment with Bob Cotti to recognize council members for their
190 service, and take any action necessary.

191 **Bob Cotti**
192 **405 Driftwood**
193 **Rockwall, TX**

194
195 **Mr. Cotti came forth with Marilyn King, spouse of former Councilmember John King, as**
196 **well as former Rockwall mayor, Bill Cecil. Mr. Cotti offered kind words of thanks and**
197 **gratitude to Councilmember Nielsen and Councilmember Sevier related to their years of**
198 **dedicated service to the City of Rockwall.**

199
200 **Marilyn King came forth and offered kind words of thanks to both Margo and Cliff for**
201 **their service on the city council.**

202
203 **Bill Cecil came forth and thanked Councilmember Nielsen and Councilmember Sevier for**
204 **their work and service on the city council.**

205
206 **Site Plans / Plats #1 was then addressed by the City Council.**

207
208 **3. Appointment with representative(s) of Lifetime Fitness to hear update**
209 **regarding details associated with planning of the Toyota US Open**
210 **Triathlon, and take any action necessary.**

211 **Mr. Brad Davidson**
212 **903 Whitley Drive**
213 **Austin, Texas 78641**

214
215 **Mr. Davidson came forth and provided comments to the Council related to meeting with**
216 **various religious and business leaders in the community to discuss planning and**
217 **implantation of the Toyota US Open Triathlon and attempts to work through concerns**
218 **associated with the race course and the event as a whole. He indicated that race course**
219 **“Option 2” seems to be the most desirable, best option for this year’s triathlon event. He**
220 **respectfully asked the council to approve the proposed race date and route.**

221
222 **Councilmember Daniels expressed that he had some serious concerns about this event**
223 **up until May 7; however, he generally believes that Mr. Davidson has worked hard to**
224 **address concerns which have been expressed.**

225
226 **After additional discussion, the council took no action related to this appointment item**
227 **(see Action Item #1 for action taken).**

228
229 **Action Item #1 was then addressed by the City Council.**

230
231 **VI. SITE PLANS / PLATS**

232
233 **1. SP2011-009 - Discuss and consider a request by Chris Cuny of F. C.**
234 **Cuny Corp for approval of waivers to the Design Standards of Planned**
235 **Development No. 32 (PD-32, Ordinance No. 10-21) and departures to the**
236 **Design Guidelines of Planned Development No. 32 (PD-32, Resolution**
237 **No. 10-40), in association with a site plan for the Trend Tower at the**
238 **Harbor, being a seven (7) story office / commercial building to be located**
239 **on a 2.149-acre tract proposed to be Lot 1, Block A, Harbor District**
240 **Addition, City of Rockwall, Texas, which is zoned (PD-32) Planned**

241 Development No. 32 district and located south of IH-30 and west of
242 Horizon Road, and take any action necessary.

243 **Planning Director Robert LaCroix provided background information related to this item,**
244 **sharing some of the recommendations of the city's Planning & Zoning Commission and**
245 **Architectural Review Board relative to consideration of the requested waivers.**
246

247 **The applicant, Russell Phillips with Sterling One Properties, came forth to provide**
248 **comments and clarification to the council relative to his waiver requests.**
249

250 **Councilmember Russo made a motion to approve SP2011-009. Councilmember White**
251 **seconded the motion.**
252

253 **Councilmember Smith asked Mr. Phillips for brief clarification related to the parking**
254 **garage structure.**
255

256 **The motion to approve passed by a vote of 7 ayes to 0 nays.**
257

258 **VII. ACTION ITEMS**

259

- 260 1. Discuss and consider selection of the date and route for the U.S. Open
261 Triathlon as well as waiver of certain fees for use of the Harbor, and take
262 any action necessary.

263 **Councilmember Nielsen made a motion to move forward with approval of October 7, 2012**
264 **as the selected race date and "Option 2" as the approved race route and approval of**
265 **waiving Harbor related rental fees. Councilmember Smith seconded the motion.**

266 **After comments from council members, the motion passed by a vote of 7 ayes to 0**
267 **nays.**

268 **Appointment Item #1 was then addressed by the Council.**

- 269 2. Discuss and consider a resolution requesting TXDOT to allow the
270 temporary closure of SH-205 from Ralph Hall Blvd. south to FM-549 for
271 the Toyota US Open Triathlon, and take any action necessary.

272 **City Manager Rick Crowley provided brief comments related to this agenda item,**
273 **indicating that approval of this resolution is necessary with regards to closing the**
274 **roadways for the "Option 2" route associated with the triathlon race. Councilmember**
275 **White made a motion to approve the resolution. Councilmember Nielsen seconded the**
276 **motion, which passed by a vote of 7 ayes to 0 nays.**

- 277 3. Discuss the recently approved bond propositions for downtown and
278 roadway improvements, and take any action necessary.

279 **City Manager Rick Crowley provided comments related to this item, indicating he would**
280 **like to primarily discuss the downtown project although staff will begin proceeding with**
281 **engineering and planning for the roadways. He indicated that he hopes to bring back**
282 **downtown related design and construction consultant contracts for council**
283 **consideration soon. He also suggested that the council will need to consider**
284 **identification and acquisition of additional parking locations in the downtown area in the**
285 **very near future as well. Crowley indicated that staff will be soliciting and obtaining**
286 **feedback from downtown property owners and will also attempt to mesh a design and**
287 **construction schedule with a financial plan and schedule. He generally described the**

288 high points of the downtown project and then solicited questions from members of the
289 city council.

290
291 Councilmember Smith indicated that she has spoken to several downtown business
292 owners who are concerned about completely and permanently closing down San Jacinto
293 Street. She suggested that the council consider looking at temporary closure options,
294 potentially with retractable street bollards.

295
296 Councilmember White expressed that he believes the plan, as it was presented, is the
297 plan that voters approved, so he suggested that the permanent closure of San Jacinto be
298 carried to fruition.

299
300 After brief comments from Mayor Sweet, the council took no formal action related to this
301 item.

302
303 4. Discuss and consider authorizing the City Manager to execute a contract
304 with Rogers O'Brien for design build services related to relocation of the
305 Rockwall Municipal Court and renovation of the existing Police & Courts
306 Building and take any action necessary.

307 City Manager Rick Crowley provided brief comments related to this item, indicating that
308 staff recommends approval of this contract.

309
310 Councilmember White made a motion to authorize the city manager to enter into a
311 contract with Rogers O'Brien for design build services for a fee and guaranteed
312 maximum price to be provided at a later date upon completion of design and
313 construction documents and to authorize \$91,900 plus 5% of the cost of work for pre-
314 construction cost estimation services as proposed in the agreement. Mayor Sweet
315 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

316
317 5. Consider approval of amended and restated development agreement with
318 Mariah Bay Development Inc., et.al. and take any action necessary.

319 City Manager Rick Crowley provided brief background information related to this item,
320 indicating that this amended agreement secures certain monies owed to the City of
321 Rockwall despite a bankruptcy that recently occurred at The Harbor development.

322
323 Councilmember Nielsen made a motion to approve this agreement. Councilmember
324 White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

325
326 Mayor Pro Tem Russo made a motion out of Executive Session to move to pursue the
327 settlement agreement with Primary Media with the outlined provisions provided by the
328 city attorney. Mayor Sweet seconded the motion. The motion passed by a vote of 7 ayes
329 to 0 nays.

330
331 City Manager Rick Crowley thanked Councilmember Nielsen and Councilmember Sevier
332 for their service on the Council.

333
334 Mayor Sweet adjourned the public meeting at 7:57 p.m. and called for a ten minute break
335 before asking the Council to reconvene into Executive Session.

336

337 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
338 **GOVERNMENT CODE TO DISCUSS:**
339

- 340 1) Deliberation regarding the purchase, exchange, lease, or value of real property
341 and Re: PD-32.
- 342 2) Personnel Issues, including Board, Commission, and Committee Appointments,
343 and Related Matters.
- 344 3) Commercial or financial information regarding business prospects that the City
345 seeks to have locate, stay, or expand in or near the territory of the City of
346 Rockwall and with which the Board is conducting economic development
347 negotiations.
- 348 4) a. Pursuant to Section 551.071(1): Settlement Offer
- 349 b. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
350 attorney with regard to a matter that it is the duty of the attorney to consult with
351 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
352 Rules of Professional Conduct of the State Bar of Texas.

353 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
354

355 **The Council came out of Executive Session at 8:25 p.m. and called the public meeting**
356 **back to order. Mayor Pro Tem Russo made a motion to approve a land exchange**
357 **agreement related to PD-32. Councilmember Daniels seconded the motion, which**
358 **passed unanimously (7 ayes to 0 nays).**
359

360 **X. ADJOURNMENT**
361

362 **The meeting was adjourned at 8:26 p.m.**
363
364

365 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
366 **this 4th day of June, 2012.**
367

368
369 **ATTEST:**

370 *Kristy Ashberry*
371 _____
372 **Kristy Ashberry, City Secretary**

Paul Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 04, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem Mark Russo and council members David White, Mike Townsend, Michelle Smith, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding City v. Primary Media.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT


The council came out of Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 18th day of June, 2012.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



47
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51
52

MINUTES
ROCKWALL CITY COUNCIL

Monday, June 04, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 I. CALL TO ORDER

54
55 Mayor Sweet called the public meeting to order at 6:00 p.m. Present were Mayor David
56 Sweet, Mayor Pro Tem Mark Russo and council members David White, Mike Townsend,
57 Michelle Smith, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick
58 Crowley and City Attorney Pete Eckert.

59
60 Mayor Pro Tem Russo made a motion to approve a mutual settlement agreement
61 between Primary Media and the City of Rockwall, authorizing the city manager to execute
62 a joint release. Mayor Sweet seconded the motion, which passed by a vote of 7 ayes to 0
63 nays.

64
65 Mayor Pro Tem Russo made a motion to appoint Karen Coughlin to the Park Board (to
66 replace Mike Townsend with an initial term to expire in August 2013). Councilmember
67 White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

68
69 Mayor Pro Tem Russo made a motion to appoint Kevin Shepherd to the Architectural
70 Review Board to replace Matthew Nielsen (with an initial term to expire in August 2013).
71 Councilmember Smith seconded the motion. The motion passed by a vote of 7 ayes to 0
72 nays.

73
74 Mayor Pro Tem Russo made a motion to appoint Matthew Nielsen to the Planning &
75 Zoning Commission to replace Dennis Lewis (with an initial term to expire in August of
76 2014). Councilmember White seconded the motion, which passed by a vote of 7 ayes to
77 0 nays.

78
79 Mayor Pro Tem Russo made a motion to make the following appointments to City
80 Council subcommittee or liaison positions:

- 81
82 Bennie Daniels - REDC Liaison position
83 Dennis Lewis - Emergency Services Corporation Board
84 Michael Townsend - Airport Subcommittee
85 Michelle Smith - Finance / Audit Subcommittee

86
87 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

88
89 II. INVOCATION AND PLEDGE OF ALLEGIANCE – PASTOR STEVE STROOPE

90
91 Pastor Stroope of Lakepointe Church came forth and delivered the invocation and led the
92 Pledge of Allegiance.

97 **III. SWEARING IN OF NEWLY ELECTED CITY COUNCIL MEMBERS**

98
99 **City Secretary Kristy Ashberry administered the Oath of Office to newly elected council**
100 **members Mark Russo, Dennis Lewis and Mike Townsend.**

101
102 **IV. SELECTION OF MAYOR PRO TEM**

103 **Councilmember Mark Russo made a motion to appoint Councilmember David White as**
104 **the new Mayor Pro Tem. Councilmember Daniels seconded the motion, which passed by**
105 **a vote of 7 ayes to 0 nays.**

106
107 **V. OPEN FORUM**

108
109 **Mayor Sweet explained how Open Forum is conducted and asked if anyone in the**
110 **audience would like to come forth and speak at this time. There being no one wishing to**
111 **speak, Mayor Sweet then closed Open Forum.**

112
113 **VI. CONSENT AGENDA**

- 114
115 **1. Consider approval of the minutes from the May 21, 2012 regular City**
116 **Council meeting, and take any action necessary.**
- 117 **2. P2012-015 - Discuss and consider a request by Carol Inman for approval**
118 **of a final plat for a Hair Salon and Sign Shop, located on a 1.699-acre**
119 **tract proposed to be Lots 1 & 2, Block 1, Pfeffer/Inman Addition, City of**
120 **Rockwall, Texas, which is zoned (PD-54) Planned Development No. 54**
121 **district and located south side of Ralph Hall Parkway east of Flagstone**
122 **Creek Blvd, and take any action necessary.**
- 123 **3. Consider a resolution requesting financial assistance from the Texas**
124 **Department of Transportation related to drainage repairs at the Ralph M.**
125 **Hall / Rockwall Municipal Airport and naming the Texas Department of**
126 **Transportation Aviation Division as its agent for the purposes of applying**
127 **for, receiving and disbursing all funds for these improvements and for the**
128 **administration of contracts necessary for the implementation of these**
129 **improvements, and take any action necessary.**
- 130 **4. Consider approval of an ordinance amending Chapter 18, Fire**
131 **Prevention and Protection, Article II. Fire Code Standards, Sec. 18-33 to**
132 **add an additional exception to Section 906.1 of the International Fire**
133 **Code, and take any action necessary. (2nd Reading)**

134 **Councilmember Lewis pulled item #1 indicating he and Councilmember Townsend will**
135 **abstain from voting on these minutes since they were not present or sitting on council at**
136 **the May 21st meeting.**

137
138 **Mayor Pro Tem White then made a motion to approve remaining Consent Agenda items**
139 **(#s 2, 3 and 4). Councilmember Russo seconded the motion. The ordinance was read as**
140 **follows:**

141
142 **CITY OF ROCKWALL**
143 **ORDINANCE NO. 12-12**
144

145 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
146 TEXAS, AMENDING CHAPTER 18 FIRE PREVENTION AND PROTECTION,
147 ARTICLE II. FIRE CODE STANDARDS, SEC. 18-33. AMENDMENTS TO
148 ADOPTED CODE, SECTION 906.1; PROVIDING FOR A PENALTY OF FINE
149 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
150 EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED
151 COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS;
152 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN
153 EFFECTIVE DATE.

154
155 **The motion passed by a vote of 7 ayes to 0 nays.**

156
157 **Mayor Pro Tem White made a motion to approve Consent Agenda item #1 (05/21 meeting**
158 **minutes) 5 ayes with 2 abstentions (Lewis and Townsend.)**

159
160 **VII. APPOINTMENTS**

- 161
162 1. Appointment with the Planning and Zoning Chairman to discuss and
163 answer any questions regarding cases on the agenda and related issues
164 and take any action necessary.

165 **Planning Director Robert LaCroix indicated that no items on tonight's council agenda**
166 **require a briefing by the Planning & Zoning Commission chairman. No action was taken**
167 **related to this item.**

- 168 2. Appointment with Shirley Black to hear concerns related to her business
169 property located at 502 North Goliad, and take any action necessary.

170 **Councilmember Russo made a motion to defer this item for two weeks at the request of**
171 **Mrs. Black. Mayor Pro Tem White seconded the motion, which passed unanimously of**
172 **council (7 ayes to 0 nays).**

173
174 **VIII. PUBLIC HEARING ITEMS**

- 175
176 1. Hold a public hearing and consider a request from Mr. Randy Roland for
177 a height variance and approval for a front yard fence located at 101 Joe
178 White, and take any action necessary.

179 **Jeffrey Widmer, Building Official and Director of Code Enforcement, offered background**
180 **information related to this item, indicating that notices were sent out to adjacent property**
181 **owners in accordance with the law. One neighbor did express concern initially; however,**
182 **the applicant met with the concerned neighbor, and the neighbor thereafter expressed to**
183 **the city that they do not object to this fence variance request. Widmer explained that all**
184 **front yard fences require council approval, and this one also requires a public hearing**
185 **because the height exceeds that which is typically allowed by city regulations.**

186
187 **Mr. Randy Roland**
188 **101 Joe White**
189 **Rockwall, TX**

190
191 **Mr. Roland came forth and indicated he has been in Rockwall for over ten years, and he**
192 **briefly explained the reasons for wanting to install a front yard fence. He generally**
193 **indicated that he has had several instances of people crossing the utility easement and**
194 **either vandalizing his property or stealing things from his property. His hope is that**

195 installation of the front yard fence will help deter such activity in and around his
196 property.

197
198 **Mayor Sweet opened the public hearing. There being no one to speak, Mayor Sweet then**
199 **closed the public hearing.**

200
201 **Councilmember Russo made a motion to approve the front yard fence as requested.**
202 **Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

203
204 **2. A2012-001 (6:00 pm) - Hold a public hearing and consider a request by**
205 **Matthew Geisinger on behalf of Ridgeview Church for annexation of a**
206 **7.025 acre tract, located at 1362 East FM 552 within the ETJ**
207 **(Extraterritorial Jurisdiction) of the City of Rockwall and contiguous to the**
208 **existing city limits line. (1st Public Hearing)**

209 **Planning Director Robert LaCroix provided brief background information related to this**
210 **item, indicating that this item is related to a voluntary annexation which has been**
211 **requested by the church. This request is mainly being made so that the church can**
212 **connect to the city's sanitary sewer system. He clarified that the city will not have the**
213 **right to provide water service to the property, but fire protection services, health**
214 **services, police services and trash services will be provided. The city council previously**
215 **indicated a desire to move forward with this annexation. A service plan has been**
216 **developed as is customary with every annexation, and notices were sent out to adjacent**
217 **property owners in accordance with state law. He indicated that this is the first of two**
218 **public hearings required by law. The second public hearing is scheduled for 6:30 p.m.**
219 **this evening. The reason for holding two public hearings, back-to-back, the same**
220 **evening in this instance is because it is a voluntary annexation request. No action on the**
221 **part of council is required this evening following either public hearing.**

222
223 **Mayor Sweet opened the public hearing and called the applicant forth for comment.**

224
225 **Matthew Geisinger**
226 **Ridgeview Church Pastor**
227 **1362 East FM-552**
228 **Rockwall, TX**

229
230 **Mr. Geisinger expressed a desire to be annexed into the city for several reasons,**
231 **including a desire to tie into the city's sewer system due to a very aged septic system.**
232 **There being no one to come forth and speak, the mayor then closed the public hearing**
233 **and moved to Action Item #1. No action was taken by council related to this item.**

234
235 **3. A2012-001 (6:30 pm) - Hold a public hearing and consider a request by**
236 **Matthew Geisinger on behalf of Ridgeview Church for annexation of a**
237 **7.025 acre tract, located at 1362 East FM 552 within the ETJ**
238 **(Extraterritorial Jurisdiction) of the City of Rockwall and contiguous to the**
239 **existing city limits line. (2nd Public Hearing)**

240 **Mayor Sweet clarified that two public hearing items are being held on the same night due**
241 **to this being a voluntary request for annexation by the property owner itself, in this case**
242 **the church.**

243

244 Planning Director Robert LaCroix offered brief comments. Mayor Sweet then opened the
245 public hearing. There being no one to come forth and speak, Mayor Sweet then closed
246 the public hearing.
247

248 The council took no action related to this item and then moved to the City Manager's and
249 Departmental Reports on the agenda.
250

251 **IX. ACTION ITEMS**
252

- 253 1. Discuss and consider athletic facilities within the city, and take any action
254 necessary.

255 Councilmember Daniels indicated that his placing this item on the agenda is to no way
256 circumvent the voters recently disapproving the bond proposition related to athletic
257 fields. Mayor Pro Tem White made a motion to direct staff to return to the council in sixty
258 days with a preliminary report / feasibility study related to improving and adding athletic
259 fields within the city. Councilmember Russo seconded the motion and encouraged staff
260 to evaluate possible grant assistance associated with athletic field expansion and/or
261 improvements. Councilmember Smith asked if any cost will be associated with this
262 feasibility study and associated report. City Manager Crowley indicated that no cost is
263 anticipated at this time. Sweet expressed a desire to see a current inventory of athletic
264 fields along with the report. After brief comments, the motion passed by a vote of 7 ayes
265 to 0 nays.
266

267 Public Hearing item #3 was then addressed by council.
268

269 **X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
270 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
271

- 272 1. Departmental Reports
273 Police Department Monthly Report - April 2012
274 Finance Department Monthly Report - April 2012
275 Building Inspections Monthly Report - April 2012
276 Fire Department Monthly Report - April 2012
277 Internal Operations Department Monthly Report - April 2012
278 Parks Dept Monthly Report - April 2012
279 Harbor PD Report - April 2012

- 280 2. City Manager's Report
281

282 City Manager Rick Crowley indicated that staff is working on departmental budget
283 requests at this time, and he will soon be discussing moving forward with budget
284 deliberations with council soon. He suggested that the city council consider the
285 upcoming two "off" Mondays for scheduling a special meeting. Crowley further
286 indicated that an updated draft to the city's annual report will be sent out for council
287 review and comment soon.
288

289 **XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
290 **GOVERNMENT CODE TO DISCUSS:**
291

- 292 1. Deliberation regarding the purchase, exchange, lease, or value of real
293 property.

- 294
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304
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and regarding City v. Primary Media.

305 **XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

306
307 **See start of public meeting above for actions taken as a result of Executive Session.**

308
309 **XIII. ADJOURNMENT**

310
311 **The council did not reconvene in Executive Session following the public meeting. Mayor**
312 **Sweet adjourned the meeting at 6:37 p.m.**

313
314 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
315 **this 18th day of June, 2012.**

316
317
318 **ATTEST**

319 *Kristy Ashberry*
320 _____
321 **Kristy Ashberry, City Secretary**

Paul Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 18, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and council members Mark Russo, Michelle Smith, Dennis Lewis and Bennie Daniels. Also present were City Manager Rick Crowley and City Attorney Pete Eckert. Councilmember Townsend was absent from the meeting. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters re: Discussion of performance evaluation criteria pursuant to the contract between the City Manager and the City of Rockwall.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

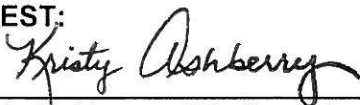
See start of public meeting below for actions taken as a result of Executive Session.

IV. ADJOURNMENT

The council came out of Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of July, 2012.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 18, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

52 I. CALL TO ORDER

53
54 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
55 Mayor Pro Tem David White and council members Mark Russo, Michelle Smith, Dennis
56 Lewis and Bennie Daniels. Also present were City Manager Rick Crowley and City
57 Attorney Pete Eckert. Councilmember Townsend was absent from the meeting.
58

59 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM WHITE

60
61 Mayor Pro Tem White delivered the invocation and led the Pledge of Allegiance.
62

63 III. PROCLAMATIONS / AWARDS

64
65 1. Juneteenth

66
67 Mayor Sweet read the proclamation recognizing Juneteenth in the City of Rockwall.
68

69 Regarding actions out of Executive Session, Mayor Pro Tem White made a motion to
70 authorize a settlement in the amount of \$3,042 in regards to the Voda matter dating back
71 to the seventies (70's). Councilmember Russo seconded the motion, which passed by a
72 vote of 6 ayes with one absent (Townsend).
73

74 Mayor Pro Tem White made a motion to appoint Fred Lively to replace John Arbogast on
75 the Architectural Review Board for an initial (partial) term to expire in August of 2013.
76 Councilmember Smith seconded the motion. The motion passed by a vote of 6 ayes with
77 one absent (Townsend).
78

79 Mayor Pro Tem White made a motion to appoint Martin Musser to the Board of
80 Adjustments to replace Larry Ewing for an initial term to expire in August of 2013.
81 Councilmember Russo seconded the motion, which passed by a vote of 6 ayes with one
82 absent (Townsend).
83

84 IV. CONSENT AGENDA

85
86 1. Consider approval of the minutes from the June 4, 2012 regular City
87 Council meeting, and take any action necessary.

88 2. Z2012-005 - Consider approval of an ordinance for a request by Wayne
89 Mershawn of Mershawn Architects for approval of a Specific Use Permit
90 (SUP) to allow for a "New Car Dealership" within the (LI) Light Industrial
91 district and the (IH-30 OV) IH-30 Overlay District, being Lot 1, Block 1 and
92 Lot 1, Block 2 of the Rockwall Recreational Addition, containing 7.16-
93 acres of land and specifically located at 1540 IH-30 E, City of Rockwall,
94 Texas, and take any action necessary. **(2nd Reading) (Scrivener's Error**
95 **Correction Re: SUP Number)**

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113
3. Consider approval of a resolution setting the speed limit on Airport Road from John King Blvd., east to FM-3549, at 40 miles per hour and take any action necessary.
 4. P2012-014 - Consider a request by Steven Heilbrun of Pacheco Koch Consulting Engineers for approval of a replat of Lot 2, Block B, North Lakeshore Valley, City of Rockwall, Texas, being 2.017-acres zoned (PD-65) Planned Development No. 65 district and located at the northwest corner of North Lakeshore Drive and SH 205 within the North SH 205 Corridor Overlay district, and take any action necessary.
 5. P2012-016 - Consider a request by Steve Shellenberger of Hillcrest Equities for approval of a final plat of Tract 22, Abstract 255, B J T Lewis Survey, City of Rockwall, Texas, being located on a 0.8323 acre tract zoned (C) Commercial district and situated within the SH 205 Overlay district, specifically located at 1815 S. Goliad St, and take any action necessary.
 6. Consider approval of Interlocal Agreements with Rockwall County for "No Refusal Weekends" and take any action necessary

114 Councilmember Russo pulled item #3 for further discussion. Councilmember Smith
115 made a motion to approve the remaining Consent Agenda items (#1, 2, 4, 5 and 6).
116 Councilmember Daniels seconded the motion. The ordinance for item #2 was read as
117 follows:

118 CITY OF ROCKWALL
119 ORDINANCE NO. 12-11
120

121 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
122 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
123 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
124 SPECIFIC USE PERMIT (S-94), ALLOWING FOR A "MOTOR VEHICLE
125 DEALERSHIP, NEW" ON AN 7.16-ACRE TRACT OF LAND KNOWN AS
126 LOT 1, BLOCK 1, AND LOT 1, BLOCK 2, ROCKWALL RECREATIONAL
127 ADDITION, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A";
128 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
129 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
130 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
131 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
132 EFFECTIVE DATE.
133

134 Councilmember Russo made a motion to table Consent Agenda item #3 for two weeks to
135 allow time for receipt and review of additional citizen input. Mayor Pro Tem White
136 seconded the motion, which passed by a vote of 6 ayes with 1 absent (Townsend).
137

138 V. APPOINTMENTS
139

- 140 1. Appointment with the Planning and Zoning Chairman to discuss and
141 answer any questions regarding cases on the agenda and related issues
142 and take any action necessary.

143 Chair of the Planning & Zoning Commission, Phillip Herbst, came forward and offered a
144 brief update to the city council regarding recommendations of the Commission relative
145 to items on tonight's city council agenda.

- 146 2. Appointment with Animal Adoption Center Privatization RFP Review
147 Committee to hear committee recommendations, and take any action
148 necessary.

149 **Chip Imrie, Kevin Shepherd, and Ed Thatcher, three of the council appointed committee**
150 **members, came forth to address the city council. Mr. Imrie explained that the City of**
151 **Rockwall received responses to the Request for Proposals from three entities /**
152 **organizations. The responses were carefully reviewed, and each of the three**
153 **respondents were then interviewed by the committee last week. He explained that the**
154 **committee is recommending that the city council proceed with contract negotiations with**
155 **the Collin County Humane Society.**

156 **Mr. Shepherd indicated that all three respondents showed a lot of passion. All three had**
157 **differing levels of experience. However, of the three, the board felt that the Collin County**
158 **Humane society had the right mixture of passion, experience working with the public and**
159 **city council and being responsive to needs.**

160 **General discussion took place regarding Collin County Human Society's response to the**
161 **RFP, including the detailed budget numbers which were submitted.**

162 **Councilmember Daniels stated he does not have a problem with the committee's**
163 **recommendation; however, he pointed out that there is a wide range of cost among the**
164 **respondents. Daniels expressed that if the city moves forward with contract negotiations**
165 **with the Collin County Humane Society, he believes the Council will be asked why they**
166 **decided to go with a \$410,000 bid versus a \$180,000 bid.**

167 **Mr. Imrie explained that the committee did ask a lot of questions about the budget**
168 **numbers submitted, and the Collin County Humane Society's submittal went into a lot**
169 **more cost detail than the other two submittals. He expressed that Collin County's**
170 **experience and budget submittal made the committee feel comfortable that Collin County**
171 **would not return to the city later on to ask for additional money.**

172 **Both Councilmember Smith and Mayor Sweet thanked the committee for its work. Mayor**
173 **Sweet expressed thanks for all the volunteers in our community who help on boards,**
174 **commissions and committees.**

175 **Molly Petterson, President of the Collin County Humane Society, then came forth and**
176 **introduced herself. She shared a little bit of background information on her experience**
177 **with rescue groups and the formation and management of the humane society**
178 **organization. She spoke briefly about her detailed budget proposal as well as partnering**
179 **with the community to ensure efficient and effective intake, advertising of adoptable**
180 **animals and disease control among the animal population at the facility.**

181 **After additional discussion, Mayor Pro Tem White made a motion to move forward with**
182 **entering into contract negotiations with the Collin County Humane Society.**
183 **Councilmember Russo seconded the motion, which passed by a vote of 6 ayes with 1**
184 **absent (Townsend).**

- 185 3. Appointment with Shirley Black to hear concerns related to her business
186 property located at 502 North Goliad, and take any action necessary.

187 **Mrs. Shirley Black**
188 **5510 Canada Court**
189 **Rockwall, TX**
190

191 Mrs. Black indicated that several years ago, she had cookies baked for the council that
192 was in office at that time. Mrs. Black then handed out small 'spotted owl' figurines to the
193 city council, indicating that the spotted owls are symbolic of a conversation she said she
194 had with City Attorney Pete Eckert several years ago. She said Mr. Eckert indicated to
195 her at that time that the trees at the restaurant next to her Green Cottage property were
196 kept because spotted owls may live in the trees, and the trees were to be maintained for
197 the beautification of Rockwall. Mrs. Black went on to explain concerns she has related to
198 parking at the Bin 303 Restaurant, a business which is located adjacent to her former
199 business, "The Green Cottage." She explained that she still owns the property and house
200 that sits on it, and it is now being advertised 'for rent.' She explained that she had a
201 tenant who was renting her property on a three year lease, but he broke his lease very
202 early, citing parking concerns as his reason for breaking the lease.
203

204 Mrs. Black spoke for quite some time, appealing to the city council to do something to
205 remedy the parking problems that affect her property.
206

207 Councilmember Smith pointed out to Mrs. Black that she signed the plat associated with
208 her property, which clearly showed the easements. Mrs. Black generally indicated that
209 her signing the plat did hold much meaning according to an attorney with whom she has
210 consulted.
211

212 After much discussion, the council took no action related to this item.
213

214 VI. PUBLIC HEARING ITEMS

- 215
- 216 1. Z2012-006 - Hold a public hearing and consider approval of an ordinance
217 associated with a request by Larae Tucker of Harrison, French &
218 Associates for an amendment to (PD-10) Planned Development District
219 No. 10, specifically Tract "F" described in Exhibit "A" of Ordinance No. 04-
220 25 to allow for a "retail store with gasoline product sales with more than 4
221 dispensers", in association with a 7-Eleven store proposed to be located
222 on a 1.008-acre tract of land currently described as J. McIntyre Addition,
223 J.M. Allen Survey, Abstract No. 2, and situated at the northeast corner of
224 John King Boulevard and State Highway 276, City of Rockwall, Texas,
225 and take any action necessary. (1st Reading)

226 Planning Director Robert LaCroix provided background information related to this item,
227 sharing details about this proposed 7-Eleven store, including its aesthetics, elevations,
228 landscaping, size, and location. Notices were sent out to adjacent property owners in
229 accordance with the law. No responses to the notices were received back by staff. He
230 explained the recommendations of the Planning & Zoning Commission and staff.
231

232 Councilmember Dennis Lewis stepped out of the council chambers in order to abstain
233 from the discussion and council action related to this agenda item.
234

235 Mayor Sweet opened the public hearing and called forth the applicant.
236

237 Larae Tucker
238 Harrison, French & Associates
239 402 Burl Moore
240 Ennis, TX 75119

241
242 Ms. Tucker indicated she is accompanied by her civil engineer and a representative of
243 the owner. Ms. Tucker indicated that Mr. LaCroix has aptly described this development,
244 one that they are very proud of and believe has turned out very nice.
245

246 **Ricardo Doy**
247 **Civil Engineer with Harrison, French & Associates**
248 **361 Spring Meadow Drive**
249

250 Mr. Doy indicated that they were able to accommodate the tree requirements. He spoke
251 some about the landscaping plans. He also indicated that they did have extensive
252 conversations with Atmos.
253

254 Councilmember Russo asked some clarifying questions about what store number this
255 particular 7-11 will represent. Ms. Tucker did not know off hand. She did indicate that
256 this is a new store design specific to Rockwall.
257

258 There being no one else to come forth and speak, Mayor Sweet closed the public
259 hearing.
260

261 Mayor Pro Tem White made a motion to approve Z2012-006 including the Planning &
262 Zoning Commission and staff recommendations. Councilmember Russo seconded the
263 motion. The ordinance was read as follows:
264

265 **CITY OF ROCKWALL**
266 **ORDINANCE NO. 12-13**
267

268 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
269 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (ORD. NO. 04-
270 38) AND ORDINANCE NO. 04-25, OF THE CITY OF ROCKWALL AS
271 HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT
272 NO. 10 DISTRICT, FOR A 1.008-ACRE TRACT OF LAND, BEING PART OF
273 TRACT 3, ABSTRACT NO. 2, J. M. ALLEN SURVEY, LOCATED AT THE
274 NORTHEAST CORNER OF JOHN KING BOULEVARD AND STATE
275 HIGHWAY NO. 276; MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"
276 ATTACHED HERETOFORE AND MADE A PART HEREOF; PROVIDING
277 FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
278 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
279 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
280 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
281 DATE.
282

283 **The motion passed by a vote of 5 in favor, 1 abstention (Lewis) and 1 absent (Townsend).**
284

- 285 2. Z2012-007 - Hold a public hearing and consider approval of an ordinance
286 associated with a request by Thomas Jones of Binkley & Barfield for
287 approval of a zoning change from (Ag) Agricultural district to (C)
288 Commercial district on a 15.789-acre property located on the northwest
289 corner of Airport Rd. and John King Blvd. and described as Tract 4-01,
290 Abstract No. 20, N. Butler Survey, City of Rockwall, Texas, and take any
291 action necessary. **(1st Reading)**

292 Notices were sent out to sixteen adjacent property owners in accordance with the law,
293 but no replies to those notices were received back by staff.

294
295 **Richard Arvisou**
296 **Engineer with Binkley & Barfield Engineers**
297 **1801 Gateway Boulevard**
298 **Richardson, TX**

299
300 The speaker indicated that Mr. Jones was unable to attend this evening, so he is
301 speaking in his absence on his behalf. He respectfully asked the council to approve this
302 change in zoning request. He indicated the rezoning from AG to Commercial will allow
303 Lakes Regional MHMR (Mental Health Mental Retardation) Center to develop a 3 acre
304 6,000 square feet “adults with special needs rehab center” with the possibility of adding
305 additional office space in the future. It will also include putting in water/sewer related
306 infrastructure that will help attract other development in the nearby area. He indicated
307 this zoning is in accordance with various existing thoroughfare plans and corridor
308 overlay district plans for the city.

