

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 06, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

II. Executive Session.

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

1. Discussion regarding status of *NTMWD v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding growth and development of the N. TX Municipal Water District (NTMWD), pursuant to Section 551.087 (Economic Development) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding *City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications*, pursuant to Section §551.071 (Consultation with Attorney).

III. Adjourn Executive Session

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

V. Invocation and Pledge of Allegiance - Mayor Pro Tem Johannesen

VI. Proclamations / Awards / Recognitions

1. Cindy Tayem Appreciation Day
2. Deborah Waters, 'Happy Retirement!' Day
3. Severe Weather Awareness Week

VII. Open Forum

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

VIII. Take any Action as a Result of Executive Session

IX. Consent Agenda

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

1. Consider approval of the minutes from the February 21, 2023 regular City Council meeting, and take any action necessary.
2. **Z2022-060** - Consider approval of an ordinance for a *Text Amendment* to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of making changes to the *Solar Collector Panels and Systems* requirements for residential properties, and take any action necessary (**2nd Reading**).

3. **Z2022-057** - Consider a request by Dub Douphrate of Douphrate and Associates, Inc. for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development (PD) District for General Retail (GR) District and Single-Family 1 (SF-1) District land uses on a 25.87-acre tract of land identified as parcel of land identified as Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary **(2nd Reading)**.
4. **Z2022-059** - Consider a request by Dewayne Zinn of Cross Engineering Consultants, Inc. on behalf of Chad Dubose of JCDB Goliad Holdings, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through (i.e. Smoothie King)* on a 0.579-acre portion of a larger 2.542-acre parcel of land identified as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the northwest corner of the intersection of Pecan Valley Drive and N. Goliad Street [SH-205], and take any action necessary **(2nd Reading)**.
5. **Z2023-001** - Consider a request by Ali Abedini on behalf of John Fenianos for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.20-acre parcel of land identified as Lot 16, Block C, Harborview Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for Single-Family 7 (SF-7) District, addressed as 310 Harborview Drive, and take any action necessary **(2nd Reading)**.
6. **Z2023-002** - Consider a request by Matthew J. Peterson of DB Constructors, Inc. on behalf of Jeff Fleming for the approval of an **ordinance** for a *Specific Use Permit (SUP)* to allow a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on a 1.99-acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development 46 (PD-46) District for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and take any action necessary **(2nd Reading)**.
7. **Z2023-003** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Vicmar I, LTD for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary **(2nd Reading)**.
8. **Z2023-005** - Consider a request by Peter and Janyce Gardner for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 6.019-acre parcel of land identified as Lot 11 of the Dowell Road Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 548 Dowell Road, and take any action necessary **(2nd Reading)**.
9. **Z2023-006** - Consider a request by Harold Fetty of HD Fetty Land Surveyor on behalf of Gene and Brooke Rogers for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District on a 5.41-acre parcel of land identified as a portion of Tract 4-06 and all of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 626 Cullins Road, and take any action necessary **(2nd Reading)**.
10. **Z2023-007** - Consider a request by Urbano Fernandez for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.27-acre parcel of land identified as Lot 905A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 124 Lynne Drive, and take any action necessary **(2nd Reading)**.

11. **P2023-002** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of John Arnold of Quail Hollow SF, LTD for the approval of a *Final Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on an 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 97 (PD-97) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
12. Consider approval of an **ordinance** cancelling the May 6, 2023 General (city council) Election, and take any action necessary. **(1st reading)**
13. Consider approval of a contract extension with SRH Landscapes LLC for grounds maintenance in the amount of \$97,062.65 to be funded by the Parks Operations budget, and take any action necessary.
14. Consider approval of a contract extension with Southlake Landscaping and Maintenance (SLM) for parks maintenance in the amount of \$653,485.93 to be funded by the Parks Operation budget, and take any action necessary.
15. Consider awarding purchase order to Siddons-Martin Emergency Group for a new (Fire Department) Aerial Ladder Truck in the amount of \$1,800,000 to be funded by General Fund Reserves, and authorize the City Manager to execute said purchase order, and take any action necessary.
16. Consider approval of the Rockwall Police Department's 2022 Racial Profiling Report, and take any action necessary.

X. Action Items

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

1. Discuss and consider (re)appointments to city boards and commissions, and take any action necessary.
2. Discuss and consider granting permission for an alcohol waiver associated with the city's May 20, 2023 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Sec 30-2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action necessary.

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

1. Building Inspections Department Monthly Report - January 2023
2. Fire Department Monthly Report - January 2023
3. Parks and Recreation Department Monthly Report - January 2023
4. Sales Tax Historical Comparison
5. Water Consumption Historical Statistics
6. Police Department Monthly Report - January 2023

XII. Executive Session.

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

1. Discussion regarding status of *NTMWD v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding growth and development of the N. TX Municipal Water District (NTMWD), pursuant to Section 551.087 (Economic Development) and Section 551.071 (Consultation with Attorney)

3. Discussion regarding *City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications*, pursuant to Section §551.071 (Consultation with Attorney).

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

XIV. Adjournment

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

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

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 3rd day of March, 2023 at 4PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed

Rockwall, Texas Proclamation

Whereas, Cindy Tayem has served as “Area Manager” with Oncor Electric Delivery for many years, a position that spans 16 cities, including all of Rockwall County, Terrell, and parts of Collin, Hunt, and Van Zandt Counties; and

Whereas, during her 45 year tenure with Oncor, Cindy has held various customer service positions, with her current role focusing on managing community relations and being the strategic contact to external groups, including cities, individuals and legislators, for issues regarding Oncor; and

Whereas, Cindy is a graduate of Stephen F. Austin State University as well as several leadership programs, including the first Leadership Rockwall Class of 1997, Kaufman County Leadership and Leadership Texas; and

Whereas, Cindy has been heavily involved in local community groups, holding many leadership positions over the years, including Children’s Advocacy Center Board Member; Rockwall ISD Education Foundation President; Rockwall County AgriLife Extension Leadership Advisory Board Member; Rockwall Economic Development Corporation Board Member; Rockwall County YMCA Board Member; Terrell State Hospital Volunteer Services Council Chairman; Rockwall Rotary Club President; and Terrell Rotary Club President; and

Whereas, Cindy has also been involved in local Chambers of Commerce, holding several positions in the Rockwall, Royse City, and Terrell Chambers, in addition to being named “Director of the Year” for Rockwall’s Chamber in 1997, 2011 and 2012 and receiving the “Lifetime Achievement Award” in 2014; and

Whereas, Cindy’s professionalism and warm demeanor have always made her a joy to work with, and whomever assumes Cindy’s role once she retires will certainly have large shoes to fill.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **MARCH 6, 2023** as

CINDY TAYEM APPRECIATION DAY

in the City of Rockwall and encourage all citizens to thank and applaud Ms. Tayem for her 45 years of dedicated service to members of the Rockwall community and to wish her well in her retirement.

In Witness Whereof, I hereunto set my hand and official seal this 6th day of March, 2023.



Kevin Fowler, Mayor

Rockwall,  Texas
Proclamation

Whereas, Debbie Waters began her career in local government with Royse City in 1987 where she served as Court Clerk; and

Whereas, after leaving Royse City, Debbie assumed the role of “Dispatcher” with the Rockwall County Sheriff’s Office, a position she held for three years; and

Whereas, Debbie was subsequently hired by the City of Rockwall in 1992 as a Dispatcher, helping coordinate fire, police and animal control 9-1-1 phone calls; and

Whereas, in May of 1993, Debbie applied for and was hired as the City’s Court Clerk, a role she simultaneously held while also filling ‘dispatcher’ duties with the Rockwall Police Department; and

Whereas, over the years, Debbie has held many positions within Rockwall’s Municipal Court, including Deputy Municipal Court Clerk, Municipal Court Clerk, Court Administrator, Municipal Court Supervisor, Chief Clerk, and “Associate Judge,” a city council-appointed position she held from January of 2004 until July of 2015; and

Whereas, all of Debbie’s various titles have pointed to the fact that, throughout her career, Debbie was always the glue that held things together and running smoothly at the Rockwall Municipal Court; and

Whereas, in 2012, Debbie was instrumental in helping the City locate, purchase and remodel an existing office complex into a municipal court building at the corner of SH-66 and FM-549, making much-needed space available for a dedicated jury room, judges’ chambers, and clerk offices; and

Whereas, Debbie’s knowledge, professionalism, and team spirit have been admirable.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **MARCH 6, 2023** as

DEBORAH WATERS, “HAPPY RETIREMENT!” DAY

in the City of Rockwall and encourage all citizens to applaud Mrs. Waters for her 36 years of public servitude, more than 30 years of which have been with our city, and to wish her well in her retirement.

In Witness Whereof, I hereunto set my hand and official seal this 6th day of March, 2023.


Kevin Fowler, Mayor

Rockwall, Texas Proclamation

Whereas, springtime in North Central Texas ushers in beautiful flowers, warmer temperatures and – sometimes – severe weather; and

Whereas, common types of severe weather in this part of Texas include thunderstorms, often characterized by lightning, thunder, high damaging winds, hail, flooding, and even tornadoes; and

Whereas, severe weather “watches” issued for Rockwall County by the National Weather Service’s Fort Worth Office mean that conditions are right for certain types of weather to happen in our area, and residents should actively keep themselves aware and informed of any ensuing “warnings;” and

Whereas, a “warning” that has been issued means that credible information – such as from the National Weather Service itself or from trained storm spotters – indicates there is an imminent danger, and you should take action immediately to be aware and to protect yourself; and

Whereas, several means exist by which members of the public may be kept informed of severe weather, but the very best means by which they may do so is to purchase and keep on hand a NOAA weather radio, which can be bought from many retailers or online, usually ranging in price from \$30 to \$70; and

Whereas, Rockwall County residents may also text “RCOEM” to 888777 to receive important weather and emergency-related text alerts; and

Whereas, the Rockwall County Office of Emergency Management and city officials proactively keep a pulse on severe weather, especially during storm season, but also throughout the year, as severe weather in this part of Texas can happen at any time and within any month; and

Whereas, it is vital that residents and businesses within our community stay “weather aware,” ensuring they are tuned into proper notification sources, and have a plan in place for finding safety during severe storms.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim **MARCH 6 - 10, 2023** as

SEVERE WEATHER AWARENESS WEEK

in the City of Rockwall and encourage all citizens to stay “weather aware” and safe, both this week and always.

In Witness Whereof, I hereunto set my hand and official seal this 6th day of March, 2023.



Kevin Fowler, Mayor

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, February 21, 2023 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza attended Ex. Session via video teleconference (“ZOOM”) and listened in remotely during the public meeting.

Mayor Fowler read the below listed discussion item into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

II. EXECUTIVE SESSION.

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

1. Discussion regarding legal advice associated with Special Improvement Districts, pursuant to Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:23 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER LEWIS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Teen Dating Violence Awareness Month

Mayor Fowler called forth students from the city’s Youth Advisory Council (YAC) as well as County District Attorney Kenda Culpepper, Heather Adams and Monica Ivener from Women in Need, and Rockwall Police Department Detective, Laurie Burks. He then read and presented this proclamation. Following brief comments from Ms. Culpepper, YAC Chairman Jaxson Stuart, and the Women in Need representatives, Mayor Fowler thanked everyone for their support in bringing awareness of this important topic to light.

VII. OPEN FORUM

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

Ryan Joyce

767 Justin Road
Rockwall, TX 75087

Mr. Joyce came forth and extended an invitation for the Council and the public to come on March 31st and April 1st to the youth agricultural fair that will be held at the county courthouse.

There being no one else wishing to come forth, Mayor Fowler closed Open Forum.

Mayor Fowler reopened Open Forum and called forth Derek Deckard from the City's Planning & Zoning Commission. Mr. Deckard briefly spoke about recommendations of the city's P&Z relative to planning-related items on tonight's meeting agenda. Council took no action regarding his briefing.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Ex. Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the February 6, 2023 regular city council meeting, and take any action necessary.
2. **P2023-001** - Consider a request by Ryan Moorman of Truman Heights, LLC for the approval of a Replat for Lot 26, Rainbo Acres Addition being a 1.222-acre parcel of land identified as Lot 24, Rainbo Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 & 263 Ranch Trail, and take any action necessary.
3. **P2023-003** - Consider a request by Nick Hobbs of BGE Engineering on behalf of USEF Rockwall Owner, LLC for the approval of a Replat for Lots 4 & 5, Block A, Rockwall Park 30 Addition being a 22.275-acre tract of land identified as Lots 1 & 2, Block A, Rockwall Park 30, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
4. **P2023-004** - Consider a request by Bryan Connally of CBG Surveying on behalf of Todd and Whitney Abbott for the approval of a Final Plat for Lot 1, Block A, Abbott Addition being a 1.25-acre tract of land identified as Tract 52 of the R. Ballard Survey, Abstract No. 29 and Lot 2 of the Renfro Place South Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 619 Renfro Street, and take any action necessary.

Councilmember Jorif moved to approve the Consent Agenda in its entirety (#s 1, 2, 3, and 4). Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Fowler briefly reopened Open Forum to hear a briefing from the Planning & Zoning representative. Thereafter, he reordered the meeting agenda to address Action Item #1 next.