309
310 **Don Smith**
311 **Chief Financial Officer, Lakes Regional MHMR Center (out of Terrell, TX)**
312 **108 Central**
313 **Farmersville, Texas**

314
315 Mr. Smith explained that this facility would be one of thirty nine community centers that
316 serve individuals in the State of Texas. MHMR out of Terrell, TX has about 350
317 employees, serves 12 counties, and Rockwall is one of them. He indicated they have
318 thirty-seven buildings they either own or lease in these 12 counties. MHMR has one
319 facility located in Royse City; however, the facility is very inadequate and does not meet
320 their current needs, especially related to space. They have been looking for a while for a
321 place in Rockwall where they could develop a larger facility for “dayhab” special needs
322 individuals that they serve in Rockwall County. They expect to spend about \$1 million on
323 this facility. He generally described the amenities they hope to include when building
324 this facility.

325
326 Mayor Sweet asked if anyone in the audience would like to come forth and speak during
327 this public hearing.

328
329 **Socoro Hettinger**
330 **(no address given)**

331
332 Ms. Hettinger came forth and expressed that she has a special needs child, and she is in
333 support of approval of this business and the requested zoning change. She believes this
334 organization provides much needed, beneficial programs for individuals who have
335 mental health needs, especially after they graduate from high school.

336
337 Councilmember Smith made a motion to approve Z2012-007. Councilmember Russo
338 seconded the motion. The ordinance was read as follows:

339
340 **CITY OF ROCKWALL**
341 **ORDINANCE NO.12-14**
342

343 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
344 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
345 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
346 HERETOFORE AMENDED SO AS TO APPROVE A CHANGE IN
347 ZONING FROM (AG) AGRICULTURAL DISTRICT TO (C)
348 COMMERCIAL DISTRICT, ON A TRACT OF LAND CONTAINING
349 15.789-ACRES AND KNOWN AS TRACT 4-01, ABSTRACT 20, N.
350 BUTLER SURVEY, MORE SPECIFICALLY DESCRIBED IN EXHIBIT
351 "A" ATTACHED HERETOFORE AND MADE A PART HEREOF;
352 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
353 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
354 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
355 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
356 PROVIDING FOR AN EFFECTIVE DATE.
357

358 **The motion passed by a vote of 6 ayes with 1 absent (Townsend).**
359

- 360 **3. Z2012-008 - Hold a public hearing and consider approval of an ordinance**
361 **associated with a request by Christie Mathis for approval of a Specific**
362 **Use Permit (SUP) to allow for a "Hair Salon" within the (RO) Residential**
363 **Office district, specifically at 906 North Goliad, being Lot 16, Block A,**
364 **Steele Addition, City of Rockwall, Texas, and take any action**
365 **necessary.(1st Reading)**

366 **Robert LaCroix provided background information related to this item indicating that this**
367 **request is associated with a one chair salon that would be located within an existing**
368 **dance studio at 906 North Goliad. This facility has enough parking for its current use, as**
369 **it is mostly a 'drop off' type of business. He spoke about mutual parking and use of**
370 **existing easements and explained this is a low intensity type use that will generally**
371 **operate from 8:00 a.m. until 8:00 p.m.**
372

373 **Councilmember Smith asked some clarifying questions related to parking requirements**
374 **and available parking spaces.**
375

376 **Mayor Sweet then opened the public hearing.**
377

378 **The applicant came forth to speak:**
379

380 **Christie Mathis**
381 **302 Margaret**
382 **Rockwall, TX 75087**
383

384 **Sharon Steele**
385 **217 Dwyer Court**
386 **Heath, Texas**
387

388 **Ms. Mathis indicated she does hair for some of the dance studio students, and this would**
389 **just be a one chair salon doing hair.**
390

391 **There being no one else to come forth and speak, Mayor Sweet then closed the public**
392 **hearing.**
393

394 Mayor Pro Tem White made a motion to approve Z2012-008. Councilmember Daniels
395 seconded the motion. The ordinance was read as follows:

396
397 CITY OF ROCKWALL
398 ORDINANCE NO. 12-

399
400 SPECIFIC USE PERMIT NO. S-

401
402 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
403 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
404 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
405 SPECIFIC USE PERMIT, SPECIFICALLY TO ALLOW FOR A HAIR SALON
406 WITHIN (PD-50) PLANNED DEVELOPMENT NO. 50 DISTRICT, ON A
407 TRACT OF LAND KNOWN AS LOT 16, BLOCK A, STEELE ADDITION AND
408 LOCATED AT 906 N. GOLIAD STREET; PROVIDING FOR SPECIAL
409 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
410 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
411 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
412 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

413
414 The motion passed by a vote of 6 ayes with 1 absent (Townsend).

415
416 VII. ACTION ITEMS

- 417
418 1. Discuss and consider maintenance of public rights of way by
419 owners/occupants of adjacent lots, and take any action necessary.

420 Building Official and Director of Code Enforcement, Jeffrey Widmer, indicated that
421 traditionally the city has required that residents maintain grass, trees, shrubbery and
422 other vegetation located adjacent to their property in the right-of-way. Widmer explained
423 that the city might in some cases ask a resident to remove a tree if it is dead or may pose
424 a hazard that may cause bodily harm. He expressed that a notice was recently sent to a
425 property owner to trim a tree that appeared to be dead and was located entirely in the
426 right-of-way. The resident questioned the city about the requirement that he be the one
427 responsible for moving the tree. After consulting with the city attorney, it became
428 apparent that the current city ordinance is not entirely clear. The ordinance needs to be
429 amended to add more clear language in order for the city to continue its practice of
430 requiring maintenance of trees, grass, shrubs, etc. in the rights-of-way be maintained by
431 the adjacent property owner.

432 Mayor Sweet asked for clarification regarding the owner of such trees. City Manager
433 Rick Crowley indicated that trees located in the right-of-way that the city may ask
434 residents to maintain are not trees which have been planted by the city. They are trees
435 which have been planted by the homeowner or property owner some time in the past. For
436 example, they may be trees located in the right-of-way between the property and the curb
437 line. General discussion took place regarding planting and maintenance of trees located
438 in the right-of-way in residential areas.

439 Mayor Pro Tem White made a motion to approve the revised ordinance as presented.
440 Councilmember Russo seconded the motion. The ordinance was read as follows:

441
442 CITY OF ROCKWALL, TEXAS
443 ORDINANCE NO. 12-16
444

445 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
446 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
447 CHAPTER 36 - STREETS, SIDEWALKS AND PUBLIC PLACES,
448 ARTICLE I IN GENERAL, SECTION 36-1 (F) MAINTENANCE OF
449 PUBLIC RIGHTS-OF-WAY BY OWNERS OR OCCUPANTS OF
450 ADJACENT LOTS BY REPEALING SECTION 36-1 (F) IN ITS
451 ENTIRETY AND PROVIDING FOR A NEW SECTION 36-1 (F);
452 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM
453 OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE;
454 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
455 REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.
456

457 **The ordinance passed by a vote of 6 ayes with 1 absent (Townsend).**

- 458 2. Discuss and consider selection of additional road projects for
459 recommendation to the Rockwall County Planning Consortium, and take
460 any action necessary.

461 **City Manager Rick Crowley explained that since 2003, Rockwall County and the cities**
462 **located in Rockwall County have been meeting through the Rockwall County Planning**
463 **Consortium to strengthen its position to secure funding from the State for road related**
464 **projects. The county was successful, for example, in securing a \$100 million bond**
465 **package to be used over time to prepare projects to be “project ready” to secure state**
466 **funding for construction of those roadways. The City of Rockwall has had several**
467 **roadway projects since 2003 that have been associated with the consortium, and the**
468 **county is now calling for submission of additional projects for consideration in an**
469 **attempt to create leverage for securing additional state funding for completion of said**
470 **projects. The projects will make up Stage 2 of roadway projects in the county. Staff**
471 **recommendations related to possible roadway projects that the council may wish to**
472 **consider for submission to the County Planning Consortium have been given to Council**
473 **for review at this time.**

474
475 **Councilmember Russo asked if any of the IH-30 ramps can be considered for submission**
476 **to the consortium. Chuck Todd, City Engineer, indicated that it can be submitted to the**
477 **consortium; however, he believes the city can probably get the ramps done faster.**
478 **Crowley indicated that staff can certainly put forth the ramps for consideration by the**
479 **consortium; however, he is unsure how they will be viewed or received by the**
480 **consortium.**

481
482 **After additional, brief comments, the council took no action related to this item.**
483

484 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
485 **GOVERNMENT CODE TO DISCUSS:**

- 486
487 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
488 2. Personnel Issues, including Board, Commission, and Committee Appointments,
489 and Related Matters re: Discussion of performance evaluation criteria pursuant to
490 the contract between the City Manager and the City of Rockwall.
491 3. Commercial or financial information regarding business prospects that the City
492 seeks to have locate, stay, or expand in or near the territory of the City of
493 Rockwall and with which the Board is conducting economic development
494 negotiations.

495 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
496 attorney with regard to a matter that it is the duty of the attorney to consult with
497 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
498 Rules of Professional Conduct of the State Bar of Texas.

499 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

500
501 **See start of public meeting above for actions taken out of Executive Session.**

502
503 **X. ADJOURNMENT**

504
505 **The meeting was adjourned at 8:38 p.m.**

506
507
508 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
509 **this 2nd day of July, 2012.**

510
511 

512 **ATTEST:** 
513
514

515 **Kristy Ashberry, City Secretary**

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 25, 2012
6:30 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 6:30 p.m.

- 8
9 1. Call to order

10
11 **Mayor Sweet called the meeting to order at 6:30 p.m. Present were Mayor David Sweet,**
12 **Mayor Pro Tem David White and Councilmembers Michelle Smith, Bennie Daniels and**
13 **Dennis Lewis. Also present was City Manager Rick Crowley, Fire Chief Mark Poindexter**
14 **and several department directors. Councilmember Mike Townsend was absent from the**
15 **meeting, and Councilmember Russo arrived at 6:56 p.m.**

- 16
17 2. Pre-Council meeting dinner

18
19 **Council and staff had pre-meeting council dinner.**

20
21 7:00 p.m.

22
23 **City Manager Rick Crowley began the discussion.**

- 24
25 1. Discuss and consider Hotel/Motel tax subcommittee's recommendation regarding
26 supplemental funding request for Rockwall County Chamber of Commerce and take any
27 action necessary.

28
29 **City Manager Rick Crowley indicated that the Rockwall Area Chamber of Commerce has**
30 **requested council consideration of additional funding related to a special event called**
31 **"Under the Big Top," which will take the place of the past "Rockin' on the Docks" event.**

32
33 **Finance Director Mary Smith explained that the request is in the amount of \$12,500 and**
34 **will cover costs associated with various forms of advertising. She explained that**
35 **advertising will include reference to the City of Rockwall and links to the city's list of**
36 **hotels/motels to guide visitors to that information.**

37
38 **After brief discussion, Mayor Pro Tem White made a motion to approve the requested**
39 **\$12,500 funding for this event. Councilmember Russo seconded the motion, which**
40 **passed by a vote of 6 ayes with 1 absent (Townsend).**

- 41
42 2. Hold work session to hear report related to Insurance Services Offices, Inc. (ISO) rating
43 and consideration of future Fire Department staffing options and take any action
44 necessary.

45
46 **Fire Chief Mark Poindexter indicated that the city's ISO rating affects fire-related**
47 **insurance premiums in the city. As such, there is a desire to attempt to improve (or**
48 **lower, in this case) the City of Rockwall's ISO rating. As a starting point to this process,**
49 **a consulting firm was asked to advise the city on steps that could be taken towards**

50 attempting to lower the city's rating. If the council is agreeable to moving forward with
51 this process, ISO representatives will come to Rockwall in August to begin the rerating
52 process.
53

54 Poindexter explained the reasons why requesting a rerating at this point in time may be
55 advisable. He explained that 10% dispatch, 40% water and 50% fire related
56 considerations go into the makeup of a city's ISO rating. Poindexter touched on some of
57 the high points of the consultant's study and spoke about various options for potentially
58 hiring additional Fire Department personnel in the future. He expressed that there are
59 currently 15 paid and 35 volunteers in the Fire Department.
60

61 The council took no action related to this item.
62

63 3. Adjournment
64


65 The meeting was adjourned at 8:44 p.m.
66

67 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
68 this 2nd day of July, 2012.
69

70 

David Sweet, Mayor

71 ATTEST:

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73

74 Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, July 02, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:05 p.m. Present at 4:05 p.m. were Mayor David Sweet, Mayor Pro Tem David White and Council Members Bennie Daniels and Michelle Smith. Also present at 4:05 p.m. were City Manager Rick Crowley and City Attorney Pete Eckert. At 4:20 p.m., Council Member Mike Townsend arrived. Council Member Lewis arrived at 5:00 p.m., and Council Member Russo arrived at 5:15 p.m. Mayor Sweet recessed the public meeting into Executive Session at 4:05 p.m.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

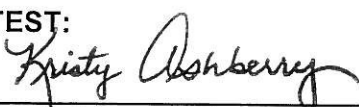
The Council took no action as a result of pre-meeting Executive Session. See end-of-meeting Executive Session for action taken.

IV. ADJOURNMENT

Council came out of pre-meeting Executive Session at 5:42 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of July, 2012.

ATTEST:



Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, July 02, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 I. CALL TO ORDER

54
55 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
56 Mayor Pro Tem David White and Council Members Mark Russo, Mike Townsend, Michelle
57 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley
58 and City Attorney Pete Eckert.

59
60 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER RUSSO

61
62 Councilmember Russo delivered the invocation and led the Pledge of Allegiance.

63
64 III. OPEN FORUM

65
66 **Patty Griffin**
67 **2140 Airport Road**
68 **Rockwall, TX**

69
70 Mrs. Griffin came forth to discuss concerns related to setting the speed limit on the
71 newly reconstructed Airport Road. She expressed that she would not like the speed limit
72 to be raised to 40 miles per hour (mph). Instead, she would like the council to consider
73 leaving the speed limit at 35 mph. She told a story about her mother, who lives on
74 Airport Road, and fell into the road not long ago, and she believes that if the speed limit
75 had been higher, her mother may have been killed by a passing car. She pointed out that
76 there are several elderly ladies who live along the roadway and are not used to having
77 heavy traffic as they back out of their driveways. She spoke strongly in favor of keeping
78 the speed limit at 35 miles per hour.

79
80 There being no one else to come forth and speak, Mayor Sweet then closed the Open
81 Forum.

82
83 IV. CONSENT AGENDA

- 84
85 1. Consider approval of the minutes from the June 18, 2012 regular City
86 Council meeting, and take any action necessary.
- 87 2. Consider approval of the minutes from the June 25, 2012 special City
88 Council meeting, and take any action necessary.
- 89 3. Consider authorizing the City Manager to terminate the current franchise
90 agreement with Sail with Scott and execute a revised franchise
91 agreement, and take any action necessary.
- 92 4. Consider approval of an **ordinance** amending Chapter 36 Street,
93 Sidewalks and Public Places, Section 36-1 (F) Maintenance of Public
94 Rights of Way by Owners/Occupants of Adjacent Lots, and take any
95 action necessary. **(2nd Reading)**

- 96 5. Z2012-006 - Consider approval of an **ordinance** associated with a
97 request by Larae Tucker of Harrison, French & Associates for an
98 amendment to (PD-10) Planned Development District No. 10, specifically
99 Tract "F" described in Exhibit "A" of Ordinance No. 04-25 to allow for a
100 "retail store with gasoline product sales with more than 4 dispensers", in
101 association with a 7-Eleven store proposed to be located on a 1.008-acre
102 tract of land currently described as J. McIntyre Addition, J.M. Allen
103 Survey, Abstract No. 2, and situated at the northeast corner of John King
104 Boulevard and State Highway 276, City of Rockwall, Texas, and take any
105 action necessary. **(2nd Reading)**
- 106 6. Z2012-007 - Consider approval of an **ordinance** associated with a
107 request by Thomas Jones of Binkley & Barfield for approval of a zoning
108 change from (Ag) Agricultural district to (C) Commercial district on a
109 15.789-acre property located on the northwest corner of Airport Rd. and
110 John King Blvd. and described as Tract 4-01, Abstract No. 20, N. Butler
111 Survey, City of Rockwall, Texas, and take any action necessary. **(2nd**
112 **Reading)**
- 113 7. Z2012-008 - Consider approval of an **ordinance** associated with a
114 request by Christie Mathis for approval of a Specific Use Permit (SUP) to
115 allow for a "Hair Salon" within the (RO) Residential Office district,
116 specifically at 906 North Goliad, being Lot 16, Block A, Steele Addition,
117 City of Rockwall, Texas, and take any action necessary. **(2nd Reading)**
- 118 8. P2012-020 - Consider a request by Robert S. Whittle of Mariah Bay
119 Development, Inc., and Rockwall Hotel and Conference Group, Inc., for
120 approval of a replat of Lots 3 and 4, Block A, The Harbor-Rockwall
121 Addition, City of Rockwall, Texas, being 10.7854-acres overall, zoned
122 (PD-7) Planned Development No. 7 district and generally situated along
123 the northwest side of Summer Lee Drive, south of IH-30 and west of
124 Lakefront Trail, and take any action necessary.
- 125 9. Consider recommendation of the Park Board regarding approval of a
126 Memorandum of Agreement with the Dallas Off-Road Bicycle Association
127 (DORBA) related to maintenance of the Squabble Creek Mountain Bike
128 Trail including Technical Trail Features, and take any action necessary.
- 129 10. Consider approval of a concession agreement with Parasailing The
130 Harbor, and take any action necessary.

131
132 **Councilmember Dennis Lewis pulled Consent Agenda item #5 in order to abstain from**
133 **the vote. Councilmember Russo pulled Consent Agenda items #3 and #9.**
134 **Councilmember Townsend pulled items #1 and #2 in order to abstain from these votes**
135 **due to having been absent from both of these council meetings.**

136 **Mayor Pro Tem White made a motion to approve the remainder of the Consent Agenda**
137 **items (#s 4, 6, 7, 8 and 10). Councilmember Daniels seconded the motion. The**
138 **ordinances were read as follows:**

139 **CITY OF ROCKWALL, TEXAS**
140 **ORDINANCE NO. 12-16**

141 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
142

143 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES
144 IN CHAPTER 36, STREETS, SIDEWALKS AND PUBLIC PLACES,
145 ARTICLE I IN GENERAL, SECTION 36-1 (F) MAINTENANCE OF
146 PUBLIC RIGHTS-OF-WAY BY OWNERS OR OCCUPANTS OF
147 ADJACENT LOTS BY REPEALING SECTION 36-1 (F) IN ITS
148 ENTIRETY AND PROVIDING FOR A NEW SECTION 36-1 (F);
149 PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE
150 SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH
151 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
152 PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN
153 EFFECTIVE DATE.
154

155 CITY OF ROCKWALL
156 ORDINANCE NO. 12-14
157

158 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
159 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
160 (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS HERETOFORE
161 AMENDED SO AS TO APPROVE A CHANGE IN ZONING FROM (AG)
162 AGRICULTURAL DISTRICT TO (C) COMMERCIAL DISTRICT, ON A
163 TRACT OF LAND CONTAINING 15.789-ACRES AND KNOWN AS
164 TRACT 4-01, ABSTRACT 20, N. BUTLER SURVEY, MORE
165 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED
166 HERETOFORE AND MADE A PART HEREOF; PROVIDING FOR
167 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
168 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
169 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
170 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
171 EFFECTIVE DATE.
172

173 CITY OF ROCKWALL
174 ORDINANCE NO. 12-15
175 SPECIFIC USE PERMIT NO. S-95
176

177 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
178 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
179 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
180 SO AS TO GRANT A SPECIFIC USE PERMIT, SPECIFICALLY TO
181 ALLOW FOR A HAIR SALON WITHIN (PD-50) PLANNED
182 DEVELOPMENT NO. 50 DISTRICT, ON A TRACT OF LAND KNOWN AS
183 LOT 16, BLOCK A, STEELE ADDITION AND LOCATED AT 906 N.
184 GOLIAD STREET; PROVIDING FOR SPECIAL CONDITIONS;
185 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
186 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
187 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
188 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
189

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

191 Mayor Pro Tem White made a motion to approve Consent Agenda items #1 and #2.
192 Councilmember Lewis seconded the motion, which passed by a vote of 6 ayes with 1
193 abstention (Townsend (he was absent from these two meetings)).

194 Regarding Consent Items #3 and #9, Councilmember Russo pointed out that a change
195 needs to be made to accurately reference the current, rather than former, city manager in
196 the signature portions of these two contracts. Councilmember Russo then made a
197 motion to approve Consent Agenda items #3 and #9. Councilmember Smith seconded
198 the motion, which passed by a vote of 7 ayes to 0 nays.

199 Councilmember Lewis indicated a need to recuse himself from Consent Agenda item #5
200 because his brother works for the owner. Mayor Pro Tem White made a motion to
201 approve this item. Councilmember Russo seconded the motion. The ordinance was
202 read as follows:

203 CITY OF ROCKWALL
204 ORDINANCE NO. 12-13
205

206 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
207 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
208 (ORD. NO. 04-38) AND ORDINANCE NO. 04-25, OF THE CITY OF
209 ROCKWALL AS HERETOFORE AMENDED, SO AS TO AMEND
210 PLANNED DEVELOPMENT NO. 10 DISTRICT, FOR A 1.008-ACRE
211 TRACT OF LAND, BEING PART OF TRACT 3, ABSTRACT NO. 2, J. M.
212 ALLEN SURVEY, LOCATED AT THE NORTHEAST CORNER OF JOHN
213 KING BOULEVARD AND STATE HIGHWAY NO. 276; MORE
214 SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED
215 HERETOFORE AND MADE A PART HEREOF; PROVIDING FOR
216 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
217 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
218 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
219 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
220 EFFECTIVE DATE.
221

222 The motion passed by a vote of 6 ayes with 1 abstention (Lewis).

223 V. APPOINTMENTS
224

- 225 1. Appointment with the Planning and Zoning Chairman to discuss and
226 answer any questions regarding cases on the agenda and related issues
227 and take any action necessary.

228 Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and provided the
229 council with recommendations of the Commission relative to Action Item #4 on tonight's
230 council agenda. The council took no action related to this appointment item.
231

232 VI. ACTION ITEMS
233

- 234 1. Discuss and consider setting appropriate speed limits for Airport Road,
235 and take any action necessary.

236 Councilmember Russo indicated that he has spoken with several residents along Airport
237 Road and believes the speed limit should be set at and remain at 35 mph. He then made
238 a motion to keep the speed limit on Airport Road at 35 mph. Mayor Pro Tem White
239 seconded the motion.
240

241 After brief comments, the motion passed by a vote of 7 ayes to 0 nays.
242

- 243 2. Discuss and consider budget process and hear preliminary budget report,
244 and take any action necessary.

245 City Manager Rick Crowley began discussion of this item, indicating that all departments
246 have been in the process of discussing their individual budget related needs for the
247 upcoming fiscal year. The council has been provided some preliminary budget
248 information in their meeting packets.
249

250 Finance Director Mary Smith indicated that preliminary assessed values have been
251 received from the Appraisal District, and the values are slightly up over last year (by
252 about .91%). Existing home values are down, so this increase is attributed to commercial
253 only. She offered brief comments about the effective and rollback tax rates as well as
254 debt service obligations and revenue projections. She briefed the council on the city's
255 three month fund balance policy. She indicated that staff and the city manager will be
256 working over the course of the coming weeks to submit a balanced budget proposal for
257 council consideration.
258

259 Mr. Crowley recommended that the council Audit and Budget Subcommittee meet with
260 him and Mrs. Smith soon to discuss any desired changes to the budget process and
261 bring forth any recommendations for consideration by the full council.
262

263 The council took no action related to this item.
264

- 265 3. Discuss and consider use of recreation development funds at Leon Tuttle
266 Park, and take any action necessary.

267 Parks Director Brad Griggs provided background information related to this item
268 indicating that the drought of last year resulted in some unsafe playing conditions and
269 damage to outfields at Tuttle Park. Staff has attempted to make repairs to the field but
270 the efforts have not been very successful. At this point, it is advisable to hire an outside
271 company to come in and do some remediation and full overhaul to the fields, including
272 adding two new smaller fields. Staff has had preliminary discussions with Landscapes
273 Unlimited, a company the city has used in the past. It is important to begin this process
274 promptly in order to ensure grass has time and right temperatures to germinate and grow
275 in time for the 2013 season. The Recreational Development Fund has sufficient
276 information in it to cover these costs.

277 Mr. Crowley indicated that funding is deposited into the Recreational Development Fund
278 from the various marinas in the city who pay into this fund. Funds from non-resident
279 program fees are also part of this funding source. He reiterated that staff believes this
280 overhaul is appropriate and advisable at this time in order to better utilize the current
281 fields in light of the bond proposition not passing.

282 Councilmember Russo asked what the city might do about providing additional parking.
283 Mr. Griggs indicated that no extra parking space is available, so there will be only on
284 street parking. If we aim for fifty spaces per field, there should be enough street parking;
285 however, we know that cars are still parking across the street on the grass. He indicated
286 that the city may look into extending the sidewalk out from the concession stand to the
287 west and open up on street parking on Industrial Boulevard in order to access the park
288 from the west too. Mr. Russo generally expressed a strong desire to evaluate
289 alternatives and options for additional parking.

290 City Manager Rick Crowley indicated that the city may be able to develop a lease
291 partnership with a nearby land owner for leasing space for parking use because the city
292 does not own any additional land nearby. Brief discussion took place about potential
293 better utilization of the city's Service Center parking lot.

294 Councilmember Townsend asked for clarification on the size of the proposed revamped
295 and added fields. He is also concerned that the size of these fields may only address
296 younger players and may not meet the needs of kids who are a bit older. Mr. Griggs
297 provided some explanatory comments related to field size and age groups who typically
298 participate in these sports programs.

299 Mayor Pro Tem White thanked Councilmember Daniels for keeping this topic at the
300 forefront of the council's attention. He then made a motion to approve moving forward
301 with the overhaul of Tuttle ball fields as proposed by staff. Councilmember Daniels
302 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

303

304 4. MIS2012-007 - Discuss and consider a request by Maria Rodriguez for a
305 proposed carport with special exceptions to the building materials and the
306 requirement that a carport be located at least 20 feet behind the front
307 building façade as set forth in Article VI, Section 4.1, Lots less than five
308 acres, of the City of Rockwall Unified Development Code, located on Lot
309 38R, Canup Addition, being 507 Dickey Street, which is zoned SF-7
310 District and located within the (SRO) Southside Residential Neighborhood
311 Overlay District, and take any action necessary.

312 Planning Director Robert LaCroix began discussion of this item, explaining that certain
313 setback distance requirements associated with constructing a carport exist. He
314 explained that this property is currently located in a neighborhood overlay district, which
315 is mostly zoned for SF-7 and has certain minimum square footage requirements for
316 residential homes. The applicant is proposing to utilize all the appropriate materials but
317 are requesting a special exception associated with the setback requirements.

318
319 Roger Varguez
320 507 Dickey Street
321 Rockwall, Texas
322

323 Mr. Varguez came forth and indicated that they would like to construct the carport as an
324 extension to the roofline. Mr. LaCroix indicated that this is not how the application was
325 made; however, it can be done as long as it meets all the appropriate building code
326 standards. The front yard setback variance would still need to be requested and granted
327 in this instance.

328
329 Councilmember Russo made a motion to approve MIS2012-007. Mayor Pro Tem White
330 seconded the motion. After brief, clarifying comments, the motion passed by a vote of 7
331 ayes to 0 nays.
332

333 5. A2012-001 - Discuss and consider approval of an ordinance for a
334 request of Matthew Geisinger on behalf of Ridgeview Church, located at
335 1362 East FM 552 within the ETJ (Extraterritorial Jurisdiction) of the City
336 of Rockwall, for annexation of the church property into the City of
337 Rockwall, and take any action necessary. (1st Reading)

338 Planning Director Robert LaCroix explained that this is a voluntary annexation, meaning
339 the church has requested the city to annex them into the city, mainly so they can tie into
340 our sewer supply. A public hearing and associated notice requirements have been
341 adhered to by the city in association with this annexation request, and a second public
342 hearing has been scheduled for later in July. A service plan has been included in the
343 council member packets for review.
344

345 Mayor Pro Tem White made a motion to approve A2012-001. Councilmember Smith
346 seconded the motion. The ordinance was read as follows:
347

348 CITY OF ROCKWALL, TEXAS
349 ORDINANCE NO. _____
350

351 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
352 ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN
353 BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE
354 ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 7.025
355 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND
356 ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF
357 ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.
358

359 The motion passed by a vote of 7 ayes to 0 nays.
360

- 361 6. Discuss and consider amending the Unified Development Code of the
362 City of Rockwall to incorporate proposed changes to Article II, Authority
363 and Administrative Procedures, Section 12 Historic Preservation Advisory
364 Board, and Section 15, Historic Preservation Officer, and Article V,
365 District Development Standards, Section 6.2, Historic Overlay (HO)
366 District, as recommended by the State Coordinator of the Certified Local
367 Government Program a division of the Texas Historical Commission, and
368 take any action necessary.

369 City Manager Rick Crowley began discussion of this item, indicating that some time ago,
370 staff was asked to pursue the designation of a Certified Local Government through the
371 Texas Historical Commission. The state prescribes certain requirements in order to
372 become a Certified Local Government, a designation that would allow the city to become
373 eligible for certain programs, including possible grant funding. He indicated that staff is
374 not asking the council to approve any ordinance change at this time, as this topic will
375 need to go before the Historic Preservation Advisory Board (HPAB) and the Planning and
376 Zoning (P&Z) Commission first before recommendations for any potential ordinance
377 changes are considered by council.

378 After additional description of the process by Planning Director Robert LaCroix, Mayor
379 Sweet made a motion to direct staff to move forward with the process associated with
380 obtaining the Certified Local Government distinction, including consultation with the
381 HPAB and P&Z Commission. Councilmember Russo seconded the motion. The motion
382 passed by a vote of 6 ayes with 1 against (White).

383
384 VII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
385 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.
386

- 387 1. Departmental Reports

388 Fire Department Monthly Report - May 2012
389 Parks Department Monthly Report - May 2012
390 Police Department Monthly Report - May 2012
391 Internal Operations Department Monthly Report - May 2012
392 Building Inspections Monthly Report - May 2012
393 Finance Department Monthly Report - May 2012
394 STAR Transit Quarterly Report

395 **2. City Manager's Report**
396

397 **City Manager Rick Crowley indicated that he has been consulting with the city's Health**
398 **Officer, Dr. Lynch, regarding a potential recommendation to pursue mosquito spraying**
399 **within the city in light of positive West Nile mosquitos being identified in neighboring**
400 **cities. If the city's health officer does make this recommendation to staff, public**
401 **information and educational material will be developed and disseminated to residents**
402 **regarding the scheduled spraying, and staff will move forward with spraying. He**
403 **indicated that sometimes this spray can be bothersome to residents and have very minor**
404 **impacts. He also indicated that residents will be encouraged to contact the city for help**
405 **with mosquito abatement treatment for stagnant water. Mr. Crowley advised that the**
406 **spraying only kills the mosquitos that are directly hit with the spray and is not effective**
407 **on mosquitoes that are not directly hit with the spray.**
408

409 **The public meeting was adjourned at 6:56 p.m., and the city council reconvened back**
410 **into Executive Session thereafter following a short break.**
411

412 **VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
413 **GOVERNMENT CODE TO DISCUSS:**
414

- 415 **1. Deliberation regarding the purchase, exchange, lease, or value of real property.**
416 **2. Personnel Issues, including Board, Commission, and Committee Appointments,**
417 **and Related Matters.**
418 **3. Commercial or financial information regarding business prospects that the City**
419 **seeks to have locate, stay, or expand in or near the territory of the City of**
420 **Rockwall and with which the Board is conducting economic development**
421 **negotiations.**
422 **4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with**
423 **attorney with regard to a matter that it is the duty of the attorney to consult with**
424 **the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary**
425 **Rules of Professional Conduct of the State Bar of Texas.**

426 **IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
427

428 **The City Council came out of Executive Session and the public meeting was called back**
429 **to order at 7:30 p.m. Mayor Pro Tem White made a motion to appoint Mike Mershawn to**
430 **the Architectural Review Board to replace Bill Hibbard and serve in the "Architect" role**
431 **for an initial (partial) term to expire in August of 2013. Councilmember Russo seconded**
432 **the motion, which passed unanimously of council.**
433
434
435
436

437 X. ADJOURNMENT

438

439 The Council adjourned from Executive Session at 7:32 p.m.

440

441 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

442 this 16th day of July, 2012.

443

444

445 ATTEST:

446

447

448

Kristy Ashberry

Kristy Ashberry, City Secretary

Paul Sweet

David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, July 16, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley and City Attorney Pete Eckert. Councilmember Mark Russo arrived at 4:05 p.m.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.


III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting below for actions taken out of Executive Session.

IV. ADJOURNMENT

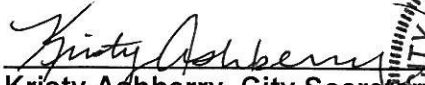
Council came out of Executive Session at 5:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 6th day of August, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Monday, July 16, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

51 I. CALL TO ORDER

52
53 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
54 Mayor Pro Tem David White and Council Members Mark Russo, Mike Townsend, Michelle
55 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley and
56 City Attorney Pete Eckert.

57
58 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

59
60 The city council took the following actions as a result of Executive Session:

61
62 Mayor Pro Tem White made a motion to appoint Michael Johnston to the Architectural
63 Review Board to replace Donna Orr in the position of “commercial property owner” with an
64 initial term to expire in August of 2014. Councilmember Daniels seconded the motion. The
65 motion passed by a vote of 7 ayes to 0 nays.

66
67 Mayor Pro Tem White made a motion to appoint Kristi Mase to the Architectural Review
68 Board to replace Melba Jeffus in the position of “residential property owner” with an initial
69 term to expire in August of 2014. Councilmember Smith seconded the motion. The motion
70 passed by a vote of 7 ayes to 0 nays.

71
72 Mayor Pro Tem White made a motion to appoint Brad Bassett to replace Brandi Patterson
73 on the Park Board with an initial term to expire in August of 2014. Councilmember
74 Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.

75
76 Mayor Pro Tem White made a motion to appoint Todd White to the Board of Adjustments in
77 the position of “Alternate 1” with an initial term to expire in August of 2014. Councilmember
78 Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.

79
80 III. CONSENT AGENDA

- 81
82 1. Consider approval of the minutes from the July 2, 2012 regular City Council
83 meeting, and take any action necessary.
- 84 2. Consider approval of emergency water line and roadway repair on
85 Townsend Blvd. in the amount of \$28,870, to be funded with Water
86 Department water line repair funds, and take any action necessary.
- 87 3. A2012-001 - Consider approval of an **ordinance** for a request of Matthew
88 Geisinger on behalf of Ridgeview Church, located at 1362 East FM 552
89 within the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall, for
90 annexation of the church property into the City of Rockwall, and take any
91 action necessary. **(2nd Reading)**
- 92 4. P2012-017 - Consider a request by Daniel Dewey of JBI Partners for
93 approval of a final plat of Caruth Lakes Phase 8A Addition, being 63 single

94 family lots on 22.654-acres tract zoned (PD-5) Planned Development No. 5
95 district and located south of E. Quail Run Road and west of John King
96 Boulevard, City of Rockwall, Texas, and take any action necessary.

97 5. P2012-018 - Consider a request by Bobby Samuel of Stone Creek 80/100s
98 POD, Ltd/Skorburg Company for approval of a final plat of Stone Creek
99 Phase III, being 50 single-family lots on 28.004-acres zoned (PD-70)
100 Planned Development No. 70 and situated northwest of Featherstone Drive
101 and east of Barlass Drive, City of Rockwall, Texas, and take any action
102 necessary.