X. PUBLIC HEARING ITEMS

1. **Z2022-060** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Article 04, Permissible Uses, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of making changes to the Solar Collector Panels and Systems requirements for residential properties, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information related to this agenda item. This text amendment will essentially ensure that solar panel installation for residential and small commercial businesses will have to meet the provisions contained within the International

Building Code. The P&Z Commission has recommended approval of this item by a vote of 6 to 0 (with one being absent).

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Councilmember Moeller asked for clarification on if a Homeowners Association (HOA) can prohibit or otherwise regulate solar panels. Mr. Miller shared that – yes – the verbiage is referring to an HOA, and they can regulate them. There are seven, stringent installation criteria that an HOA can regulate.

Councilmember Jorif asked for clarification regarding the municipality cannot prohibit, but an HOA can – he wonders if that is a conflict. Mr. Miller shared that clarification on this topic may be found in the State of Texas Property Code in Section 202.101(d)1-7.

Councilmember Lewis asked for clarification on who has to provide a structural engineer’s report to ensure the structure can handle the weight of the solar panels atop of shingles. Mr. Miller shared that the applicant has to provide this at the time of seeking a permit.

Councilmember Lewis moved to approve Z2022-060. Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 02.03(K)(7), SOLAR ENERGY COLLECTOR PANELS AND SYSTEMS, OF ARTICLE 04, PERMISSIBLE USES, AS DEPCITED IN EXHIBIT ‘A’ OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

- 2. Z2022-057 - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates, Inc. for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development (PD) District for General Retail (GR) District and Single-Family 1 (SF-1) District land uses on a 25.87-acre tract of land identified as parcel of land identified as Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary (**1st Reading**).**

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property is located on the south side of SH-66 just east of Davis Lane. It was annexed in 1998, has been zoned AG and is currently vacant. The applicant wants to rezone the property to a Planned Development District to construct six single-family one-acre residential lots, and one 1.68 acre general retail lot, with a site for a free-standing commercial (monopole) antennae. There will also be two open space lots. The applicant is requesting that these lots be able to have septic systems in lieu of sanitary sewer. Also, they would like to have septic on the non-residential tract.

The homes will be constructed with recessed front-entry or j-swing garages, which deviates from the city's 'alleyways' requirement. In addition, the request for septic systems on these 1 acre lots is less than what the city's UDC requires, which are 1.5 acre lots. The city council has granted these sorts of waivers or permissions in the past; however, a 'commercial' site that's less than 1.5 acres has never before been granted this type of exception in the past.

On December 14, 2022, staff mailed 36 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Rolling Meadows Estates Homeowner's Association (HOA). Five (5) property owner notifications from three (3) property owners who are in favor of the applicant's request. Staff should note that two (2) of the notices received back are from the property owner / applicant for this zoning case. The city's P&Z Commission voted 7-0 to recommend approval to the City Council.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, Mayor Fowler closed the public hearing.

Councilmember Jorif moved to approve Z2022-057. Councilmember Lewis seconded the motion.

The applicant came forth and addressed the Council. Councilmember Daniels shared that he understands the request for utilizing septic systems since no sewer lines are available. He is a little concerned about septic on the residential lots; however, he has an even greater concern about septic being utilized on the "commercial" portion of the development. Councilmember Daniels wonders if we could have the developer agree to tie into any future city sewer line if/when that opportunity becomes available. Indication was given that city regulations already require that the applicant will have to tie in if/when city sewer becomes available within 100' of the property.

Councilmember Daniels asked if Councilmember Jorif will consider amending his motion to make stipulations regarding the commercial portion of the property having to tie into city sewer if/when it becomes available nearby.

Councilmember Jorif withdrew his original motion, and Councilmember Lewis withdrew his 'second' to the original motion.

Councilmember Daniels then moved to approve Z2022-057, stipulating that the draft ordinance be amended to add a provision that the general retail property will connect to city sewer once it's brought within 100' of the subject property. Councilmember Jorif seconded the motion.

The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR GENERAL RETAIL (GR) DISTRICT AND SINGLE-FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 25.87-ACRE TRACT OF LAND IDENTIFIED AS TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY

EXHIBIT 'B'; 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 to approve passed by a vote of 7 ayes to 0 nays.

- 3. Z2022-059** - Hold a public hearing to discuss and consider a request by Dewayne Zinn of Cross Engineering Consultants, Inc. on behalf of Chad Dubose of JCDB Goliad Holdings, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through (i.e. Smoothie King)* on a 0.579-acre portion of a larger 2.542-acre parcel of land identified as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the northwest corner of the intersection of Pecan Valley Drive and N. Goliad Street [SH-205], and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information related to this agenda item. This is currently a vacant piece of property, and the applicant would like to construct a restaurant with drive-thru in order to establish a Smoothie King. Staff noted that the same request for a *Restaurant with a Drive-Through or Drive-In* has previously been submitted twice by the owner of the subject property. On July 19, 2019, Jake Fears, PE of Weir & Associates, Inc., submitted an application for a Specific Use Permit (SUP) [i.e. Case No. Z2019-014] for a *Restaurant, Less than 2,000 SF, with a Drive-Through or Drive-In*. The applicant of this case ultimately requested to withdraw it after failing to address staff's comments. This withdraw request was granted by the Planning and Zoning Commission on August 13, 2019 by a vote of 7-0. Following this request, on June 19, 2020, Jake Fears, PE of Weir & Associates, Inc. submitted a subsequent application for a Specific Use Permit (SUP) [i.e. Case No. Z2020-026] for a *Restaurant, Less than 2,000 SF, with a Drive-Through or Drive-In*. On July 14, 2020, the Planning and Zoning Commission recommended denial by a vote of 5-1, with Commissioner Welch dissenting and Commissioner Moeller being absent. The Planning and Zoning Commission based the recommendation for denial on: [1] traffic concerns, [2] concerns about access to the property, and [3] public opposition. Ultimately the applicant requested that the City Council withdraw the case, and the City Council granted this request on July 20, 2020.

Regarding this current application / case for Z2022-059, twenty notices were sent out to adjacent property and land owners as well as nearby HOAs. Staff received one notice back in opposition of the request.

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

**Chad Dubose
7218 Colgate Ave.
Dallas, TX 75225**

Mr. Dubose indicated that he is here as the property owner and is in support of this request. He is also here to answer any questions.

**Cory Masters
203 S. Forum Drive, #331
Grand Prairie, TX 75052**

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

Councilmember Moeller acknowledged previous concerns that had been raised related to this piece of property and possible construction, specifically related to the size of the lot, the creek and drainage. Mr. Miller shared that the applicant will have to submit a flood study and a drainage and detention study. They discussed with staff the possibility of utilizing the city's pond on the old Arkoma property. If this were to come to fruition, it would have to be spelled out in a development agreement. They do have an option to provide underground detention, which would require that the existing creek be piped, but all of these matters will depend on the studies.

Mayor Pro Tem Johannesen moved to approve Z2022-059. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT WITH 2,000 SF OR MORE WITH A DRIVE-THROUGH OR DRIVE-IN ON A 0.579-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, PECAN VALLEY RETAIL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

4. **Z2023-001** - Hold a public hearing to discuss and consider a request by Ali Abedini on behalf of John Fenianos for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.20-acre parcel of land identified as Lot 16, Block C, Harborview Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for Single-Family 7 (SF-7) District, addressed as 310 Harborview Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information related to this agenda item. Mr. Miller shared that this is in the Harbor View Subdivision, which is part of the Chandler's Landing Subdivision. The applicant would like to construct a single-family home on this lot, and it is located within what is considered to be an 'established subdivision.' The Council is being asked to consider the size, location and architecture compared to existing, nearby homes. Staff has conducted said comparison and has provided information to the Council to that end. The applicant is wanting to construct the garage in a manner that is not setback 20' beyond the front façade but is – rather – just over 12' forward of the front façade. The Chandler's Landing Subdivision has been around since the 1970s and has been subject to various Codes over time. Ordinance 87-19 set minimum elevations for finish floor and for the housing height. The applicant is in conformance with these requirements at this time.

Eighty-six notices were sent out to residents and property owners located within 500' of the subject property. Staff received one notification and one email in opposition to this request. In addition, nearby HOAs were also notified, and the city's Planning & Zoning Commission voted 7-0 to recommend approval of this request. It was note that the applicant was not present this evening.

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Councilmember Moeller moved to approve Z2023-001. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [*ORDINANCE NO. 84-30*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.20-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 16, BLOCK C, HARBORVIEW LANDING, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

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

5. **Z2023-002** - Hold a public hearing to discuss and consider a request by Matthew J. Peterson of DB Constructors, Inc. on behalf of Jeff Fleming for the approval of an **ordinance** for a *Specific Use Permit (SUP)* to allow a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on a 1.99-acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development 46 (PD-46) District for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information concerning this agenda item. This property is located on Springer Road near Corporate Crossing. The applicant would like to establish New and/or Used Indoor Motor Vehicle Dealership/Showroom in a Commercial (C) District for the purpose of constructing a 22,726 SF Office and Indoor Motor Vehicle Dealership/Showroom on the subject property. The City's P&Z Commission has unanimously recommended approval of this request to the City Council. Notices were sent out to 27 adjacent property owners and nearby HOAs. No notices were received back (neither in favor, nor in opposition) by staff.

Matthew Petterson with DB Constructors came forth and clarified that, even though this is for a 'dealership,' the applicant will actually be utilizing this for his own, private vehicle collection (not for the public).

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Councilmember Lewis moved to approve Z2023-002. Councilmember Moeller seconded the motion. Mayor Pro Tem Johannesen shared that he is generally not in favor of approving more car dealerships; however, since this will be for someone's own, private collection, he does not have a problem with it. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 21-32] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM* ON A 1.99-ACRE PORTION OF A LARGER 3.853-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-09 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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.

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

6. **Z2023-003** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Vicmar I, LTD for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information related to this agenda item. This property is currently vacant. The applicant would like to establish a 292 single-family, residential subdivision that will consist of four (4) lot sizes (i.e. [A] 32, 82' x 120' lots; [B] 98, 72' x 120' lots; [C] 105, 62' x 120' lots; and [D] 57, 52' x 120' lots). This translates to a gross density of 2.08 dwelling units per gross acre (i.e. 292 lots/140.50-acres = 2.078 dwelling units per gross acre). The minimum home size will range from 2,000 SF to 2,500 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry materials be used on the exterior façade, and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitious fiberboard utilized in a horizontal lap-siding, board-and-batten siding, or decorative pattern to allow a variation of materials throughout the subdivision. The approval of the ability to use over 20% cementitious materials will be an administrative approval from the

Director of Planning and Zoning. Looking at the garage orientation proposed for the development, the applicant is requesting to allow all of the Type 'D' lots (i.e. the 52' x 120' lots) or a total of 19.59% of the 292 lots (equating to a total of 57 lots) to be orientated toward the street in a Front Entry garage configuration; however, the applicant is proposing to require an additional five (5) foot setback from the front façade of the home for Front Entry garage configurations, which will create a 25-foot separation from the garage to the front property line. The applicant has stated that this is necessary due to the inability to provide a J-Swing or Traditional Swing garage orientation on a 52' x 120' lot. In addition, the applicant has stated that setting the garage back 20-feet behind the front façade of the home would shrink the building pad, and is making the request for Front Entry garages based on this rationale. The remaining garage doors will be oriented in a J-Swing (or a Traditional Swing) configuration or Recessed Entry configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade).

Mr. Miller went on to share that the request deviates from the city's Engineering Standards of Design & Construction in that existing streets must connect to future, dedicated streets. In this case Renee Drive abuts the southern property line, but the applicant is requesting to not extend that street. Instead, he would like to install a 24' fire lane and emergency access point that can be closed off by bollards but still be accessed by the Fire Department, if necessary.

The applicant is also requesting to utilize board-on-board fencing on all of the 52' lots along the eastern (National Drive) and southern (Lake Rockwall Estates Subdivision) boundaries. Normally, a wrought iron fence and berms with screening would be required. Where the board-on-board fencing would be utilized, berms and screening would also be provided. Then on the southern boundary, a 30' tree preservation easement would be established to preserve the existing trees. Just today the applicant presented staff with plans to meet the city's open space requirements.

Mr. Miller shared that this request is in conformance with the city's future land use plan contained within the city's Comprehensive Plan. However, considering the deviation from some of the city's regulations, its approval is discretionary on the part of Council.

Twenty-seven notices were sent out to adjacent property owners and HOAs. Three notices of opposition have been received by staff (located within the 500' buffer zone). One notice of opposition was also received online (by someone located outside of the 500' zone). In addition, one more notice of opposition was received; however, it is not clear if that respondent is located within or outside of the 500' zone.

Mayor Fowler then called for the applicant.

Ryan Joyce
767 Justin Road
Rockwall, TX 75087

Mr. Joyce, the applicant, came forth and explained that this developer is the same one who has developed the Nelson Lake subdivision and the Gideon Grove subdivision (elsewhere within the City of Rockwall). He went on to provide a detailed presentation to Council to further describe details concerning this request.

Councilmember Daniels asked for clarification on who will maintain the board-on-board fencing (that will be in lieu of wrought iron fencing). Mr. Miller clarified that each, individual property owner will maintain the board-on-board fencing. Mr. Joyce went on to clarify that the subdivision's smaller lots will be the ones that will back up to the city's future water storage facility (lot).

Discussion ensued pertaining to lot sizes and lot placement and the aspects of the proposed plan that do and do not entirely conform to the city's existing regulations. Mr. Joyce shared that there is a small portion of the development that may include "Blackland Prairie" land. While they are working to preserve some of this, preserving all of it may not be possible; however, there will be some signage placed that does identify it as Blackland Prairie land.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, Mayor Fowler closed the public hearing.

Councilmember Jorif moved to approve Z2023-003. Mayor Pro Tem Johannensen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 140.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128 AND TRACT 3 OF THE G. WELLS SURVEY, ABSTRACT NO. 219, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; 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 to approve passed by a vote of 7 ayes to 0 nays.

7. **Z2023-004** - Hold a public hearing to discuss and consider a request by Mike Pizzola of Designhaus Architecture on behalf of Viper Development for the approval of an ordinance for a Specific Use Permit (SUP) to allow a *Mini-Warehouse* on a 3.15-acre tract of land identified as Lots 1 & 2, Block A, Eastshore Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 68 (PD-68) for Commercial (C) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located on the eastside of S. Goliad Street [SH-205] south of the intersection of Community Lane and S. Goliad Street [SH-205], and take any action necessary (**1st Reading**).

Planning Director Ryan Miller indicated that, as of this afternoon, the applicant has asked the Council to consider tabling this item this evening. According to the UDC, action of the Council will need to be taken accordingly. Mayor Fowler asked for clarification of 'next steps.' Mr. Miller shared that the applicant has had trouble addressing staff's comments in a timely manner. It is really up to Council on whether or not they want to remand this back to the P&Z Commission or hear the case and approve or deny without prejudice. Mayor Fowler shared that he prefers to proactively remand this back to the city's P&Z Commission.

Councilmember Lewis expressed consternation regarding the applicant not timely responding to / addressing staff's comments. Mr. Miller explained what will happen if Council remands this back to P&Z. Councilmembers Lewis and Campbell shared that they personally prefer to move forward with hearing this case tonight.

With that being said, Mr. Miller provided background information concerning this agenda item. The applicant would like to construct two buildings associated with a mini warehouse storage facility. The applicant had not originally been meeting the city's parking requirements; however, the applicant did subsequently submit revisions that they thought helped meet the parking requirements. That is actually not so, however, as the additional spaces are located behind a locked fence area, so they still are not in compliance. Mr. Miller shared that the city has traditionally desired to conceal these sorts of facilities behind facades that are more aesthetically appealing from street views. The applicant was originally wanting a flat roof design; however, the applicant has indicated recently that they will adhere to the city's pitched roof requirements, but staff has not actually seen those plans at this point. There is an existing facility like this (mini storage) directly south of this location. Fifty-five notices were sent out to adjacent land owner and property owners as well as the nearby Waterstone Estates HOA. Two notices by two non-residential properties have been received back in favor of the request. The City's P&Z Commission did meet on this case and voted 6 to 1 to recommend its denial. Therefore, a $\frac{3}{4}$ super majority vote of Council would be required in order for this to be approved this evening.

Mayor Fowler opened the public hearing. No one came forth to speak, so Mayor Fowler closed the public hearing.

Regarding Z2023-004, Councilmember Lewis moved to deny the item. Councilmember Moeller seconded the motion. Mayor Pro Tem Johannesen provided brief comments, supporting denial of this request this evening. The motion to deny this item passed unanimously of Council (7 ayes, 0 nays).

8. Z2023-005 - Hold a public hearing to discuss and consider a request by Peter and Janyce Gardner for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 6.019-acre parcel of land identified as Lot 11 of the Dowell Road Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 548 Dowell Road, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information related to this agenda item. The property is at 548 Dowell Road. It was annexed in 2008 and is currently zoned AG. The purpose of this request is to facilitate the construction of a future accessory building on the subject property. The zoning change would be in conformance with the city's Comprehensive Plan since it is all low-density residential. Fourteen property owner notifications were sent out to adjacent land/property owners; however, no notices have been received back by staff so far. P&Z Commission has recommended approval of this item by a vote of 7 to 0.

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

Councilmember Jorif moved to approve Z2023-006. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG)

DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 6.019-ACRE PARCEL OF LAND IDENTIFIED AS LOT 11 OF THE DOWELL ROAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

9. **Z2023-006** - Hold a public hearing to discuss and consider a request by Harold Fetty of HD Fetty Land Surveyor on behalf of Gene and Brooke Rogers for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District on a 5.41-acre parcel of land identified as a portion of Tract 4-06 and all of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 626 Cullins Road, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information concerning this agenda item. The property is located at 626 Cullins Road. The applicant would like to change the zoning from AG to SF 4.0 in order to facilitate the submittal of a final plat to expand the subject property. Staff mailed out thirteen notifications to adjacent property and land owners within 500' of the subject property and to the Oaks of Buffalo Way HOA. Staff received no notice back, neither 'for' or 'against' this request. The City's P&Z Commission has recommended approval of this request by a vote of 7 ayes to 0 nays.

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

Mayor Pro Tem Johannesen moved to approve Z2023-006. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT FOR A 5.41-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4-06 AND ALL OF TRACT 4-2 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

10. **Z2023-007** - Hold a public hearing to discuss and consider a request by Urbano Fernandez for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established*

Subdivision on a 0.27-acre parcel of land identified as Lot 905A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 124 Lynne Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant would like to construct a single-family home that is comparable to existing, adjacent homes within the Lake Rockwall Estates Subdivision. Staff mailed out 111 notices to adjacent property owners. So far, staff has not received any notices in response. In addition, the city's P&Z Commission voted 7 to 0 to recommend approval of this request to Council.

Mayor Fowler opened the public hearing. There being no one wanting to speak at this time, Mayor Fowler closed the public hearing. Mayor Fowler clarified that this parcel is *not* located within the floodplain.

Following brief comments, Councilmember Campbell moved to approve Z2023-007. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.27-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 905A OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. ACTION ITEMS

1. Discuss and consider approval of a request by the City's Art Commission for the *Picture This* public art project, authorizing \$6,000 to be paid from the city's Art in Public Places fund, and take any action necessary.

Ginger Womble, Chairperson of the city's ART Commission came forth and briefed the Council on this new project, explaining that the Commission is seeking \$6,000 in funding for the project. Following brief comments, Councilmember Daniels moved to approve the project and the associated \$6,000 in funding, as requested. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Following this item, Mayor Fowler returned to the order of the agenda, as posted (Public Hearing Item #1, et. al.)

XII. ADJOURNMENT

Mayor Fowler shared that he and some staff members went and visited the artists who are working diligently on the bronze “Discovery” statue, which is slated to be completed within about three weeks.

Councilmember Moeller provided brief congratulatory comments pertaining to the City Manager’s recent promotion of (Police) Chief Ed Fowler.

Mayor Fowler adjourned the meeting at 7:50 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF MARCH, 2023.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL

ORDINANCE NO. 23-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 02.03(K)(7), SOLAR ENERGY COLLECTOR PANELS AND SYSTEMS, OF ARTICLE 04, PERMISSIBLE USES, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Subsection 02.03(K)(7), *Solar Energy Collector Panels and Systems*, of Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

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

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

SECTION 1. That Subsection 02.03(K)(7), *Solar Energy Collector Panels and Systems*, of Article 04, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

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

SECTION 3. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF MARCH, 2023.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A'
*Article 04, Permissible Uses, of the
Unified Development Code (UDC)*

See Next Page ...



(7) The antenna will meet all applicable requirements of [Subsection 03.06. Antennas](#).

(7) Solar Energy Collector Panels and System.

(a) Residential. Solar Energy Collector Panels and Systems installed on a residential structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department.

(b) Small Commercial. Solar Energy Collector Panels and Systems installed on a *Small Commercial* structure shall be required to meet the requirement of the International Building Code (IBC), and be required to apply for and receive a building permit from the Building Inspections Department. *Small Commercial* shall mean a *Small Commercial Customer* as defined by [Section 202, Price to Beat, of Chapter 39, Restructuring of Electrical Utility Industry, of the Texas Utilities Code](#). It shall be the burden of a property owner to show that a particular property meets the definition of a *Small Commercial Customer*.

(c) Commercial. Solar Energy Collector Panels and Systems installed on a *Commercial* structure shall be required to meet the following:

(a)(1) Solar Energy Collector Panels on a Pitched Roof. ~~Solar energy-Energy collector Collector panels-Panels~~ installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

- (A) *Solar Energy Collector Panels* shall not extend beyond the roofline or eave lines of a roof.
- (B) *Solar Energy Collector Panels* shall not exceed more than 45.00% of the total roof area.
- (C) Configuration of *Solar Energy Collector Panels* on a pitched roof ~~solar energy collector panels~~ shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.

(D) The surface of the ~~solar-Solar energy-Energy collector-Collector panel-Panel~~ shall not be more than six (6) inches above the surface of the pitched roof.

(3) —

(2) Solar Shingle on a Pitched Roof. *Solar Shingles* may be installed on a pitched roof; however, *Solar Shingles* are subject to the following requirements:

(A) *Solar Shingles* shall be installed on 100.00% of the total roof area -- *excluding accent roof materials (e.g. metal roofs over gabled windows, porches, entryways, and etcetera) --*, and shall not be installed alongside another roof mounted *Solar Energy Collector System*.

(b)(3) Solar Energy Collector Panels on a Flat Roof. ~~Solar energy-Energy collector-Collector panels~~

Panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view, and meet the following requirements:-

(A) — The height of such screening, at the minimum, shall be the height of the ~~solar-Solar energy Energy collector-Collector panel-Panel~~.

(A)

(2)(B) The screening may be by a parapet or screening wall replicating the materials of the building.

(e)(4) Reflective ~~flare-glare~~ of ~~solar-Solar energy Energy collector-Collector panels-Panels~~ shall be minimized by the positioning of the ~~solar-Solar collector-Collector panels-Panels~~ or by the use of non-glare glazing.

(d)(5) Piping, wiring and other mechanical accessories shall be concealed within a roof mounted ~~solar-Solar energy-Energy collector Collector panel-Panel~~. If some portion of the piping, wiring or other mechanical accessories cannot be practically concealed then those portions shall be painted so as to blend with the roofing material.

(e)(6) Ground mounted or pole mounted ~~solar Solar energy-Energy collector-Collector panels Panels~~ shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the ~~city~~City of Rockwall.

(f)(7) The maximum overall height of ground mounted or pole mounted ~~solar-Solar energy-Energy collector Collector panels-Panels~~ shall not exceed ~~12-eight (8)~~ feet.

(g) — In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed 1,000 SF on a single lot.

(h)(8) Any ~~solar-Solar energy-Energy collector Collector panels-Panels~~ or ~~systems-Systems~~ not meeting these requirements, or any installation of ~~solar-Solar energy-Energy systems-Systems~~ as the principal use on any property, shall require approval of a Specific Use Permit (SUP).

SECTION 03 | OTHER SPECIAL USE STANDARDS

SUBSECTION 03.01: FARM ANIMALS AND HORSES

(A) Grazing Animals. In the SF-E and SF-1 Districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 40,000 square feet per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 square feet per animal.

(B) Other Animals. An SUP is required for other farm animals, including chickens and swine (except for "potbellied pigs" as defined in [Section 6-1, Definitions, of Chapter 6, Animals, of the Municipal Code of Ordinances](#)), and for a reduction in the land area required for grazing farm animals. The city shall not grant a SUP for any farm

CITY OF ROCKWALL

ORDINANCE NO. 23-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 100 (PD-100) FOR GENERAL RETAIL (GR) DISTRICT AND SINGLE-FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 25.87-ACRE TRACT OF LAND IDENTIFIED AS TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Dub Douphrate of Douphrate and Associates, Inc. on behalf of Dewayne Cain for the approval of a zoning change from an Agricultural (AG) District to a Planned Development District for General Retail (GR) District and Single-Family 1 (SF-1) District land uses, on a 25.87-acre tract of land identified as Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located on the southside of SH-66 east of the intersection of SH-66 and Davis Drive, and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 3. That development of the *Subject Property* shall generally be in accordance with

the *Density and Development Standards*, outlined in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That a *Master Parks and Open Space Plan* for the *Subject Property*, prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* described in *Exhibit 'B'* of this ordinance, shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.

SECTION 5. That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

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

trail systems, street buffers and entry features. A *PD Site Plan* application may be processed by the City concurrently with a *Final Plat* application for the development.

- (g) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, shall be submitted for approval.