103 6. P2012-019 - Consider a request by LaRae Tucker of Harrison French &
104 Associates for approval of a preliminary plat of J. McIntyre Addition, J.M.
105 Allen Survey, Abstract No. 2, City of Rockwall, Texas, being a 1.008 acre
106 tract zoned (PD-10) Planned Development District No. 10 and within the
107 (205 BY-OV) 205 By-Pass Corridor Overlay district and the (SH 276 OV)
108 SH276 Corridor Overlay district, and situated at the northeast corner of John
109 King Boulevard and State Highway 276, and take any action necessary.

110 **Councilmember Lewis pulled item #6 in order to recuse himself from this item. Mayor Pro**
111 **Tem David White made a motion to approve the remaining Consent Agenda items (#1, #2,**
112 **#3, #4, and #5). Councilmember Smith seconded the motion. The ordinance for #3 was read**
113 **as follows:**

114
115 **CITY OF ROCKWALL, TEXAS**
116 **ORDINANCE NO. 12-17**
117

118 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
119 **TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS**
120 **OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN**
121 **TERRITORY CONSISTING OF 7.025 ACRES OF LAND, WHICH SAID**
122 **TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY**
123 **LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN**
124 **EFFECTIVE DATE.**
125

126 **The motion passed by a vote of 7 ayes to 0 nays.**
127

128 **Councilmember Lewis indicated he needs to recuse himself from item #6. Mayor Pro Tem**
129 **White made a motion to approve Consent Agenda item #6. Councilmember Russo**
130 **seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Lewis).**
131

132 **IV. APPOINTMENTS**
133

134 1. Appointment with the Planning and Zoning Chairman to discuss and answer
135 any questions regarding cases on the agenda and related issues and take
136 any action necessary.

137 **Chair of the Planning & Zoning Commission, Phillip Herbst, came forth and briefed the**
138 **council on recommendations of the Commission relative to items on this city council**
139 **agenda. The council took no action related to this appointment item.**

40 2. Appointment with Jeff Hollingsworth, 125 Woodcreek Drive, to hear concerns
41 related to parking of oversized vehicles in residential zones and request an
42 ordinance change related to these regulations, and take any action
43 necessary.

144 Mayor Sweet asked if Mr. Hollingsworth was present. No one in the audience acknowledged
145 or came forth. As such, the council did not discuss this appointment item, and no action
146 was taken.
147

148 **V. PUBLIC HEARING ITEMS**

- 149
150 1. Z2012-009 - Hold a public hearing and consider approval of an **ordinance**
151 for a request by Michael H. Philippus for approval of a Specific Use Permit
152 (SUP) to allow for an accessory building not meeting the exterior materials
153 requirements, on his property known as Lot 10, Block A, Lofland Farms
154 Phase I Addition and located at 2490 Daybreak Drive, City of Rockwall,
155 Texas, being approximately 0.21-acre zoned (PD-45) Planned Development
156 No. 45 district, and take any action necessary. **(1st Reading)**

157 Planning Director Robert LaCroix provided background information related to this item,
158 indicating this request is mostly related to exterior cladding because the proposed material
159 is not made of the same material as the existing home. LaCroix pointed out that while the
160 home backs up to SH-276, the only thing those driving by could visual see is the top of the
161 accessory building structure. Staff and the Planning & Zoning Commission have
162 recommended approval of this item. Notices were sent out to property owners located
163 within two hundred (200') of this property; however, no responses have been received back.
164 LaCroix pointed out that the property owner has sought and received approval of the
165 homeowner's association.
166

167 Mayor Sweet opened the public hearing and called the applicant forth to address the
168 council.
169

170 Mr. Michael Philippus
171 2490 Daybreak Drive
172 Rockwall, Texas
173

174 Mr. Philippus shared actual material samples with the council and requested approval of
175 this SUP. He briefly described the materials of his existing home, recently redone roof and
176 proposed accessory building materials.
177

178 Mayor Sweet asked if anyone else would like to come forth and address the Council during
179 this public hearing. There being no one else to come forth and address the council, Mayor
180 Sweet then closed the public hearing.
181

182 Councilmember Russo made a motion to approve Z2012-009. Mayor Pro Tem White
183 seconded the motion. The ordinance was read as follows:
184

185 CITY OF ROCKWALL
186 ORDINANCE NO. 12-
187 SPECIFIC USE PERMIT NO. S-
188

189 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
190 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY
191 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT
192 A SPECIFIC USE PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT
193 45 (PD-45) ALLOWING FOR AN ACCESSORY BUILDING NOT
194 OTHERWISE ALLOWED BY ARTICLE IV, PERMISSIBLE USES, OF THE

195 UNIFIED DEVELOPMENT CODE, ON THE PROPERTY LOCATED AT 2490
196 DAYBREAK DRIVE, BEING A 0.217 ACRE TRACT OF LAND DESCRIBED
197 AS LOT 10, BLOCK A OF LOFLAND FARMS, PHASE 1 ADDITION;
198 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
199 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
200 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
201 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
202 EFFECTIVE DATE.
203

204 The motion passed by a vote of 7 ayes to 0 nays.
205

- 206 2. Z2012-010 - Hold a public hearing and consider approval of an ordinance
207 for a request by Karri Shojaei-Scott of Marigold Learning Academy for
208 approval of a Specific Use Permit (SUP) to allow for a "Day care" within (PD-
209 50) Planned Development No. 50 district, specifically within the existing
210 building located on Lot 1, Block 1, Black's Collectibles Addition, being 0.37-
211 acre located at 502 North Goliad, City of Rockwall, Texas, and take any
212 action necessary. (1st Reading)

213 Planning Director Robert LaCroix provided background information related to this item,
214 indicating that this location used be associated with an SUP allowing "antiques / collectible
215 sales" with some outside storage being present. However, that business is now vacant, so
216 the applicant is requesting an SUP to change the use. "RO" (residential office) is what this
217 zoning is designated as, and using the property for a daycare type of use requires a
218 Specific Use Permit. LaCroix indicated the applicant would like to lease this space to open
219 a specialized learning center for autistic children. The owner plans to have five employees
220 and will be licensed by the state to have up to twenty-nine students; however, the owners
221 believe this student capacity will never be reached on any given weekday. A percentage of
222 the kids that come are homeschooled so will not come to the learning center all five days of
223 the week. Pickup and drop off of children and how this will be handled has been a concern
224 and topic of discussion by the Planning & Zoning Commission. LaCroix indicating that the
225 whole area behind the house is paved, some additional parking spaces can be added and
226 restriping of parking spaces may be needed. A wrought iron fence will be added and a play
227 area for the children will be created on the North side of the house. Drop off in the morning
228 will take place for about forty-five minutes beginning around 7:00-7:30 a.m. The restaurant
229 next door is not open at that time, so morning drop off should not pose any conflicts. A
230 couple of parking spaces will be available for parents who would like to go into the facility
231 to drop their children off in person, but the owners anticipate coming out to greet kids being
232 dropped off and take them inside. LaCroix described the circulation pattern, indicating that
233 parents will enter in from Goliad to drop kids off and then leave through the Bin 303 exit
234 drive onto Olive Street. Evening pick up of children will start about 3:30 and should be
235 finished before the restaurant opens at 5:00 p.m. Staff looked into this proposed circulation
236 pattern in depth and believes this is a compatible use because neither of these property
237 uses (neither the restaurant nor the learning center) will interfere with each other as far as
238 hours of operation and times of anticipated activities. Also, the property will meet the
239 stacking requirements regarding parking.
240

241 The property to the South belonging to the Klutz property is for sale. If it sales,
242 maneuverability will be enhanced and they would be required to provide additional parking.
243

244 Notices were sent to adjacent property owners, and one was received back in support with
245 none having been received back opposed.

246
247 Mayor Sweet opened the public hearing and called the applicant forth.

248
249 Karri Shojaei-Scott
250 410 Hickory Lane
251 Rockwall, Texas

252
253 Tracy Wilson
254 410 Hickory Lane
255 Rockwall, Texas

256
257 Ms. Shojaei-Scott indicated that the state has licensed them for up to twenty-nine students,
258 and that number will definitely be their maximum since that is what the state has designated
259 and the home will not accommodate any more. She stated that she will have five employees
260 with a seven to one student / teacher ratio. Hours of operation were selected to aid with any
261 potential traffic concerns.

262
263 Mayor Sweet asked if anyone else in the audience would like to address the council. There
264 being no one else to come forth, Mayor Sweet then closed the public hearing.

265
266 Councilmember Russo made a motion to approve Z2012-010. Mayor Pro Tem White
267 seconded the motion. The ordinance was read as follows:

268
269 CITY OF ROCKWALL
270 ORDINANCE NO. 12-
271 SPECIFIC USE PERMIT NO. S-

272
273 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
274 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY
275 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT
276 A SPECIFIC USE PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT
277 50 (PD-50) ALLOWING FOR A DAYCARE FACILITY, THE SUBJECT
278 PROPERTY IS LOCATED AT 502 N. GOLIAD STREET, BEING A 0.37
279 ACRE TRACT OF LAND DESCRIBED AS LOT 1, BLOCK 1 OF BLACK'S
280 COLLECTABLES ADDITION; PROVIDING FOR SPECIAL CONDITIONS;
281 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
282 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
283 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
284 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

285
286 The motion passed by a vote of 7 ayes to 0 nays.

287
288 3. Z2012-011 - Hold a public hearing and consider approval of an ordinance
289 for a request by Edward J. Rubush Jr. on behalf of First United Methodist
290 Church – Rockwall for approval of a Specific Use Permit (SUP) to allow for
291 “Urban Agriculture – Community Garden,” being approximately one-half acre
292 of land zoned (C) Commercial, and located on Lot 5, Block 1, First United
293 Methodist Church Addition, specifically at 1200 E. Yellow Jacket Lane, City
294 of Rockwall, Texas, and take any action necessary. (1st Reading)

295 Planning Director Robert LaCroix provided background information related to this item,
296 indicating this is officially the city's first 'community garden' application since the use
297 began being allowed last October. He indicated that a community garden does require a

298 Specific Use Permit. He shared that the Methodist Church plans to locate this half acre
299 community garden behind their property and will add a fence. Chemicals for the garden will
300 be kept at the church location. LaCroix indicated that staff and the Planning & Zoning
301 Commission are comfortable with this application and have recommended approval,
302 including adherence to requirements in the Code.

303
304 Edward J. Rubush
305 1613 North Hills Drive
306 Rockwall, Texas
307

308 Mr. Rubush indicated that this garden will be viewed as a church mission with at least half
309 of the produce anticipated to be donated to Helping Hands. After church services, the
310 remaining produce will be made available to the church congregation on a donation only
311 basis, funds which will be put back into the garden. He indicated that members of the
312 congregation have signed up and indicated they have talents to help start and maintain this
313 community garden moving forward. He respectfully asked for approval of this item.

314
315 Mayor Sweet asked if anyone else in the audience would like to address the Council
316 regarding this item. There being no one else to come forth and speak, Mayor Sweet then
317 closed the public hearing.

318
319 Councilmember Smith made a motion to approve this item. Councilmember Lewis seconded
320 the motion.

321
322 Councilmember Daniels asked if there is a permit fee associated with this community
323 garden, and LaCroix indicated that there is no permit fee; however, there was a one-time
324 application fee that was around \$204.00. Councilmember Daniels asked Councilmembers
325 Smith and Lewis to consider amending their motion to allow for refunding of this
326 application fee in light of the purpose and intended beneficiary associated with this
327 community garden. Councilmember Smith amended her motion to include a request that
328 staff refund the applicant fee. Councilmember Lewis seconded this amended motion. The
329 ordinance was read as follows:

330
331 CITY OF ROCKWALL
332 ORDINANCE NO. 12-
333 SPECIFIC USE PERMIT NO. S-
334

335 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
336 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
337 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
338 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
339 ALLOW FOR AN "URBAN AGRICULTURE – COMMUNITY GARDEN"
340 WITHIN A (C) COMMERCIAL DISTRICT, BEING APPROXIMATELY
341 ONE-HALF ACRE OF LAND KNOWN AS LOT 5, BLOCK 1, FIRST
342 UNITED METHODIST CHURCH ADDITION, LOCATED AT 1200 E.
343 YELLOWJACKET LANE, AND MORE SPECIFICALLY SHOWN IN
344 EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
345 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
346 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
347 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
348 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
349

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

351
352 VI. ACTION ITEMS

- 353
354 1. Discuss and consider approval of a request by Greg Wallis of Mershawn
355 Architects, representing Taco Casa, for a variance to the district
356 development standards of the SH 205 Overlay (SH 205 OV) District
357 concerning alternative landscaping and signage and take any action
358 necessary. *(3/4 majority vote required)*

359 **Planning Director Robert LaCroix provided background information related to this item,**
360 **indicating that this request is associated with altering the existing pole sign by converting it**
361 **to a monument sign and adding a small, 3x7 electronic reader board. He generally indicated**
362 **that the existing trees inhibit view of where this sign is and will be located. While removal**
363 **of trees is not typically ideal, in this particular situation, it would be the best, most**
364 **aesthetically pleasing option. The trees would be replaced by implementation of an**
365 **attractive, zero scape, drought resistant landscape plan. Use of the electronic reader board**
366 **would be in lieu of window banner signs advertising, for example, the owner's "Taco**
367 **Tuesday" and other specials. Mr. LaCroix pointed out that in order for this item to be**
368 **approved, it will take a ¾ majority vote of the council.**

369
370 **Wayne Mershawn**
371 **Mershawn Architects**
372 **517 Shoretrail**
373 **Rockwall, Texas**

374
375 **Mr. Mershawn came forth and generally asked the council to approve this item as**
376 **requested, pointing out that the owner contributes a lot to the community.**

377
378 **Councilmember Russo made a motion to approve the variance as requested. Mayor Pro**
379 **Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

- 380
381 2. Discuss and consider approval of a request from Mr. Tommy Bell with
382 Barnett Signs representing Aldi Grocery Store for a height variance for a wall
383 sign located at 3085 Ridge Rd, and take any action necessary.

384 **Jeffrey Widmer, Building Official, provided brief background information related to this item,**
385 **indicating the applicant would like to increase the sign height from 6' to 9'5.5" because they**
386 **believe the distance from the roadway warrants a taller sign.**

387
388 **Tommy Bell**
389 **4250 Action Drive**

390
391 **Mr. Bell came forth and provided brief comments to the council related to the reasons why**
392 **this height variance his being requested, including "brand recognition." He pointed out that**
393 **the Aldi lettering on the sign is small, just under 2' tall, and they are asking for a larger sign**
394 **in order to have better visibility from the street.**

395 **Mayor Sweet asked for clarification regarding how the height of this proposed sign**
396 **compares with Kroger's sign, the variance for which was granted in 2009. Widmer indicated**
397 **that Kroger's sign is actually 15'.**

398 Councilmember Lewis indicated he has concerns about this height variance because it is
399 located close to a residential neighborhood. He is concerned that the residential “feel” will
400 be inhibited by a larger sign. Bell commented that he understands Lewis’ concerns;
401 however, he asked Councilmember Lewis to consider the sign design as well, since the
402 letters on the 9’ sign would still be rather small. Brief discussion took place related to how
403 this particular sign size would compare to other Aldi signs elsewhere in the Metroplex.

404 Mayor Pro Tem White made a motion to approve the height variance as requested.
405 Councilmember Daniels seconded the motion. The motion passed by a vote of 6 ayes with
406 1 against (Lewis).

407

408 3. Discuss and consider approval of contract with Collin County Humane
409 Society regarding privatization of Animal Adoption Center operations and
410 take any action necessary.

411 City Manager Rick Crowley provided background information related to this item outlining
412 the historical timeline of how approval of this contract has come to be before the council for
413 consideration this evening. The Council directed staff to solicit Requests for Proposals
414 (RFPs) regarding privatization of the Animal Adoption Center. A six member council
415 appointed committee was formed to evaluate the three responses received related to the
416 city’s RFPs. On June 18, the city council accepted the recommendation of the committee,
417 instructing staff to pursue contract negotiations with the Collin County Humane Society
418 (CCHS). Staff has done so and the contract proposal is being presented to the Council
419 tonight for consideration this evening. Crowley generally indicated that staff is seeking a
420 few points of clarification from the city council this evening regarding (1) approval of the
421 presented contract and (2) approval of four policies outlined in the contract, ones which are
422 not due to be submitted to the City for approval until a later date.

423 Councilmember Smith made a motion to authorize the City Manager to execute the contract
424 with the Collin County Humane Society. Councilmember Daniels seconded the motion,
425 which passed by a vote of 7 ayes to 0 nays.

426 Mr. Crowley indicated that staff needs some direction from the council with regards to four
427 policies - specifically direction regarding if the city council would like to approve those
428 policies, or if council prefers staff do so at the time they are submitted for review and
429 approval. These policies include a euthanasia policy, foster care program guidelines,
430 emergency response plan and Animal Adoption Center evacuation plan.

431 Councilmember Smith made a motion to require these policies to be brought before the City
432 Council for approval once they are submitted to the city by the CCHS. Councilmember
433 Russo seconded the motion.

434 Mayor Pro Tem White indicated he prefers that the City Manager look at the policies and
435 approve them instead of the policies coming before the Council for approval.
436 Councilmember Lewis and Mayor Sweet concurred with Mr. White, indicating they would
437 like the city manager to review and approve them as well (instead of the council).

438 Councilmember Smith amended her motion to instruct staff to have the City Manager review
439 and approve these four policies once submitted to the city by the Collin County Humane
440 Society. Councilmember Russo seconded Smith’s amended motion. The motion passed by
441 a vote of 7 ayes to 0 nays.

442 Mr. Crowley indicated that city staff will work with the Collin County Humane Society
443 representatives on July 30 and 31 to ensure a smooth transition to the CCHS taking over
444 shelter operations on August 1. Molly Peterson with the Collin County Humane Society

445 came forth and generally thanked the council for the confidence they are placing in her and
446 her organization through this privatization contract.

447 4. Discuss and consider selection of additional road projects for
448 recommendation to the Rockwall County Planning Consortium, and take any
449 action necessary.

450 City Manager Rick Crowley provided background information related to this item, generally
451 indicating that the city council is being asked at this time to choose which projects they
452 would like submitted to the Rockwall County Planning Consortium for consideration of
453 possible funding.

454
455 Councilmember Lewis indicating he would add to staff's proposed list the widening of SH-
456 205 from downtown north on Goliad.

457
458 Councilmember Russo asked that IH-30 ramps be added to the list of projects submitted to
459 the Consortium for possible funding consideration. General discussion took place related
460 to these ramps and a possible plan of action for moving forward with these ramps either on
461 the city's own or with the county's input.

462
463 Councilmember Smith indicated she concurs with Councilmember Lewis and would also
464 like the widening of SH-205 north to be added to the list.

465
466 The council took no formal action related to this item.

467
468 5. Discuss and consider Finance Subcommittee recommendations regarding
469 the budget work session, and take any action necessary.

470 City Manager Rick Crowley provided brief background information related to this item,
471 referring to Finance Director, Mary Smith, for further details regarding the council
472 subcommittee's recommendations.

473 Mary Smith outlined the high points of the subcommittee's recommendations, including
474 having STAR Transit and the Rockwall County Committee on Aging make their budget
475 request presentations at the budget work session itself instead of later on into the budget
476 year. She also indicated that the subcommittee discussed a suggestion that the budget
477 work session be held in the council chambers in lieu of the municipal courtroom as has
478 traditionally been done. The subcommittee agreed that keeping it at Municipal Court is
479 preferred. She indicated that staff will be increasing the level of detail provided in the
480 budget notebooks related to a number of line items. Council will receive their budget books
481 a full week prior to the August 3 budget work session.

482
483 Councilmember Daniels made a motion to accept the subcommittee's recommendations
484 related to the budget process. Councilmember Russo seconded the motion, which passed
485 by a vote of 7 ayes to 0 nays.

486 Councilmember Daniels then made a motion to appoint Mayor Pro Tem White to serve on
487 the Finance / Audit subcommittee in lieu of himself. Mayor Sweet seconded the motion,
488 which passed by a vote of 6 ayes with 1 nay (White).

89 Mayor Sweet adjourned the meeting at 7:09 p.m.

90

491 VII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
492 GOVERNMENT CODE TO DISCUSS:

- 493
494 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
495 2. Personnel Issues, including Board, Commission, and Committee Appointments,
496 and Related Matters.
497 3. Commercial or financial information regarding business prospects that the City
498 seeks to have locate, stay, or expand in or near the territory of the City of
499 Rockwall and with which the Board is conducting economic development
500 negotiations.
501 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
502 attorney with regard to a matter that it is the duty of the attorney to consult with
503 the Council pursuant to the Attorney Client Privilege under the Texas
504 Disciplinary Rules of Professional Conduct of the State Bar of Texas.

505 VIII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

506
507 The council did not convene back into Executive Session following the public meeting. See
508 start of public meeting above for actions taken as a result of pre-meeting Executive
509 Session.

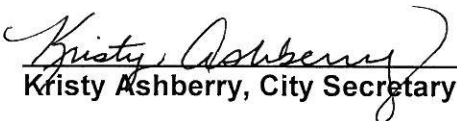
510
511 IX. ADJOURNMENT

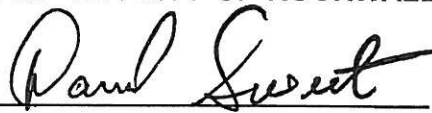
512
513 Council came out of pre-meeting Executive Session at 5:42 p.m.

514
515 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
516 this 6th day of August, 2012.

517

518 ATTEST:

519 
520 _____
521 Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Friday, August 03, 2012
8:00 a.m. Budget Work Session
City Courts Building, 205 W. Rusk Rockwall, Texas 75087

1. CALL TO ORDER

Mayor Sweet called the meeting to order at 8:00 a.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mike Townsend, Mark Russo, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers (ACMs) Mary Smith and Brad Griggs, and staff.

2. HOLD BUDGET WORK SESSION AND TAKE ANY ACTION NECESSARY.

City Manager Rick Crowley began the discussion, indicating that the city council recently expressed an interest in having STAR Transit and the Rockwall County Committee on Aging make their budget-related financing requests during the budget work session as opposed to at a council meeting later on in the budget year. Omega Hawkins of STAR Transit came forth and provided a brief presentation to the council, expressing her organization's \$20,000 funding request. Margie VerHagen of the Rockwall County Committee on Aging came forth next. She provided a brief update to the council and explained that her organization is requesting \$25,000 in funding in FY2013.

City Manager Rick Crowley then asked staff to step out of the room, and Mayor Sweet recessed the public meeting into Executive session at 8:23 a.m. The Council came out of Executive Session at 8:48 a.m., and the public portion of the meeting was called back to order.

General discussion then took place relative to the proposed general fund budget, debt service budget and budgets for each city department and/or function. Finance Director/ACM, Mary Smith, spoke briefly about options pertaining to the proposed tax rate for the coming budget year. It was informally decided that the tax rate would be very slightly lowered, so no public hearings related to the tax rate would need to be held before approval of the budget; however, a budget hearing will still need to be called. She explained that the council will be given the opportunity to action to do so at the upcoming council meeting on Monday.

No formal action was taken by the city council relative to budget work session discussions.

3. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.

49 3. Commercial or financial information regarding business prospects that the
50 City seeks to have locate, stay, or expand in or near the territory of the
51 City of Rockwall and with which the Board is conducting economic
52 development negotiations.

53 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
54 with attorney with regard to a matter that it is the duty of the attorney to
55 consult with the Council pursuant to the Attorney Client Privilege under
56 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
57 Texas.

58 4. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

59
60 The Council took no action as a result of Executive Session.


61
62 5. ADJOURNMENT

63
64 The work session was adjourned at 2:10 p.m.

65

66 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
67 this 20th day of August, 2012.

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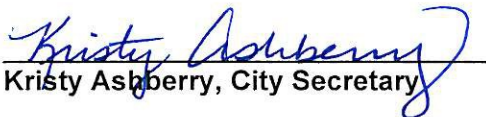
David Sweet, Mayor

69 ATTEST:

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 06, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mike Townsend, Mark Russo, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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16

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

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1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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See start of public meeting below for action taken as a result of Executive Session.

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IV. ADJOURNMENT

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Council came out of Executive Session at 5:15 p.m.

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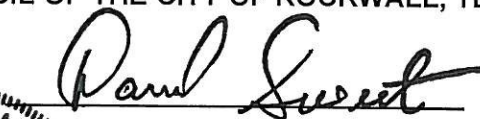
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of August, 2012.

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ATTEST:


Kristy Ashberry, City Secretary




David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL

Monday, August 06, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

51 I. CALL TO ORDER

52
53 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
54 Mayor Pro Tem David White and Council Members Mike Townsend, Mark Russo, Michelle
55 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley
56 and City Attorney Pete Eckert.

57
58 Mayor Sweet recognized local Boy Scouts from Troop 989 and Troop 408 who were
59 attending the council meeting to work towards obtaining a community service related
60 merit badge.

61
62 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM WHITE

63
64 Mayor Pro Tem White delivered the invocation and led the Pledge of Allegiance.

65
66 Regarding action taken as a result of Executive Session, Mayor Pro Tem White made a
67 motion to authorize the city manager to execute a contract amendment with Rockwall
68 Aviation, Incorporated. Councilmember Smith seconded the motion, which passed
69 unanimously of council (7 ayes to 0 nays).

70
71 III. PROCLAMATIONS / AWARDS

72
73 1. Kimberly Stark, Sendai International Half Marathon Ambassador Day

74
75 Kimberly Stark, Rockwall resident, came forth and offered brief comments related to this
76 half marathon event in Sendai, Japan, explaining that she was chosen as the female
77 athlete to compete in this event and represent the City of Dallas earlier this summer in
78 May.

79
80 Mayor Sweet then read and presented a proclamation to Mrs. Stark.

81
82 IV. OPEN FORUM

83
84 Mayor Sweet explained how Open Forum is conducted. There being no one to come
85 forth and speak during Open Forum, Mayor Sweet then closed this portion of the meeting
86 and called upon Councilmember Russo to share some comments he would like to offer.

87
88 Councilmember Russo indicated he has enjoyed serving as a council member for the last
89 four years. He thanked staff for the opportunity to work with them and offered some
90 complimentary remarks to that end. He stated he was recently elected to serve as
91 Justice of the Peace for Rockwall County Precinct 3, so he will resign his position on the
92 Rockwall City Council effective Tuesday, September 18, 2012 to allow time for a suitable
93 replacement to be named.

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V. CONSENT AGENDA

1. Consider approval of the minutes from the July 16, 2012 regular city council meeting and take any action necessary.
2. Consider award of the construction contract for the Corporate Crossing Improvement Project in the amount of \$3,773,380.40, funded from 2005 Bond Funds, and take any action necessary.
3. Consider approval of a resolution supporting the proposed TXDOT FM-3097 (Horizon Road), FM-740 (Ridge Road) to Tubbs Road, roadway improvement project and take any necessary action.
4. P2012-024 - Discuss and consider a request by Chris Cuny with FC Cuny Corporation for approval of a replat of Lot 1, Block C, Rockwall Technology Park, being approximately 2.109 acres of land and described as Nolan Power Building, Lot 1, Block C, Rockwall Technology Park, City of Rockwall, Texas, zoned (LI) Light Industrial district and generally located at the northwest corner of Observation Trail and Technology Way, and take any action necessary.
5. Consider authorizing the City Manager to execute a contract with Videotex System, Inc. in the amount of \$75,993.42 for installation of a new AV system at Rockwall City Hall; to be funded by the Technology Replacement Fund, and take any action necessary.
6. Z2012-009 - Consider approval of an **ordinance** for a request by Michael H. Philippus for approval of a Specific Use Permit (SUP) to allow for an accessory building not meeting the exterior materials requirements, on his property known as Lot 10, Block A, Lofland Farms Phase I Addition and located at 2490 Daybreak Drive, City of Rockwall, Texas, being approximately 0.21-acre zoned (PD-45) Planned Development No. 45 district, and take any action necessary. **(2nd Reading)**
7. Z2012-010 - Consider approval of an **ordinance** for a request by Karri Shojaei-Scott of Marigold Learning Academy for approval of a Specific Use Permit (SUP) to allow for a "Day care" within (PD-50) Planned Development No. 50 district, specifically within the existing building located on Lot 1, Block 1, Black's Collectibles Addition, being 0.37-acre located at 502 North Goliad, City of Rockwall, Texas, and take any action necessary. **(2nd Reading)**
8. Z2012-011 - Consider approval of an **ordinance** for a request by Edward J. Rubush Jr. on behalf of First United Methodist Church – Rockwall for approval of a Specific Use Permit (SUP) to allow for "Urban Agriculture – Community Garden," being approximately one-half acre of land zoned (C) Commercial, and located on Lot 5, Block 1, First United Methodist Church Addition, specifically at 1200 E. Yellow Jacket Lane, City of Rockwall, Texas, and take any action necessary. **(2nd Reading)**

Mayor Pro Tem White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, and 8). Councilmember Smith seconded the motion. The ordinances were read by the city secretary as follows:

CITY OF ROCKWALL
ORDINANCE NO. 12-18
SPECIFIC USE PERMIT NO. S-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT 45 (PD-45) ALLOWING FOR AN ACCESSORY BUILDING NOT OTHERWISE ALLOWED BY ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, ON THE PROPERTY LOCATED AT 2490 DAYBREAK DRIVE, BEING A 0.217 ACRE TRACT OF LAND DESCRIBED AS LOT 10, BLOCK A OF LOFLAND FARMS, PHASE 1 ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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.

CITY OF ROCKWALL
ORDINANCE NO. 12-19
SPECIFIC USE PERMIT NO. S-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ALLOWING FOR A DAYCARE FACILITY, THE SUBJECT PROPERTY IS LOCATED AT 502 N. GOLIAD STREET, BEING A 0.37 ACRE TRACT OF LAND DESCRIBED AS LOT 1, BLOCK 1 OF BLACK'S COLLECTABLES ADDITION; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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.

CITY OF ROCKWALL
ORDINANCE NO. 12-20
SPECIFIC USE PERMIT NO. S-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN "URBAN AGRICULTURE - COMMUNITY GARDEN" WITHIN A (C) COMMERCIAL DISTRICT, BEING APPROXIMATELY ONE-HALF ACRE OF LAND KNOWN AS LOT 5, BLOCK 1, FIRST UNITED METHODIST CHURCH ADDITION, LOCATED AT 1200 E. YELLOWJACKET LANE, AND MORE SPECIFICALLY SHOWN IN 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.

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

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VI. APPOINTMENTS

1. Appointment with Dana Macalik of the Rockwall Area Chamber of Commerce to hear request regarding waiver of certain fees associated with use of The Harbor amphitheater for a special event to be held Saturday, September 29 and take any action necessary.

205 **Dana Macalik**
206 **Rockwall Area Chamber of Commerce**
207 **697 E. IH-30**
208 **Rockwall, TX 75087**
209

210 **Mrs. Macalik came forward to briefly explain the details of her request. She explained**
211 **that the event is aimed to showcase our city, Chamber partners, The Harbor and our**
212 **retailers. She indicated the event will be supported through print, radio and internet**
213 **advertising and that some attendees will stay the night in local hotels.**
214

215 **Mayor Pro Tem White made a motion to approve waiver of fees at The Harbor as**
216 **requested. Councilmember Daniels seconded the motion, which passed unanimously of**
217 **council.**

2. Appointment with Chris Petty of Suntex Marinas to hear requests associated with waiver of certain fire code regulations and to seek approval to cover the second half of "G" dock at Chandlers Marina, and take any action necessary.

222 **Chris Petty**
223 **Suntex Marinas**
224 **3477 Chesapeake Drive**
225 **Frisco, Texas**
226

227 **Mr. Petty, President of Suntex Marinas, came forth to brief the council on details of his**
228 **waiver requests and his request to proceed with covering the second half of "G" dock,**
229 **which includes thirty existing boat slips. He indicated that in lieu of installing a fire**
230 **sprinkler suppression system, he is proposing to purchase and house a fire boat for use**
231 **by Rockwall Fire Department in and around Chandlers Landing, The Harbor and other**
232 **lakefront areas.**
233

234 **Fire Chief Mark Poindexter then provided brief comments related to Suntex's requests.**
235 **He indicated that Suntex will purchase the boat and pay for all of the upkeep and**
236 **maintenance on the boat as well as storing the boat at Suntex's expense. He indicated**
237 **that the fire boat will be available for mutual aid across the lake if and when Dallas' is not**
238 **available and aid is requested.**
239

240 **Councilmember Smith made a motion to grant the waivers as requested and to grant**
241 **permission to proceed with covering the second half of "G" dock. Councilmember Lewis**
242 **seconded the motion.**
243

244 **Councilmember Russo asked for clarification regarding if Mr. Petty has spoken with**
245 **adjacent residents, including those in Chandlers Landing and Spyglass, to ensure they**
246 **are comfortable with him covering "G" dock. Mr. Petty indicated that Cutter Hill, Phase I**

247 Condominium Association Board has issued a letter of approval regarding covering "G"
248 dock and that he has spoken with them in two separate meetings. He does not believe
249 this is an issue any longer with nearby residents.
250

251 Chief Poindexter asked the council to consider including as part of the motion Suntex
252 entering into the facility agreement that has been included in the council's packets.
253

254 Councilmember Smith amended her motion to add the requirement that Suntex enter into
255 a facility agreement with the City of Rockwall (referenced in the packet as "Agreement for
256 Fire Protection Emergency Services"). Councilmember Lewis seconded this amended
257 motion.
258

259 The motion passed by a vote of 7 ayes to 0 nays.
260

261 **VII. ACTION ITEMS**
262

- 263 1. Discuss and consider a sign variance request from Debbie Stellar of
264 Starlight Sign, representing First Baptist Church located at 610 S. Goliad,
265 to allow height, size and setback variances for a new monument sign and
266 take any action necessary.

267 Councilmember Daniels recused himself from discussion and action regarding this
268 agenda item since he serves as a deacon at First Baptist Church. An affidavit of recusal
269 was filed with the city secretary.

270
271 **Debbi Stellar**
272 **Starlight Sign**
273 **7923 E. McKinney**
274 **Denton, TX 76208**
275

276 **Ms. Stellar came forth and stated she represents Starlight Signs and will be happy to**
277 **answer any questions after the church representative makes his presentation.**
278

279 **Don French**
280 **First Baptist Church**
281 **3079 N. Goliad St.**
282 **Rockwall, TX 75087**
283

284 **Mr. French indicated that the church has been considering how best to change out the**
285 **existing monument sign at the corner of Boydston and SH-205 because it has been in**
286 **disrepair for quite some time.**
287

288 **Mayor Pro Tem White made a motion to approve the sign variance as requested.**
289 **Councilmember Russo seconded the motion, which passed by a vote of 6 ayes with 1**
290 **abstention (Daniels).**

- 291 2. Discuss and consider authorizing the City Manager to execute a
292 contract/agreement with La Terra Studio, Landscape Architects, for
293 design/construction related services associated with the implementation
294 of the Downtown Rockwall Renovations project, and take any action
295 necessary.

296 City Manager Rick Crowley began discussion of this item, offering information related to
297 both this agenda item and the one that follows. He indicated that voters recently
298 approved renovations to the downtown area. Staff and a subcommittee of the city
299 council recently accepted and reviewed various proposals from design firms and
300 construction management firms. La Terra Studio was selected as the recommended
301 design firm, and Hill & Wilkinson was recommended to be the construction manager at
302 risk firm. The city previously utilized each of these firms to create preliminary design
303 concept plans that were used for informational purposes leading up to the bond election.
304 The cost associated with those preliminary contracts and work performed will be
305 credited back to the city moving forward in association with these two contracts. Staff
306 recommends approval of contracts associated with both Action Item #2 and Action Item
307 #3.