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF MARCH, 2023.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A':
Survey

BEING a 25.41 acre tract of land situated in the David Harr Survey, Abstract No. 102 and being the same tract of land as described in a Warranty Deed from J. Diane Folzenlogen to the Cain Revocable Family Trust as recorded in Volume 3537, Page 162 of the Deed Records of Rockwall, County, Texas and being more particularly described as follows:

BEGINNING at the northeast corner of the Lot 1, Block A of the Widboom Addition, an addition to the City of Rockwall as recorded in Cabinet J, Slide 375 of the Plat Records of Rockwall County, Texas, said point being on the south right-of-way line of S.H. 66 (a 60' wide right-of-way);

THENCE along the south line of said S.H. 66 and along a curve to the left having a central angle of 7°13'52", a radius of 990.00' and a chord that bears North 82°52'21" East a distance of 124.86';

THENCE along said curve an arc distance of 124.94' to a TXDOT concrete monument with an aluminum cap stamped "1453";

THENCE North 79°08'41" East a distance of 127.20' to a TXDOT concrete monument with an aluminum cap stamped "1455", said point being the beginning of a curve to the right having a central angle of 11°05'24", a radius of 905.00' and a chord that bears North 84°41'23" East a distance of 174.90';

THENCE along said right-of-way line an arc distance of 175.17' to a busted TXDOT monument found;

THENCE South 89°41'47" East along said right-of-way line, a distance of 323.43' to a point for a corner, said point being the northwest corner of Tract 2 of a tract of land conveyed to Cain Family Partnership, Ltd. as recorded in Rockwall File Clerk's No. 2017000009797 of the Real Property Records of Rockwall County, Texas (R.P.R.R.C.T.);

THENCE South 00°05'21" West along the west line of said Tract 2, a distance of 1341.99' to a ½" iron rod found at the southwest base of a wood fence corner post, said point being the northwest corner of Lot 10 of the revised Final Plat of Rolling Meadows Estates addition, an addition to Rockwall County, Texas as recorded in Cabinet D, Slide 59 of the Plat Records of Rockwall, County, Texas, said point also being the easterly northeast corner of a tract of land conveyed to Donya Beatrice Sellers as recorded in Instrument No. 20170000020261 of the Real Property Records of Rockwall County, Texas;

THENCE South 89°34'34" West along the north line of said Sellers Tract, a distance of 906.59' to a wooden fence corner post being an "ell" corner of said Sellers tract;

THENCE North 06°39'29" East along the east line of said Sellers Tract, a distance of 220.86' to a ½" iron pipe found, said point being the southeast corner of a tract of land conveyed to Gary S. Ryan as recorded in Instrument No. 20170000021114 R.P.R.R.C.T.;

THENCE North 03°25'15" West a distance of 153.31' to a point for a corner, said point being the northeast corner of said Ryan Tract and the southeast corner of a tract of land conveyed to Alyssa Mock as recorded in Instrument No. 20200000013993 R.P.R.R.C.T.;

THENCE North 05°32'26" East a distance of 135.26' to a point for a corner, said point being the northeast corner of said Mock Tract and the southeast corner of a tract of land conveyed to Mark Dailey as recorded in Volume 2242, Page 276 of the Deed Records of Rockwall County, Texas;

THENCE North 20°09'09" East a distance of 154.69' to a ½" iron rod found for the northeast corner of said Dailey Tract and the southeast corner of a tract of land conveyed to Joseph W. Rinkevich as recorded in Volume 6147, Page 28 of the Deed Records of Rockwall County, Texas;

THENCE North 06°55'10" East a distance of 161.51' to a ½" iron rod found for a corner;

THENCE North 06°48'25" East a distance of 112.14' to a 3/8" iron rod found for the northeast corner of said Rinkevich Tract and the southeast corner of said Widboom Addition;

THENCE North 07°10'37" East a distance of 373.75' to the *POINT OF BEGINNING* and containing 25.41 acres or 1,107,008 square feet of land.

Exhibit 'B': Concept Plan

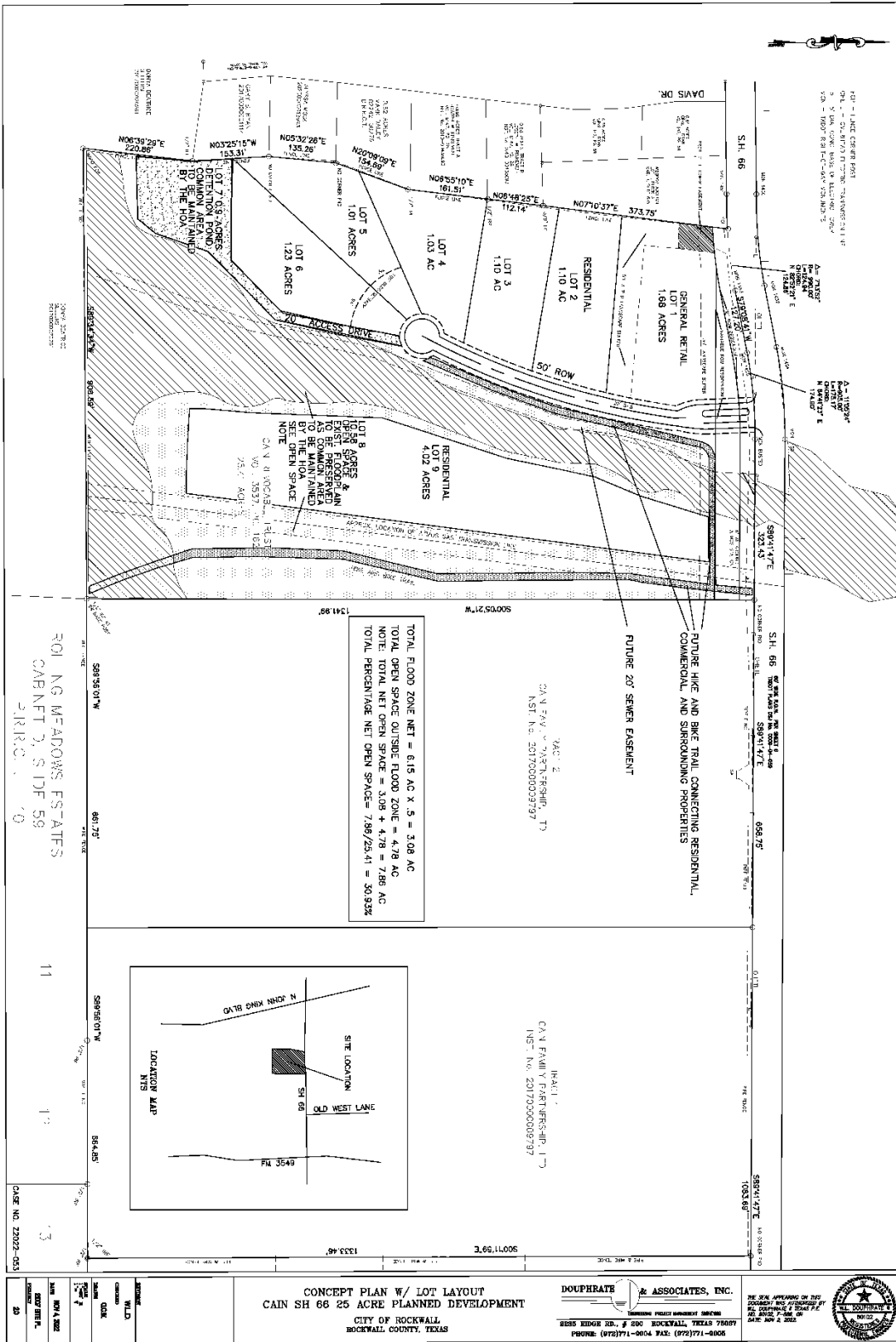


Exhibit 'C':
Density and Development Standards

DENSITY AND DEVELOPMENT STANDARDS.

(1) Permitted Uses. Unless specifically provided by this Planned Development District ordinance, only those uses permitted within the General Retail (GR) District and Single-Family 1 (SF-1) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), are allowed on the *Subject Property*.

(a) Residential Land Uses. Residential land uses shall be allowed only within the area designated for residential lots as depicted on the *Concept Plan* in *Exhibit 'B'* of this ordinance. These areas are limited to those uses permit by-right or by Specific Use Permit (SUP) for the Single-Family 1 (SF-1) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC).

(b) Non-Residential Land Uses. Non-residential land uses shall be allowed only within the area designated for *General Retail* land uses as depicted on the *Concept Plan* in *Exhibit 'B'* of this ordinance. These areas are limited to those uses permitted *by-right* or by Specific Use Permit (SUP) for the General Retail (GR) District as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) and subject to the approval of a *PD Development Plan* and *PD Site Plan* in accordance with the Planned Development District regulations contained in Article 10, *Planned Development District Regulations*, of the Unified Development Code (UDC); however, the subject property shall be subject to the following:

(1) The following land uses shall be allowed through a Specific Use Permit (SUP):

- Freestanding Commercial Antenna (*a Maximum of 110-Feet in Total Height*)

(2) The following land uses shall be expressly prohibited:

- Animal Boarding/Kennel without Outside Pens
- Animal Hospital or Clinic
- Convent, Monastery, or Temple
- Commercial Parking Garage
- Limited-Service, Full-Service, and/or Residence Hotel
- Motel
- Cemetery/Mausoleum
- Church/House of Worship
- Congregate Care Facility/Elderly Housing
- Emergency Ground Ambulance Services
- Hospital
- Mortuary or Funeral Chapel
- Financial Institution with Drive-Through
- Temporary Carnival, Circus, or Amusement
- Outdoor Commercial Amusement/Recreation
- Private Country Club
- Golf-Driving Range
- Temporary Fundraising Events by Non-Profit
- Indoor Gun Club with Skeet or Target Range
- Private Club, Lodge or Fraternal Organization
- Tennis Courts
- Banquet Facility/Event Hall

Exhibit 'C':
Density and Development Standards

- Brew Pub
- Private Sports Arena, Stadium, and or Track
- Portable Beverage Service Facility
- Temporary Christmas Tree Sales Lot and/or Similar Uses
- Copy Center
- Incidental Display
- Food Trucks/Trailers
- Garden Supply/Plant Nursery
- Self Service Laundromat
- Night Club, Discotheque, or Dance Hall
- Pawn Shop
- Restaurant with less/more than 2,000 SF with a Drive-Through or Drive-In
- Rental Store without Outside Storage and/or Display
- Retail Store with Gasoline Sales that has less/more than Two (2) Dispensers
- Trade School
- Minor Auto Repair Garage
- Full Service Car Wash and Auto Detail
- Self Service Car Wash
- Non-Commercial Parking Lot
- Service Station
- Temporary Asphalt or Concrete Batch Plant
- Mining and Extraction of Sand, Gravel, Oil and/or Other Materials
- Helipad
- Railroad Yard or Shop
- Transit Passenger Facility

(2) **Density and Dimensional Requirements.** Unless specifically provided by this Planned Development District ordinance, the development standards stipulated for the *Subject Property* shall be as follows:

(a) **Residential.** Except as provided by this Planned Development District ordinance, the residential land uses on the *Subject Property* shall be required to meet the development standards for the Single-Family 1 (SF-1) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC). The maximum permissible density for the *Subject Property* shall not exceed 0.23 dwelling units per gross acre of land; however, in no case should the proposed development exceed 6 units. All lots shall conform to the standards depicted in *Table 2*, which are as follows:

TABLE 2: LOT DIMENSIONAL REQUIREMENTS

<i>Lot Type (see Concept Plan) ►</i>	
<i>Minimum Lot Width</i> ⁽¹⁾	70'
<i>Minimum Lot Depth</i>	100'
<i>Minimum Lot Area</i>	43,560 SF
<i>Minimum Front Yard Setback</i> ⁽²⁾	20'
<i>Minimum Side Yard Setback</i>	6'
<i>Minimum Length of Driveway Pavement</i>	25'
<i>Maximum Height</i> ⁽³⁾	36'
<i>Minimum Rear Yard Setback</i> ⁽⁴⁾	10'
<i>Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]</i>	3,000 SF
<i>Maximum Lot Coverage</i>	45%

General Notes:

- ¹: The *Minimum Lot Width* shall be measured from the *Front Yard Setback*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line. The front yard building setback shall be increased to a minimum of 50-feet adjacent to homes along SH-66.
- ³: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the single-family home.
- ⁴: The location of the *Rear Yard Building Setback* as measured from the rear property line.

Exhibit 'C':
Density and Development Standards

- (b) *Non-Residential.* Except as modified by this Planned Development District ordinance, the non-residential land uses on the *Subject Property* shall be required to meet the development standards stipulated by the *General Overlay District Standards*, *General Commercial District Standards*, and the standards required for the General Retail (GR) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC). In addition, the *Commercial* area shall be designed to be pedestrian-oriented and easily accessible to the adjacent residential neighborhoods, and be constructed to be integrated with the adjacent uses, not be separated from them by screening walls or other physical barriers. This will be accomplished by creating paths from the adjacent development into the *Commercial* area and through the use of landscaping buffers utilizing a berm and three (3) tiered screening (*i.e.* [1] *a small to mid-sized shrub*, [2] *large shrubs or accent trees*, and [3] *canopy trees on 20-foot centers*), and building design and other urban design elements to create compatibility with the surrounding residential neighborhood.
- (3) *Building Standards for Residential.* All development shall adhere to the following building standards:
- (a) *Masonry Requirement.* The minimum masonry requirement for the exterior façade of all buildings shall be 90.00% (*excluding dormers and walls over roof areas*). For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard (*e.g. HardiBoard or Hardy Plank*) in a horizontal lap-siding, *board-and-batten* siding, or a decorative pattern (*see examples below*) may be used for up to 20.00% of the total exterior of the home; however, administrative approval from the Director of Planning and Zoning may be requested for housing plans that utilize cementitious fiberboard in excess of 20.00% of the masonry requirement on a *case-by-case* basis.

FIGURE 1: EXAMPLES OF CEMENTITIOUS FIBERBOARD



Continued on Next Page ...

Exhibit 'C':
Density and Development Standards

FIGURE 2: EXAMPLES OF BOARD AND BATTEN



FIGURE 3: EXAMPLES OF HORIZONTAL LAP



- (b) **Roof Pitch.** A minimum of an 8:12 roof pitch is required on all structures with the exception of dormers, sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

- (c) **Garage Orientation and Garage Doors.** Garages shall be oriented in a traditional swing (or j-swing) or recessed front entry (i.e. the garage door may be oriented toward the street as long as it is setback a minimum of 20-feet behind the front façade of the primary structure). All garage doors shall be required to have upgraded finishes (e.g. divided garage bay doors, carriage style hardware and lighting elements, cedar clad garage doors, or a similar alternative -- to be approved by staff):

Continued on Next Page ...

**Exhibit 'C':
Density and Development Standards**

FIGURE 4: EXAMPLES OF ENHANCED WOOD GARAGE DOOR



FIGURE 5: EXAMPLES OF UPGRADED FINISHES



FIGURE 6: EXAMPLES OF UPGRADED GARAGES



- (4) Anti-Monotony Restrictions. The development shall adhere to the following *Anti-Monotony* standards:
- (a) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least five (5) intervening homes of differing materials on

Exhibit 'C':
Density and Development Standards

the same side of the street beginning with the adjacent property and six (6) intervening homes of differing materials on the opposite side of the street.

- (b) Front building elevations shall not repeat along any block face. Homes are considered to have a differing appearance if any of the following two (2) items deviate:
 - (1) Number of Stories
 - (2) Roof Type and Layout
 - (3) Articulation of the Front Façade
 - (c) The subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).
- (5) *Fencing Standards*. All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:
- (a) *Wrought Iron/Tubular Steel*. All lots shall utilize fencing materials that shall be open in nature and not to exceed six (6) feet in height. Fences that extend beyond the front building line of any structure shall be required to be pipe-rail or similar fencing. No chain-link or wooden fencing shall be allowed.
 - (b) *Lots with Floodplain*. No fences shall be permitted within the floodplain.
- (6) *Landscape and Hardscape Standards*.
- (a) *Landscape*. Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height. All shrubs shall be a minimum of five (5) gallons in size. Any residential lot that sides or backs to a major roadway where wrought iron/tubular steel fencing is required, shall be required to plant an additional row of shrubs adjacent to the wrought iron/tubular fence within the required 30-foot landscape buffer (*i.e. on the Homeowner's Associations' [HOAs'] property*). These shrubs shall be maintained by the Homeowner's Association (HOA).
 - (b) *Landscape Buffer and Sidewalks (State Highway 66)*. A minimum of a 30-foot landscape buffer shall be provided along SH-66 (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-linear feet of frontage. A meandering six (6) foot trail shall be constructed within the 30-foot landscape buffer.
 - (c) *Landscape Buffer (Adjacent to Residential Properties)*. A minimum of a 50-landscape buffer with a minimum of a 48-inch berm and three (3) tiered screening (*i.e. [1] a small to mid-sized shrub, [2] large shrubs or accent trees, and [3] canopy trees on 20-foot centers*) along the entire adjacency.

Exhibit 'C':
Density and Development Standards

- (d) Street Trees. The Homeowner's Association (HOA) shall be responsible for the maintenance of all street trees and will be required to maintain a minimum of 14-foot vertical clearance height for any trees overhanging a public right-of-way. Street trees shall be planted a minimum of five (5) feet from public water, sanitary sewer and storm lines that are less than ten (10) inches and ten (10) feet from public water, sanitary sewer and storm lines that are greater than ten (10) inches. All street trees shall be reviewed with the *PD Site Plan*.
- (e) Residential Lot Landscaping. Prior to the issuance of a Certificate of Occupancy (CO), all residential lots depicted on *Exhibit 'B'* shall be landscaped with a minimum of two (2), four (4) inch caliper canopy trees (as measured per Article 08, *Landscape and Fence Standards, of the Unified Development Code [UDC]*) within the front yard. In addition, corner lots shall be required to add a minimum of two (2), four (4) inch caliper canopy trees (as measured per Article 08, *Landscape and Fence Standards, of the Unified Development Code [UDC]*) within the side yard facing the street.
- (f) Irrigation Requirements. Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (g) Hardscape. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.
- (7) Street. All streets (excluding drives, fire lanes and private parking areas) shall be built according to the City's standards.
- (8) Lighting. Light poles shall not exceed 20-feet in total height (i.e. base and lighting standard). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (9) Sidewalks. All sidewalks adjacent to a street shall be a maximum of two (2) feet inside the right-of-way line and be five (5) feet in overall width.
- (10) Buried Utilities. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
- (11) Neighborhood Signage and Enhancements. Permanent subdivision identification signage shall be required at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*. The developer shall provide enhanced landscaping areas at all entry points to the *Subject Property*. The final design of these areas shall be provided on the *PD Site Plan*.

Exhibit 'C':
Density and Development Standards

- (12) Homeowner's Association (HOA). A Homeowner's Association (HOA) shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the Municipal Code of Ordinances of the City of Rockwall. The HOA shall also maintain all private neighborhood parks, trails, open space and common areas (*including drainage facilities*), floodplain areas, irrigation, landscaping, screening fences and neighborhood signage associated with this development. These areas are required to be delineated on the *PD Site Plan*.
- (13) On-Site Sewage Facilities. Septic Systems are permitted on all lots within this subdivision pending conformance to the following standards:
- (a) All *Septic Systems* shall be designed by a licensed *On-Site Sewage Facility (OSSF)* professional (*e.g. licensed engineer, sanitarian, and etcetera*).
 - (b) A stamped and signed copy of the *Septic System* plans indicating the full limits of the septic field shall be submitted to the city at the time of building permit on a *lot-by-lot* basis.
 - (c) All *Septic Systems* shall be inspected and approved by the City's chosen inspector.
- (14) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.

CITY OF ROCKWALL

ORDINANCE NO. 23-08

SPECIFIC USE PERMIT NO. S-293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *RESTAURANT WITH 2,000 SF OR MORE WITH A DRIVE-THROUGH OR DRIVE-IN* ON A 0.579-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, PECAN VALLEY RETAIL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Dewayne Zinn of Cross Engineering Consultants, Inc. for the approval of a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* for the purpose of constructing a restaurant on a 0.579-acre parcel of land described as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) [Ordinance No. 17-03] for General Retail (GR) District land uses, addressed as 150 Pecan Valley Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] and Planned Development District 65 (PD-65) [Ordinance No. 17-03] of the City of Rockwall should be amended as follows:

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

SECTION 1. That Planned Development District 65 (PD-65) [Ordinance No. 17-03] and the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Planned Development District 65 (PD-65) [*Ordinance No. 17-03*]; and, Subsection 04.01, *General Commercial Districts Standards*, and Subsection 04.04, *General Retail (GR) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and the following conditions:

2.1 OPERATIONAL CONDITIONS

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

- 1) The development of the *Subject Property* shall generally conform to the *Concept Plan* as depicted in *Exhibit 'B'* of this ordinance.
- 2) Additional landscaping and a berm or masonry wall shall be required along *Pecan Valley Drive* and *N. Goliad Street* at the time of site plan to provide headlight screening for vehicles traveling along *N. Goliad Street* from vehicles in the drive-through and cueing lanes of the proposed *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In*.

2.2 COMPLIANCE

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

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

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

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

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

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

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF MARCH, 2023.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A'
Location Map and Legal Description

Address: 150 Pecan Valley Drive

Legal Description: Lot 1, Block A, Pecan Valley Retail Addition



Exhibit 'A'
Location Map and Legal Description

BEING A TRACT OF LAND LOCATED IN THE SAMUEL KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO JCDB GOLIAD HOLDINGS, LLC, RECORDED IN INSTRUMENT NUMBER 20190000009184, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (O.P.R.R.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND WITH CAP STAMPED "STOVALL", BEING THE SOUTH CORNER OF SAID JCDB GOLIAD TRACT AND BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF PECAN VALLEY DRIVE (A 50' RIGHT-OF-WAY) WITH THE EAST RIGHT-OF-WAY LINE OF QUAIL RUN ROAD (A 50' RIGHT-OF-WAY);

ALONG THE WEST LINE OF SAID JCDB GOLIAD TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID QUAIL RUN ROAD AS FOLLOWS:

(1) N 35°33'55" W, 69.89 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "STOVALL";

(2) N 41°00'51" W, 69.59 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND BEARS N 41°00'51" W, 95.11 FEET, SAID IRON ROD BEING THE NORTHEAST CORNER OF A RIGHT-OF-WAY DEDICATION FOR QUAIL RUN ROAD AS SHOWN ON THE PLAT RECORDED IN CABINET G, PAGE 281, PLAT RECORDS, ROCKWALL COUNTY, TEXAS (P.R.R.C.T.);

THENCE N 48°59'09" E, DEPARTING THE WEST LINE OF SAID JCDB GOLIAD TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID QUAIL RUN ROAD, 20.79 FEET TO A POINT;

THENCE N 75°49'41" E, 102.18 FEET TO A POINT; THENCE N 49°16'23" E, 59.99 FEET TO A POINT;

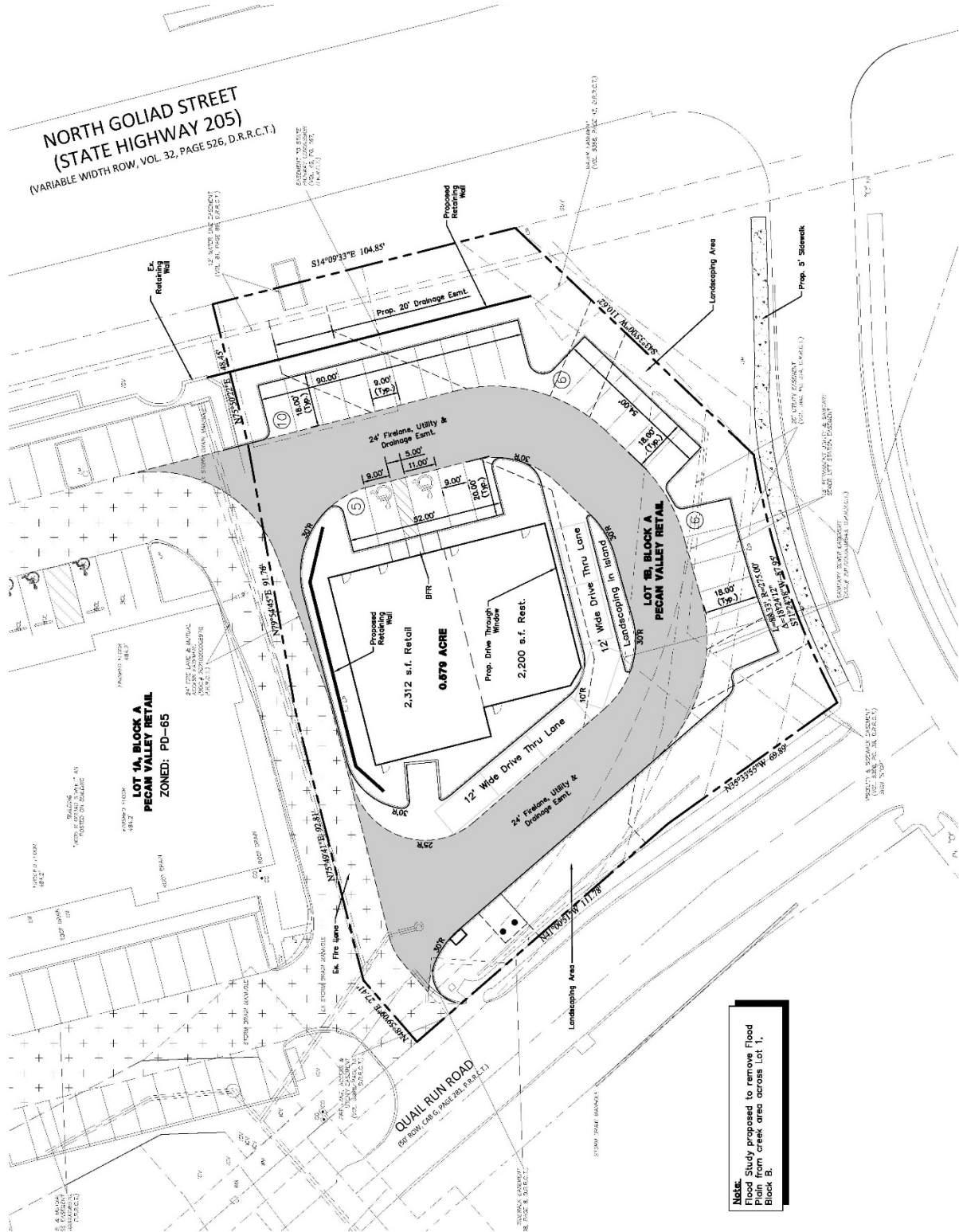
THENCE 75°50'22" E, 51.98 FEET TO A POINT;

THENCE S 14°09'38" E, 100.31 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF NORTH GOLIAD STREET (STATE HIGHWAY NO. 205) (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A CONCRETE MONUMENT FOUND BEARS N 43°35'00" E, 11.82 FEET;

THENCE S 43°35'00" W, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NORTH GOLIAD STREET, 110.62 FEET TO A POINT, BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID NORTH GOLIAD STREET WITH THE NORTH RIGHT-OF-WAY LINE OF SAID PECAN VALLEY DRIVE AND THE BEGINNING OF A CURVE TO THE LEFT;

THENCE SOUTHWESTERLY, AN ARC LENGTH OF 88.33 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID PECAN VALLEY DRIVE AND SAID CURVE TO THE LEFT, HAVING A RADIUS OF 275.00 FEET, A DELTA ANGLE OF 18°24'13", AND A CHORD BEARING S 71°24'37" W, 87.95 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 0.579 ACRES (25,233 SQUARE FEET) OF LAND, MORE OR LESS.