308 Councilmember White made a motion to authorize the city manager to execute a contract
309 with La Terra Studio, Landscape Architects, for design construction related services
310 associated with the implementation of the Downtown Rockwall Renovations project.
311 Councilmember Russo seconded the motion. The motion passed by a vote of 7 ayes to 0
312 nays.

313 3. Discuss and consider authorizing the City Manager to execute a
314 contract/agreement with Hill & Wilkinson Construction Group, Ltd., for
315 construction management related services associated with the
316 implementation of the Downtown Rockwall Renovations project, and take
317 any action necessary.

318 Mayor Pro Tem White made a motion to authorize the city manager to execute a contract
319 with Hill & Wilkinson Construction Group, Ltd. for construction management related
320 services associated with the implementation of the Downtown Rockwall Renovations
321 project. Councilmember Daniels seconded the motion, which passed unanimously (7
322 ayes to 0 nays).

323 4. Discuss and consider an ordinance authorizing the issuance and sale of
324 City of Rockwall, Texas Limited Tax Note, Series 2012; levying an annual
325 ad valorem tax and providing for the payment of said note; enacting other
326 provisions relating to the subject. No action will be taken. (1st reading)

327 Assistant City Manager / Finance Director Mary Smith explained that this item is related
328 to short term debt issuance that was approved in the fiscal year 2012 budget for
329 equipment purchases. She indicated all equipment has been purchased, and there is
330 now a need to issue short-term debt to repay the city for these purchases. She stated
331 that in order to express support of this item tonight, the council need only request that
332 the caption be read into the record. A second reading of the ordinance caption will take
333 place at the next council meeting in accordance with our city charter.

334 The Mayor called upon City Secretary, Kristy Ashberry, to read the ordinance caption,
335 which was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS LIMITED TAX NOTE, SERIES 2012; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE PAYMENT OF SAID NOTE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

336

337 **The Council took no action related to this item.**

338 5. Discuss and consider adoption and approval of a resolution of the
339 Rockwall Economic Development Corporation authorizing the issuance of
340 the Corporation's sales tax revenue refunding bonds; confirming a sales
341 tax collection resolution; enacting other provisions relating to the subject;
342 and take any action necessary.

343 **Assistant City Manager / Finance Director Mary Smith provided background information**
344 **related to this item, indicating that refinancing this debt will result in an extensive**
345 **savings. The resolution and associated debt refinancing is related to bonds that were**
346 **initially issued in 1999 to build the Rockwall Technology Park.**

347 **Councilmember Smith made a motion to approve the resolution authorizing the issuance**
348 **of the Corporation's sales tax revenue refunding bonds. Mayor Sweet seconded the**
349 **motion, which passed by a vote of 7 ayes to 0 nays.**

350 6. Discuss and consider calling public hearings to receive input regarding
351 the adoption of the tax rate and annual budget for Fiscal year 2013, and
352 take any action necessary.

353 **Assistant City Manager / Finance Director Mary Smith provided brief background**
354 **information related to this item, indicating that only one public hearing, related to the**
355 **budget, will be needed. It will not be necessary to hold any public hearings related to the**
356 **tax rate because the council has decided the tax rate will not be raised. She explained**
357 **that the proposed tax rate is 50.25 cents, which is .0006 less than the current tax rate.**
358

359 **After brief clarification from City Manager Rick Crowley, Mayor Pro Tem White made a**
360 **motion to move forward with calling a Public Hearing for the budget to be held**
361 **September 4, 2012. Councilmember Russo seconded the motion, which passed by a**
362 **vote of 7 ayes to 0 nays.**
363

364 **VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
365 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
366

- 367 1. Departmental Reports
368 Finance Department Monthly Report - June 2012
369 Recreation Monthly Report - June 2012
370 Harbor PD Report - June 2012
371 Police Department Monthly Report - June 2012 - and Quarterly Report
372 Building Inspections Monthly Report - June 2012
373 Quarterly Report for Rockwall County Committee on Aging
374 Internal Operations Department Monthly Report - June 2012
375 Fire Department Monthly Report - June 2012

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2. City Manager's Report

City Manager Rick Crowley indicated that all departmental reports have been included in council member packets. He shared that the recently approved renovations at Leon Tuttle Park are now underway. The transition to privatize the Animal Adoption Center and transfer operations of the Center to the Collin County Humane Society has occurred and was effective August 1st. The City will be sending out letters this week to property owners located along SH-66 to communicate to them measurements provided by the consultant related to how far the front of their house will ultimately be located from the back of curb when SH-66 construction gets funded and underway. This project will be submitted to the Rockwall County Planning Consortium in order to keep it on the horizon for future funding. He encouraged the public to take appropriate precautionary measures to protect themselves from contracting the mosquito borne "West Nile Virus," indicating that the city has issued some preliminary public information and will issue additional statements, as necessary, moving forward. The Mayor and Mr. Crowley are working towards finalizing additional roadway projects for submission to the Rockwall County Planning Consortium at its August meeting. He further indicated that the Fatted Calf restaurant on the downtown square should be opening very soon since the city recently issued their Certificate of Occupancy (CO). Mr. Crowley indicated that two existing departmental directors, Brad Griggs and Mary Smith, were recently chosen to serve as the city's new Assistant City Managers. He stated that both of them will retain oversight of the departments they have already been overseeing but will also serve as Assistant City Managers and taken on additional responsibilities. Mayor Sweet offered brief, congratulatory remarks regarding these two new staff appointments.

IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council did not reconvene into Executive Session following the public meeting. See start of public meeting above for action taken as a result of pre-public meeting Executive Session.

XI. ADJOURNMENT

Mayor Sweet adjourned the public meeting at 6:41 p.m.

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425 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

426 this 20th day of August, 2012.

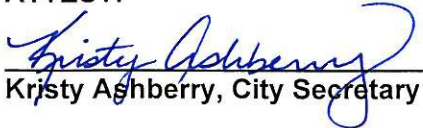
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428 ATTEST:

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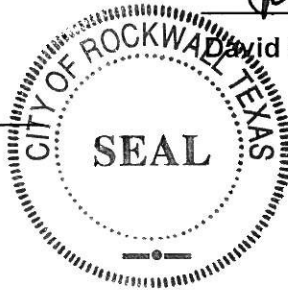
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Kristy Ashberry, City Secretary



David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 20, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mark Russo, Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property and Re: E-Z Flo property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

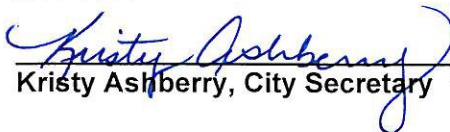
See start of public meeting below for action taken as a result of Executive Session.

IV. ADJOURNMENT

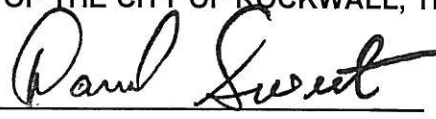
Council came out of executive session at 4:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 4th day of September, 2012.

ATTEST:


Kristy Ashberry, City Secretary




David Sweet, Mayor

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AGENDA
ROCKWALL CITY COUNCIL

Monday, August 20, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

Mayor David Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mark Russo, Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert.

Mayor Pro Tem David White made a motion to establish a procedure for replacing Councilmember Mark Russo. His motion indicated that this will include interested parties applying using the city's boards and commissions online application which is available on the city's website (www.rockwall.com/boards). Applications are due by Friday, August 31, 2012 at 5:00 p.m. and interviews will begin September 10 at 4:00 p.m. and will potentially continue on September 11 at 4:00 p.m. Mayor Sweet seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Russo).

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II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR DAVID SWEET

Mayor David Sweet delivered the invocation and led the Pledge of Allegiance.

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III. CONSENT AGENDA

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1. Consider approval of the minutes from the August 3, 2012 budget work session and take any action necessary.
 2. Consider approval of the minutes from the August 6, 2012 regular city council meeting and take any action necessary.
 3. Discuss and consider an **ordinance** authorizing the issuance and sale of City of Rockwall, Texas Limited Tax Note, Series 2012; levying an annual ad valorem tax and providing for the payment of said note; enacting other provisions relating to the subject. No action will be taken. (2nd reading)
 4. Consider authorizing the city manager to execute an interlocal agreement with Rockwall County to allow the District Attorney to have remote access to certain law enforcement records on a 'read only basis' and take any action necessary.
 5. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32 - Signs, Article III regulations and requirements, Division 6. Specific Sign Regulations by adding a new Section, 32-316, to provide regulations for non-profit, on-premise signs and take any action necessary (2nd reading).
 6. Consider approval of a grounds maintenance contract renewal with Weldon's in the amount of \$129,690 to be funded out of the General

93 Fund/Parks Operations/Grounds Maintenance, and take any action
94 necessary.

95 Councilmember Smith pulled item #5 for further discussion.

96 Mayor Pro Tem White made a motion to approve the remainder of Consent Agenda Items
97 (#1, 2, 3, 4 and 6). Councilmember Russo seconded the motion.

98 City Manager Rick Crowley indicated that the council needs to also pull item #3 to table it
99 for two weeks.

100 Mayor Pro Tem White amended his motion to also pull item #3. Councilmember Russo
101 seconded the amended motion. The motion to approve Consent Agenda Items #1, 2, 4,
102 and 6) passed by a vote of 7 ayes to 0 nays.

103 Mayor Sweet then made a motion to table item #3 until the next council meeting. Mayor
104 Pro Tem White seconded the motion, which passed unanimously of council (7 ayes to 0
105 nays).

106 Councilmember Smith stated she has concerns about this item, generally indicating she
107 believes it may place an undue financial burden on non-profit groups and churches.
108 Mayor Pro Tem White asked Building Official Jeffrey Widmer for clarification on this
109 agenda item. Mr. Widmer indicated that this ordinance is being brought forth to clear up
110 an oversight that was made when the previous ordinance was brought before the council
111 for consideration (to disallow "banner signs" and require those banner signs supported
112 by PVC piping to be replaced by coroplast signage instead). Mr. Crowley, City Manager,
113 offered additional clarification related to this item, indicating that this ordinance will
114 address on-premise special event signage by requiring those signs to be coroplast in the
115 same manner that regulations regarding off-premise special event signage was recently
116 changed to require coroplast instead of PVC and vinyl banners as well.

117 Councilmember Smith made a motion to table Consent agenda item #5 until the next
118 regularly scheduled council meeting. Councilmember Smith clarified her motion to table
119 this item to instruct staff to bring back additional, less rigid options and
120 recommendations related to these regulations, including material and setback
121 recommendations related to continued use of vinyl banners in lieu of coroplast for non-
122 profit, on-premise signage. Mayor Pro Tem White seconded Smith's motion.

123 After additional, brief discussion, the motion passed by a vote of 7 ayes to 0 nays.

124 IV. ACTION ITEMS

- 125
- 126 1. Discuss and consider a Park Board recommendation setting rental fees
127 for the portable restroom trailer and the portable stage, and take any
128 action necessary.

129 Assistant City Manager Brad Griggs provided brief background information related to
130 this item, explaining that this is an extension of discussions that took place during the
131 budget work session earlier this month. Related to the portable restrooms, the Park
132 Board has made a recommendation of setting the fee at \$2,000 / day (longer than 6
133 hours) or a half day rental of \$1,200 (for ½ day or less than 6 hours) plus a damage
134 deposit in the amount of \$300. The board has also recommended a per mile trip charge
135 of \$3.00 per mile if the unit has to be delivered outside of the city limits. A \$400 waste
136 tank dumping fee will also apply for large or multi day events as needed.

137 Regarding the portable stage, the Park Board has recommended \$350 per day, which
138 includes delivery, set up and pick up.

139 Councilmember Russo made a motion to approve the fees the Park Board has
140 recommended for the portable restrooms and stage. Mayor Pro Tem White seconded the
141 motion.

142 Mayor Sweet indicated he has concern related to transporting the portable restroom
143 facility outside of the city limits for rental purposes. Councilmember Daniels also
144 generally expressed concern related to the unit traveling outside of the city limits.

145 Councilmember Russo amended his motion to approve the recommended fees but
146 stipulate that the portable restroom facility will not be made available for rent or
147 delivered outside of Rockwall's city limits. Mayor Pro Tem White seconded the motion.

148 Councilmember Townsend asked if the rental fees will cover the cost of our staff. Mr.
149 Griggs indicated that, yes, staff costs are included in assessed fees.

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

151 2. Discuss and consider selection of additional road projects for
152 recommendation to the Rockwall County Planning Consortium, and take
153 any action necessary.

154 City Manager Rick Crowley provided background information related to this item, asking
155 the Council to consider authorizing staff to take a list of certain road projects to the
156 countywide planning consortium at its meeting this Wednesday, August 22 for future
157 funding consideration and prioritization. Mr. Crowley mentioned projects that will be
158 submitted as Tier II projects to the road consortium, including SH-205 South from the
159 existing, improved portion down to John King Boulevard and the Eastern portion of FM-
160 3097. He mentioned a TXDOT public meeting that is scheduled at Pullen Elementary
161 tomorrow evening at 6:00 p.m. to discuss extending a portion of FM-3097 to Tubbs Road.
162 Mr. Crowley generally explained the nature of Wednesday's consortium meeting,
163 including its purpose and the City's intent related to submitting recommended road
164 projects.

165
166 Mayor Sweet offered brief comments. Mayor Pro Tem White then made a motion to
167 authorize the mayor and city manager to put forth the suggested list of recommended
168 road projects to the countywide road planning consortium for consideration.
169 Councilmember Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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171 Mr. Crowley mentioned again that there is a meeting tomorrow evening at Pullen
172 Elementary where the state (TXDOT) will receive public input on the first phase of the FM-
173 3097 project. He reminded the council that at the last regular council meeting, the
174 Rockwall Council passed a resolution of support related to this project. The resolution
175 will be presented to TXDOT at the meeting tomorrow evening.

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177 Mayor Sweet adjourned the meeting at 6:32 p.m.

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179 **V. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
180 **GOVERNMENT CODE TO DISCUSS:**

181
182 1. Deliberation regarding the purchase, exchange, lease, or value of real
183 property and Re: E-Z Flo property.

184 2. Personnel Issues, including Board, Commission, and Committee
185 Appointments, and Related Matters.

- 186 3. Commercial or financial information regarding business prospects that the
187 City seeks to have locate, stay, or expand in or near the territory of the City of
188 Rockwall and with which the Board is conducting economic development
189 negotiations.
- 190 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
191 attorney with regard to a matter that it is the duty of the attorney to consult
192 with the Council pursuant to the Attorney Client Privilege under the Texas
193 Disciplinary Rules of Professional Conduct of the State Bar of Texas.

194 VI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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196 See start of public meeting above for action taken as a result of pre-public meeting
197 Executive Session.

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199 VII. ADJOURNMENT

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201 Mayor Sweet adjourned the public meeting at 6:32 p.m.

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204 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
205 this 4th day of September, 2012.

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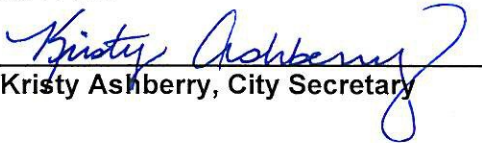
David Sweet, Mayor

207 ATTEST:

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Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 04, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

9 Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet,
10 Mayor Pro Tem David White and Councilmembers Mark Russo, Mike Townsend, Michelle
11 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
12 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert.
13 Mayor Sweet immediately recessed the public meeting into Executive Session.
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II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 17 1. Deliberation regarding the purchase, exchange, lease, or value of real
18 property and re: right to serve Lake Rockwall Estates including acquisition
19 of easements and the system.
- 20 2. Personnel Issues, including Board, Commission, and Committee
21 Appointments, and Related Matters and regarding city council vacancy,
22 Place 2.
- 23 3. Commercial or financial information regarding business prospects that the
24 City seeks to have locate, stay, or expand in or near the territory of the
25 City of Rockwall and with which the Board is conducting economic
26 development negotiations.
- 27 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
28 with attorney with regard to a matter that it is the duty of the attorney to
29 consult with the Council pursuant to the Attorney Client Privilege under
30 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
31 Texas.

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III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

34 See start of public meeting below for actions taken as a result of Executive Session.
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IV. ADJOURNMENT

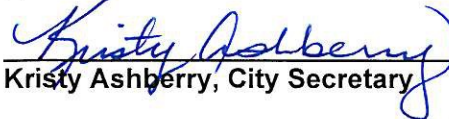
38 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
39 this 17th day of September, 2012.



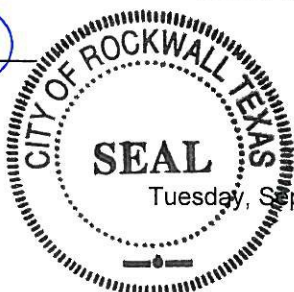
David Sweet, Mayor

41 ATTEST:

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Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL

Tuesday, September 04, 2012

6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mark Russo, Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert.

Mayor Pro Tem White made a motion to make the following reappointments to city boards and commissions:

- Shirley Floeter to the Animal Advisory Committee (with a term to expire in August of 2014);
- Julien Meyrat to the Architectural Review Board (with a term to expire in August of 2014);
- Jennifer Willis to the Board of Adjustments (with a term to expire in August of 2014);
- Bridgett Hoofnagle to the Building and Standards Commission (with a term to expire in August of 2014);
- Eric Chodun to the Building and Standards Commission (with a term to expire in August of 2014);
- Mike Jusko to the Building and Standards Commission (with a term to expire in August of 2014);
- Herb Moltzan to the Historic Preservation Advisory Board (with a term to expire in August of 2014);
- Marcus Yarbrough to the Park Board (with a term to expire in August of 2014);
- Kevin Moffatt to the Park Board (with a term to expire in August of 2014);
- Clint Brooks to the Park Board (with a term to expire in August of 2014);
- Franklin Smith to the Construction Advisory Board (with a term to expire in October of 2014);
- Mark Roland to the Construction Advisory Board (with a term to expire in October of 2014);
- Kevin Johnson to the Construction Advisory Board (with a term to expire in October of 2013); and
- Clint Brooks to the Construction Advisory Board (with a term to expire in October of 2014).

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Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to appoint Lori Lawing to the Main Street Advisory Board to replace Deidra Roe (with an initial term to expire in January of 2014). Councilmember Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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Mayor Pro Tem White made a motion to appoint Wendi Conley to the Historic Preservation Advisory Board to replace Kirk Lovett (with a term to expire in August of 2014). Mayor Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem White made a motion to appoint Todd White to replace Trenton Cornehl as a voting member on the Board of Adjustments (with a term to expire in August of 2014). Councilmember Russo seconded the motion, which passed by a vote of 7 ayes to 0 nays.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH

Councilmember Smith delivered the invocation and led the Pledge of Allegiance.

III. PROCLAMATIONS / AWARDS

- 1. Constitution Week

Mayor Sweet called members of the Daughters of the American Revolution (DAR) forward to say a few words about our nation’s constitution and its importance. He then read and presented the proclamation to Mrs. Marilyn King of the DAR group.

IV. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and asked if anyone would like to come forth and speak during Open Forum. There being no one wishing to come forth and speak, Mayor Sweet then closed Open Forum.

V. CONSENT AGENDA

- 1. Consider approval of the minutes from the August 20, 2012 regular City Council meeting, and take any action necessary.
- 2. Consider approval of City of Rockwall ballot selections related to proposed TX Municipal League (TML) Risk Pool Board of Trustees members, and take any action necessary.
- 3. Consider authorizing the City Manager to execute an agreement for lobbying services with Capital-Insights in the mount of \$54,000 to be funded from the Water Operations budget and take any action necessary.
- 4. Consider authorizing the City Manager to execute a contract for emergency repairs to the wastewater lift station on Champions Drive at a cost not to exceed \$53,925, to be funded from the wastewater operating budget and take any action necessary.
- 5. Consider approval of an ordinance authorizing the issuance and sale of City of Rockwall, Texas Limited Tax Note, Series 2012; levying an annual ad valorem tax and providing for the payment of said note; enacting other provisions relating to the subject, and take any action necessary. (2nd reading)

- 142 6. Consider authorizing the City Manager to execute a contract with
143 Christian Brothers Roofing for shingle roof replacement at Fire Station #2
144 in the amount of \$27,476.34 to be paid by the City's insurance provider,
145 the TX Municipal League, and take any necessary action.
- 146 7. Consider approval of a material testing contract with CMJ Engineering, for
147 the Corporate Crossing Improvement Project in the amount of
148 \$36,034.50, to be funded with 2005 Bond Funds, and take any action
149 necessary.
- 150 8. Consider approval of an engineering services agreement amendment
151 with Wier & Associates for the Corporate Crossing Improvement Project
152 in the amount of \$100,866.50, to be funded with 2005 Bond Funds, and
153 take any action necessary.

154 **Mayor Pro Tem White pulled Consent Agenda item #5 and moved it to Action Item #4.**
155 **Councilmember Russo seconded the motion, which passed unanimously of council**
156 **present.**

157
158 **Councilmember Smith made a motion to approve all remaining Consent Agenda items**
159 **(#1, 2, 3, 4, 6, 7 and 8). Mayor Pro Tem White seconded the motion, which passed**
160 **unanimously of those present.**

161
162 **Regarding Consent Agenda item #5, the city council addressed this item as the last**
163 **Action Item (#4) of the evening. Assistant City Manager Mary Smith provided brief**
164 **comments related to this item, indicating that a few outstanding details needed to be**
165 **worked out by the city's bond counsel before the council took action on this item. She**
166 **indicated that these details have now been worked out, so we are now prepared to move**
167 **forward with acting on this ordinance. She indicated that we received bids from banks on**
168 **these tax notes, and Regions Bank was the successful bidder at a low, low 1.21%**
169 **interest. Mayor Pro Tem White then made a motion to approve the ordinance.**
170 **Councilmember Daniels seconded the motion. The ordinance was read as follows:**

CITY OF ROCKWALL

ORDINANCE NO. 12-21

171 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS
172 LIMITED TAX NOTE, SERIES 2012; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING
173 FOR THE PAYMENT OF SAID NOTE; AND ENACTING OTHER PROVISIONS RELATING TO THE
174 SUBJECT

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

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175 **VI. APPOINTMENTS**

- 176
177 1. Appointment with the Planning and Zoning Chairman to discuss and
178 answer any questions regarding cases on the agenda and related issues
179 and take any action necessary.

180 **Planning Director Robert LaCroix indicated the commission chairman is not present this**
181 **evening since there is not anything substantive for him to report on. The council,**
182 **therefore, did not address this item and took no action.**

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VII. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive input on the proposed Fiscal Year 2013 City of Rockwall Budget and take any action necessary.

City Manager Rick Crowley provided a brief overview of the budget, which the city council will act on at its next, regular city council meeting. He then shared highlights for the 2012 budget, including a net increase of \$16 million in overall assessed values within the city and an anticipated, yet very small decrease, in the city tax rate for the coming fiscal year. He also shared some anticipated increases in assessed property values, sales tax revenues and building permit revenues.

Mr. Crowley also briefly explained how Rockwall's tax rate compares to about fifteen other cities in the Dallas / Fort Worth area. He shared brief information regarding projected revenues, expenditures and reserve funds. He indicated that a police patrol lieutenant, personnel sergeant, two patrol officers and two firefighter/drivers (funded mid-year) will be added as new positions in the coming budget year. He indicated that North TX Municipal Water District is increasing their price for the city to purchase water by just over 14%. This will result in about a 10% increase in water rates for Rockwall residents.

Mayor Sweet opened the public hearing and asked if anyone would like to come forth and speak. There being no one wishing to come forth and speak, Mayor Sweet then closed the public hearing. He indicated that the council will take action on the proposed tax rate and budget at the September 17 regular city council meeting. The council took no action related to the budget at this time.

VIII. SITE PLANS / PLATS

1. SP2012-019 - Discuss and consider a request by the Rockwall Golf & Athletic Club, LLC for the approval of an exception to the exterior building materials requirements for a commercial structure in conjunction with an administrative site plan for the construction of a 576 square foot office building at the Shores Golf Club, located at 1375 Champions Drive and described as Tract 13 of the N. Butler Survey, Abstract No. A0021 (included in The Shores, Phase I) being zoned Planned Development District 3 (PD-3) generally located on the north side of Champions Drive and east of Shores Boulevard, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this item, indicating that the athletic club is in need of some additional office space, and they are proposing to build a metal, single-story structure to meet this need. He indicated that this building is being proposed to be located behind a thick, wooded area, so it will be out of view and will not be visible to passersby. He explained that there is currently a 90% masonry requirement and a 20% stone requirement; however, the city council is able to grant exceptions if they so desire. Mr. LaCroix briefly explained the fire requirements and other requirements the applicant would have to meet if the council grants the proposed variance.

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Councilmember Russo made a motion to approve SP2012-019. Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. ACTION ITEMS

1. Discuss and consider approval of an ordinance amending the Code of Ordinances in Chapter 32 - Signs, Article III regulations and requirements, Division 6. Specific Sign Regulations by adding a new Section, 32-316, to provide regulations for non-profit, on-premise signs and take any action necessary (1st reading).

City Manager Rick Crowley began discussion of this item, explaining this is being brought back to the council with changes that were requested by the council at the last regular meeting. The ordinance now reflects, as the council requested, the ability for non-profit organizations to continue utilizing traditional banner type signs for on-premise special event advertising.

Councilmember Smith made a motion to approve the ordinance as presented. Councilmember Lewis seconded the motion.

Mr. Lewis then asked for clarification regarding off-premise, non-profit signs. In response, Mr. Widmer, Building Official, indicated that the off-premise, non-profit signs would still need to be made of coroplast material.

Councilmember Townsend suggested that the council consider putting a moratorium on this sign issue to require that after a certain period of time, all signs would need to be uniform and all made of the coroplast material.

Mayor Sweet indicated that resident dissatisfaction with banner type signs being displayed at key intersections in town was one of the top concerns expressed during recent city election campaigning. Sweet generally does not have a problem with non-profit organizations utilizing vinyl "banner" type of signs in front of their own establishments.

Councilmember Daniels expressed that he agrees with the idea of implementing a moratorium of sorts whereby, after a period of time, non-profit organizations would have to convert to utilizing coroplast signage instead of the vinyl "banner" type signs.

Townsend clarified that his intent is to end up with requiring that all special event signage, regardless of the type of organization, would be uniform and all made of coroplast.

Councilmember Russo generally indicated that he is uncomfortable with requiring non-profits to move to utilizing coroplast signs in lieu of vinyl banner or other type of signs.

Mayor Pro Tem White indicated that his understanding was that the previous city council and the general public had concerns about "banner" signs in general, throughout the city. He generally indicated he is in agreement with instituting a moratorium but then

282 requiring that on-premise, non-profit organizations also move to use of coroplast signs
283 instead of vinyl "banner" signs.

284
285 Councilmember Smith indicated she believes that the council should be careful in
286 regulating these signs which will be located on private property. She also believes it
287 may place an undue hardship on the non-profit organizations.

288
289 Mayor Pro Tem White pointed out that the council already heavily regulates signage
290 located on private property. He believes that requiring coroplast across the board will
291 simply create uniformity.

292
293 After lengthy discussion, the ordinance was read as follows:

294
295 CITY OF ROCKWALL, TEXAS
296 ORDINANCE NO. 12-

297
298 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
299 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
300 CHAPTER 32 - SIGNS, ARTICLE III REGULATIONS AND
301 REQUIREMENTS, DIVISION 6. SPECIFIC SIGN REGULATIONS BY
302 ADDING A NEW SECTION, 32-316, TO PROVIDE REGULATIONS
303 FOR NON-PROFIT ON-PREMISE SIGNS; PROVIDING FOR A
304 PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
305 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING
306 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
307 CLAUSE; PROVIDING AN EFFECTIVE DATE.

308
309 The motion failed by a vote of 3 ayes with 4 against (Daniels, White, Townsend and
310 Russo).

311
312 At the very end of Action Items discussions, City Manager Rick Crowley asked the
313 council for clarification regarding this agenda item, asking what further staff action, if
314 any, is desired regarding this topic at this time. Mayor Pro Tem White indicated a desire
315 to direct staff to draft an ordinance requiring that after one year, all non-profit, on-
316 premise signs would need to be made of coroplast material. Mr. Crowley indicated that
317 staff will bring back said ordinance to the next, regular council meeting.

318
319 2. Discuss and consider City of Rockwall Platform for the 83rd Session of
320 the Texas Legislature, and take any action necessary.

321 City Manager Rick Crowley offered brief background information related to this item. He
322 encouraged the city council to begin assembling a legislative agenda for the upcoming
323 83rd Texas Legislative Session.

324 Mayor Sweet thanked Mr. Crowley and his staff for his proactive approach to preparing
325 this legislative agenda. He then briefly named several, general topics of legislative
326 concern to the city including issues related to police, fire, economic development,
327 planning and zoning, and parks grant funding as well as the general Texas Municipal
328 League legislative agenda.

329 Mr. Crowley followed Sweet's comments, indicating the city will also be focusing on
330 legislation that would allow the city to acquire the right to serve residents whose water is
331 currently provided by an investor owned utility, such as the Lake Rockwall Estates area.

332 Mr. Crowley indicated that once the legislative agenda is finalized, it would be
333 appropriate for the city council to meet with the city's lobbyist to ensure there is a clear
334 understanding of what the city would like them to focus on during the upcoming session.

335 The council took no action related to this item.

336 3. Discuss and consider appointment of students to the Youth Advisory
337 Council (YAC), and take any action necessary.

338 Mayor Pro Tem White indicated that last Thursday, he, the city secretary, and one
339 existing YAC student held interviews to fill vacancies this year. Mayor Pro Tem White
340 then made a motion to approve the four student appointments to YAC for the upcoming
341 school year as presented (includes Trevor Reichardt, Sharon Maguire, Andrea Alvarez
342 and CJ Chidozie). Councilmember Lewis seconded the motion.

343 Mayor Sweet offered brief, complimentary comments about the YAC program and about
344 including existing YAC student, Caroline McCallum, in the interview process this year.
345 The motion then passed by a vote of 7 ayes to 0 nays.

346

347 The Council then addressed Consent Agenda item #5 (see above).

348

349 X. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
350 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

351

- 352 1. Departmental Reports
353 Finance Department Monthly Report - July 2012
354 Recreation Monthly Report - July 2012
355 Harbor PD Monthly Report - July 2012
356 Police Department Monthly Report - July 2012
357 Fire Department Monthly Report - July 2012
358 Internal Operations Department Monthly Report - July 2012

359 2. City Manager's Report

360 City Manager Rick Crowley explained that reports have been included in the council
361 members' packets, and he welcomed any questions from the council at this time. There
362 being no questions brought forth, Mayor Sweet adjourned the public meeting at 6:53 p.m.

363

364 XI. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
365 GOVERNMENT CODE TO DISCUSS:

366

367 1. Deliberation regarding the purchase, exchange, lease, or value of real
368 property and re: right to serve Lake Rockwall Estates including acquisition
369 of easements and the system.

370 2. Personnel Issues, including Board, Commission, and Committee
371 Appointments, and Related Matters and regarding city council vacancy,
372 Place 2.

373 3. Commercial or financial information regarding business prospects that the
374 City seeks to have locate, stay, or expand in or near the territory of the
375 City of Rockwall and with which the Board is conducting economic
376 development negotiations.

377 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
378 with attorney with regard to a matter that it is the duty of the attorney to
379 consult with the Council pursuant to the Attorney Client Privilege under
380 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
381 Texas.

382 XII. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

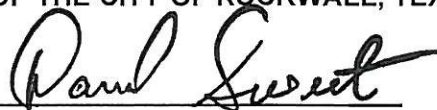
383
384 See start of public meeting above for actions taken as a result of pre-meeting Executive
385 Session. The council did not convene back into Executive Session at the close of the
386 public meeting.

387
388 XIII. ADJOURNMENT

389
390 The meeting was adjourned at 6:53 p.m.

391
392 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
393 this 17th day of September, 2012.

394



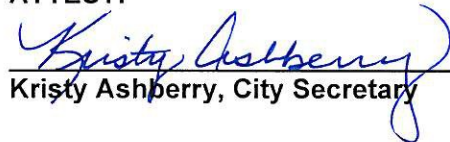
395 ATTEST:

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Kristy Ashberry, City Secretary



David Sweet, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, September 10, 2012
4:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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- I. CALL TO ORDER
 - II. HOLD EXECUTIVE SESSION UNDER SECTION 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:
 - 1. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and regarding City Council vacancy, Place 2 appointment.
 - III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
 - IV. ADJOURNMENT
-

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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 11, 2012
4:00 p.m. Special Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

- I. CALL TO ORDER
- II. HOLD EXECUTIVE SESSION UNDER SECTION 551.074 OF TEXAS GOVERNMENT CODE TO DISCUSS:
 - 1. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters and regarding City Council vacancy, Place 2 appointment.
- III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION
- IV. ADJOURNMENT

The City Council convened on Monday, September 10, 2012; however, the council did not convene on Tuesday, September 11, 2012, as it became unnecessary for them to do so. The minutes for the September 10, 2012 special city council meeting are as follows:


Mayor Sweet called the meeting to order on Monday, September 10, 2012 at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and City Council Members Mike Townsend, Michelle Smith, Dennis Lewis and Bennie Daniels. Council Member Mark Russo was absent from the meeting. Also present was City Attorney Pete Eckert. Mayor

1 Sweet immediately recessed the public meeting into Executive Session, at which time
2 interviews for the City Council, Place 2 vacancy were held with twenty-three applicants.
3

4 Following Executive Session, the council came back into the Council Chambers, and Mayor
5 Sweet called the public meeting back to order at 7:22 p.m. Mayor Pro Tem White then made
6 a motion to appoint Jim Pruitt to serve in the City Council, Place 2 position to become
7 effective September 19, 2012 and to serve until the next, regular city election, which will be
8 held in May of 2013. Councilmember Daniels seconded the motion, which passed by a vote
9 of 6 ayes with 1 absent (Russo).
10

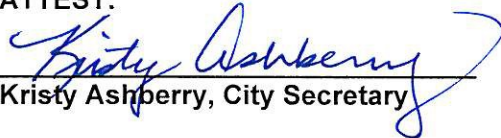
11 Mayor Sweet adjourned the meeting at 7:24 p.m.
12
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15 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
16 this 17th day of September, 2012.



David Sweet, Mayor

18 ATTEST:

19 
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21 Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, September 17, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mark Russo, Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

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II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

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1. Deliberation regarding the purchase, exchange, lease, or value of real property.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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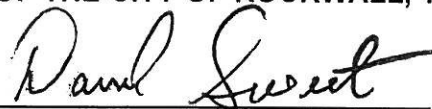
See start of public meeting below for action taken as a result of Executive Session.

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IV. ADJOURNMENT

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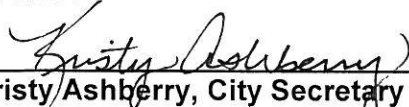
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 1st day of October, 2012.



David Sweet, Mayor

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ATTEST:


Kristy Ashberry, City Secretary



MINUTES
ROCKWALL CITY COUNCIL
Monday, September 17, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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50 I. CALL TO ORDER

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52 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
53 Mayor Pro Tem David White and Councilmembers Mark Russo, Mike Townsend, Michelle
54 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
55 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert.
56

57 Mayor Pro Tem White made a motion to reappoint Don Williams to the Historic
58 Preservation Advisory Board with a (partial) term to expire in August of 2013. Mayor
59 Sweet seconded the motion, which passed by a vote of 7 ayes to 0 nays.
60

61 Mayor Pro Tem White then introduced Eric Jones, a junior at Rockwall High School who
62 serves on the city's Youth Advisory Council. Mr. White indicated that Eric is attending to
63 observe tonight's council meeting.
64

65 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS
66

67 Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.
68

69 III. PROCLAMATIONS / AWARDS
70

71 1. National Preparedness Month
72

73 Mayor Sweet called Rockwall County Emergency Management Coordinator Joe DeLane
74 forward to accept the proclamation. Mr. DeLane shared brief comments related to the
75 importance of personal family emergency preparedness.
76

77 2. Recognition of outgoing Council Member, Mark Russo
78

79 Mayor Sweet indicated that Councilmember Russo will soon begin serving as a Justice
80 of the Peace for Rockwall County and is resigning from the city council as a result of this
81 new, upcoming role. He then read and presented Mr. Russo with a proclamation and
82 decorative clock to thank him for his service on the city council. Each council member
83 then shared brief comments about Mr. Russo, recognizing him for the attributes he
84 possesses and the contributions he has made during his service tenure. Councilmember
85 Russo wrapped up this agenda item by offering brief comments regarding his service to
86 the City of Rockwall, including thanking city staff and fellow councilmembers for their
87 support and work throughout the years.
88

89 IV. CONSENT AGENDA
90

91 1. Consider approval of the minutes from the September 4, 2012 regular city
92 council meeting, and take any action necessary.

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2. Consider approval of the minutes from the September 10, 2012 special city council meeting, and take any action necessary.
 3. Consider adoption of a resolution authorizing the City's participation in the TexasTERM local government investment pool, and take any action necessary.
 4. Consider adoption of a resolution amending the city's investment policy and take any action necessary.
 5. Consider approval of a resolution establishing energy conservation goals as required by Senate Bill 898 of the 82nd Legislative Session of 2011 and take any necessary action.
 6. Consider approval of an engineering contract amendment for the Brockway Branch Drainage Improvements with Birkhoff, Hendricks & Carter in the amount of \$40,000, to be funded with 2005 Bond Funds, and take any necessary action.
 7. Consider approval of an engineering contract amendment with Freese and Nichols for the Harbor Corps of Engineers 404 Permit mitigation study in the amount of \$16,435, to be funded with drainage bond funds, and take any necessary action.
 8. Consider authorizing the City Manager to engage Rutledge, Crain & Company PC to conduct the City's audit for the fiscal year ended September 30, 2012 and take any action necessary.
 9. Consider approval of an agreement with New World Systems Inc. for the upgrade of Finance, Human Resources and Utility Billing Software in the amount of \$375,000 with funding through Contractual Obligations and take any action necessary.
 10. P2012-027 - Consider a request by LaRae Tucker of Harrison French & Associates for the approval of a final plat of Lot 1, Block A, J. McIntyre Addition being a 1.008-acre tract of land located within Planned Development District 10 (PD-10), the John King Boulevard (SH276 By-Pass OV) Overlay District, the SH276 Corridor (SH276 OV) Overlay District and the J. M. Allen Survey, Abstract No. 2 that is located at the northeast corner of John King Boulevard and State Highway 276 (SH276), and take any action necessary.

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Councilmember Lewis pulled item #10 for discussion in order to recuse himself. Councilmember Russo pulled agenda item #2 for discussion in order to recuse himself. Councilmember Smith made a motion to approve the remaining Consent Agenda items (#1, 3, 4, 5, 6, 7, 8 and 9). Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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Mayor Sweet indicated that Russo is recusing himself from #2 due to being absent from the September 10 meeting. Sweet then made a motion to approve Consent Agenda item #2. Mayor Pro Tem White seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Russo).

138 Regarding Consent Agenda item #10, Mr. Lewis indicated that his brother works for the
139 owner/developer, so he needs to recuse himself. Mayor Pro Tem White then made a
140 motion to approve P2012-02 (Consent #10). Councilmember Russo seconded the
141 motion, which passed by a vote of 6 ayes with 1 abstention (Lewis).

142
143 **V. APPOINTMENTS**

- 144
145 1. Appointment with the Planning and Zoning Chairman to discuss and
146 answer any questions regarding cases on the agenda and related issues
147 and take any action necessary.
- 148 2. Appointment with Dana Macalik, Rockwall Area Chamber of Commerce
149 President, to hear report regarding the Chamber's Hotel Occupancy Tax
150 Revenue supported programs for 2012, and take any action necessary.

151 **Dana Macalik**
152 **President, Rockwall Area Chamber of Commerce**
153 **6102 Volunteer**
154 **Rockwall, TX**

155
156 **Ms. Macalik came forth to speak, indicating that the Chamber recently spent funds**
157 **received by the city to update the "Visit Rockwall" Convention and Visitors Bureau video.**
158 **She briefed the council on the various aspects of the video that were updated and**
159 **thanked the council for its support.**

- 160
161 3. Appointment with Robert McLain of McLain Decision Support Systems to
162 hear presentation regarding Water and Wastewater rate study and take
163 any action necessary.

164 **Mr. McLain came forth to brief the council on the recent water / wastewater rate study.**
165 **Mr. McLain indicated, in part, that several metroplex cities are in the process of updating**
166 **and increasing their water and wastewater rates. He generally indicated that the North**
167 **Texas Municipal Water District (NTMWD) rate is expected to increase by about sixty-nine**
168 **percent (69%) over the next five years. This increase is a driving factor towards**
169 **Rockwall's need to increase its rates as well.**

170
171 **After Mr. McLain's presentation, Mayor Sweet offered brief comments, thanking staff for**
172 **being proactive about this subject and for keeping the council abreast of developing**
173 **aspects associated with water rates and the reasons why rate increases are necessary**
174 **moving forward. The council took no action related to this agenda item.**

175
176 **VI. PUBLIC HEARING ITEMS**

- 177
178 1. **Z2012-012 - Hold a public hearing to discuss and consider approval of an**
179 **ordinance** for a city initiated request to amend the Unified Development
180 Code of the City of Rockwall to incorporate proposed changes to Article
181 II, Authority and Administrative Procedures, Section 12, Historic
182 Preservation Advisory Board, And Section 15, Historic Preservation
183 Officer, and Article V, District Development Standards, Section 6.2,
184 Historic Overlay (HO) District, as recommended by the State Coordinator
185 of the Certified Local Government Program, a division of the Texas
186 Historical Commission, and take any action necessary. **(1st reading)**

187 Planning Director Robert LaCroix offered background information related to this item,
188 indicating that staff began the process of seeking this certification in response to
189 direction provided by the council. He generally offered comments about the challenges
190 and benefits of becoming a Certified Local Government. Mr. LaCroix stated that the
191 Historic Preservation Advisory Board and Planning and Zoning Commission have both
192 recommended approval of this item.

193
194 Mayor Sweet opened the public hearing. There being no one in the audience to come
195 forth and speak, Mayor Sweet then closed the public hearing.

196
197 Councilmember Russo made a motion to approve Z2012-012. Councilmember Lewis
198 seconded the motion.

199
200 Mayor Pro Tem White generally indicated that he recently visited the Certified Local
201 Government website and did some research. He indicated a belief that passing this
202 designation will result in more strict regulations that will make it more difficult for
203 property owners to have say over their own property.

204
205 The ordinance was then read as follows:

206
207 CITY OF ROCKWALL
208 ORDINANCE NO. 12-

209
210 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
211 ROCKWALL, TEXAS, AMENDING THE UNIFIED
212 DEVELOPMENT CODE (ORD. NO. 04-38) OF THE CITY OF
213 ROCKWALL AS HERETOFORE AMENDED BY AMENDING
214 ARTICLE II. ADMINISTRATIVE PROCEDURES, AND ARTICLE
215 V. DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR
216 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
217 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
218 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
219 FOR A REPEALER CLAUSE; AND PROVIDING FOR AN
220 EFFECTIVE DATE.

221
222 The motion passed by a vote of 6 in favor with 1 against (White).

- 223
224 2. **Z2012-013** - Hold a public hearing to discuss and consider approval of an
225 ordinance for a request by Bobby Samuel (representing Breezy Hill 405,
226 LTD) for the approval of a zoning change to amend Planned
227 Development District 74 (PD-74) on property identified as Tracts 7 & 7-
228 1 of the J. Strickland Survey, Abstract No. 187 containing 405.184 acres
229 of land and being zoned Planned Development District 74 (PD-74),
230 generally located north of FM-552 and west of Breezy Hill Road, and take
231 any action necessary. (1st reading)

232 Planning Director Robert LaCroix provided detailed information related to this item,
233 including briefing city council members on details of the staff memo below, included in
234 council members' meeting packets and inserted into the meeting minutes as permanent
235 record as follows:
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CITY OF ROCKWALL CITY COUNCIL MEMO

AGENDA DATE: 9/17/2012

APPLICANT: Skorburg Company

AGENDA ITEM: Z2012-013; Breezy Hill

SUMMARY:

Hold a public hearing to discuss and consider a request by Bobby Samuel (representing Breezy Hill 405, LTD) for the approval of a zoning change to amend Planned Development District 74 (PD-74) on property identified as Tracts 7 & 7-1 of the J. Strickland Survey, Abstract No. 187 containing 405.184 acres of land and being zoned Planned Development District 74 (PD-74), generally located north of FM-552 and west of Breezy Hill Road, and take any action necessary.

BACKGROUND INFORMATION & ORDINANCE AMENDMENTS:

On October 4, 2004, the City Council denied a Preliminary Plat application for the subject property that proposed to establish 1,519 single family lots. The findings by the City Council sited an inability for the applicant to provide sufficient information establishing that an adequate water and sewer system could be provided to the proposed subdivision. This decision was challenged by the plaintiff, and after three (3) years of litigation, was ultimately ruled on by the Texas Supreme Court. The outcome of this dispute led to a Chapter 212 Development Agreement that was drafted in 2007 between the then owners of the subject property (Estate of W. W. Caruth Jr.), the prospective buyer/owner (Breezy Hill 405, LTD), and the City of Rockwall. The Chapter 212 Development Agreement was executed concurrently with the approval of Ordinance No. 07-13, which established Planned Development District 70 (PD-70) and the Stone Creek Subdivision on April 2, 2007.

On February 4, 2008 the subject property was annexed into the City of Rockwall by Ordinance No. 08-12. On approval of the annexation ordinance the property was designated as an Agricultural (Ag) District. This zoning designation was changed to Planned Development District 74 (PD-74) for a master planned residential community with tracts of land designated for public schools, retail/office development, and a public park and open space area with a trail system by Ordinance No. 09-19, which was approved under Zoning Case No. Z2009-013 on April 20, 2009. This ordinance contained the arranged Chapter 212 Development Agreement drafted in 2007 with modifications to the proposed land uses to allow for the incorporation of a 59-acre tract of retail/office uses located at the northeast corner of the intersection of John King Boulevard and FM-552 that was originally designated as residential on the Concept Plan. With

286 the change in the 59-acre tract from single family to retail/office the total
287 number of lots was reduced from 810 lots to 658 lots, and the gross
288 residential density was reduced from 2.0 units/acre to 1.62 units/acre
289 (1.85 units/acre net residential density).

290
291 On June 15, 2012 the applicant submitted an application for a Preliminary
292 Plat, Master Plat and Open Space Plan for the Breezy Hill Subdivision.
293 After preliminary review of the submittal, the applicant chose to withdraw
294 the cases in order to amend the zoning. The applicant officially withdrew
295 the cases at the Development Review Committee (DRC) Meeting on June
296 26, 2012 and resubmitted an application to amend Planned Development
297 District 74 (PD-74) on August 17, 2012. The purpose of the zoning
298 change was to amend the existing Planned Development Ordinance to
299 account for the following issues:

300
301 **Access and Adjacent Roadways**

302 The original Concept Plan approved with Planned Development District
303 74 (PD-74) indicated access into the residential subdivision from three (3)
304 access roads located off John King Boulevard and four (4) access roads
305 located off Breezy Hill Road. The 59-acre tract of land dedicated for
306 general retail uses (located south of the proposed residential subdivision)
307 was to be accessed from one (1) point of entry fronting on FM-552, and
308 was specifically prohibited direct vehicular access from Breezy Hill Road
309 by the development standards in the Planned Development Ordinance.
310 The revised Concept Plan has reoriented the residential subdivision
311 towards John King Boulevard and eliminated all access points along
312 Breezy Hill Road. The proposed plan indicates that the subdivision will
313 be accessible by eight (8) access drives evenly spaced along John King
314 Boulevard. The Planned Development Ordinance shall be changed so
315 that the general retail tract of land will have the option of obtaining access
316 off of any of the three (3) adjacent frontages (i.e. John King Boulevard,
317 FM-552 and/or Breezy Hill Road). As part of the reorientation of the
318 residential subdivision the applicant has requested amending the Capital
319 Facilities Agreement to reduce the developers' responsibility for the
320 construction of Breezy Hill Road. The current Capital Facilities
321 Agreement requires the developer to improve Breezy Hill Road to a
322 minimum 24-foot concrete rural street section in conjunction with the
323 phases of the proposed development plan. As a compensatory measure
324 the applicant has requested that the ordinance be changed to require the
325 developer to construct the full 28-foot concrete rural street section of
326 Breezy Hill Road adjacent to the retail tract of land. The applicant will
327 continue to be responsible for all right-of-way dedication, the ten (10) foot
328 landscape buffer adjacent to the residential properties, and the 50-foot
329 landscape buffer adjacent to the general retail tract of land along Breezy
330 Hill Road.

331
332 **Land Use / Lot Mix**

333 The original single family residential lot mix approved in the development
334 standards section of the Planned Development Ordinance indicated five
335 (5) lot types (Types 'B', 'C', 'D', 'E' & 'F') with minimum lot sizes ranging
336 from 60' x 120' (or 7,200 sq. ft.) to 100' x 200' (or 20,000 sq. ft.). The

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development as depicted on the Concept Plan showed 658 single family lots with the minimum average lot size of 10,000 sq. ft. (see *Figure 1* below for a summary of lot types from the original Planned Development Ordinance). In addition to the 658 single family lots, a 59-acre tract of land was dedicated for general retail land uses that will be located directly south of the residential subdivision. Also depicted on the original concept plan were two future school sites located along the eastern and western frontages of John King Boulevard.

Figure 1: Original Lot Mix

Lot Types	B	C	D	E	F
Typical Lot Frontage (Feet)	60	70	70	80	100
Typical Lot Depth (Feet)	120	120	120	125	200
Minimum Lot Size (Sq. Ft.)	7,200	7,200	8,400	10,000	20,000
Dwelling Unit %	6.8	13.0	11.6	57.0	11.6

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Since the original Concept Plan was approved in 2009, the Rockwall Independent School District (RISD) has elected not to utilize the school locations depicted along the eastern and western frontages of John King Boulevard as shown on the original Concept Plan; favoring sites located south of FM-552 instead. Additionally, the revised Concept Plan indicates four (4) lot types (Types 'A', 'B', 'C' & 'D') with the range in minimum lot sizes remaining at 60' x 120' (or 7,200 sq. ft.) to 100' x 200' (or 20,000 sq. ft.). As part of this zoning amendment the applicant has requested to remove Lot Type 'C' from the original lot mix, which was a 70' x 100' (or 7,200 Sq. Ft.) lot type that required rear access through an alleyway. In the revised lot mix the 86 homes in the previously identified Lot Type 'C' will be merged with the revised Lot Type 'B'. This lot type also has a typical lot size of 70' x 100', but requires a larger minimum lot square footage (8,400 Sq. Ft.). Staff would also like to note that the new lot mix increases the number of larger 100' x 200' estate style lots from 76 to 98, which represents a 3.2% increase over the previous lot mix.

The proposed development as depicted on the revised Concept Plan shows a total of 691 single family lots with the minimum average lot size remaining at 10,000 sq. ft. (see *Figure 2* below for a summary of proposed lot types from the revised Planned Development Ordinance). The additional 33 single family lots, added in replacement of the school sites, brings the gross residential density to 1.99 units/acre, which is in compliance with the Chapter 212 Development Agreement drafted in 2007 (requires a maximum of 2.0 units/acre).

Figure 2: Proposed Lot Mix

Lot Types	A	B	C	D
Typical Lot Frontage (Feet)	60	70	80	100
Typical Lot Depth (Feet)	120	120	125	200
Minimum Lot Size (Sq. Ft.)	7,200	8,400	10,000	20,000
Dwelling Unit %	19.4	19.2	47.2	14.2

375
376

377 **Sidewalks and Interior Roadways**

378 The development standards approved with the original Planned Development
379 Ordinance indicated the typical cross section for all interior streets is a 28-foot
380 paved street composed of 50-feet of right-of-way, utilizing laydown curbs, and
381 incorporating five (5) foot sidewalks set two (2) feet from the edge of the right-
382 of-way. The revised development standards continue to use this street
383 section as the typical pavement cross section in all phases for Lot Types 'A',
384 'B' & 'C'. The one exception is Lot Type 'D'. The applicant has requested to
385 utilize a rural cross section adjacent to these lots that will have 50-feet of
386 right-of-way composed of 28-feet of pavement leading into an eleven (11)
387 foot bar ditch/drainage area (with a 3:1 [2%] minimum slope) followed by a
388 7½ foot utility easement adjacent to the right-of-way. Per the applicant, the
389 purpose of this request is to incorporate a street design that is more rural in
390 nature and is intended to give the neighborhood a unique and bucolic
391 aesthetic. To complement the rural street section staff has requested that the
392 front yard building setbacks for lots adjacent to this street type be increased
393 from 35-feet to 40-feet. Increasing the front yard building setback will also
394 facilitate proper drainage on the residential lots located in these areas.
395

396 **Parks, Open Space and Drainage**

397 As with the original Concept Plan, the revised plan shows that the
398 creek/drainage basin that transects the subject property will be preserved as
399 open space. After the zoning is approved the Master Plat and Open Space
400 Plan will establish the locations of the trail system and parkland dedication.
401 As part of the original development standards approved with the Planned
402 Development Ordinance the applicant was to dedicate ten (10) acres of
403 parkland to the city for the purpose of establishing a public park. Since 2009,
404 the Parks Department has increased the dedication requirement to eleven
405 (11) acres to add parking areas adjacent to the parklands. The revised
406 development standards in the Concept Plan have been updated to read
407 eleven (11) acres to address the amendments to the Parkland Dedication
408 Ordinance that were in adopted in 2009. Additionally, the revised
409 development standards include the same requirements for supplementary
410 open space elements and corridors as the original ordinance, including the
411 provision for a centrally located private amenity center meant to serve the
412 single family residential subdivision. The revised Concept Plan shows the
413 provision of 83.3 acres of net open space (89.9 acres of gross open space),
414 which exceeds the 20% minimum open space required by the Planned
415 Development Ordinance. Per the requirements of this ordinance floodplains
416 are only calculated at 50% credit for open space.
417

418 The development standards listed in the original Planned Development
419 Ordinance state that the developer shall provide a minimum of two (2)
420 retention ponds with hard edges and fountain features. The applicant has
421 requested that the new development standards reduce this requirement to
422 one (1) retention pond. The purpose of this request is related to the limited
423 feasibility of permitting and constructing retention ponds. This is due to the
424 strict water right requirements imposed on retention ponds and the permitting
425 time (estimated at one year) imposed by the Texas Commission on
426 Environmental Quality (TCEQ). Currently, the site has one existing pond that
427 could be improved, and would be capable of detaining above the existing

428 water level without retaining additional runoff. The development will still be
429 required to meet the detention requirements imposed by state and local laws
430 for a project of this size.
431

432 **John King Boulevard Overlay District / John King Boulevard Design**
433 **Concept Plan**

434 As with the original concept plan, the proposed concept plan depicts the
435 single family residential lots adjacent to John King Boulevard being oriented
436 so that the rear yard faces on to the thoroughfare, and in accordance with the
437 requirements of the John King Boulevard Overlay District a 50-foot landscape
438 buffer has been provided in between the proposed residential lots and the
439 existing thoroughfare. As mentioned above the applicant has requested to
440 construct a rural street section without sidewalks in the subdivision phases
441 that contain estate style lots (Type 'D'). In lieu of sidewalks in these phases
442 staff has requested that the applicant construct a ten (10) foot sidewalk/trail
443 adjacent to John King Boulevard as recommended in the John King
444 Boulevard Design Concept Plan located in the Comprehensive Plan.
445

446 *Note: Attached to this case memo is a draft ordinance showing all the*
447 *proposed changes with staff's additions to the ordinance shown in bold, italics*
448 *and highlighted green and the changes proposed by the applicant shown in*
449 *bold, italics and highlighted in yellow. In addition, staff has provided a one*
450 *page summary of all the proposed changes to the ordinance that is also*
451 *attached to this case memo.*
452

453 **ANALYSIS & CONFORMANCE WITH THE COMPREHENSIVE PLAN:**
454

455 In 2009 the Future Land Use Plan was amended to account for the changes
456 in zoning approved through case number Z2009-013, which originally
457 approved Planned Development District 74 (PD-74). The amendments
458 proposed by the applicant to the Planned Development Ordinance do not
459 change the underlying zoning designations nor do they increase the
460 residential density, which remains less than 2.0 units/acre. Therefore, staff
461 has determined that the requested amendments to PD-74 are in conformance
462 with the intent of the land use designations depicted on the Future Land Use
463 Plan adopted with the Comprehensive Plan on March 5, 2012, and no
464 amendments to this plan will be necessary. Furthermore, the Comprehensive
465 Plan promotes interconnectivity between retail and residential land uses and
466 states that retail uses adjacent to residential areas should be easily
467 accessible and pedestrian-oriented. The revised Concept Plan submitted by
468 the applicant appears to conform to these guidelines, and will incorporate a
469 trail system that will provide interconnectivity between the two uses.
470

471 Staff feels the amendments and relief requested by the applicant, and
472 outlined in this case memo and draft ordinance, are reasonable considering
473 the original intent of the Chapter 212 Development Agreement and the
474 Planned Development Ordinance approved in 2009. It is important for staff to
475 note that the applicant's request for relief concerning the construction of
476 Breezy Hill Road will shift the responsibility of ½ of the future construction of
477 this thoroughfare onto the City of Rockwall. However, this roadway is not
478 considered to be necessary until properties north of the subject property

479 develop. Currently these areas are located within the extraterritorial
480 jurisdiction (ETJ) of the city, and no timeline for annexation of these tracts
481 have been established. The properties adjacent to Breezy Hill Road, directly
482 east of the subject property, are located outside of the city limits and are fully
483 developed with large lot, estate style single family homes. There are
484 currently no plans to annex these properties into the city. The remaining
485 adjacent properties are largely undeveloped, and have zoning that can be
486 considered complimentary to the proposed Planned Development Ordinance.
487

488 **NOTIFICATION:**

489
490 On August 31, 2012, staff mailed eight (8) notices to property owners within
491 200 feet of the subject property. At the time this report was drafted no
492 responses were received by staff. Additionally, staff posted signs along all
493 street frontages adjacent to the subject property as required by the Unified
494 Development Code (UDC).
495

496 **RECOMMENDATION:**

497
498 Since the proposed amendments to Planned Development District 74 (PD-
499 74) are compatible with the zoning designations on properties adjacent to the
500 subject property and the request conforms to the City's Future Land Use
501 Map, staff recommends approval of the applicant's request with the following
502 conditions of approval:
503

- 504 1) Prior to the 1st reading of the amended Planned Development Ordinance by
505 the City Council, the utility easements shown in the rural cross section on the
506 Concept Plan need to be changed to 7½ feet to address the Engineering
507 Departments comments.
508
- 509 2) After the 1st reading of the amended Planned Development Ordinance by the
510 City Council, and prior to the 2nd reading and subsequent adoption of the
511 amendments, the applicant will be required to sign the agreed upon Capital
512 Facilities Agreement.
513
- 514 3) The Open Space/Master Plat shall conform to the amended Planned
515 Development Ordinance and Concept Plan.
516
- 517 4) Prior to accepting a Preliminary Plat and/or a Planned Development Site Plan
518 for the area designated as *Retail* on the Concept Plan, a PD Development
519 Plan must be approved by City Council.
520
- 521 5) The developer shall be responsible for the construction of Breezy Hill Road,
522 from the intersection of FM-552 and Breezy Hill Road to the northernmost
523 corner of the general retail tract of land, at the time any portion of the of the
524 *Retail* tract of land is platted.
525
- 526 6) The developer shall be responsible for the provision of adequate public
527 facilities and services as stipulated in the Capital Facilities Agreement.
528
- 529 7) Any construction resulting from the approval of this zoning ordinance shall

530 conform to the requirements set forth by Planned Development District 74
531 (PD-74), the Unified Development Code, the 2009 International Building
532 Code, the Rockwall Municipal Code of Ordinances, city adopted engineering
533 and fire codes and with all other applicable regulatory requirements
534 administered and/or enforced by the state and federal government.

535
536 **PLANNING & ZONING COMMISSION:**
537

538 On September 11, 2012, the Planning & Zoning Commission recommended
539 approval of the Planned Development Amendments subject to staff's
540 recommendations by a vote of 6-0 (Renfro Absent).
541

542
543
544 **After Mr. LaCroix's briefing regarding the memo above, Mayor Sweet opened the public**
545 **hearing. The applicant then came forth to address the council.**
546

547 **Adam Buczek**
548 **Breezy Hill 405 Ltd.**
549 **8214 Westchester Drive, Suite 710**
550 **Dallas, Texas 75225**
551

552 **Mr. Buczek indicated that he is representing Breezy Hill 405 Ltd., the applicant. He**
553 **indicated that this plan reflects changes due to the school district pulling out. It also**
554 **shores up the lot count and details associated with the retail portion. He believes the**
555 **larger lots, open space and other aspects make this development complimentary to the**
556 **Stonecreek development. He then shared a short presentation with the council, offering**
557 **a history of the development over time since the original 212 agreement was signed**
558 **several years ago.**
559

560 **There being no one else to come forth and speak during the public hearing, Mayor Sweet**
561 **closed the public hearing.**
562

563 **Councilmember Smith asked if there is a designated builder for these homes yet. Mr.**
564 **Buczek indicated that Skorborg is its own builder and has a model home in place.**
565 **Windsor Homes, Megatel and Drees are also building model homes in the subdivision.**
566

567 **Councilmember Russo expressed concern about this development undergoing so many**
568 **modifications from what was originally proposed until what is being proposed now.**
569 **Planning Director Robert LaCroix generally indicated that he actually views the changes**
570 **as fairly minimal overall.**
571

572 **After brief discussion, Mayor Pro Tem White made a motion to approve this agenda item**
573 **(Z2012-013), including staff recommendations. Councilmember Smith seconded the**
574 **motion. The ordinance was read as follows:**
575

576 **CITY OF ROCKWALL**
577 **ORDINANCE NO. 12-**
578

579 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
580 **ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT**

581 DISTRICT 74 (PD-74) [ORDINANCE NO. 09-19] AND THE UNIFIED
582 DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF
583 ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE
584 PLANNED DEVELOPMENT CONCEPT PLAN, DEVELOPMENT
585 STANDARDS AND CAPITAL FACILITIES AGREEMENT APPROVED
586 WITH ORDINANCE NO. 09-19, BEING A 405.184-ACRE TRACT OF
587 LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT NO.
588 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J.
589 SIMMONS SURVEY, ABSTRACT NO. 190, AND MORE FULLY
590 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
591 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
592 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
593 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
594 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
595 EFFECTIVE DATE.
596

597 The motion passed by a vote of 6 ayes with 1 against (Russo).
598

599 VII. ACTION ITEMS
600

- 601 1. Discuss and consider approval of an ordinance amending the budget for
602 fiscal year 2012 and take any action necessary.

603 Assistant City Manager Mary Smith offered brief comments related to this agenda
604 item. Mayor Pro Tem White made a motion to approve the ordinance.
605 Councilmember Russo seconded the motion. The ordinance was read as follows:

606 CITY OF ROCKWALL, TEXAS
607 ORDINANCE NO. 12-22
608

609 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
610 ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR
611 THE FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30,
612 2012; PROVIDING FOR AN EFFECTIVE DATE.
613
614

615 The motion passed by a vote of 7 ayes to 0 nays.
616

- 617 2. Discuss and consider approval of an ordinance adopting the budget for
618 fiscal year 2013 and take any action necessary.

619 Assistant City Manager Mary Smith provided brief comments related to this item
620 and then read the following statement into the record:
621

622 "This budget will raise more total property taxes than last year's budget by
623 \$347,550 and of that amount \$745,713 is tax revenue to be raised from new
624 property added to the tax roll this year."
625

626 Mayor Pro Tem White then made a motion to approve the ordinance.
627 Councilmember Russo seconded the motion. The ordinance was read as follows:
628

CITY OF ROCKWALL
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

3. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2012 and take any action necessary.

Mayor Pro Tem White made a motion to approve the ordinance. Councilmember Smith seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2012 AT A RATE OF \$.5025 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2012 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2012 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

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

4. Discuss and consider the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2013 and amended budget for fiscal year 2012 and take any action necessary.

Assistant City Manager Mary Smith provided brief background information related to this agenda item, indicating that the REDC board has reviewed and is in agreement with these budget items.

Mayor Pro Tem White then made a motion to approve the REDC budget for FY2013 and the amended budget for FY2012. Councilmember Lewis seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

675 5. Discuss and consider the Rockwall Technology Park Association budget
676 for fiscal year 2013 and amended budget for fiscal year 2012 and take
677 any action necessary.

678 **Assistant City Manager Mary Smith provided brief background information related to this**
679 **agenda item. Mayor Pro Tem White made a motion to approve the Rockwall Technology**
680 **Park Association budget for FY2013 and amended budget for FY2012. Councilmember**
681 **Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

682 **City Manager Rick Crowley offered brief comments related to the budget, generally**
683 **thanking the city council and staff for their work on these budget items.**

684 6. Discuss and consider the Hotel Tax Subcommittee recommendations for
685 funding in fiscal year 2013 and take any action necessary.

686 **Assistant City Manager Mary Smith offered brief background information related to this**
687 **agenda item.**

688 **Mayor Pro Tem White made a motion to approve the recommendations for FY2013 Hotel**
689 **Occupancy Tax funding. Councilmember Smith seconded the motion, which passed by a**
690 **vote of 7 ayes to 0 nays.**

691 7. Discuss and consider approval of a resolution pursuant to the applicable
692 provisions of Chapter 43 of the Texas Local Government Code between
693 the City of Rockwall and the City of Heath to establish a common
694 boundary line, which will apply to each city regarding their extraterritorial
695 jurisdiction and annexation ability and authority, and take any action
696 necessary.

697 **Planning Director Robert LaCroix began the discussion, offering a brief explanation of**
698 **this agenda item. He indicated that the City of Heath has agreed to this boundary**
699 **agreement.**

700
701 **Mayor Pro Tem White made a motion to approve the resolution with the City of Heath to**
702 **establish a common boundary line. Councilmember Smith seconded the motion, which**
703 **passed by a vote of 7 ayes to 0 nays.**

704
705 8. Discuss and consider a request of Rob Whittle to initiate annexation
706 procedures for property consisting of approximately 0.857 acres of land
707 being known as Lot 1, Block B, Fox Chase Phase 7 and a City initiated
708 request to initiate annexation procedures of approximately 0.044 acres of
709 land (Tubbs Road public right-of-way) into the City of Rockwall, and take
710 any action necessary.

711 **Planning Director Robert LaCroix provided brief background information related to this**
712 **item, indicating that this is a voluntary annexation that has been requested by Mr.**
713 **Whittle.**

714
715 **Mayor Pro Tem White then made a motion to begin the voluntary annexation procedures**
716 **for this property. Councilmember Russo seconded the motion, which passed by a vote**
717 **of 7 ayes to 0 nays.**

718
719 9. Consider a resolution selecting the City of Rockwall's locally preferred
720 alternate route for SH-66 from SH-205 to FM-3549, and take any
721 necessary action.

722 City Manager Rick Crowley provided historical background information related to this
723 item, indicating that discussions have taken place with property owners who will be
724 affected by the re-route and widening of this roadway.

725
726 After delivery of Mr. Crowley's background information, Mayor Pro Tem White made a
727 motion to approve the resolution adopting the city's locally preferred route for SH-66
728 from SH-205 to FM-3549. Councilmember Townsend seconded the motion, which passed
729 by a vote of 7 ayes to 0 nays.

730
731 Mr. Crowley indicated that this route will be conveyed to the countywide planning
732 consortium moving forward.

733
734 10. Discuss and consider approval of the City of Rockwall's legislative
735 agenda for the 83rd session of the Texas Legislature, and take any action
736 necessary.

737 City Manager Rick Crowley provided background information related to this item,
738 indicating that part of the city's proposed legislative agenda will include lobbying for
739 legislation that would allow the city to acquire the right to serve annexed areas – for
740 example, the Lake Rockwall Estates subdivision, resulting in lower water and wastewater
741 rates for those residents. Mr. Crowley also touched on some police and fire related
742 initiatives that the city proposes to support through lobbying efforts as well. He also
743 pointed out some anticipated legislative discussions related to annexation of property,
744 specifically regarding 212 development agreements. Mr. Crowley also touched on a
745 recent court case related to city zoning, specifically regarding designating a specific use
746 on plats and how said court case could affect city zoning practices. He also indicated
747 that some graffiti related legislative discussions may take place during this session as
748 well. He touched on anticipated state roadway funding discussions too, indicating that
749 the city will be in support of such funding discussions since Rockwall has many state
750 roadways as thoroughfares throughout the city.

751 Mayor Pro Tem White made a motion to approve the city's legislative agenda for the 83rd
752 Texas Legislative Session as presented. Councilmember Townsend seconded the
753 motion.

754 Councilmember Lewis indicated that he would like something added to the city's
755 legislative agenda related to statewide future water plans for identification of alternate
756 water supply sources.

757 Mayor Pro Tem White amended his motion to include the addition of an item related to
758 statewide future water supply and acquisition plans. Councilmember Townsend
759 seconded this amended motion. The motion then passed by a vote of 7 ayes to 0 nays.

760
761 11. Discuss and consider approval of an ordinance amending the Code of
762 Ordinances in Chapter 30 Parks and Recreation, Article I In General,
763 Section 2 Regulated Activities in Parks to add provisions related to Park
764 Use for Organized Sporting Events, and take any action necessary (1st
765 reading).

766 Assistant City Manager Brad Griggs provided background information related to this
767 item, indicating that staff has recently received several complaints from residents
768 regarding organized sports teams practicing in neighborhood parks. He indicated that

769 the city's Park Board recently reviewed this concern, putting forth recommendations to
770 the council related to requiring organized sports teams to find alternative locations
771 within the city for holding their sports team practices.

772
773 Chairman of the Park Board, Mr. Marcus Yarbrough then came forth to address the
774 council regarding this issue.

775
776 **Marcus Yarbrough**
777 **Park Board Chairman**
778 **1500 Plummer Drive**
779 **Rockwall, Texas 75087**

780
781 Mr. Yarbrough came forth and explained that discussion of this topic has been raised
782 several times over the last five years since he has been serving on the park board. Some
783 of the concerns related to this topic include insufficient parking and no restroom
784 facilities at neighborhood parks. Mr. Yarbrough expressed that neighborhood parks are
785 intended for those living in the neighborhood to be able to walk to the park and enjoy it.
786 This is why parking has traditionally been limited in neighborhood parks and no
787 restrooms were constructed.

788
789 Mr. Lewis asked Mr. Griggs for clarification regarding complaints staff has recently
790 received. Mr. Griggs indicated that most of the complaints have been centered around
791 teams practicing football in neighborhood parks. He indicated that staff has spoken with
792 the school district whose representatives have indicated that such teams are welcome to
793 use school grounds for practice on a first come, first serve basis.