**Exhibit 'B':
Concept Plan**



CITY OF ROCKWALL

ORDINANCE NO. 23-09

SPECIFIC USE PERMIT NO. S-294

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [*ORDINANCE NO. 84-30*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.20-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 16, BLOCK C, HARBORVIEW LANDING, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Ali Abedini on behalf of John Fenianos for the approval of a *Specific Use Permit (SUP) for Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.20-acre parcel of land identified as Lot 16, Block C, Harborview Landing, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for Single-Family 7 (SF-7) District land uses, addressed as 310 Harborview Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 8 (PD-8) [*Ordinance No. 84-30*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

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

SECTION 1. That Planned Development District 8 (PD-8) [*Ordinance No. 84-30*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Planned Development District 8 (PD-8) [*Ordinance No. 84-30*] and Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

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

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

force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF MARCH, 2023.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

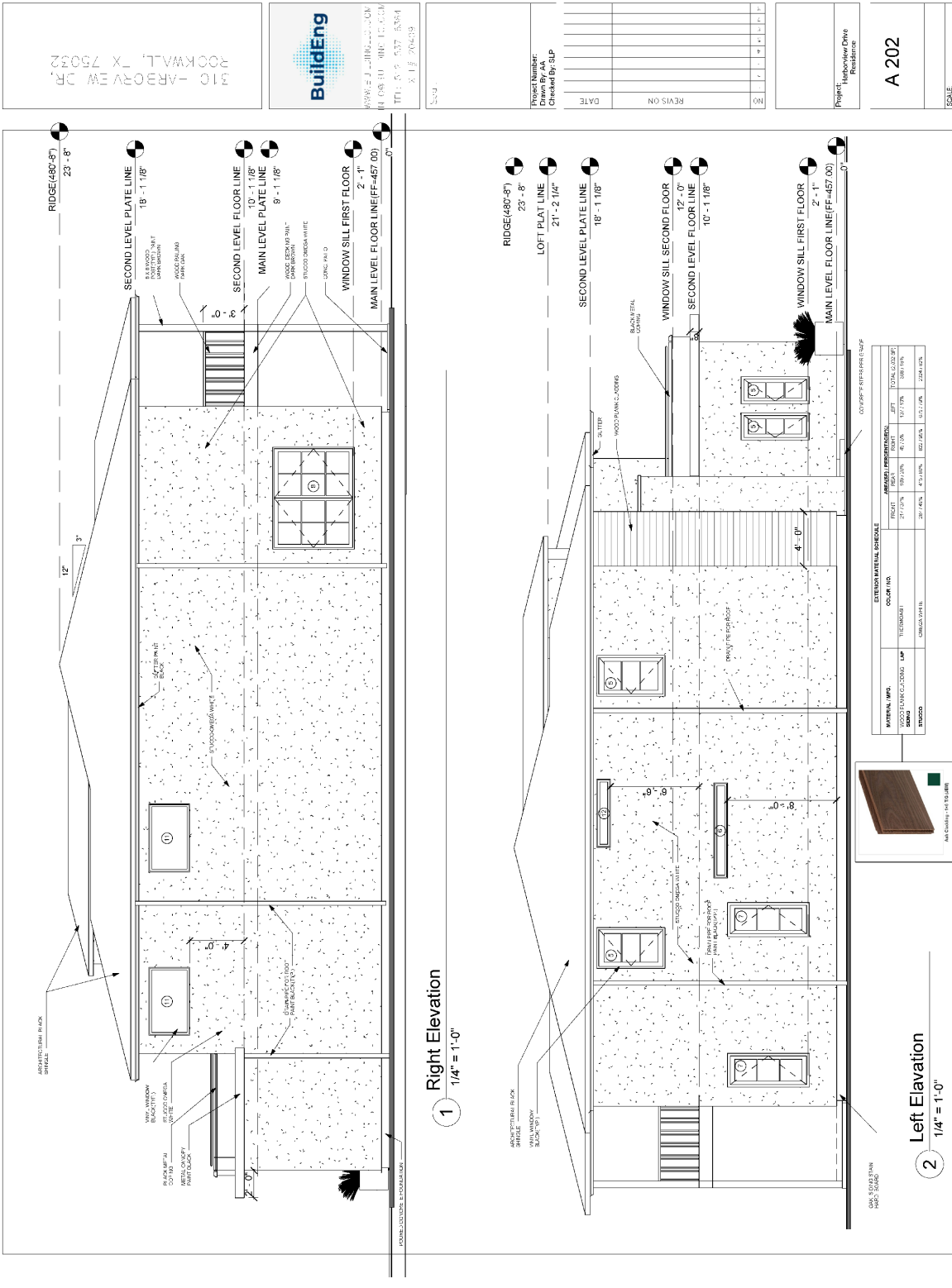
Exhibit 'A':
Legal Description

Address: 310 Harborview Drive

Legal Description: Lot 16, Block C, Harborview Landing, Phase 2 Addition



Exhibit 'C': Building Elevations



CITY OF ROCKWALL

ORDINANCE NO. 23-10

SPECIFIC USE PERMIT NO. S-295

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 21-32] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM* ON A 1.99-ACRE PORTION OF A LARGER 3.853-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-09 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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.

WHEREAS, a request has been made by Matthew J. Peterson of DB Constructors on behalf of Jeff Fleming for the approval of a Specific Use Permit (SUP) for a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on a 1.99-acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and being more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 46 (PD-46) [Ordinance No. 21-32] and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

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

SECTION 1. That Planned Development District 46 (PD-46) [Ordinance No. 21-32] and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [Ordinance No. 20-02] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth

in Planned Development District 46 (PD-46) [Ordinance No. 21-32] and Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*; Subsection 04.05, *Commercial (C) District*; and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) The sales/storage facility must be in a completely enclosed building; and,
- 3) Outside display and/or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures; and,
- 4) All activities shall remain inside the building (*i.e. no detailing, washing, sales activities, etcetera shall be performed outside the building*); and,
- 5) Accessory uses may be allowed in compliance with the *Land Use Schedule* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC); and,
- 6) The *New and/or Used Indoor Motor Vehicle Dealership/Showroom* shall be restricted to the sale of motor vehicles only (*i.e. cars and/or light trucks*); and,
- 7) The subject property shall comply with all standard of the City of Rockwall Fire Department for such use.

2.2 COMPLIANCE

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

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

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

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF MARCH, 2023.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

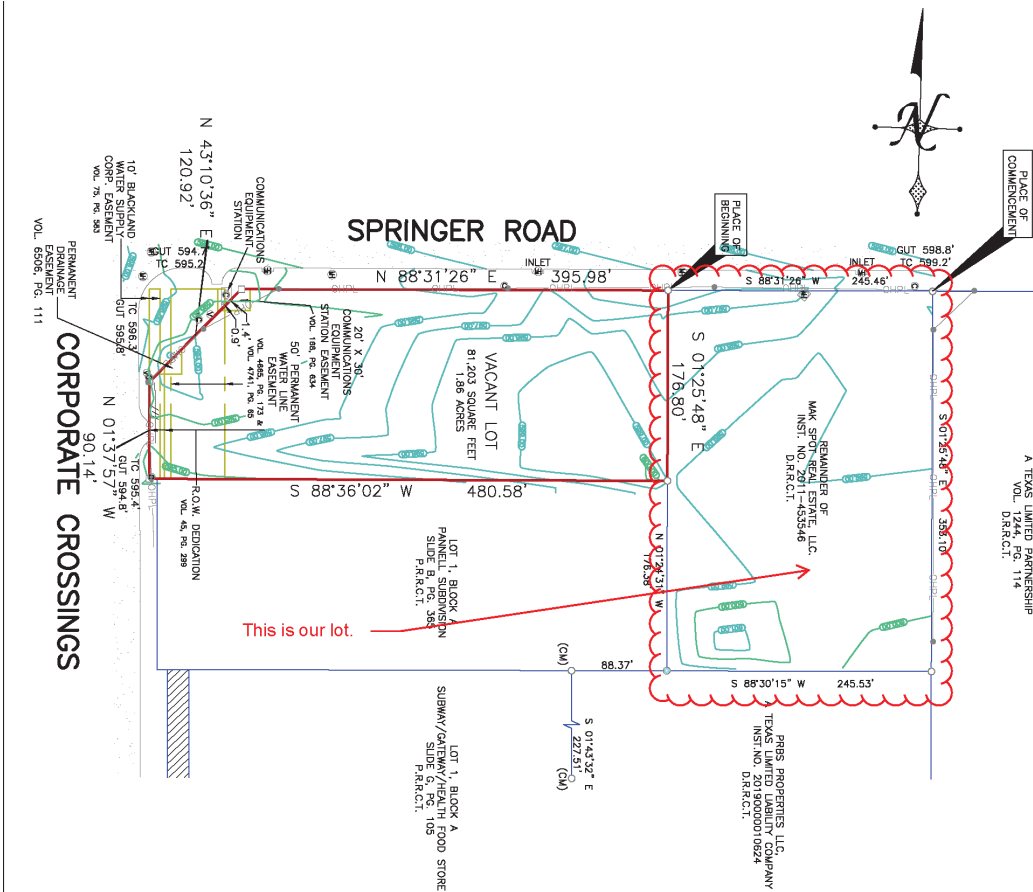
APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A':
Survey



PRSA LEASING, LTD.
A TEXAS LIMITED PARTNERSHIP
VOL. 1244, PG. 114
D.R.C.T.

REMAINDER OF
M&K SPOT REAL ESTATE, LLC
D.R.C.T.

PRSS PROPERTIES, LLC
TEKSA PROPERTY COMPANY
INST. NO. 2019000010624
D.R.C.T.

LOT 1, BLOCK A
PANMELL SUBDIVISION
SLIDE B, P.R.C.T.

LOT 1, BLOCK A
SUBWAY/OUTWAY/HEALTH FOOD STORE
SLIDE B, P.R.C.T.

This is our lot.

1499 E. L-30, STE. 102
DALLAS, TEXAS 75243
FIRM REGISTRATION NO. 10194388
BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. _____ in _____ TEXAS

CORPORATE CROSSING
ROCKWALL COUNTY
TOPO SURVEY



BEING all that certain lot, tract or parcel of land situated in the 1/2 Ramsey Survey, Abstract No. 186, Rockwall County, Texas, being a part of tract of land described in deed to M&K Spot Real Estate, LLC, recorded under instrument No. 2011-453546, Deed Records, Rockwall County, Texas (D.R.C.T.), and being more particularly described by the following metes and bounds description:
COMMENCING at a 1/2 inch iron rod found for corner in the South line of Springer Road, at the Northwest corner of a tract of land described in deed to PRSA Leasing, LTD., a Texas Limited Liability Company, recorded in Volume 1244, Page 114 (D.R.C.T.), being the Northeast corner of said M&K Spot Real Estate, LLC tract;
THENCE South 88 deg. 31 min. 26 sec. West, with the said South line a distance of 245.46 feet to a 1/2 inch yellow-capped iron rod found for corner at the Northwest corner of that remaining portion of said M&K Spot Real Estate, LLC tract, being the PLACE OF BEGINNING of the herein described tract;

THENCE South 01 deg. 25 min. 48 sec. East, a distance of 176.80 feet to a 1/2 inch iron rod found for corner at the Northeast corner of Lot 1, Block A, Pennell Subdivision, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Slide B, Page 365, Plat Records, Rockwall County, Texas (P.R.C.T.);

THENCE South 88 deg. 36 min. 02 sec. West, a distance of 480.58 feet to a point for corner in the East line of Corporate Crossings;
THENCE North 01 deg. 37 min. 57 sec. West, a distance of 90.14 feet to a point for corner;

THENCE North 43 deg. 10 min. 36 sec. East, a distance of 120.92 feet to a point for corner in the said South line of Springer Road;
THENCE North 88 deg. 31 min. 26 sec. East, a distance of 395.98 feet to the PLACE OF BEGINNING and containing 81,203 square feet or 1.86 acres of land.