794
795 Mayor Pro Tem White asked for clarification regarding how staff proposes to enforce this
796 ordinance should it pass. Mr. Griggs indicated that staff has visited with the Police and
797 Code Enforcement Departments to discuss possible assistance after hours with
798 compliance related concerns. Mr. Hesser, Parks and Recreation Manager, indicated that
799 staff will attempt to contact sports teams to inform teams of the new ordinance
800 regulations and facilitate any necessary compliance discussions, offering to help them
801 find alternative practice locations in the city if necessary.

802
803 Mr. Townsend generally expressed concern about passing an ordinance prohibiting kids'
804 teams from practicing in neighborhood parks, especially knowing that the city does not
805 have adequate, alternative facilities and locations for them to practice.

806
807 Mr. White asked for clarification regarding what the main complaints are regarding. Mr.
808 Griggs indicated that the main complaints are related to traffic and inadequacy of
809 parking. Mr. Crowley generally indicated the belief that this is a difficult topic; however,
810 these teams are causing concern to those residents living in and around the
811 neighborhood parks.

812
813 Park Board Chairman, Marcus Yarbrough, again came forth and indicated that the current
814 park board did review minutes from a 2004 Park Board meeting where it was made clear
815 at that time that neighborhood parks were to be constructed and would not be used for
816 organized team sports.

817

818 Mr. White indicated that should this ordinance pass, he would like staff to move very
819 quickly to find suitable, alternative locations where organized sports teams can hold
820 their practices. Mr. Crowley indicated that staff can and will certainly work to do so.
821

822 Mr. Griggs offered a brief explanation of possible alternative locations for sports teams
823 to practice.
824

825 Mr. Lewis asked for clarification of how staff plans to manage use of city parks for
826 organized team activities. Mr. Griggs indicated that it will be managed on a first come,
827 first serve basis.
828

829 Councilmember Smith generally expressed concern about how staff will enforce the
830 ordinance if it is passed. Mr. Crowley offered that the council may wish to consider
831 passing these regulations by “policy” in lieu of doing so by ordinance.
832

833 Mr. Russo suggested possibly limiting team practice to those neighborhood parks that
834 have parking space available already.
835

836 Councilmember Townsend made a motion to table this item until staff brings back
837 alternative practice locations for teams to play. Mayor Pro Tem White seconded the
838 motion. Councilmember Daniels expressed a desire to put a time limit on this item so
839 that it gets resolved sooner rather than later.
840

841 Councilmember Townsend amended his motion to specify that this item will be tabled for
842 a period of six weeks before it is brought back to the city council for further discussion
843 and consideration. Mayor Pro Tem White seconded this amendment to the motion.
844

845 Mayor Sweet offered brief comments, indicating that he is sensitive to both sides of this
846 issue – both the residents living in areas with neighborhood parks and teams desiring to
847 practice in those locations.
848

849 Mayor Sweet asked staff to bring back options for long term and short term planning. He
850 encouraged staff to visit further with the school district to get more clear indication
851 regarding which locations might be available for use by these sorts of sports teams
852 moving forward. He also encouraged staff to attempt to look into how many teams are
853 currently using which locations and for what purposes.
854

855 Councilmember Townsend again amended his motion to ask staff to have formal
856 conversations with the school district regarding partnering with them to provide
857 alternative locations for sports teams to practice on school properties and to have the
858 Park Board revisit this issue thereafter before it comes back to the city council. Mayor
859 Pro Tem White seconded this amended motion.
860

861 Councilmember Daniels asked staff if this issue might be able to return to council in one
862 month instead of six weeks. Mr. Crowley indicated that this may be possible, and staff
863 will attempt to do so.
864

865 The motion and subsequent amendments to the motion passed by a vote of 7 ayes to 0
866 nays.
867

- 868 12. Discuss and consider repeal of the city's ordinances related to regulation
869 of signage, and take any action necessary.

870 **Mayor Pro Tem White began discussion of this agenda item, indicating that it has long**
871 **been established that the city does have the right to regulate signage throughout the**
872 **city, even on private property, and it has done so throughout the years.**

873
874 **Mayor Pro Tem White made a motion to repeal all of the city's sign related ordinances.**
875 **There being no second offered, the motion died for lack of a second. The council took**
876 **no formal action related to this agenda item.**

- 877
878 13. Discuss and consider approval of an ordinance amending the Code of
879 Ordinances in Chapter 32 - Signs, Article III regulations and
880 requirements, Division 6. Specific Sign Regulations by adding a new
881 Section, 32-316, to provide regulations for nonprofit, on-premise signs
882 and take any action necessary (1st reading).

883 **Mr. Crowley, City Manager, began discussion of this agenda item. He indicated that staff**
884 **would like to seek clarification from council regarding which regulations and standards**
885 **are desired to be allowed or prohibited by the council moving forward.**

886
887 **Councilmember Smith asked the council to consider tabling this action item to allow time**
888 **to solicit and receive citizen input regarding this topic. She also suggested putting**
889 **together a citizen committee to review and make recommendations related to the city's**
890 **entire sign ordinance regulations.**

891
892 **Mayor Pro Tem White asked for clarification regarding what type of signage is currently**
893 **allowed related to non-profit, off premise signage. Building Official, Jeffrey Widmer, so**
894 **clarified.**

895
896 **Councilmember Russo generally indicated support for further review of the city's sign**
897 **regulations. He generally indicated concern regarding the city not necessarily complying**
898 **with its own sign ordinance regulations, especially regarding the city's own use of metal**
899 **signs.**

900
901 **Councilmember Daniels shared insight related to his involvement with Helping Hands**
902 **and First Baptist Rockwall. He clarified that he is not a spokesperson for either of these**
903 **organizations, but both of these organizations do not want to be dragged into these sign**
904 **related discussions. Both organizations are okay with whatever city regulations are in**
905 **place as long as they are simplistic and easily understood. They will both comply with**
906 **whatever sign regulations the city specifies.**

907
908 **Mayor Pro Tem White made a motion to approve the ordinance as presented.**
909 **Councilmember Townsend seconded the motion.**

910
911 **Mr. Townsend inquired about the number of signs that each non-profit facility will be able**
912 **to display on their premises. Mr. Crowley provided some suggestions associated with**
913 **the number of signs per premise that the council may wish to allow, suggesting that the**
914 **council not place a limit on the number of signs allowed. Mr. Townsend indicated a**
915 **preference to keep things simple and not limit the number of on-premise signs allowed.**
916

917 Mayor Pro Tem White amended his motion to not place a limit on the number of signs
918 allowed on-premise for these non-profit organizations. Councilmember Townsend
919 seconded this amended motion.
920

921 Councilmember Russo indicated a desire to continue allowing non-profit organizations
922 to utilize metal and wood signage on a temporary basis as part of this ordinance as well.
923

924 Mayor Pro Tem White amended his motion a second time to accommodate Russo's
925 request to also temporarily allow metal and wood signage for non-profit, on-premise
926 signs. Councilmember Townsend seconded this amendment to the motion.
927

928 Mr. Widmer suggested the council might consider allowing and specifying "one sign per
929 frontage" on the property.
930

931 Mayor Pro Tem White clarified his motion as follows:
932 Motion to approve the ordinance as presented with the addition of metal and wood signs
933 being allowed for temporary use under Section 32-316 (b) and the addition of "one sign
934 per frontage" to Section 32-316 (f) of the proposed ordinance. Councilmember Townsend
935 seconded this amended and clarified motion.
936

937 Mayor Pro Tem White clarified and specified that non-profits will still be able to continue
938 using their banner signs indefinitely moving forward if (1) the sign is affixed to the
939 building itself or (2) it is affixed to a permanent sign.
940

941 Councilmember Smith offered comments related to a personal survey she conducted of
942 the public over the weekend. She then generally indicated that she is not in support of
943 this ordinance and the hardship
944

945 Councilmember Russo called the question and also suggested review of the city's sign
946 ordinance regulations moving forward.
947

948 The ordinance was read into the record as follows with the understanding that the
949 expressed, council desired, minor changes will be made and reflected upon 2nd reading
950 of the ordinance at the next, regular council meeting:
951

952 CITY OF ROCKWALL, TEXAS
953 ORDINANCE NO. 12-
954

955 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
956 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
957 CHAPTER 32 - SIGNS, ARTICLE III REGULATIONS AND
958 REQUIREMENTS, DIVISION 6. SPECIFIC SIGN REGULATIONS BY
959 ADDING A NEW SECTION, 32-316, TO PROVIDE REGULATIONS
960 FOR NON-PROFIT ON-PREMISE SIGNS; PROVIDING FOR A
961 PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO
962 THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING
963 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
964 CLAUSE; PROVIDING AN EFFECTIVE DATE.
965

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967
968 The motion passed by a vote of 5 ayes to 2 nays (Sweet and Smith).

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The public meeting was adjourned at 9:20 p.m., and the council did not reconvene into Executive Session following the public meeting.

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

- 1. Deliberation regarding the purchase, exchange, lease, or value of real property.
- 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
- 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
- 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting above for action taken as a result of pre-public meeting Executive Session.

X. ADJOURNMENT

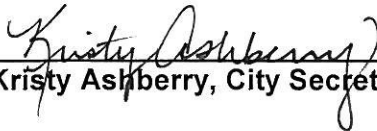
The public meeting was adjourned at 9:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 1st day of October, 2012.



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary



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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 01, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Council seat, Place 2, was vacant at this council meeting. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property and re: right to serve Lake Rockwall Estates including acquisition of easements and the system.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

The Council took no action as a result of Executive Session.

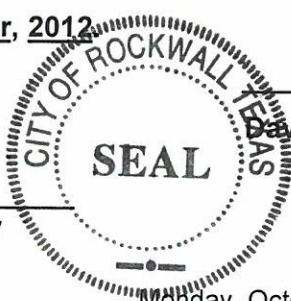
IV. ADJOURNMENT

The Council adjourned Executive Session at 5:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 15th day of October, 2012.

ATTEST:


Kristy Ashberry, City Secretary




David Sweet, Mayor

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**MINUTES
ROCKWALL CITY COUNCIL**

Monday, October 01, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

55 I. CALL TO ORDER

56
57 Mayor Sweet called the public meeting to order at 6:00 p.m. Present were Mayor
58 David Sweet, Mayor Pro Tem David White and Councilmembers Mike Townsend,
59 Michelle Smith, Bennie Daniels and Dennis Lewis. Council seat, Place 2, was
60 vacant at this council meeting. Also present were City Manager Rick Crowley,
61 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete
62 Eckert.

63
64 II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER LEWIS

65
66 Councilmember Lewis delivered the invocation and led the Pledge of Allegiance.

67
68 III. PROCLAMATIONS / AWARDS

69
70 1. Fire Prevention Month

71
72 Mayor Sweet called Fire Marshal Ariana Hargrove forth to accept this
73 proclamation. Mrs. Hargrove then invited everyone to attend the annual Fire
74 Department Open House this Saturday, October 6. She also invited the council
75 members to ride out on fire trucks at tomorrow's Texas / National Night Out.

76
77 2. Texas Night Out

78
79 Mayor Sweet called Police Lieutenant Kirk Aldridge forward to accept this
80 proclamation. Lt. Aldridge then invited everyone to attend tomorrow's Texas
81 Night Out events throughout the city. He explained that eighteen different
82 neighborhoods in Rockwall are participating, and our police personnel will be out
83 at each of these neighborhoods to promote public safety and offer crime
84 prevention tips.

85
86 IV. OPEN FORUM

87
88 Mayor Sweet explained how Open Forum is conducted and asked if anyone in the
89 audience would like to come forth and speak during this time. There being no one
90 in the audience wishing to speak, Mayor Sweet then closed the Open Forum
91 portion of the meeting.

92
93 V. CONSENT AGENDA

- 94
95 1. Consider approval of the minutes from the September 17, 2012
96 regular city council meeting, and take any action necessary.

- 97
98
99
2. Consider approval of a deed restriction on 16.23 acres at Caruth Lake as a Waters of the US Mitigation Area related to the Harbor Project and take any action necessary.
- 100
101
102
3. Consider approval of an interlocal agreement with the City of Heath regarding access to the Police Department's Record Management System (RMS), and take any action necessary.
- 103
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106
4. Consider approval of agreement with Group and Pension Administrators, the city's third party administrator for health and welfare benefits, in the amount \$158,800.80 and take any action necessary.
- 107
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111
5. Consider approval of an **ordinance** amending the Code of Ordinances in Chapter 32 - Signs, Article III regulations and requirements, Division 6. Specific Sign Regulations by adding a new Section, 32-316, to provide regulations for nonprofit, on-premise signs and take any action necessary **(2nd reading)**.
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6. Z2012-012 - Consider approval of an **ordinance** for a city initiated request to amend the Unified Development Code of the City of Rockwall to incorporate proposed changes to Article II, Authority and Administrative Procedures, Section 12, Historic Preservation Advisory Board, And Section 15, Historic Preservation Officer, and Article V, District Development Standards, Section 6.2, Historic Overlay (HO) District, as recommended by the State Coordinator of the Certified Local Government Program, a division of the Texas Historical Commission, and take any action necessary. **(2nd reading)**
- 122
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7. Z2012-013 - Consider approval of an **ordinance** for a request by Bobby Samuel (representing Breezy Hill 405, LTD) for the approval of a zoning change to amend Planned Development District 74 (PD-74) on property identified as Tracts 7 & 7-1 of the J. Strickland Survey, Abstract No. 187 containing 405.184 acres of land and being zoned Planned Development District 74 (PD-74), generally located north of FM-552 and west of Breezy Hill Road, and take any action necessary. **(2nd reading)**
- 130
131
132
8. Consider approval of an interlocal agreement for fire protection services between Rockwall County and the City of Rockwall and take any action necessary.

133 **Mayor Pro Tem White pulled items #5 and #6 for further discussion. He then made**
134 **a motion to approve remaining Consent Agenda items (#s 1, 2, 3, 4, 7 and 8).**
135 **Councilmember Smith seconded the motion, and the ordinance (Consent #7) was**
136 **read as follows:**

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140

**CITY OF ROCKWALL
ORDINANCE NO. 12-26**

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144

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT
DISTRICT 74 (PD-74) [ORDINANCE NO. 09-19] AND THE UNIFIED
DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF**

145 ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE
146 PLANNED DEVELOPMENT CONCEPT PLAN, DEVELOPMENT
147 STANDARDS AND CAPITAL FACILITIES AGREEMENT APPROVED
148 WITH ORDINANCE NO. 09-19, BEING A 405.184-ACRE TRACT OF
149 LAND SITUATED IN THE J. STRICKLAND SURVEY, ABSTRACT
150 NO. 187, T. R. BAILEY SURVEY, ABSTRACT NO. 30 AND THE J.
151 SIMMONS SURVEY, ABSTRACT NO. 190, AND MORE FULLY
152 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL
153 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
154 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
155 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
156 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
157 FOR AN EFFECTIVE DATE.

158
159 The motion passed by a vote of 6 ayes to 0 nays.

160
161 Mayor Pro Tem White made a motion to approve Consent Agenda item #5.
162 Councilmember Townsend seconded the motion, and the ordinance was read as
163 follows:

164
165 CITY OF ROCKWALL, TEXAS
166 ORDINANCE NO. 12-27
167

168 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
169 ROCKWALL, TEXAS, AMENDING THE CODE OF
170 ORDINANCES IN CHAPTER 32 - SIGNS, ARTICLE III
171 REGULATIONS AND REQUIREMENTS, DIVISION 6.
172 SPECIFIC SIGN REGULATIONS BY ADDING A NEW
173 SECTION, 32-316, TO PROVIDE REGULATIONS FOR NON-
174 PROFIT ON-PREMISE SIGNS; PROVIDING FOR A PENALTY
175 OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
176 DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR
177 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
178 CLAUSE; PROVIDING AN EFFECTIVE DATE.

179
180 The motion passed by a vote of 4 ayes with 2 against (Sweet and Smith).

181
182 Regarding Consent Agenda item #6, Councilmember Smith made a motion to
183 approve this item. Councilmember Townsend seconded the motion. The
184 ordinance was read as follows:

185
186 CITY OF ROCKWALL
187 ORDINANCE NO. 12-25
188

189 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
190 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
191 CODE (ORD. NO. 04-38) OF THE CITY OF ROCKWALL AS
192 HERETOFORE AMENDED BY AMENDING ARTICLE II.
193 ADMINISTRATIVE PROCEDURES, AND ARTICLE V. DISTRICT
194 DEVELOPMENT STANDARDS; PROVIDING FOR A PENALTY OF
195 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
196 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
197 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
198 CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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The motion passed by a vote of 5 ayes and 1 against (White).

VI. APPOINTMENTS

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

Planning Chairman Phillip Herbst came forth and briefed the council on recommendations of the Planning & Zoning Commission relative to items on tonight's council agenda. He explained that the Commission did recommend approval of MIS2012-009. The council took no action related to this item.

VII. ACTION ITEMS

1. MIS2012-009 - Discuss and consider a request by Joel Carmona for approval of a special request to the standards of the (PD-75) Planned Development No. 75 district (Ord. 09-37), specifically to the setback requirements stating that a carport shall be located at least 20 feet behind the front building facade of the primary structure as set forth by Article VI, Permissible Uses, of the Unified Development Code, for a property located at 221 Nicole, and take any action necessary.

Planning Director Robert LaCroix provided brief background information related to this item. Mr. LaCroix indicated that special requests are allowed in Lake Rockwall Estates to help address and consider these sorts of issues. He explained that Mr. Carmona would like to build a carport, which would be abutted to the existing home structure located at this address. He indicated that staff and the Planning & Zoning Commission are both in agreement with recommending approval of this item to the city council tonight.

Mayor Pro Tem White made a motion to approve MIS2012-009. Councilmember Lewis seconded the motion. The motion passed by a vote of 6 ayes to 0 nays.

2. Discuss and consider approval of a recommendation from the Park Board regarding a Concession Agreement with Big D Boat Club, LLC. for a boat and watercraft rental business in the takeline area of Lake Ray Hubbard and take any action necessary.

Assistant City Manager Brad Griggs provided background information related to this item, explaining the nature of this business and indicating that it is operating out of the takeline area of Lake Ray Hubbard. As such, he explained that they are subject to a concession agreement and associated revenue fee sharing with the City of Rockwall. Brief discussion took place related to the city's level of responsibility or involvement with this company should there be any customer service related concerns. Mr. Griggs indicated that it is possible to terminate the concession agreement with a thirty day notice.

Mayor Pro Tem White then made a motion to approve the agreement as presented. Councilmember Lewis seconded the motion.

247 Mr. Lewis asked for clarification related to the proposed hours of operation. Mr.
248 Griggs indicated that the operations will be limited to daylight hours only.

249
250 Councilmember Daniels asked for clarification related to how this company will
251 coordinate rentals with its patrons. Mr. Griggs explained the process of how
252 rentals would most likely function.

253
254 The motion to approve then passed by a vote of 6 ayes with 0 nays.

255
256 3. Discuss and consider approval of a recommendation from the
257 Park Board related to a policy regarding sports teams and large
258 group gatherings within citywide parks and take any action
259 necessary.

260 Mr. Griggs indicated that the Park Board held a special meeting on September 25
261 to evaluate this issue further and make a policy recommendation to the Council as
262 well as to identify alternative school locations that could be used as practice
263 fields. He indicated that all non-competition school sites can be utilized by these
264 sports teams with no reservation or agreement needed but that competitive
265 school related fields would need to be scheduled through the school district. He
266 explained that staff evaluated the city's own possible sites and believes there are
267 about twelve to fifteen sites where teams could be accommodated. Mr. Griggs
268 indicated that staff understood the council's desire to not present any changes in
269 the form of an ordinance, so the Park Board developed a proposed policy for
270 council consideration instead. He explained that on city owned sites, the teams
271 would need to have a facility use agreement in place so that the city's Parks and
272 Recreation Manager can assign fields and know which teams are utilizing city
273 fields and at what hours. Mr. Griggs indicated that staff is considering adding
274 eight to ten acres of turf area at North Community Park on a temporary basis in
275 the spring time for use in daylight hours. The next steps, should council move
276 forward with adopting the recommended policy, would be for staff to make
277 contact with these sports teams to secure facility use agreements (at no charge)
278 and ensure they have the proper forms of insurance in place while also
279 minimizing neighborhood impacts.

280
281 Mayor Pro Tem White asked what the difference is between what is being
282 recommended this evening and what was brought before council at the last
283 meeting. Mr. Griggs explained that the basic difference is that no ordinance
284 would be passed, so enforcement capabilities would be limited.

285
286 Mayor Pro Tem White then made a motion to approve the recommended policy
287 from the Park Board as presented and described by Mr. Griggs. Councilmember
288 Daniels seconded the motion.

289
290 Councilmember Townsend asked for clarification regarding total scheduling
291 control being given to the Parks and Recreation Manager. Mr. Griggs indicated
292 that Mr. Hesser, Parks and Rec Manager, will be monitoring and assisting with
293 scheduling of these fields, including ensuring that proper insurance is in place
294 and that no fields are getting worn down with overuse while other fields go
295 unutilized.

296

297 Mayor Pro Tem White asked for clarification in the policy regarding what "large
298 groups" means. Mr. Griggs indicated this would be like a large family reunion, a
299 large, neighborhood meeting or an event like a neighborhood picnic at The Shores
300 Park. He explained that the city would like to have knowledge of these large
301 events so we can make any arrangements for extra trash receptacles and clean up
302 assistance if necessary.

303

304 After brief comments from Mayor Sweet, the motion then passed by a vote of 6
305 ayes with 0 nays.

306

307 VIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING
308 MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

309

- 310 1. Departmental Reports
- 311 Recreation Monthly Report - August 2012
- 312 Harbor PD Report - August 2012
- 313 Police Department Monthly Report - August 2012
- 314 Fire Dept. Monthly Reports - August 2012
- 315 Internal Operations Department Monthly Report - August 2012.
- 316 Building Inspections Monthly Report - August 2012

317

318

319 City Manager Rick Crowley provided a brief update to the council regarding the
320 city's work towards attempting to acquire the right to serve water and wastewater
321 to Lake Rockwall Estates (LRE), including a recent TCEQ mediation that took
322 place in Austin between the city, residents of LRE and Aqua Texas. He indicated
323 that some progress was made but efforts will continue from a legislative and legal
324 standpoint.

325

326 Mr. Crowley also indicated that the Texas Amateur Athletic Federation will be
327 holding its one of its annual conferences (September 2015) in the City of
328 Rockwall. Assistant City Manager Brad Griggs and his staff proposed a program
329 in an attempt to gain this conference and were successful in securing it. He
330 explained that this conference will result in about 150-170 booked hotel rooms in
331 town.

332

333 He invited the council to this weekend's Fire Department Open House and Rib
334 Rub. He explained that City Engineer Chuck Todd recently retired, and staff will
335 be appointing an interim city engineer soon. An effort to fill the vacancy will
336 follow thereafter. He also shared that he continues to visit local businesses and
337 will invite council to participate in those visits as appropriate. He reminded
338 council of Texas Night Out in Rockwall tomorrow night.

339

340 IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF
341 TEXAS GOVERNMENT CODE TO DISCUSS:

342

- 343 1. Deliberation regarding the purchase, exchange, lease, or value of real
344 property and re: right to serve Lake Rockwall Estates including
345 acquisition of easements and the system.

- 346 2. Personnel Issues, including Board, Commission, and Committee
347 Appointments, and Related Matters.
- 348 3. Commercial or financial information regarding business prospects that
349 the City seeks to have locate, stay, or expand in or near the territory of
350 the City of Rockwall and with which the Board is conducting economic
351 development negotiations.
- 352 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation
353 with attorney with regard to a matter that it is the duty of the attorney to
354 consult with the Council pursuant to the Attorney Client Privilege under
355 the Texas Disciplinary Rules of Professional Conduct of the State Bar of
356 Texas.

357 **X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

358

359 **No action was taken as a result of Executive Session.**

360

361 **XI. ADJOURNMENT**

362

363 **The meeting was adjourned at 6:39 p.m.**

364

365

366 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
367 **TEXAS, this 15th day of October, 2012.**

368




David Sweet, Mayor

369 **ATTEST:**

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, October 15, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Mike Townsend, Michelle Smith, Jim Pruitt, and Dennis Lewis. Council Member Bennie Daniels was absent from the meeting. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Brad Griggs. Mayor Sweet immediately recessed the public meeting into Executive Session.

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17

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

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1. Deliberation regarding the purchase, exchange, lease, or value of real property and re: right to serve Lake Rockwall Estates including acquisition of easements and the system.
 2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
 3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

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See start of public meeting below (just before Consent Agenda) for action taken as a result of Executive Session.

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IV. ADJOURNMENT

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The Council adjourned Executive Session at 5:45 p.m.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 5th day of November, 2012.

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ATTEST:

David Sweet, Mayor

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Kristy Ashberry, City Secretary

48 **MINUTES**
49 **ROCKWALL CITY COUNCIL**

50 **Monday, October 15, 2012**
51 **6:00 p.m. Regular Meeting**
52 **City Hall, 385 S. Goliad, Rockwall, Texas 75087**
53

54 **I. CALL TO ORDER**
55

56 **Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,**
57 **Mayor Pro Tem David White and Council Members Mike Townsend, Michelle Smith, Jim**
58 **Pruitt and Dennis Lewis. Council Member Daniels was absent from this meeting. Also**
59 **present were City Manager Rick Crowley, City Attorney Pete Eckert and Assistant City**
60 **Managers Mary Smith and Brad Griggs.**
61

62 **II. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**
63

64 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**
65

66 **III. SWEARING IN OF NEWLY APPOINTED COUNCIL MEMBER, PLACE 2 – JIM PRUITT**
67

68 **Brian Williams, County Court at Law Judge for Rockwall County, came forth and**
69 **administered the Oath of Office for newly appointed City Council Member, Place 2, Jim**
70 **Pruitt. Mr. Pruitt was officially sworn in by City Secretary Kristy Ashberry the morning of**
71 **October 15, 2012. Mr. Williams, however, administered his ceremonial swearing in.**
72

73 **Mayor Pro Tem White introduced two guests in the audience, Caroline McCallum and**
74 **Jennifer Stubbs of the city’s Youth Advisory Council.**
75

76 **Mayor Pro Tem White then made a motion to appoint Councilmember Pruitt to serve on**
77 **the Airport Subcommittee and the Naming & Awards Subcommittee. Councilmember**
78 **Smith seconded the motion, which passed by a vote of 6 ayes with 1 absent (Daniels).**
79

80 **IV. CONSENT AGENDA**
81

- 82 **1. Consider approval of the minutes from the October 1, 2012 regular city**
83 **council meeting and take any action necessary.**
- 84 **2. Consider approval of a contract with the Central Appraisal District of**
85 **Rockwall County for assessment and collection services for tax year 2012**
86 **and take any action necessary.**
- 87 **3. Consider authorizing the city manager to enter into a contract with**
88 **AECOM for the preparation of bid documents for repairs at The Harbor,**
89 **and take any action necessary.**
- 90 **4. Consider accepting a recommendation for KSA Engineering to perform**
91 **engineering design for drainage improvements at the Ralph M. Hall /**
92 **Rockwall Municipal Airport and take any action necessary.**
- 93 **5. Consider approval of a contract with STAR Transit for transportation**
94 **services in Rockwall and take any action necessary.**

- 95 6. P2012-025 - Discuss and consider a request by Tom Jones with Binkley
96 and Barfield, for approval of a preliminary plat for the Columbia Park
97 Addition, being approximately 7.878 acres of land and described as a
98 portion of a 16.558 acre tract out of Abstract 0020, N. Butler, Tract 4-01,
99 City of Rockwall, Texas, zoned (C) Commercial and situated on the north
100 side of Airport Road east of Industrial Boulevard, and take any action
101 necessary.
- 102 7. P2012-031 - Discuss and consider a request by Jim Nichols of Di Sciullo-
103 Terry, Stanton & Associates, for approval of a replat of Lots 19, 20, 21,
104 and 22 of the Skyview Country Estates No. 3 Addition, being
105 approximately 7.052-acre tract of land, located at 1362 East FM 552,
106 Rockwall, TX, zoned (AG) Agricultural district, situated east of John King
107 Blvd and north of FM 552, and take any action necessary.
- 108 8. Consider approval of a contract with Rockwall County Committee on
109 Aging for certain nutritional and senior service programs and take any
110 action necessary.

111 **Mayor Pro Tem White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4,**
112 **5, 6, 7, and 8). Councilmember Smith seconded the motion, which passed by a vote of 6**
113 **ayes with 1 absent (Daniels).**

114
115 **V. APPOINTMENTS**
116

- 117 1. Appointment with the Planning and Zoning Chairman to discuss and
118 answer any questions regarding cases on the agenda and related issues
119 and take any action necessary.

120 **Phillip Herbst, chair of the city's Planning & Zoning Commission, came forth to brief the**
121 **council on recommendations of the Commission relative to item's on tonight's city**
122 **council agenda. The council took no action related to this agenda item.**

- 123 2. Appointment with resident Jack Athey to hear concerns related to the law
124 enforcement training facility on Airport Road and take any action
125 necessary.

126 **Mr. Jack Athey**
127 **1780 Airport Road**
128 **Rockwall, Texas 75087**
129

130 **Mr. Athey came forth to explain that he and his family have been long term residents of**
131 **Rockwall, and he considers Rockwall to be his home. He generally expressed concern**
132 **about a violation of his Constitutional rights, specifically related to the noise pollution**
133 **associated with the law enforcement gun range training facility located near his home on**
134 **Airport Road. He indicated that the sound is "obnoxious," and he believes his property**
135 **values are adversely affected by the presence of this gun range and its associated noise.**
136 **Mr. Athey shared a series of several photographs he indicated are associated with the**
137 **sound levels which have emitted from the facility and which he has recorded with a**
138 **small, electronic device. Mr. Athey then indicated that he is requesting the city take**
139 **action to correct the noise emitting from the range. He specifically would like the noise**
140 **level to be reduced to zero noise emissions. Mr. Athey then supplied photos of a gun**
141 **range in Mesquite and one in Garland, both of which he believes do not emit noise like**

142 the one in Rockwall. Mr. Athey generally asked the city to consider working with him to
143 take steps to correct the noise at the gun range.

144
145 After Mr. Athey's presentation and comments, Mayor Sweet indicated that these
146 concerns will be referred to Pete Eckert, the city's attorney, for further review. The
147 Council took no formal action related to this appointment item.

148
149 3. Appointment with Matt Weatherly, Public Sector Personnel Consultants,
150 to hear a proposal and requesting Council to approve the City Manager to
151 enter into an agreement for professional consulting services for a
152 comprehensive classification and compensation study, and take any
153 action necessary.

154 Mr. Weatherly of Public Sector Personnel Consultants came forth to provide a
155 presentation to the city council related to his company's proposal for conducting a
156 comprehensive classification and compensation study. He generally indicated that his
157 company has done quite a bit of compensation related work for other cities located in the
158 Dallas/Fort Worth metroplex. He then provided the council with an overview of the type
159 of work his company proposes to perform on behalf of the City of Rockwall.

160
161 City Manager Rick Crowley offered brief, follow up comments. After brief discussion,
162 Mayor Pro Tem White made a motion to authorize the City Manager to enter into an
163 agreement with Public Sector Personnel for professional consulting services for a
164 comprehensive classification and compensation study. Councilmember Lewis seconded
165 the motion. After brief, additional comments from Mayor Sweet, the motion passed by a
166 vote of 6 ayes with 1 absent (Daniels).

167
168 VI. PUBLIC HEARING ITEMS

169
170 1. **A2012-002 (6:00 pm)** - Hold a public hearing and consider a request by
171 Robert S. Whittle with Whittle Development, Inc., Caruth Lake
172 Development Corp., for annexation of a 0.857 acre tract of land (Area 1)
173 known as Lot 1, Block B, Fox Chase Phase 7 and a City initiated request
174 for annexation of a 0.041 acre tract of land (Area 2) (Tubbs Road public
175 right-of-way) situated near the intersection of Tubbs Road and White
176 Road within the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall
177 and contiguous to the existing city limits line. **(1st Public Hearing)**

178 Planning Director Robert LaCroix provided background information related to this item,
179 which he indicated is a voluntary annexation being initiated at the request of Mr. Rob
180 Whittle, the owner. He stated that this public hearing is the first of two public hearings
181 required by state law. Mr. LaCroix indicated that a portion of this property was
182 previously located in the City of Heath; however, the City of Rockwall recently reached a
183 boundary adjustment agreement with the City of Heath, so Rockwall is now moving
184 forward with annexing this property at Mr. Whittle's request. Actual council action will be
185 taken related to this annexation on Monday, November 5th.

186 Mr. Crowley, City Manager, indicated that the only circumstance under which both public
187 hearings for an annexation are held on the same night is when the annexation is a
188 voluntary one.

189 Mayor Sweet opened the public hearing. There being no one to come forth and speak,
190 Mayor Sweet then closed the public hearing. No council action was taken.

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2. **A2012-002 (6:15 pm)** - Hold a public hearing and consider a request by Robert S. Whittle with Whittle Development, Inc., Caruth Lake Development Corp., for annexation of a 0.857 acre tract of land (Area 1) known as Lot 1, Block B, Fox Chase Phase 7 and a City initiated request for annexation of a 0.041 acre tract of land (Area 2) (Tubbs Road public right-of-way) situated near the intersection of Tubbs Road and White Road within the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall and contiguous to the existing city limits line. **(2nd Public Hearing)**

201 **Mayor Sweet opened the public hearing related to this item. There being no one to come**
202 **forth and address the council, Mayor Sweet then closed the public hearing.**

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3. **Z2012-014** - Hold a public hearing and consider approval of an **ordinance** for a request by Richard Horn with Centurion American for the approval of a zoning change to amend a portion of Planned Development District 10 (PD-10) on property identified as a tract of land situated in the Joseph Cadle Survey, Abstract No. 65 and the N.M. Ballard Survey, Abstract No. 48, City of Rockwall, Rockwall County, Texas, being part of tract No. 1 described in a deed conveyed to Cambridge Co., recorded in Vol. 105, Pg. 505, of the Deed Records Rockwall County, Texas and containing 29.868-acres of land and to change the zoning from Commercial (C) district to Planned Development District 10 (PD-10) on a tract of land situated in the Joseph Cadle Survey, Abstract No. 65 and the N.M. Ballard Survey, Abstract No. 48, City of Rockwall, Rockwall County, Texas, containing 11.683-acres of land, and take any action necessary.

217 **Planning Director Robert LaCroix provided background information related to this item.**
218 **He indicated that this planned development district dates back to the 1970s originally,**
219 **and it has been modified several times throughout the years. Mr. LaCroix indicated that**
220 **the Cambridge Company came to the city back in 2003 and attempted to initiate a multi**
221 **family development (about 2,000 units). He indicated that at the time, the city was in the**
222 **midst of a 120 day moratorium on multifamily development within the city. Cambridge**
223 **challenged this moratorium legally and the litigation resulted in a development**
224 **agreement. The Mansions, a multifamily housing development, was brought forth and**
225 **built following this settlement and associated development agreement.**

226
227 **Mr. LaCroix then provided the council with a description of this proposed zoning change**
228 **and associated concept plan. He indicated that the city's current regulations allow for a**
229 **density of eight units per acre. After discussions with the developer, the city's planning**
230 **staff and Planning & Zoning Commission are recommending that the number of units**
231 **associated with this Planned Development District be capped at one hundred and forty-**
232 **eight (148) units. Mr. LaCroix indicated that the developer has agreed to utilize ninety**
233 **percent stone and brick in lieu of utilizing any stucco. These units would require rear**
234 **entry units, each with garages and rear parking, essentially in rear driveways. The**
235 **applicant also plans to voluntarily add parking niches around the units on the parameter**
236 **of the development. He spoke about the required open space associated with this PD,**
237 **indicating that with the existing floodplain, the applicant will more than meet this ten**
238 **percent requirement. He briefly spoke about a traffic impact analysis.**

239
240 **Mr. LaCroix stated that notices were sent out to adjacent property owners in accordance**
241 **with state law. Two responses were received back in favor of this development. He then**
242 **provided clarification to the council related to staff and Planning & Zoning Commission**
243 **recommendations.**

244
245 **Mayor Sweet opened the public hearing.**

246
247 **The applicant then came forth to address the council.**

248
249 **Rick Horn**
250 **Centurion American**
251 **1221 Interstate 35 E**
252 **Carrollton, Texas**

253
254 **Mr. Horn offered a request that the council consider slightly lowering the fire lane width**
255 **requirement.**

256
257 **There being no one else in the audience indicating a desire to come forth and speak,**
258 **Mayor Sweet then closed the public hearing.**

259
260 **Mayor Pro Tem White made a motion to approve Z2012-014 with staff and Planning &**
261 **Zoning recommendations included. Councilmember Townsend seconded the motion.**

262
263 **Mayor Sweet engaged staff in a brief, question and answer exchange for clarification.**

264
265 **Mr. Horn clarified that the buildable land area will allow for up to one hundred and forty**
266 **(140) units as far as the density is concerned.**

267
268 **The ordinance was read as follows:**
269

CITY OF ROCKWALL

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE NO. 04-25 AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN FOR TRACT 6 OF PLANNED DEVELOPMENT DISTRICT 10 (PD-10) TO ADD COMMERCIAL USES AS SHOWN IN EXHIBIT 'B' OF THIS ORDINANCE AND TO MODIFY THE DEVELOPMENT STANDARDS FOR TOWNHOUSES AS SHOWN IN EXHIBIT 'C' OF THIS ORDINANCE, BEING A 29.868-ACRE TRACT OF LAND SITUATED IN THE JOSEPH CADLE SURVEY, ABSTRACT NO. 65 AND THE N. M. BALLARD SURVEY, ABSTRACT NO. 48, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, BEING PART OF TRACT NO. 1 DESCRIBED IN A DEED CONVEYED TO CAMBRIDGE CO., RECORDED IN VOLUME 105, PAGE 505, OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING AN 11.683-ACRE TRACT OF LAND SITUATED IN THE JOSEPH CADLE SURVEY, ABSTRACT NO. 65 AND THE N. M. BALLARD SURVEY, ABSTRACT NO. 48, 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.

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The motion to approve this item failed by a vote of 3 in favor, 3 against (Sweet, Smith and Lewis) and 1 absent (Daniels).

VII. SITE PLANS / PLATS

1. SP2012-017 - Discuss and consider a request by Tom Jones with Binkley and Barfield for approval of an exception to the exterior material requirements under Sec. 4.1 General Commercial District Standards of the Unified Development Code, and more specifically to allow stucco to be located below the minimum eight feet from grade, in association with an administrative site plan for the Lakes Regional Mental Health Mental Retardation Center, being approximately 3.00 acres of land and described as a portion of a 16.558 acre tract out of Abstract 0020, N. Butler, Tract 4-01, City of Rockwall, Texas, zoned (C) Commercial and generally situated on north side of Airport Road east of Industrial Boulevard, and take any action necessary.

Mr. LaCroix indicated that the applicant has met all the requirements with the exception of the building. The issue at hand is that the city's requirements do not allow cementaceous or stucco material below eight feet on a commercial building façade. The applicant is proposing to design a more residential looking commercial building in this case, so the "eight foot from grade" requirement would not fit on the façade of this proposed structure. A majority vote of the council is required to approve this item.

**Joe Cruise, project architect
28 Russ Lane**

297 **Texarkana, Texas**

298

299 **The applicant, Mr. Cruise, came forward and offered brief comments relative to his**
300 **request.**

301

302 **Councilmember Smith then made a motion to approve SP2012-017. Mayor Sweet**
303 **seconded the motion, which passed by a vote of 6 ayes with 1 absent (Daniels).**

304

305 **2. SP2012-021 - Discuss and consider a request by David Lowrey with**
306 **Landlow, LLC., for approval of a site plan for a portion of Lot 1, Block 1,**
307 **Rockwall Business Park, containing 2.15-acres of land zoned Commercial**
308 **(C) district and within the SH 205 Overlay (SH 205 OV) District,**
309 **specifically located at 811 Yellow Jacket Lane, City of Rockwall, Texas,**
310 **and take any action necessary.**

311 **Mr. LaCroix indicated that this site is where the current Ridgeview Athletic Center is**
312 **located. The applicant would like to add a second floor to the existing building as well as**
313 **a usable balcony area on the upper floor. He indicated that they would like to use the**
314 **second floor addition for office space, possibly for additional use by county staff who**
315 **would otherwise office out of the new county courthouse. The Architectural Review**
316 **Board (ARB) did request that the applicant consider bringing forth an alternative color**
317 **pallet for consideration, and the applicant has done so.**

318

319 **Mr. LaCroix indicated that this item does require a ¾ majority vote of the council for**
320 **approval.**

321

322 **Mr. Crowley clarified that the Planning & Zoning Commission has already recommended**
323 **approval of this site plan utilizing stucco only; however, they did encourage the applicant**
324 **to consider adding stone to the site plan as well.**

325

326 **John Linsey**
327 **2814 Grenelle**
328 **Lubbock, Texas**

329

330 **Mr. Linsey explained that the building material they propose to use is known as**
331 **Stonecast, which is a limestone derivative. He generally indicated that they would like to**
332 **wrap the building façade with a material that looks like limestone and that matches the**
333 **base color and look of the neighboring county courthouse.**

334

335 **A representative from Stonecoat, the company that makes the stone material the**
336 **applicant would like to utilize on this building, came forth and shared information about**
337 **the product. She indicated that the product is not a cement based product, but rather is**
338 **a natural stone product.**

339

340 **Mayor Pro Tem White then made a motion to approve SP2012-021, including granting a**
341 **variance to the fifty-percent stucco requirement and granting permission for utilization of**
342 **the Stonecoat product. Councilmember Pruitt seconded the motion.**

343

344 **Brief discussion took place related to how the colors will be ensured.**

345

346 **The motion to approve this item passed by a vote of 6 ayes with 1 absent (Daniels).**

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3. P2012-029 - Discuss and consider a request by Bobby Samuels for approval of a master plat including an open space master plan for Breezy Hill Addition, out of the J. Strickland Survey, Abstract No. 187 and T.R. Bailey Survey, Abstract No. 30, City of Rockwall, Texas, being 405.223 acres of land, zoned (PD-74) Planned Development No. 74 district and generally situated along the east and west sides of John King Boulevard, north of FM 552, and take any action necessary.

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Mr. LaCroix indicated that a preliminary plat has already been approved by council related to this site. The item before council for consideration this evening is approval of a master plan for this site. The Park Board recommended approval of the master plan with the understanding that it will have eleven acres of total open space, including a neighborhood park and six foot trail that follows the parameter of the park.

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Mayor Pro Tem White made a motion to approve P2012-029, including the recommendations of the Park Board and Planning & Zoning Commission. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Daniels).

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4. P2012-030 - Discuss and consider a request by Bobby Samuels for approval of a preliminary plat of Breezy Hill Phase 1, out of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Texas, being 21.76 acres of land, zoned (PD-74) Planned Development No. 74 district and generally situated along the east side of John King Boulevard, north of FM 552, and take any action necessary.

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375

Planning Director Robert LaCroix provided background information related to this item. The Planning & Zoning Commission has recommended approval of this preliminary plat.

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378

Mayor Pro Tem White made a motion to approve P2012-030, including staff recommendations. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Daniels).

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VIII. ACTION ITEMS

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1. Discuss and consider approval of a guaranteed maximum price with Rogers O'Brien for the Municipal Court and Police Department renovation projects and take any action necessary.

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Assistant City Manager Mary Smith indicated that this project will include a total gutting and remodeling of the newly purchased building near SH-66 and FM-3549 as well as remodeling within the existing Police Department building. She indicated that the funding sources are outlined in the memo that council has received.

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Mayor Pro Tem White made a motion to approve the guaranteed maximum price of \$1,338,307.00 with Rogers O'Brien and authorize the city manager to execute appropriate documents to this end. Councilmember Townsend seconded the motion, which passed by a vote of 6 ayes with 1 absent (Daniels).

393 2. Discuss and consider approval of a resolution supporting an application
394 for participation in the SAFETEA-LU Transportation Enhancement Grant
395 Program, and take any action necessary.

396 **City Manager Rick Crowley provided brief background information related to this item,**
397 **indicating that this grant program is an 80%/20% match program.**

398
399 **Mayor Pro Tem White made a motion to approve the resolution for participation in this**
400 **transportation enhancement grant program. Councilmember Lewis seconded the**
401 **motion.**

402
403 **Councilmember Pruitt generally indicated that he is not in favor of spending taxpayer**
404 **money on this short trail, even though he acknowledged that a large part of it (80%)**
405 **would be funded through grants.**

406
407 **The motion passed by a vote of 3 ayes, 2 nays (Pruitt and Smith) and 1 absent (Daniels).**

408
409 **IX. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS**
410 **GOVERNMENT CODE TO DISCUSS:**

411
412 1. Deliberation regarding the purchase, exchange, lease, or value of real property
413 and re: right to serve Lake Rockwall Estates including acquisition of easements
414 and the system.

415 2. Personnel Issues, including Board, Commission, and Committee Appointments,
416 and Related Matters.

417 3. Commercial or financial information regarding business prospects that the City
418 seeks to have locate, stay, or expand in or near the territory of the City of
419 Rockwall and with which the Board is conducting economic development
420 negotiations.

421 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
422 attorney with regard to a matter that it is the duty of the attorney to consult with
423 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
424 Rules of Professional Conduct of the State Bar of Texas.

425 **X. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

426
427 **The Council did not reconvene back into Executive Session following the public meeting.**
428 **Please see start of public meeting above for actions taken out of the pre-public meeting**
429 **Executive Session.**

430
431 **XI. ADJOURNMENT**

432
433 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
434 **this 5th day of November, 2012.**

435
436 **ATTEST:**

David Sweet, Mayor

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439 _____
Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL

Monday, November 05, 2012
4:00 p.m. Pre-Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:00 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Mike Townsend, Jim Pruitt, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into Executive Session.

II. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

III. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

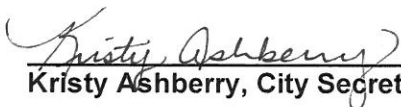
See start of public meeting below for action taken as a result of Executive Session.

IV. ADJOURNMENT

Executive Session was adjourned at 4:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
this 19th day of November, 2012.

ATTEST:


Kristy Ashberry, City Secretary


David Sweet, Mayor



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MINUTES
ROCKWALL CITY COUNCIL

Monday, November 05, 2012
6:00 p.m. Regular Meeting

City Hall, 385 S. Goliad, Rockwall, Texas 75087

53 I. CALL TO ORDER

54
55 Mayor Sweet called the meeting to order at 6:00 p.m. Present were Mayor David Sweet,
56 Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle
57 Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley,
58 Assistant City Managers Mary Smith and Brad Griggs and City Attorney Pete Eckert.

59
60 After Mayor Sweet called the meeting to order, he called upon members of the council
61 and staff to introduce members of the Youth Advisory Council who were guests at this
62 evening's city council meeting.

63
64 Mayor Pro Tem White made a motion to appoint an ad-hoc committee to serve as a
65 downtown project planning committee and to be comprised of the following members:

66
67 Sandi Whitley, Main Street Advisory Board
68 Carolyn Francisco, Rockwall County Historical Foundation
69 Christi Foster, Rockwall Old Town Shoppes Association
70 Kevin Lefere, Rockwall Old Town Shoppes Association
71 Mike Swiercinsky, Downtown Property Owner
72 Jan Johnson, Historic Preservation Advisory Board
73 Phillip Herbst, Planning & Zoning Commission
74 Cliff Sevier, Rockwall County
75 Barbara Coleson, Friends of Downtown
76 Carol Crow, Interested Citizen
77 Claudette Hatfield, Interested Citizen

78
79 Councilmember Smith seconded the motion, which passed by a vote of 7 ayes to 0 nays.

80
81 Mayor Pro Tem White then made a motion to reappoint Bob Amick and Chip Imrie, each
82 to an additional three year term, on the Rockwall Economic Development Corporation
83 Board (REDC). Councilmember Smith seconded the motion, which passed by a vote of 7
84 ayes to 0 nays.

85
86 Mayor Pro Tem White made a motion to appoint Dick Clark to replace Sandi Whitley on
87 the city's Historic Preservation Advisory Board with an initial term to expire in August of
88 2014. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0
89 nays.

90
91 II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM WHITE

92
93 Mayor Pro Tem White delivered the invocation and led the Pledge of Allegiance.

94
95 III. OPEN FORUM

96

97 Mayor Sweet explained how Open Forum is conducted and asked if anyone would like to
98 come forth and speak. There being no one wishing to come forward, Mayor Sweet then
99 closed Open Forum.

100
101 **IV. CONSENT AGENDA**

- 102
103 1. Consider approval of the minutes from the October 15, 2012 regular City
104 Council meeting and take any action necessary.
- 105 2. Consider approval of a maintenance agreement with Securadyne for
106 annual maintenance of the city facility access control system in the
107 amount of \$38,925.00, with a portion to be paid from the Internal
108 Operations operating budget and a portion from the Water Department
109 operating budget and take any necessary action.
- 110 3. **P2012-032** - Consider a request by Steven Homeyer with Homeyer
111 Engineering, Inc. for approval of a replat of Lots 1 - 7, Block A, Flagstone
112 Corners, being approximately 8.263 acres of land, generally zoned (PD-
113 54) Planned Development No. 54 district with a 1.293 acre portion zoned
114 (PD-60) Planned Development No. 60 district, and situated on the south
115 side of Ralph Hall Parkway east of Mims Road, and take any action
116 necessary.
- 117 4. **P2012-033** - Consider a request by Jay Bedford of A. J. Bedford Group,
118 Inc. for approval of Newman Center Addition, Lot 7, Block A, being a
119 replat of Lot 5, Block A, Newman Center Addition, City of Rockwall, being
120 2.148 acres tract zoned (C) Commercial District and located at 1040 East
121 IH-30, and take any action necessary.
- 122 5. **P2012-034** - Consider a request by Bobby Samuel of The Skorburg
123 Company for approval of a replat of Stone Creek Phase II-B, City of
124 Rockwall, being single-family lots on 10.315 acres, zoned (PD-70)
125 Planned Development No. 70 district and situated north and east of
126 Bordeaux Drive and northwest of Featherstone Drive, and take any action
127 necessary.
- 128 6. **P2012-035** - Consider a request by Bobby Samuel of The Skorburg
129 Company for approval of a replat of Stone Creek Phase II-A, City of
130 Rockwall, being single-family lots on 13.121 acres, zoned (PD-70)
131 Planned Development No. 70 district and situated south of Featherstone
132 Drive and east of Deverson Drive, and take any action necessary.
- 133 7. Consider approval of a contract amendment with Verizon Wireless for
134 equipment upgrades on the communication tower located at 730 E.
135 Interstate 30 (Southside Water Yard facility), authorizing the City Manager
136 to execute the contract amendment on behalf of the City and take any
137 necessary action.
- 138 8. Consider approval of an agreement with Dewayne Cain regarding a sign
139 on SH-66, and take any action necessary.

142 Councilmember Daniels pulled item #1 for further discussion. Councilmember Pruitt
143 pulled item #8.

144
145 Mayor Pro Tem White then made a motion to approve the remaining Consent Agenda
146 items (#2, 3, 4, 5, 6, and 7). Councilmember Smith seconded the motion, which passed
147 by a vote of 7 ayes to 0 nays.

148
149 Mayor Sweet made a motion to approve Consent Agenda item #1. Councilmember
150 Townsend seconded the motion, which passed by a vote of 6 ayes with 1 abstention
151 (Daniels, due to his being absent from the October 15th city council meeting).

152
153 Councilmember Pruitt made a motion to defer Consent Agenda item #8 until the next,
154 regularly scheduled council meeting. Mayor Pro Tem White seconded the motion, which
155 passed by a vote of 7 ayes to 0 nays.

156
157 **V. APPOINTMENTS**

158
159 1. Appointment with the Planning and Zoning Chairman to discuss and
160 answer any questions regarding cases on the agenda and related issues
161 and take any action necessary.

162 Chairman of the Planning & Zoning Commission, Phillip Herbst, came forth and briefed
163 the council on recommendations of the Commission relative to items on tonight's city
164 council meeting agenda.

165 2. Appointment with Shon Cass to hear concerns related to the city's fire
166 lane regulations and taken any action necessary.

167 Mayor Sweet called Mr. Cass forth to address the council.

168
169 Shon Cass
170 302 Greenhill Lane
171 Rockwall, TX 75087

172
173 Mr. Cass provided a history of a citation he received from a Rockwall Police Officer on
174 Easter Sunday in front of the Walmart Neighborhood Market. He explained the citation
175 was for an alleged violation of the city's fire lane regulations. He indicated he went
176 through the court process, was found guilty and was assessed a \$1,000 fine. He then
177 showed the Council various photographs of locations throughout the city, some in front
178 of schools, where a fire lane is marked, yet drivers stop to drop passengers off regularly
179 at these locations and are not written citations for violations associated with the city's
180 fire lane regulations. He urged the city council to take a look at the regulations
181 associated with this ordinance and consider rewriting them for further clarification to
182 better define the intent of the ordinance.

183
184 Mayor Sweet indicated that this ordinance has been in place for a while, and now that it
185 has been brought to the attention of the council, the city will review it. The council
186 engaged in no further discussion at this time, and no formal action was taken.

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191 VI. ACTION ITEMS

192
193 1. **A2012-002** – Discuss and consider approval of an **ordinance** for a
194 request by Robert S. Whittle with Whittle Development, Inc., Caruth Lake
195 Development Corp., for annexation of a 0.857 acre tract of land (Area 1)
196 known as Lot 1, Block B, Fox Chase Phase 7 and a City initiated request
197 for annexation of a 0.041 acre tract of land (Area 2) (Tubbs Road public
198 right-of-way) situated near the intersection of Tubbs Road and White
199 Road within the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall
200 and contiguous to the existing city limits line. **(1st Reading)**

201 **The city's Planning Director, Robert LaCroix, provided brief background information**
202 **related to this item. He indicated that Mr. Whittle has requested this voluntary**
203 **annexation and that the City of Heath has begun the process of deannexing this piece of**
204 **property. Public Hearings for this annexation were held on October 15 and appropriate**
205 **notices were given in accordance with state law. A boundary agreement is currently**
206 **being worked out between the City of Rockwall and the City of Heath. The first reading of**
207 **the ordinance, if the council is agreeable, will take place tonight with a second reading of**
208 **the ordinance taking place at the next regular council meeting.**

209
210 **Councilmember Smith made a motion to approve the ordinance for A2012-002.**
211 **Councilmember Lewis seconded the motion. The ordinance was read as follows:**

212
213 CITY OF ROCKWALL, TEXAS
214 ORDINANCE NO. _____

215
216 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
217 TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY
218 LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF
219 CERTAIN TERRITORY CONSISTING OF 0.898 ACRES OF LAND, WHICH
220 SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT
221 BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING
222 FOR AN EFFECTIVE DATE.

223
224 **The motion passed by a vote of 7 ayes to 0 nays.**

225
226 2. **MIS2012-011** - Discuss and consider a request by Lorena Rubio for a
227 single family home with a special exception to the setback requirements
228 stating that a garage shall be located at least 20 feet behind the front
229 building façade as set forth in Article VI, Section 4.1, Lots less than five
230 acres, of the City of Rockwall Development Code (UDC), for a property
231 located at 587 Tubbs Road and zoned Planned Development District 75
232 (PD-75), and take any action necessary.

233
234 **Planning Director Robert LaCroix provided background information related to this item.**
235 **He indicated that the Planning & Zoning Commission has recommended approval of this**
236 **item as has city staff.**

237
238 **Mayor Sweet asked if the applicant would like to add any information but he declined.**

239
240 **Councilmember Smith then made a motion to approve MIS2012-011. Councilmember**
241 **Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

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VII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Departmental Reports
 - Administrative Services - Annual Report
 - Building Inspections Monthly Report - September
 - Rockwall Animal Adoption Center Monthly Report - August 2012
 - Rockwall Animal Adoption Center Monthly Report - September 2012
 - Internal Operations Department Monthly Report for September 2012
 - Fire Dept. Monthly Reports - September 2012
 - Quarterly Report for Rockwall County Committee on Aging
 - Quarterly Report for STAR Transit
 - Recreation Monthly Report - September 2012
 - Harbor PD Report - September 2012
2. City Manager's Report

City Manager Rick Crowley indicated that the REDC has invited council members to a breakfast with the executives from Bimbo Bakeries this Thursday morning. They have also been invited to a grand "reopening" of the Rockwall Animal Adoption Center by the Collin County Humane Society, which will take place this Saturday between 10:00 and 2:00. He reminded council about the TML conference in Grapevine next week. He provided a brief update on the remodel at police / courts.

There being no further business to discuss, Mayor Sweet adjourned the meeting at 6:37 p.m.

VIII. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.071, 551.072, 551.074 AND 551.087 OF TEXAS GOVERNMENT CODE TO DISCUSS:

1. Deliberation regarding the purchase, exchange, lease, or value of real property.
2. Personnel Issues, including Board, Commission, and Committee Appointments, and Related Matters.
3. Commercial or financial information regarding business prospects that the City seeks to have locate, stay, or expand in or near the territory of the City of Rockwall and with which the Board is conducting economic development negotiations.
4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with attorney with regard to a matter that it is the duty of the attorney to consult with the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

IX. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

See start of public meeting above for action taken as a result of Executive Session.

290 X. ADJOURNMENT

291

292 The meeting was adjourned at 6:37 p.m.

293

294 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

295 this 19th day of November, 2012.

296




David Sweet, Mayor

297 ATTEST:

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Kristy Ashberry, City Secretary

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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 19, 2012
4:00 p.m. Work Session Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL TO ORDER

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Mayor Sweet called the meeting to order at 4:10 p.m. Present were Mayor David Sweet, Mayor Pro Tem David White and Council Members Jim Pruitt, Mike Townsend, Michelle Smith, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs and City Attorney Pete Eckert. Assistant City Manager Mary Smith was absent from the meeting.

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II. HOLD WORK SESSION WITH REPRESENTATIVES OF THE ROCKWALL COUNTY YMCA REGARDING A CAPITAL IMPROVEMENT PROGRAM, AND TAKE ANY ACTION NECESSARY.

Gordon Echtenkamp, CEO of the YMCA of Metropolitan Dallas, was in attendance and provided information to the city council regarding the Rockwall YMCA's upcoming capital improvement program. Brief, general discussion took place thereafter. The city council took no action related to this item.

III. RECESS MEETING

Mayor Sweet recessed this portion of the meeting at 4:40 p.m.

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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 19, 2012
6:00 p.m. Regular Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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IV. CALL BACK TO ORDER

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Mayor Sweet called the meeting back to order at 6:00 p.m. to address the remaining public portion of the meeting agenda.

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V. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR SWEET

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Mayor Sweet then delivered the invocation and led the Pledge of Allegiance.

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VI. CONSENT AGENDA

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1. Consider approval of the minutes from the November 5, 2012 regular City Council meeting, and take any action necessary.
 2. **A2012-002** – Consider approval of an **ordinance** for a request by Robert S. Whittle with Whittle Development, Inc., Caruth Lake Development Corp., for annexation of a 0.857 acre tract of land (Area 1) known as Lot 1, Block B, Fox Chase Phase 7 and a City initiated request for annexation of a 0.041 acre tract of land (Area 2) (Tubbs Road public right-of-way) situated near the intersection of Tubbs Road and White Road within the ETJ (Extraterritorial Jurisdiction) of the City of Rockwall and contiguous to the existing city limits line. **(2nd Reading)**
 3. Consider bid award for the purchase of 4 Chevrolet Tahoe's and 4 Ford Taurus Interceptors for Police Patrol in the amount of \$222,976 funded with contractual obligations, and take any action necessary.
 4. Consider authorizing the City Manager to execute documents granting easements to Oncor Electric Delivery for service in Planned Development 32 and take any action necessary.
 5. Consider adoption of a policy setting a procedure for selection of professional services consultants and take any action necessary.
 6. Consider awarding a bid to Tyco Integrated Security for installation of a new security camera system at city facilities in the amount of \$164,872.59 to be paid from the Technology Replacement Fund and funds allocated to the renovation of the new Municipal Court Bldg on SH 66 and the remodel of the existing Police Department and take any action necessary.
 7. Consider approval of a resolution regarding City of Forney's request to modify the service area for the regional interceptor sewer line and take any action necessary.

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Regarding Consent Agenda, Councilmember Pruitt pulled item #4 for further discussion. Mayor Pro Tem White then made a motion to approve the remaining Consent Agenda items (#1, 2, 3, 5, 6 and 7). Councilmember Smith seconded the motion, and the ordinance for #2 was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 12-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 0.898 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

Regarding Consent Agenda Item #4, Councilmember Pruitt commented that one of the reasons the city will not be able to expand the airport's runway to 5,000 feet has to do with one side being a railroad track easement and the other side having Oncor's easement and associated line in the way. He pointed out that with Consent Agenda item #4, Oncor is asking the city to grant to it an easement located on City of Rockwall property at no cost and no fee to Oncor. He pointed out that at some point in the future, the City of Rockwall may approach Oncor for some similar type concessions regarding Oncor's easement near the runway so that the city can extend the runway to 5,000 feet. Councilmember Pruitt then made a motion to approve Consent Agenda item #4. Mayor Pro Tem White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

VII. APPOINTMENTS

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

Chairman of the Planning & Zoning Commission, Phillip Herbst, provided information related to recommendations of the Commission relative to items on tonight's city council agenda. He indicated that the commission recommended approval of Z2012-015 by a vote of 7 to 0. Regarding Z2012-016, he explained that four people spoke in favor of this item at the Planning & Zoning public hearing, and four people spoke against it. In the end, the zoning change was recommended for approval by the Planning & Zoning Commission by a vote of 7 to 0. Regarding Z2012-017, Mr. Herbst indicated that the Commission recommended approval of this item by a vote of 7 ayes to 0 nays.

VIII. PUBLIC HEARING ITEMS

1. **Z2012-015** - Hold a public hearing and consider approval of an ordinance for a request by Cristal Villarreal for the approval of a Specific Use Permit (SUP) to allow for a restaurant less than 2,000 sq. ft. with a drive-through as specified by the Unified Development Code (UDC), for a 0.182 acre tract of land situated in the E. P. Gaines Chisum Survey, Abstract No. 64, Rockwall County, Texas in the City of Rockwall, being a portion of Lots 5 & 6, Block A, Wal-Mart Supercenter Addition, zoned Commercial (C) District and within the IH-30 (IH-30 OV) Overlay District, being specifically located at 782 IH-30, and take any action necessary.
(1st Reading)

126 Planning Director Robert LaCroix provided background information related to this SUP
127 request. He explained that Ms. Villarreal works for a company that represents Seattle's
128 Best Coffee. This request requires approval of an SUP for a proposed 2,000 square feet,
129 stand-alone facility with drive thru. He explained that the initial proposed location was
130 shifted farther east to move it away from parking that is otherwise generally occupied at
131 this location. He shared that this is a modular type of building; however, it will include a
132 masonry façade, and about thirty parking spaces will be associated with the facility. He
133 further explained that this is a walk up type of business where patrons will park and
134 approach the canopy on foot to place their order, or they will drive thru. Mr. LaCroix
135 explained that thirty-six notices were sent out to adjacent property owners in accordance
136 with the law. One response was received back in opposition, and one response was
137 received back in favor. He explained that staff recommends approval of this item, and
138 the Planning & Zoning Commission recommended approval of this item by a vote of 7 to
139 0.

140 Mayor Sweet opened the public hearing and called the applicant forth. Sam Pena came
141 forth on behalf of Ms. Villarreal and offered a few, brief words. He indicated that the
142 building itself is about 519 square feet, and it will be fifty-three percent (53%) masonry.

143 There being no one else in the audience indicating a desire to come forth and speak,
144 Mayor Sweet then closed the public hearing.

145 Mayor Pro Tem White then made a motion to approve Z2012-015. Councilmember Smith
146 seconded the motion.

147 Councilmember Lewis asked for clarification regarding if the drive thru is on one side
148 with the walk up on the other side. Mr. LaCroix clarified that this is correct. He also
149 clarified that Seattle's Best Coffee is the owner.

150 The ordinance was then read as follows:

151 CITY OF ROCKWALL, TEXAS

152
153 ORDINANCE NO. ____
154 SPECIFIC USE PERMIT NO. ____
155

156 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
157 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
158 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
159 SPECIFIC USE PERMIT, SPECIFICALLY TO ALLOW FOR A RESTAURANT
160 LESS THAN 2,000 SQUARE FEET WITH A DRIVE-THROUGH WITHIN A
161 COMMERCIAL (C) DISTRICT, KNOWN AS A 0.182 ACRE TRACT OF LAND
162 SITUATED IN THE E.P. GAINES CHISUM SURVEY, ABSTRACT NO. 64,
163 BEING A PORTION OF LOT 6, BLOCK A, WAL-MART SUPERCENTER
164 ADDITION AND LOCATED AT 782 IH-30; PROVIDING FOR SPECIAL
165 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
166 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
167 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
168 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
169

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

171

172

173 2. **Z2012-016** - Hold a public hearing and consider approval of an
174 **ordinance** for a request by Dub Douphrate with Douphrate & Associates,
175 Inc. for the approval of a zoning change to amend a portion of Planned
176 Development District 5 (PD-5) on an 11.2825 acre tract of land situated in
177 the SS. McCurry Survey, Abstract No. 146, and the J.H.B. Jones Survey,
178 Abstract No. 124, and being all of Lots 2 & 3, Block A of Quail Run Retail
179 Addition, City of Rockwall, Rockwall County, Texas, generally situated at
180 the northeast corner of Memorial Drive and N. SH-205, and take any
181 action necessary. **(1st Reading)**

182 **Mr. LaCroix, Planning Director, offered brief history regarding the original establishment**
183 **of this PD back in 1973 as well as an amendment to the PD in 2000 when there had been**
184 **an applicant who had been proposing a retail development with a grocery store, possible**
185 **restaurant with a drive thru, a pharmacy, a small convenience store and gasoline**
186 **dispensers / pumps. However, today's current applicant wishes to place a memory care**
187 **facility and a restricted age facility at this site location. He explained that the memory**
188 **care portion of the proposed facility is already an allowed use ("by right") within this**
189 **Planned Development District; however, the multifamily component, which would include**
190 **single story, multifamily duplexes (4) and quadplexes (5), needs approval from council.**
191 **He explained that the developer would be required to submit the deed restrictions, which**
192 **would need to include the "55 years or older" age restriction language, to the city prior to**
193 **a certificate of occupancy being issued. He offered general information about the**
194 **proposed square footage, the masonry requirements and the fact that both structures**
195 **would be single story. Mr. LaCroix provided renderings of the proposed facilities, and**
196 **explained that the applicant feels that both facilities would need to be built – that one**
197 **facility could not function well independently of the other facility.**

198 **Mr. LaCroix explained that if this facility were not built, it is possible that a retail type**
199 **commercial area could be developed at this PD location instead. Such development**
200 **would have more of an impact as far as traffic, deliveries and the like compared to the**
201 **facilities that are being proposed at this time. Mr. LaCroix indicated that this would be a**
202 **one-story facility and that staff has placed a number of restrictions and conditions in the**
203 **draft ordinance in an effort to minimize any impacts on adjacent property owners and**
204 **ensure both the memory care and multifamily facilities are built.**

205 **Notices were sent out to twenty-five adjacent property owners in accordance with the**
206 **law. Five notices were received back as of this afternoon. One person indicated they are**
207 **in favor and five people expressed opposition. Several additional speakers spoke in**
208 **opposition at the Planning & Zoning Commission meeting.**

209 **Councilmember Smith asked for clarification regarding the entry driveway that is shown**
210 **on the concept plan. She expressed concern regarding the location of this driveway so**
211 **close to the house at the front entrance of the neighborhood. Mr. LaCroix explained that**
212 **this conception plan can be modified to adjust the entry. Councilmember Smith also**
213 **asked for clarification regarding the deed restrictions regarding age. She asked if**
214 **anything would inhibit someone fifty-five years or older from moving a younger**
215 **grandchild in with them, and Mr. LaCroix indicated that the city does not and would not**
216 **regulate this.**

217 **Councilmember Pruitt asked for clarification regarding the following: if the facility went**
218 **"belly up" / bankrupt, could these units be sold off individually and the age restrictions**
219 **become obsolete? Mr. LaCroix generally indicated that this likely could not happen**
220 **because they would have to be individually platted, which would be a violation and would**

221 not be approved. LaCroix indicated that the federal government defines "age restricted"
222 as "fifty-five years or older. Mr. Pruitt asked for clarification regarding why the age
223 restriction is being placed at the facilities. Mr. LaCroix explained that the developer
224 desires to do so. Furthermore, the operator could opt to restrict the number of days that
225 a younger child or grandchild (below 55 years of age) is allowed to stay there, but they
226 may opt to not allow it permanently. These decisions would be up to the facility. Brief
227 discussion took place related to proposed lighting and buffering or screening on the
228 back side. Mr. LaCroix indicated that the lighting would be low and aimed downward.
229 Also, fencing and a heavy landscape buffer would be proposed to be placed at the rear of
230 the facility near the property line.

231 Mr. Pruitt offered brief comments related to the property taxes that would be gained from
232 this type of development versus the sales tax revenue that might otherwise be realized if
233 this were a retail area instead.

234 Councilmember Smith asked for and received clarification from Mr. LaCroix and Mr.
235 Crowley regarding the proposed construction permitting process and certificates of
236 occupancy that would be issued.

237 Councilmember Daniels asked what other types of facilities, by right, could be built in
238 this area if this development were not built. Mr. LaCroix indicated that a number of retail
239 type of facilities could be built instead, including things like a small grocery store, a
240 convenience store, a small retail area with nail or hair salons, offices, medical offices or
241 other similar type businesses. Mr. LaCroix indicated that, for example, an Aldi Grocery
242 store could go in this location instead and such development would be much higher as
243 far as elevations are concerned.

244 Councilmember Lewis asked for clarification regarding elevation heights. Mr. LaCroix
245 indicated that the exact height elevation is not yet known; however, the applicant can
246 address this. He indicated that it will likely be seventeen to eighteen feet.

247 Mr. Pruitt asked for clarification regarding the type of rooftop shown on the renderings.
248 Mr. LaCroix indicated that it is a standing seam roofing material, which is a material that
249 is allowed.

250 Councilmember Smith asked if any sort of traffic impact study has been performed. Mr.
251 LaCroix indicated that a traffic analysis was not required for the Albertsons near Quail
252 Run. The only possible traffic study that would have been required would have been on
253 SH-205; however, that would only be if they were proposing to put an entrance off of 205,
254 and they are not. So no traffic study has been done due to the proposed low intensity
255 use. Mr. Smith indicated that there is no traffic signal near this location, and she is
256 concerned about increased traffic through the neighborhood for drivers wishing to get to
257 a traffic light in order to cross 205.