PROPERTY SUBJECT TO EASEMENTS & RESTRICTIONS VOL. 235, PG. 32; VOL. 217, PAGE 96
EASEMENTS ARE BASED ON M.D. 83 DATED TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE
OWN'S SHOWN HEREON ARE BASIS FOR DIRECTIONAL CONTROL
The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat hereon. The location of the property, being as shown on the plat hereon, is shown within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY RANGER TITLE
THERE ARE NO ENCUMBRANCES, CONFLICTS, OR PROVISIONS, EXCEPT AS SHOWN, Scale: 1" = 100'
Date: 12-02-2022 USE OF THIS SURVEY FOR ANY OTHER PURPOSE UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR
G. F. No.: 8217988 ANY LOSS RESULTING THEREFROM
Job no.: 202209317-03 THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR 59 CONSTRUCTION, INC.
Drawn by: BM

LEGEND

IRON PIN	IRON ROD	WOOD PIN	WOOD ROD
CHINA MARK	CHINA MARK	CHINA MARK	CHINA MARK
IRON PIN	IRON ROD	WOOD PIN	WOOD ROD
CHINA MARK	CHINA MARK	CHINA MARK	CHINA MARK
IRON PIN	IRON ROD	WOOD PIN	WOOD ROD
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IRON PIN	IRON ROD	WOOD PIN	WOOD ROD
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**Exhibit 'B':
Concept Plan**

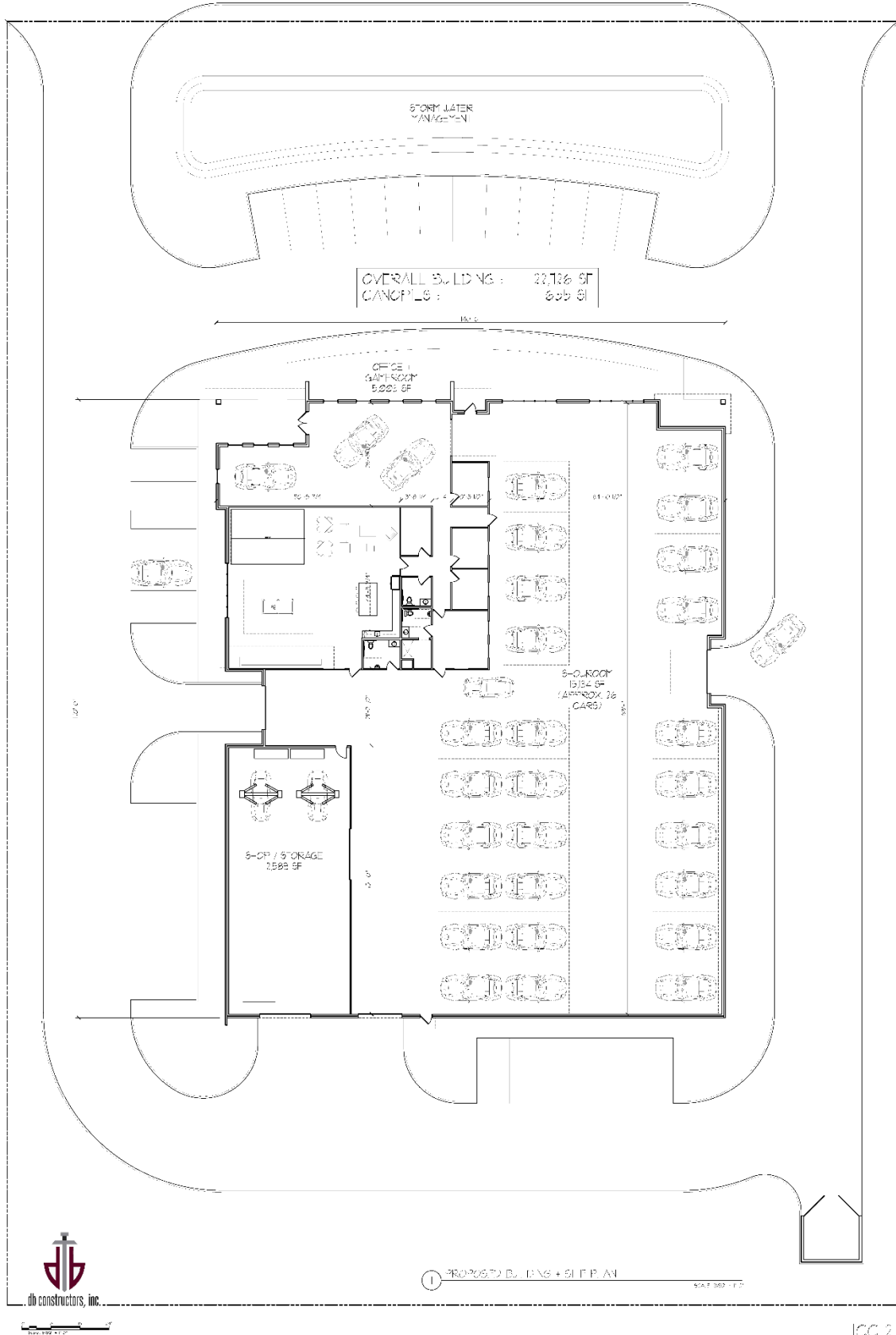


Exhibit 'C':
Concept Building Elevations

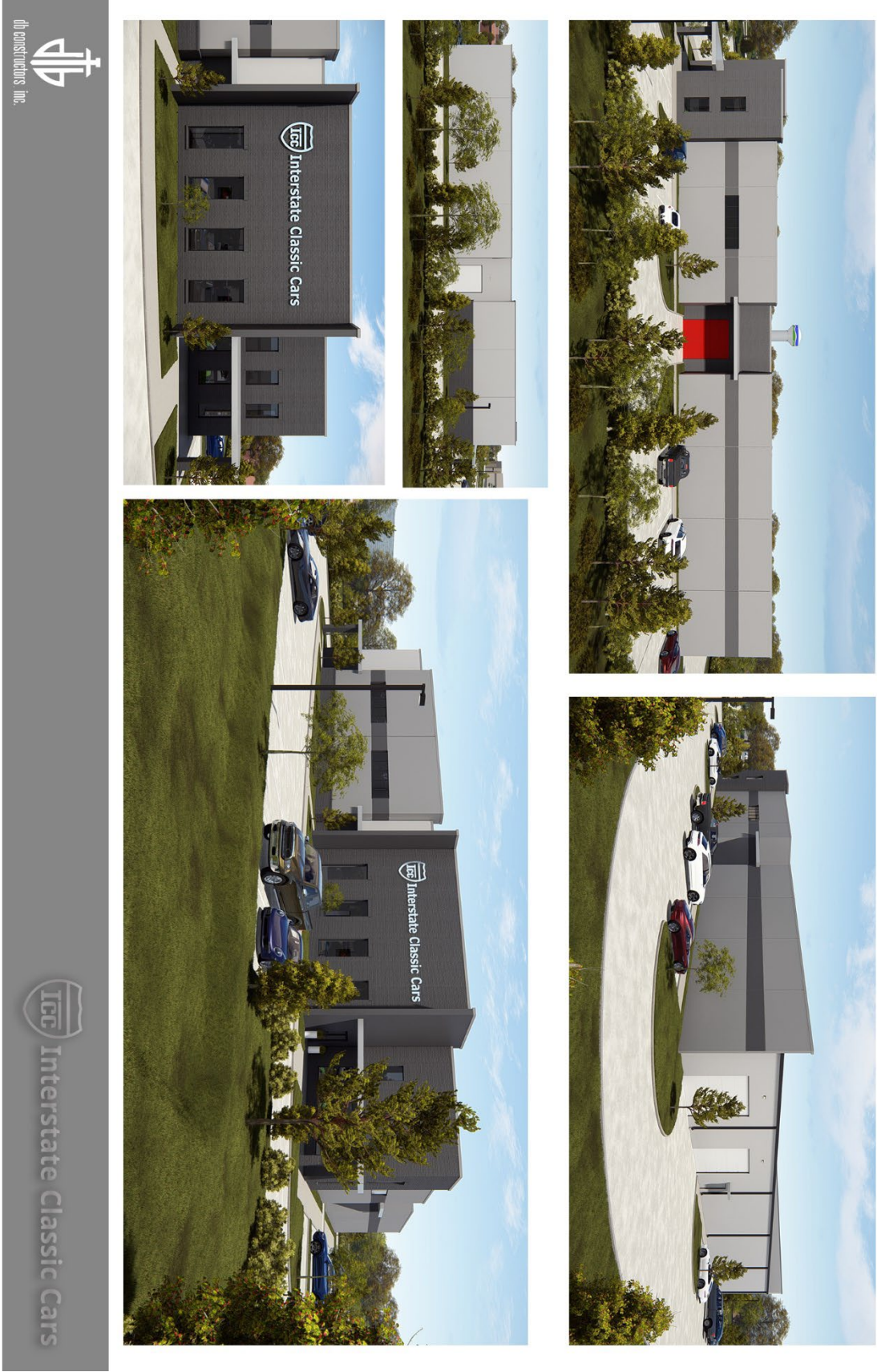
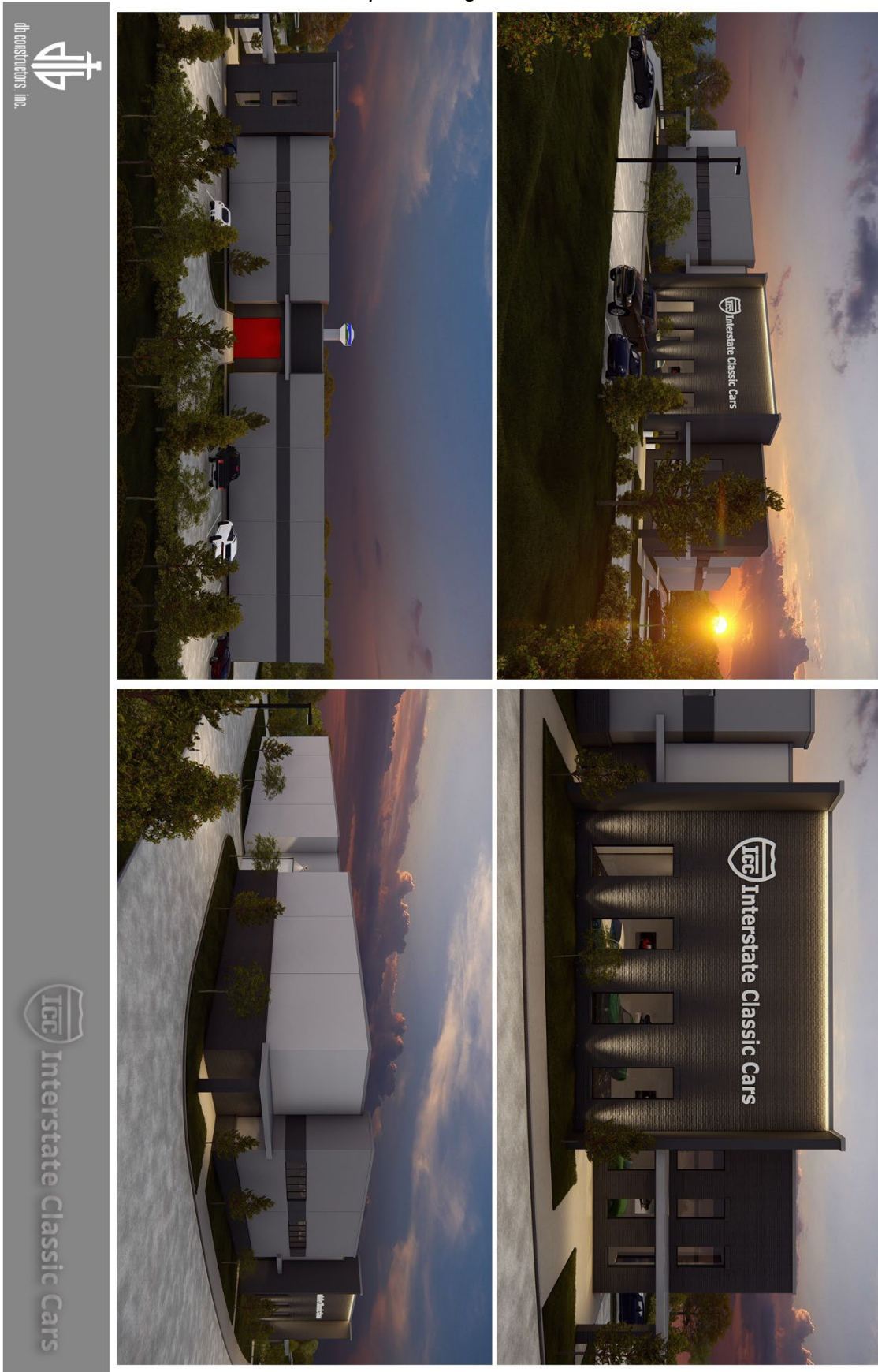


Exhibit 'C':
Concept Building Elevations



CITY OF ROCKWALL

ORDINANCE NO. 23-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 101 (PD-101) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 140.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128 AND TRACT 3 OF THE G. WELLS SURVEY, ABSTRACT NO. 219, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Ryan Joyce of Michael Joyce Properties on behalf of Vicmar I, LTD for the approval of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Density and Development Standards*, outlined in *Exhibit 'D'* of this ordinance, attached hereto

and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That a *Master Parks and Open Space Plan* for the *Subject Property* -- prepared in accordance with this ordinance and consistent with the *Planned Development Concept Plan* depicted in *Exhibit 'C'* of this ordinance -- shall be considered for approval by the City Council following recommendation of the Parks and Recreation Board.

SECTION 5. That development on the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

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

(g) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat*, conforming to the *Preliminary Plat*, shall be submitted for approval.