258 After additional discussion, Mayor Sweet opened the public hearing and called the
259 applicant forth to speak.

260 Mr. Mark Matisse
261 3200 Rankin Street
262 Dallas, Texas

263
264 Mr. Matisse indicated that Mr. LaCroix has clearly identified the use and described the
265 project. He offered brief words about a desire to have pedestrian access between the
266 memory care and multifamily facilities. He indicated at a significant amount of "cut and
267 fill" (grading) would need to take place to make this development work. He then

268 provided a presentation, explaining that this is designed to be a retirement facility for
269 residential use. He explained that is a handicap accessible development that will be one
270 story. Residents will be living fully independently on the townhome side of the facility. It
271 is platted as one facility and would not be subdivided in the future. The owner of the
272 facility as a whole would provide maintenance of the facility, including lawn care. He
273 explained that these will be well designed floor plans which appeal to retirees. It will also
274 include a club house area for neighborhood events. Mr. Matisse explained that this
275 proposed facility is similar to a facility in Plano called The Village at Prestonwood, but
276 the one being proposed at this Rockwall location is much smaller. Mr. Matisse shared a
277 letter from a resident who lives next to one such facility who generally expressed that he
278 believes the age restricted neighborhood is very well maintained and the residents are
279 good neighbors.

280
281 Mr. Matisse explained that this is a very low density development (twenty-eight units). It
282 is about a \$4.5 million dollar project that will need to have a pretty high rent associated
283 with it in order to financially work well. These will rent for about \$2,000 per month.
284

285 City Manager Rick Crowley asked for clarification regarding the age restrictions and rent
286 per month. Mr. Crowley asked for clarification about the height of the proposed facilities
287 too. Mr. Matisse indicated that Mr. Douphrate may be able to better answer questions
288 about the height.

289
290 Mayor Sweet asked if there is anyone in the audience who would like to speak during the
291 public hearing.

292
293 Mr. David Tuttle
294 1490 Memorial Drive
295 Rockwall, Texas
296

297 Mr. Tuttle came forth and indicated that he has lived in Quail Run for seven years and is
298 in favor of this proposed project. He is concerned about the alternatives that could be
299 built in lieu of this facility should this particular development not be approved. He is also
300 concerned about a potential unattractive retail development that could be built there
301 instead and end up vacant due to the poor economy. Mr. Tuttle indicated he would like
302 the developer to adhere to the age restrictions, the prescribed lighting standards, the
303 one-story buildings with a maximum height, and no more than twenty-eight units. He
304 expressed a desire to have this development be included in the Quail Run Homeowners
305 Association so that the HOA can have some say so regarding outdoor storage units and
306 other matters. He would also like the wrought iron and stone fencing to be constructed
307 around the facility to match the Quail Run neighborhood. He would also like a stone
308 retaining wall with a wrought iron fence to be constructed as well. He would also like
309 restrictions included regarding screening for trashcans and dumpsters.

310
311 Mr. Thomas Williams ("Mike")
312 1504 Brittany Way
313 Rockwall, Texas 75087
314

315 Mr. Williams indicated a concern about the duplexes and quadplexes. He wanted to
316 know if the city can guarantee that deed restrictions will be adhered to and enforced. Mr.
317 LaCroix indicated that zoning regulations will be enforced, including height, building

318 restrictions and age restrictions. Mr. LaCroix stated that age restrictions are difficult to
319 enforce, but the city will do so to the best of its ability.

320
321 **Mr. Don Williams**
322 **1450 Memorial Drive**
323 **Rockwall, Texas**

324
325 **Mr. Williams explained that he chose his neighborhood seven years ago because it is**
326 **such a nice place to be, and the residents have worked hard to keep it that way. Mr.**
327 **Williams indicated that he always knew something would eventually be built at the end of**
328 **the street; however, he thought it would be retail. He is concerned about there being no**
329 **traffic light at this intersection, and getting out and across SH-205 is challenging for**
330 **drivers. He is concerned about misinformation that has been going around among**
331 **neighbors via email and otherwise. He did express concern about the possibility that**
332 **children of these older residents would move in and that there would potentially not be**
333 **enough parking for workers and visitors. He asked the council to consider, at a**
334 **minimum, tabling this item until better information can be disseminated and residents**
335 **can get a better handle on the details of this proposed development.**

336
337 **Richard Lozano**
338 **9001 Karem Lane**
339 **Terrell, Texas**

340
341 **Mr. Lozano explained that he is a student who is attending tonight's council meeting as**
342 **part of a homework assignment for one of his college classes. He explained that as part**
343 **of his project, he was encouraged to come forth and ask a question. He generally asked**
344 **about the screening process that would take place regarding choosing residents who**
345 **would live in the residential and memory care portions of this development. He**
346 **expressed the belief that safety is a big issue when considering which residents will be**
347 **admitted, especially when considering issues such as Alzheimer's or dementia. Mr.**
348 **Crowley explained that the private property owner or operator would establish its own**
349 **criteria regarding screening and acceptance of residents.**

350
351 **Ms. Mary Boyles**
352 **1503 Britain Way**
353 **Rockwall, Texas**

354
355 **Mr. Boyles indicated she has lived in Rockwall in Quail Run for about eight years. She**
356 **asked if there is a possibility of an entryway being added into this facility off of SH-205**
357 **instead of having one off Memorial. Mr. LaCroix indicated that he does not believe the**
358 **distance would be conducive to TXDOT granting permission for an entry to be**
359 **constructed off of SH-205. Mr. LaCroix indicated that the developer did begin looking**
360 **into this but then withdrew after waiting about two months, prior to the state issuing a**
361 **ruling on his request. Mr. Boyles asked if this area could be rezoned to single family**
362 **homes instead. Mr. LaCroix indicated that this could in fact be a possibility.**

363
364 **There being no one else to come forth and speak, Mayor Sweet then closed the public**
365 **hearing.**

366
367 **Councilmember Smith asked the council to consider tabling this item. She is concerned**
368 **about the limited notification that was sent out.**

369
370 Councilmember Smith made a motion to continue the public hearing and table any
371 decision on this item until the neighborhood has an opportunity to meet to discuss this
372 development. There being no second offered to Councilmember Smith's motion, it died.
373

374 Mayor Sweet then made a subsequent motion to deny this request (Z2012-016). He then
375 provided reasons for his decision to offer this motion to deny. He generally explained
376 his understanding that the memory care facility portion of this development is allowed by
377 right; however, the multifamily component is not, and this is the part that concerns him.
378 He expressed concern about the city not being able to truly control the age restrictions
379 associated with the multifamily portion. Councilmember Pruitt seconded the motion.
380 The motion to deny Z2012-016 passed by a vote of 5 in favor and 2 against (White and
381 Smith).
382

383 3. Z2012-017 - Hold a public hearing and consider approval of an
384 ordinance for a request by Jake Petras for the approval of a Specific Use
385 Permit (SUP) to allow for a retail store with more than two (2) gasoline
386 dispensers within a General Retail (GR) District as specified by the
387 Unified Development Code (UDC), for a 1.8169 acre tract of land zoned
388 Commercial (C) District and General Retail (GR) District, and described
389 as part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R,
390 Block A of the Montego Addition, and a portion of Lot 2, Block A of the
391 Rockwall Shopping Center, Rockwall County, Texas, and being generally
392 located at the northwest corner of the intersection of SH-205 and the IH-
393 30 frontage road, within the IH-30 (IH-30 OV) Overlay District and the SH-
394 205 (SH-205 OV) Overlay District, and take any action necessary.
395 (1st Reading)

396 Mr. LaCroix provided background information related to this item, indicating that this
397 request is concerning a QuickTrip ("QT") gas station and convenience store. He
398 explained that there would be three entrances. He explained it fits well in the area, and
399 although the applicant would not be meeting the pitched roof standards or stone
400 requirements, the store will contain some black tile in lieu of the stone, and it is very
401 attractively designed. He expressed that the Planning and Zoning Commission and
402 Architectural Review Board were both comfortable with this development and
403 recommended approval of it to council. Mr. LaCroix explained the nature of the
404 proposed signage at this development. He indicated that two signs at this location
405 would already be allowed, but they would like an additional sign that would be a
406 monument type sign. These provisions would be included in the SUP if it is granted by
407 council. Mr. LaCroix explained that the QT company has been looking for at least five
408 years for a suitable site location in Rockwall.
409

410 Mayor Sweet opened the public hearing and called the applicant forth to speak.
411

412 Jim Bealman
413 Quick Trip Real Estate
414 1120 Industrial Blvd.
415 Euless, TX 76039
416

417 Mr. Newman indicated that his company has desired for many years to come to Rockwall
418 and is now delighted to make this request before council this evening. The building is a

419 new generation type of design for the company, a company that has been in business for
420 over fifty-three years. There would be four entrances. The sales floor area has been
421 redesigned to allow for more check out areas and fresh food choices inside the
422 convenience store. He thanked the council for their time and the staff for their time and
423 effort. He expressed that staff has been very fair and responsive during this process.
424

425 **Mr. White**
426 **1929 South Lakeshore Drive**
427 **Rockwall, Texas**
428

429 **Mr. White expressed that he really likes QT stores and has found them to always be clean**
430 **and pleasing.**

431
432 **There being no one else to come forth and speak, Mayor Sweet then closed the public**
433 **hearing.**
434

435 **Mayor Pro Tem White offered brief, positive comments and then made a motion to**
436 **approve Z2012-017. Councilmember Lewis seconded the motion. The ordinance was**
437 **read as follows:**

438
439 **CITY OF ROCKWALL, TEXAS**
440 **ORDINANCE NO. 12-30**

441
442 **SPECIFIC USE PERMIT NO. S-100**
443

444
445 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
446 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**
447 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**
448 **SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL STORE WITH**
449 **MORE THAN TWO (2) GASOLINE DISPENSERS WITHIN A GENERAL**
450 **RETAIL (GR) DISTRICT AS SPECIFIED IN ARTICLE IV, PERMISSIBLE**
451 **USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A 1.8169 ACRE**
452 **TRACT OF LAND ZONED COMMERCIAL (C) DISTRICT AND GENERAL**
453 **RETAIL (GR) DISTRICT, AND DESCRIBED AS PART OF THE JOSEPH**
454 **CADLE SURVEY, ABSTRACT NO. 65, BEING ALL OF LOT 1R, BLOCK A**
455 **OF THE MONTEGO ADDITION, AND A PORTION OF LOT 2, BLOCK A OF**
456 **THE ROCKWALL SHOPPING CENTER, ROCKWALL COUNTY, TEXAS;**
457 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY**
458 **OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS**
459 **(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
460 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
461 **EFFECTIVE DATE.**
462

463 **The motion passed by a vote of 7 ayes to 0 nays.**
464

465 **IX. ACTION ITEMS**
466

- 467 **1. Discuss and consider approval of a resolution setting water and sewer tap**
468 **fees and take any action necessary.**

469 **City Manager Rick Crowley requested that the council table this item so that additional**
470 **information can be reviewed before action is taken. Mayor Pro Tem White then made a**

471 motion to table this item to a future date. Councilmember Smith seconded the motion,
472 which passed by a vote of 7 ayes to 0 nays.

473

474 2. Discuss and consider approval of a resolution establishing water and
475 wastewater rates and charges and take any action necessary.

476 Mr. Crowley indicated that the North Texas Municipal Water District (NTMWD) is
477 projecting increases in water rates for a number of years to come. The availability,
478 acquisition, distribution and cost associated with water will continue to pose issues
479 moving forward on a year to year basis. This rate increase resolution is associated with
480 the increased cost to the city of treated water and availability of said water from the
481 NTMWD, and it only focuses on this one year.

482

483 He explained that bonds that have been sold for the water system require certain revenue
484 standards in order to meet bond covenants. Also, minimum standards for reserves are
485 in place, and it is necessary to increase rates in order to meet these reserve standards.

486

487 Mr. Crowley further explained that these particular rates will pass along an 8.76 percent
488 increase to the customers at this time. Brief discussion took place related to NTMWD
489 recently issuing bond debt in order to meet the needs of providing water to its
490 customers.

491

492 Mayor Sweet then made a motion to approve the resolution as presented.
493 Councilmember Lewis seconded the motion. The motion passed by a vote of 7 ayes to 0
494 nays.

495

496 At 8:01 p.m., Mayor Sweet called for a ten minute break before a council recess into
497 Executive Session.

498

499

500 X. HOLD EXECUTIVE SESSION UNDER SECTIONS 551.072, 551.074 AND 551.087 OF TEXAS
501 GOVERNMENT CODE TO DISCUSS:

502

503 1. Deliberation regarding the purchase, exchange, lease, or value of real property
504 and re: right to serve Lake Rockwall Estates including acquisition of easements
505 and the system.

506 2. Personnel Issues, including Board, Commission, and Committee Appointments,
507 and Related Matters.

508 3. Commercial or financial information regarding business prospects that the City
509 seeks to have locate, stay, or expand in or near the territory of the City of
510 Rockwall and with which the Board is conducting economic development
511 negotiations.

512 4. Pursuant to Section 551.071(2) of the Open Meetings Act: Consultation with
513 attorney with regard to a matter that it is the duty of the attorney to consult with
514 the Council pursuant to the Attorney Client Privilege under the Texas Disciplinary
515 Rules of Professional Conduct of the State Bar of Texas.

516

517

518

519 XI. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

520
521 The city council came out of Executive Session, and Mayor Sweet called the public
522 meeting back to order at 8:27 p.m. Mayor Pro Tem White then made a motion to
523 authorize the city manager to negotiate a sales contract with Aqua Texas, the details of
524 which are to be returned to the city council after approval of Aqua Texas' board or
525 signature of its president. Councilmember Lewis seconded the motion, which passed by
526 a vote of 7 ayes to 0 nays.

527
528 XII. ADJOURNMENT

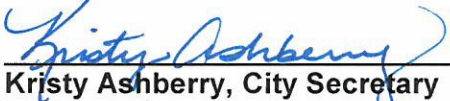
529
530 Mayor Sweet adjourned the meeting at 8:27 p.m.

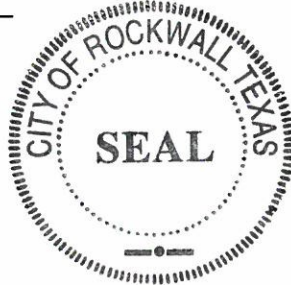
531
532
533 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
534 this 3rd day of December, 2012.

535
536


David Sweet, Mayor

537 ATTEST:

538
539 
540 _____
Kristy Ashberry, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 03, 2012
4:30 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

I. CALL TO ORDER

Mayor Sweet called the meeting to order at 4:30 p.m., present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Michelle Smith, Bennie Daniels, and Dennis Lewis. Also present were, City Manager Rick Crowley, Assistant City Manager Brad Griggs as well as City Attorney Pete Eckert. Mayor Sweet immediately recessed the public meeting into executive session. Assistant City Manager Mary Smith joined the meeting shortly thereafter.

II. HOLD EXECUTIVE SESSION UNDER SECTION 551.072 OF TEXAS GOVERNMENT CODE TO DISCUSS:

Deliberation regarding the purchase, exchange, lease, or value of real property and re: right to serve Lake Rockwall Estates including acquisition of easements and the system.

III. ADJOURN EXECUTIVE SESSION

25
26
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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 03, 2012
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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39

IV. CALL PUBLIC MEETING BACK TO ORDER

Mayor Sweet called the meeting to order at 6:00 p.m., present were Mayor David Sweet, Mayor Pro Tem David White and Councilmembers Jim Pruitt, Mike Townsend, Michelle Smith, Bennie Daniels, and Dennis Lewis. Also present were, City Manager Rick Crowley, Assistant City Manager's Mary Smith and Brad Griggs as well as City Attorney Pete Eckert.

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43

V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SMITH

Councilmember Smith delivered the invocation and led the Pledge of Allegiance.

44
45
46
47
48

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Sweet indicated that no action would be taken as a result of the 4:30 p.m. executive session.

49
50
51
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54

VII. OPEN FORUM

Mayor Sweet explained how Open Forum is conducted and then asked if anyone would like to speak during this time. There being no one to come forth, Mayor Sweet then closed Open Forum.

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63

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the November 1-3, 2012 Council Retreat and take any action necessary.
 2. Consider approval of the minutes for the November 19, 2012 regular city council meeting, and take any action necessary.
 3. Consider approval of a resolution supporting restoration to the Texas Recreation and Parks Account for the Local Park Grant program, and take any action necessary.
 4. **Z2012-015** - Consider approval of an **ordinance** for a request by Cristal Villarreal for the approval of a Specific Use Permit (SUP) to allow for a restaurant less than 2,000 sq. ft. with a drive-through as specified by the Unified Development Code (UDC), for a 0.182 acre tract of land situated in the E. P. Gaines Chisum Survey, Abstract No. 64, Rockwall County, Texas in the City of Rockwall, being a portion of Lots 5 & 6, Block A, Wal-Mart Supercenter Addition, zoned Commercial (C) District and within the IH-30 (IH-30 OV) Overlay District, being specifically located at 782 IH-30, and take any action necessary. **(2nd Reading)**
- 64
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72

- 73 5. **Z2012-017** - Consider approval of an **ordinance** for a request by Jake
- 74 Petras for the approval of a Specific Use Permit (SUP) to allow for a retail
- 75 store with more than two (2) gasoline dispensers within a General Retail
- 76 (GR) District as specified by the Unified Development Code (UDC), for a
- 77 1.8169 acre tract of land zoned Commercial (C) District and General
- 78 Retail (GR) District, and described as part of the Joseph Cadle Survey,
- 79 Abstract No. 65, being all of Lot 1R, Block A of the Montego Addition, and
- 80 a portion of Lot 2, Block A of the Rockwall Shopping Center, Rockwall
- 81 County, Texas, and being generally located at the northwest corner of the
- 82 intersection of SH-205 and the IH-30 frontage road, within the IH-30 (IH-
- 83 30 OV) Overlay District and the SH-205 (SH-205 OV) Overlay District,
- 84 and take any action necessary. **(2nd Reading)**
- 85 6. Consider approval of an agreement with Dewayne Cain regarding a sign
- 86 on SH-66, and take any action necessary.
- 87 7. Consider authorizing the mayor to execute the recently updated
- 88 countywide Emergency Response Plan on behalf of the City of Rockwall,
- 89 and take any action necessary.
- 90 8. Consider approval of two (2) utility easements for the ability to provide
- 91 gas service for Whitmore manufacturing on property described as being
- 92 Part of Lot 2, Block A, Whitmore Manufacturing Addition, City of Rockwall,
- 93 Rockwall County, Texas, and take any action necessary.

94
 95 **Mayor Pro Tem White made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**

96 **6, 7 and 8). Councilmember Townsend seconded the motion. The ordinances for**

97 **Consent Agenda Items # 4 and 5 were then read as follows:**

98
 99 **CITY OF ROCKWALL, TEXAS**

100 **ORDINANCE NO. 12-29**

101 **SPECIFIC USE PERMIT NO. S-99**

102
 103 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**

104 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**

105 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**

106 **SPECIFIC USE PERMIT, SPECIFICALLY TO ALLOW FOR A RESTAURANT**

107 **LESS THAN 2,000 SQUARE FEET WITH A DRIVE-THROUGH WITHIN A**

108 **COMMERCIAL (C) DISTRICT, KNOWN AS A 0.182 ACRE TRACT OF LAND**

109 **SITUATED IN THE E.P. GAINES CHISUM SURVEY, ABSTRACT NO. 64,**

110 **BEING A PORTION OF LOT 6, BLOCK A, WAL-MART SUPERCENTER**

111 **ADDITION AND LOCATED AT 782 IH-30; PROVIDING FOR SPECIAL**

112 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED**

113 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**

114 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**

115 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

116
 117 **CITY OF ROCKWALL, TEXAS**

118 **ORDINANCE NO. 12-30**

119 **SPECIFIC USE PERMIT NO. S-100**

120
 121 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**

122 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**

123 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**

124 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RETAIL STORE WITH
125 MORE THAN TWO (2) GASOLINE DISPENSERS WITHIN A GENERAL
126 RETAIL (GR) DISTRICT AS SPECIFIED IN ARTICLE IV, PERMISSIBLE
127 USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A 1.8169 ACRE
128 TRACT OF LAND ZONED COMMERCIAL (C) DISTRICT AND GENERAL
129 RETAIL (GR) DISTRICT, AND DESCRIBED AS PART OF THE JOSEPH
130 CADLE SURVEY, ABSTRACT NO. 65, BEING ALL OF LOT 1R, BLOCK A
131 OF THE MONTEGO ADDITION, AND A PORTION OF LOT 2, BLOCK A OF
132 THE ROCKWALL SHOPPING CENTER, ROCKWALL COUNTY, TEXAS;
133 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
134 OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
135 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
136 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
137 EFFECTIVE DATE.
138

139 The motion passed by a vote of 7 ayes to 0 nays.
140

141 Following the Consent Agenda, Mayor Sweet indicated that he would like to reorder an
142 item on the agenda so that Action Item #2 (regarding naming of the park) would be
143 addressed next.
144

145 **IX. APPOINTMENTS**
146

- 147 1. Appointment with representatives of the 2012 Rockwall Rubber Duck
148 Regatta to hear report on 2012 event and to request approval for waiving
149 of Harbor related fees for the 2013 event, and take any action necessary.

150 Ariana Hargrove, City Fire Marshal, came forth and thanked the council for their support
151 of the recent Rubber Duck Regatta. She then shared a PowerPoint presentation
152 containing photos of the 2012 Rockwall Rubber Duck Regatta.
153

154 Misti Potter from the Rockwall Boys and Girls Club came forth to brief the council on the
155 overwhelming success of this community fundraising event. She indicated that the 2012
156 event raised over \$50,000, and more than 130 vendors set up products to sell. She also
157 stated that ducks were sold not only community wide but also people from other
158 countries bought ducks online. She then presented the city council with a plaque to
159 thank them for their support. Ms. Potter indicated that Meals on Wheels and the Boys &
160 Girls Club each kept \$15,000 of the fundraising proceeds. She explained that next year's
161 fundraising goal will be \$100,000. She encouraged a true partnership between the city,
162 the Rockwall Boys & Girls Club and the local Meals on Wheels program for the 2013
163 event. Mrs. Potter then asked the Council to consider the following:
164

- 165 • Making this a city sponsored event
- 166 • Approving waiver of Harbor related fees on 09/20/13 and 09/21/13 for the 2013 event
- 167 • Approving waiver of fees for the portable toilets and associated staff
- 168 • Approving waiver of fees for the Parks & Recreation staff needed for the event
- 169 • Approving waiver of fees for two light tower generators
- 170 • That the Mayor & council members would serve as "Duck Ambassadors" next year by
171 attending and helping out at the event.

172
173 After brief comments, Mayor Pro Tem White made a motion to table this item until the
174 next, regular council meeting to allow staff an opportunity to bring back information to
175 the Council regarding how much these items may cost the city if the city council were to

176 approve the requested waivers. Councilmember Smith seconded the motion, which
177 passed by a vote of 7 ayes to 0 nays.
178

179 2. Appointment with Dana Macalik of the Rockwall Area Chamber of
180 Commerce to hear report on the 2012 Rockin' at the Harbor event and
181 associated use of hotel occupancy tax funding and take any action
182 necessary.

183 Mrs. Macalik of the Rockwall Area Chamber of Commerce came forth to brief the council
184 on the 2012 Rockin' at the Harbor event and the council granted advertising money that
185 was utilized to help promote the event. Mrs. Macalik briefed the council on the intent and
186 goals of this event, including the marketing tools and sources that were utilized to
187 promote the event and draw in visitors to Rockwall. She indicated that over 300 people
188 attended the event this year. She also provided more specific information regarding
189 visitors who attended, including where the visitors likely came from and the more than
190 twenty guests (estimated 30 rooms) who stayed overnight in local hotels. Mrs. Macalik
191 thanked the city council for their funding and support of this event, which she believes
192 accomplished the desired goals and objectives.
193

194 Mayor Pro Tem White indicated that he attended the event and really enjoyed it even
195 though it rained. Mayor Sweet indicated that he enjoyed the event as well and believed it
196 was a success.
197

198 After additional, brief comments the Council took no action related to this item.
199

200 3. Appointment with representatives of the Pumpkin Patch to hear report on
201 the event, including Hotel Occupancy Tax funds spent, and take any
202 action necessary.

203 Nell Welborn came forth to provide information to the council related to the 2012
204 Pumpkin Patch event, including city granted advertising funds utilized and information
205 regarding the locations where visitors came from to visit the Pumpkin Patch. Mrs.
206 Welborn indicated that this year marked the 24th annual event, which is run each year
207 entirely by volunteers and lasts for a thirty day period. She explained that there is a
208 visitor's log book displayed at the event, and visitors, though not required, are invited
209 and encouraged to sign in and state where they live. This year, there were people from
210 Denmark, Ireland, Norway, eleven states in the continental U.S., and counties across
211 Texas with the furthest away being a visitor from a county in San Antonio. She provided
212 the council with details of the various marketing tools and resources that were utilized to
213 publicize the event. She then gave the Mayor a check for \$89.25, which was to refund left
214 over money from \$2,600 hotel / motel tax funds that were granted by the city to support
215 this year's event. She stated that there were an estimated fifty-three overnight stays in
216 local hotels throughout the weeks that the event was held. Mrs. Welborn thanked the
217 council for participating in the ribbon cutting this year and for their support of this event.
218

219 Mayor Sweet thanked Mayor Pro Tem White for his prior suggestion to reevaluate the
220 reporting mechanism associated with organizations who are awarded hotel / motel tax
221 funds.
222

223 Councilmember Lewis thanked Mrs. Welborn for her work on this event and for the
224 reporting information she provided to the council for review.
225

226 **Mayor Sweet thanked Mrs. Welborn and generally expressed support for this and other**
227 **similar community events that have a positive impact on our community.**

228

229 **The council took no action related to this item.**

230

231 **X. ACTION ITEMS**

232

233 **1. Discuss and consider approval of a request from Mr. Jacob Griner with "A**
234 **Sign of Quality," representing Allen Foods, related to a height variance for**
235 **multiple wall signs located at 3055 Discovery Blvd, and take any action**
236 **necessary.**

237 **Mayor Sweet indicated that he would be recusing himself from the discussion and vote**
238 **associated with this item because he is employed by this company.**

239

240 **Mayor Pro Tem White led discussion of this agenda item. Jeffrey Widmer, Building**
241 **Official, provided background information related to this item, indicating that they are**
242 **requesting additional wall height on the buildings and signs that will be on the external**
243 **silos.**

244 **Councilmember Smith then made a motion to approve the request as presented.**
245 **Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1**
246 **abstention (Sweet).**

247

248 **2. Discuss and consider approval of a Park Board Recommendation to**
249 **officially name "Alma Williams Howard Community Park," and take any**
250 **action necessary.**

251 **Karen Coughlin, Park Board member and representative, came forth and provided**
252 **information to the council relative to Mrs. Alma Williams Howard's past service and**
253 **contributions to the City of Rockwall. She then made a recommendation on behalf of the**
254 **Park Board to name the park after Mrs. Williams Howard.**

255

256 **Mayor Pro Tem White made a motion to approve the Park Board's recommendation to**
257 **name the park "Alma Williams Howard Community Park." Councilmember Townsend**
258 **seconded the motion. After brief comments from the council, the motion passed**
259 **unanimously by a vote of 7 ayes to 0 nays.**

260

261 **Mrs. Williams Howard came forth and offered expressions of gratitude for the council**
262 **choosing to name this park in her honor. She shared her thoughts about how great she**
263 **believes the Rockwall community is and thanked the public for the opportunity to serve**
264 **the community over the years.**

265

266 **After this item, the Mayor then addressed Appointment Item #1 and the remainder of the**
267 **agenda in order.**

268

269 **3. Discuss and consider approval of a resolution setting water and sewer tap**
270 **fees and take any action necessary.**

271 **Assistant City Manager Mary Smith provided information related to this item, indicating**
272 **that these fees have not been increased since the year 2002. This item and associated**
273 **fees will adjust the rates in order to cover the costs that the city is now incurring.**

274
275 Mayor Pro Tem White asked for clarification regarding the ten year time lapse since the
276 fees were last adjusted. Mrs. Smith indicated that the adjustments should have been
277 made a long time ago and that she will likely recommend that the fees be revisited once
278 every one to two years moving forward.

279
280 Mayor Pro Tem White then made a motion to approve the resolution as presented,
281 including associated water and sewer tap fees. Councilmember Lewis seconded the
282 motion, which passed by a vote of 7 ayes to 0 nays.

283
284 4. Discuss and consider approval of an ordinance amending Chapter 44
285 (Utilities), Article III (Rates and Charges), Section 44-78 (Fire Hydrant
286 Meters; City-Owned Meters) of the Code of Ordinances, and take any
287 action necessary (1st reading).

288 Mrs. Smith provided brief background information related to this item, indicating that
289 builders often utilize city fire hydrants on job sites. They may utilize their own back flow
290 device in these instances, or the city will provide one to them. Several of these backflow
291 devices have been received back damaged when returned to the city by the builder.
292 Approval of this item will provide for a deposit to be paid when backflow devices are
293 borrowed from the city in order to pay for any damaged devices received back.

294
295 Mayor Pro Tem White made a motion to approve the ordinance as presented.
296 Councilmember Lewis seconded the motion. The ordinance was read as follows:

297
298 CITY OF ROCKWALL, TEXAS
299 ORDINANCE NO. 12-31

300
301 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
302 ROCKWALL, TEXAS, AMENDING CHAPTER 44 (UTILITIES),
303 ARTICLE III (RATES AND CHARGES), SECTION 44-78 (FIRE
304 HYDRANT METERS; CITY-OWNED METERS) OF THE CODE OF
305 ORDINANCES; PROVIDING FOR A FINE NOT TO EXCEED THE SUM
306 OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE;
307 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN
308 EFFECTIVE DATE.

309
310 The motion passed by a vote of 7 ayes to 0 nays.

311
312 5. Discuss and consider approval of a resolution establishing the Hotel
313 Occupancy Tax Council Subcommittee's charge to evaluate options
314 associated with a Convention and Visitors Bureau (CVB), and take any
315 action necessary.

316 Mayor Sweet indicated that he placed this item on the council agenda tonight for
317 discussion. He then made a motion to send this topic to the city council's Hotel/Motel
318 Occupancy Tax (HOT) Subcommittee to have them take a detailed look at and evaluate
319 where the city stands, needs wise, related to a CVB and to develop both a short term and
320 long term plan for CVB related services moving forward into the future. Mayor Pro Tem
321 White seconded the motion, which passed by a vote of 7 ayes to 0 nays.

323 6. Discuss and consider approval of an ordinance making certain
324 modifications to the city's existing fire lane regulations, and take any
325 action necessary (1st reading).

326 Councilmember Pruitt indicated that he placed this item on tonight's city council agenda
327 for discussion in response to the recent citizen who attended a council meeting to
328 express concerns about provisions contained within the city's existing fire lane
329 regulations. He believes the additional language being proposed within this ordinance
330 will add necessary clarification.

331
332 Councilmember Pruitt then offered a motion to approve the ordinance. Mayor Pro Tem
333 White seconded the motion. After brief discussion, the ordinance was read as follows:

334
335 CITY OF ROCKWALL
336 ORDINANCE NO. 12-32
337

338 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
339 ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN
340 CHAPTER 26 "MOTOR VEHICLES AND TRAFFIC," ARTICLE VII
341 "STOPPING, STANDING OR PARKING," SECTION 26-513 (C) "FIRE
342 LANE ZONES ON PRIVATE AND PUBLIC PROPERTY" TO ADD
343 ADDITIONAL LANGUAGE FOR CLARIFICATION; PROVIDING FOR A
344 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
345 (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE
346 SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON
347 WHICH A VIOLATION OCCURS; PROVIDING A SEVERABILITY
348 CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN
349 EFFECTIVE DATE.

350
351 The motion passed by a vote of 7 ayes to 0 nays.
352

353 7. Discuss and consider recommendations related to youth sports team
354 practice areas and hear presentation related to sports teams needs
355 assessment, and take any action necessary.

356 Assistant City Manager Brad Griggs provided background information related to this
357 item, indicating that the city is attempting to reduce the use and conflicts associated with
358 youth sports teams utilizing neighborhood parks for practice fields yet still meet the
359 needs of these sports teams. He explained that forty-seven acres of undeveloped park
360 land currently exists at the north community park (now named Alma Williams Howard
361 Park), and staff believes that some gravel parking could be installed there as well as
362 about six to eight acres of practice fields that could be utilized on a temporary basis by
363 about ten to twelve teams at one time. There would still be no restroom availability for
364 these teams. It is estimated that this project would cost about \$40,000 to implement, and
365 staff is recommending funding out of the Recreational Development Fund. Work will be
366 done "in house" by existing city staff.

367
368 After additional information and discussion, Mayor Sweet made a motion to accept the
369 recommendations made by staff related to the youth practice fields and move forward
370 with these temporary accommodations. Councilmember Townsend seconded the
371 motion.
372

373 Mayor Pro Tem White asked for clarification regarding the proposed gravel parking lot.
374 Mr. Griggs indicated that a private entity wishing to build a parking lot for the same
375 purpose would not be permitted to install a gravel parking lot.
376

377 Mayor Sweet amended his motion to include that the recommended items will be funded
378 out of the city's Recreational Development Fund. Councilmember Townsend amended
379 his motion to reflect this funding source.
380

381 The motion passed by a vote of 7 ayes to 0 nays.
382

383 **XI. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
384 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
385

- 386 1. Departmental Reports
387 Police Department Monthly Report - October 2012
388 Harbor PD Report - October 2012
389 Recreation Monthly Report - October 2012
390 Rockwall Animal Adoption Center Monthly Report - October 2012
391 Internal Operations Department Monthly Report - October 2012
392 Fire Dept. Monthly Reports - October 2012

- 393 2. City Manager's Report
394

395 City Manager Rick Crowley indicated that the annual audit began today and will continue
396 on for the next couple of weeks. The remodeling and renovations associated with the
397 Police/Courts remodel is underway and progressing well. He further indicated that the
398 recent tree lighting ceremony that the city hosted was the twenty-ninth annual event. He
399 expressed that the city may want to consider planning something special for the thirtieth
400 tree lighting event next year.
401

402 **XII. RECESS PUBLIC MEETING**

403 Mayor Sweet recessed the public meeting at 7:07 p.m. and called for the council to
404 convene in Executive Session at 7:15 p.m. following a brief break.
405

406 **XIII. HOLD EXECUTIVE SESSION UNDER SECTIONS, 551.072 AND 551.074 OF TEXAS**
407 **GOVERNMENT CODE TO DISCUSS:**

- 408 1. Deliberation regarding the purchase, exchange, lease, or value of real
409 property and re: right to serve Lake Rockwall Estates including acquisition
410 of easements and the system.

- 411 2. Personnel Issues, including evaluation, duties, and/or terms and
412 conditions of contract with City Attorney and including Board,
413 Commission, and Committee Appointments.

414 **XIV. CALL PUBLIC MEETING BACK TO ORDER**
415

416 At 9:25 p.m., members of council came out of Executive Session, and Mayor Sweet called
417 the public meeting back to order.
418

419 **XV. TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
420

421 Mayor Pro Tem White made a motion to reappoint the following board members to an
422 additional two-year term on the city's Main Street Advisory Board (expiring in January
423 2015):

424
425 Sarah Freed
426 Barb Coleson
427 Sandra Whitley.

428
429 Councilmember Lewis seconded the motion, which passed unanimously (7 ayes to 0
430 nays).

431
432 XVI. ADJOURNMENT

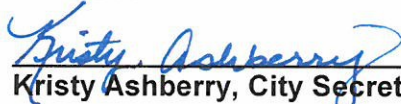
433
434 Mayor Sweet adjourned the meeting at 9:26 p.m.

435
436
437 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
438 this 17th day of December, 2012.

439


David Sweet, Mayor

440 ATTEST:

441
442 
443 Kristy Ashberry, City Secretary