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

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

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

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF MARCH, 2023.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A':
Legal Description

BEING a 140.494-acre tract of land situated in the Glover Wells Survey, Abstract Number 219 and the John R. Johnston Survey, Abstract Number 128 of Rockwall County, Texas, being that tract of land conveyed to VICMAR I, LTD. According to the document filed of record in Volume 2016, Page 200, Deed Records Rockwall County, Texas (D.R.R.C.T.) and being more particularly described as follows:

BEGINNING at a 1" iron pipe found in the south line of said VICMAR I tract, same being the common northeast corner of that tract of land conveyed to Happy Country Homes of Texas, according to the document filed of record in Volume 157, Page 755 (D.R.R.C.T.) and being the common northwest corner of that tract of land conveyed to Nan A. Smartt, Juliana Bond and W.I. Lofland according to the document filed of record in Volume 98, Page 759 (D.R.R.C.T.);

THENCE S 89° 10' 08" W with the south line of said VICMAR I tract, same being the common north line of said Happy Country Homes tract, for a distance of 2031.00 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set for a corner of this tract;

THENCE leaving said common line, continuing with the south line of said VICMAR I tract the following three (3) courses and distances:

N 66° 38' 21" W, a distance of 419.95 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set for a corner of this tract;

N 63° 24' 34" W, a distance of 335.00 feet to a point for corner of this tract, located within the limits of the current water level of a large pond;

N 42° 24' 34" W, a distance of 262.28 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set for a corner of this tract;

THENCE N 06° 34' 13" E, passing at a distance of 40.96 feet a ½" iron rod found for the southeast corner of Lot 1, Block D, Lynden Park Estates, Phase 4, an addition to the City of Rockwall according to the plat filed of record in Cabinet E, Slide 396 Plat Records Rockwall County, Texas (P.R.R.C.T.), continuing with the east line of said Lynden Park Estates, Phase 4 for a distance of 1558.91 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set for the northeast corner of said Lynden Park Estates, same being the southeast corner of Highland Meadows, an addition to the City of Rockwall according to the plat filed of record in Cabinet C, Page 301/302 (P.R.R.C.T.), also being the southwest corner of that tract of land conveyed to

Rayburn Country Electric Cooperative, Inc. according to the document filed of record in Document Number 20210000024965 (D.R.R.C.T.) and being the common northwest corner of this tract;

THENCE N 89° 08' 03" E with the south line of said Rayburn Country Electric Cooperative, Inc. tract, same being common with the north line of this tract, a distance of 1603.14 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set for a common corner of said tract and this tract, from which a found 60-D Nail found for a reference to said corner bears S 31° 40' 24" E, 0.71 feet, also from said corner, a 5/8" iron rod found for reference to said corner bears S 43° 21' 16" E, 28.37 feet;

THENCE N 89° 30' 54" E, continuing with said common line, for a distance of 1320.77 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set for the northeast corner of this tract, from which a 3/8" iron rod found for reference to said corner bears S 82° 16' 02" E, 3.04 feet;

THENCE S 00° 46' 51" E, leaving said common line, with the west line of Rockwall 205 Business Park, an addition to the City of Rockwall, according to the plat filed of record in Cabinet C, Page 7 (P.R.R.C.T.) for a distance of 1351.47 feet to a ½" iron rod found for the southwest corner of said addition, the northwest corner of that tract of land conveyed to Layza & Luna Real Estate, LLC according to the document filed of record in Document Number 20220000001115 (D.R.R.C.T.) and common corner of this tract;

THENCE S 00° 19' 07" E with the west line of said Layza & Luna Real Estate, LLC tract, for a distance of

Exhibit 'A':
Legal Description

708.50 feet to a ½" iron rod with yellow plastic cap stamped "JVC" set in the north line of the above-mentioned Nan A. Smartt, Juliana Bond and W.I. Lofland tract, for the southwest corner of said Layza & Luna Real Estate, LLC tract and common southeast corner of this tract;

THENCE S 88° 47' 14" W, with said north line, a distance of 231.69 feet to the *POINT OF BEGINNING* and containing 6,119,939 square feet or 140.494 acres of land.

Exhibit 'C': Concept Plan

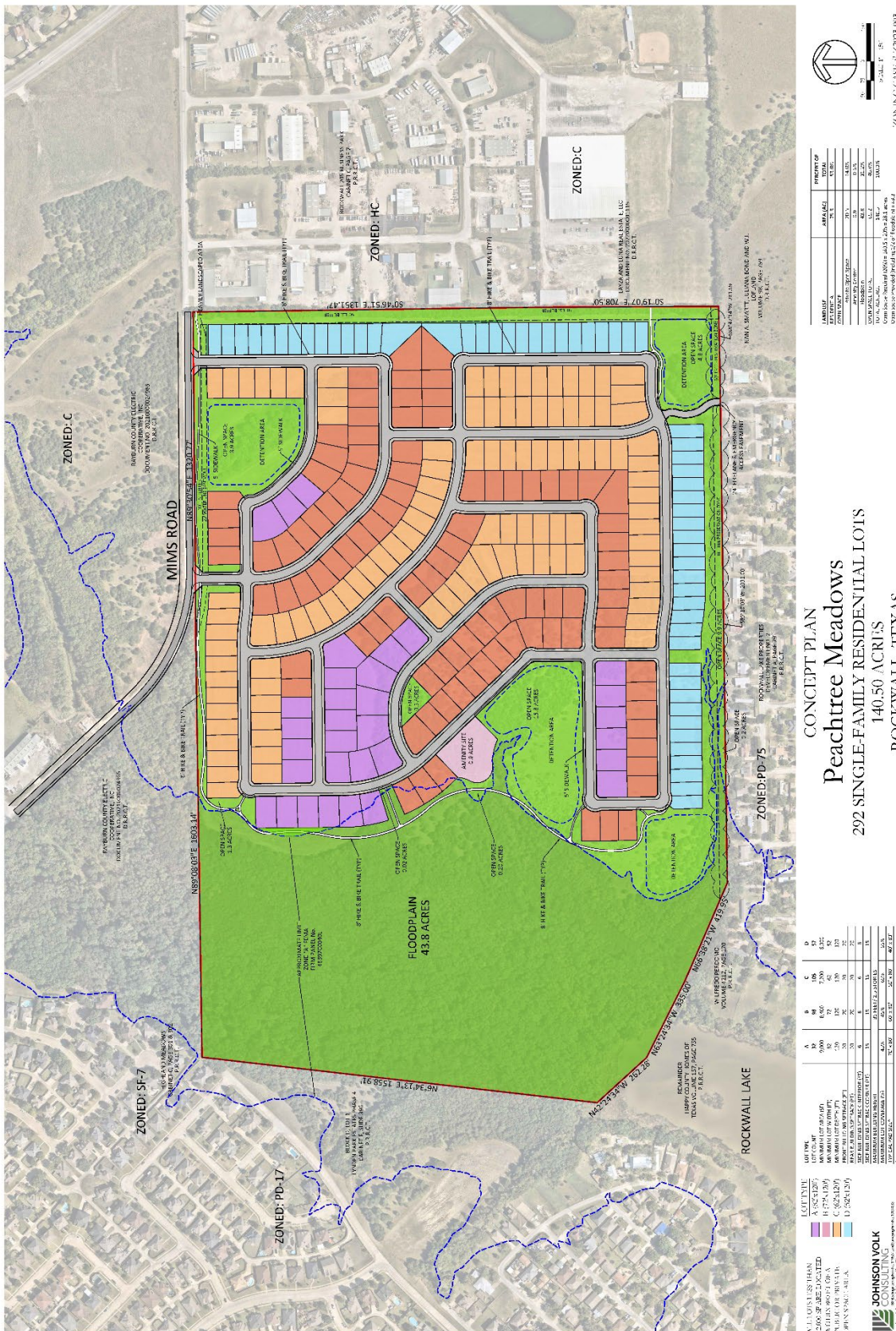


Exhibit 'D':
Density and Development Standards

- (1) Permitted Uses. Unless specifically provided by this Planned Development District ordinance, only those land uses permitted within the Single-Family 10 (SF-10) District, as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC).
- (2) Lot Composition and Layout. The lot layout and composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* and stated in *Table 1*, which is as follows:

TABLE 1: LOT COMPOSITION

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	82' x 120'	9,000 SF	32	10.96%
B	72' x 120'	8,400 SF	98	33.56%
C	62' x 120'	7,200 SF	105	35.96%
D	52' x 120'	6,000 SF	57	19.52%
<i>Maximum Permitted Units:</i>			292	100.00%

- (3) Density and Dimensional Requirements. Unless specifically provided by this Planned Development District ordinance, the development standards stipulated by the Single-Family 10 (SF-10) District, as specified by Article 05, *District Development Standards*, of the Unified Development Code (UDC) are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 2.08 dwelling units per gross acre of land; however, in no case should the proposed development exceed 292 units. All lots shall conform to the standards depicted in *Table 2*, which are as follows:

TABLE 2: LOT DIMENSIONAL REQUIREMENTS

Lot Type (see Concept Plan) ►	A	B	C	D
<i>Minimum Lot Width</i> ⁽¹⁾	82'	72'	62'	52'
<i>Minimum Lot Depth</i>	120'	120'	120'	120'
<i>Minimum Lot Area (SF)</i>	9,000 SF	8,400 SF	7,200 SF	6,000 SF
<i>Minimum Front Yard Setback</i> ^{(2), (5) & (6)}	20'	20'	20'	20'
<i>Minimum Side Yard Setback</i>	6'	6'	6'	6'
<i>Minimum Side Yard Setback (Adjacent to a Street)</i> ^{(2) & (5)}	20'	20'	20'	20'
<i>Minimum Length of Driveway Pavement</i> ⁽⁷⁾	20'	20'	20'	20'
<i>Maximum Height</i> ⁽³⁾	35'	35'	35'	35'
<i>Minimum Rear Yard Setback</i> ⁽⁴⁾	10'	10'	10'	10'
<i>Minimum Area/Dwelling Unit (SF) [Air-Conditioned Space]</i>	2,500 SF	2,200 SF	2,200 SF	2,000 SF
<i>Maximum Lot Coverage</i>	65%	65%	65%	65%

General Notes:

- ¹: Lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may have the front lot width reduced by 20% as measured at the front property line provided that the lot width will be met at the *Front Yard Building Setback*. Additionally, the lot depth on lots fronting onto curvilinear streets, cul-de-sacs and eyebrows may be reduced by up to ten (10) percent, but shall meet the minimum lot size for each lot type referenced in *Table 1*.
- ²: The location of the *Front Yard Building Setback* as measured from the front property line.
- ³: The *Maximum Height* shall be measured to the eave or top plate (*whichever is greater*) of the single-family home.
- ⁴: The location of the *Rear Yard Building Setback* as measured from the rear property line.
- ⁵: Sunrooms, porches, stoops, bay windows, balconies, masonry clad chimneys, eaves and similar architectural features may encroach beyond the *Front Yard Building Setback* by up to ten (10) feet for any property; however, the encroachment shall not exceed five (5) feet on *Side Yard Setbacks*. A sunroom is an enclosed room no more than 15-feet in width that has glass on at least 50% of each of the encroaching faces.
- ⁶: *J-Swing* or *Traditional Swing Garages* are permitted to encroach into the front yard building setback a maximum of five (5) feet.

Exhibit 'D':
Density and Development Standards

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

- (a) *Masonry Requirement*. The minimum masonry requirement for the exterior façade of all buildings shall be 90.00% (*excluding dormers and walls over roof areas*). For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementitious fiberboard (*e.g. HardiBoard or Hardy Plank*) in a horizontal lap-siding, *board-and-batten* siding, or a decorative pattern (see *examples below*) shall be considered masonry and may be used on 20.00% of the total exterior façade of the home; however, administrative approval from the Director of Planning and Zoning may be requested for housing plans that utilize cementitious fiberboard for architectural purposes (*as seen below in Figures 1 & 2*) in excess of 80.00% total exterior façade of the home on a *case-by-case* basis.

FIGURE 1: EXAMPLES OF CEMENTITIOUS FIBERBOARD



FIGURE 2: EXAMPLES OF BOARD AND BATTEN



FIGURE 3: EXAMPLES OF HORIZONTAL LAP

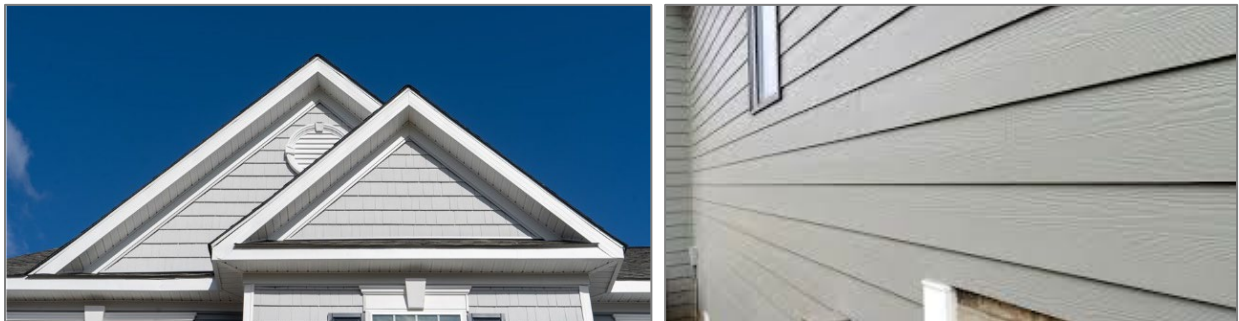


Exhibit 'D':
Density and Development Standards

- (b) Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of dormers, sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

- (c) Garage Orientation and Garage Doors. All of the Type 'D' lots (being a total of 19.59% or 57 of the 292 lots) may have garages that are oriented toward the street in a *Front Entry* garage configuration; however, the front façade of the garage must be situated a minimum of five (5) feet behind the front façade of the primary structure. The remaining Type 'A', 'B' & 'C' lots (being 80.31% or 235 lots) shall have garages that are oriented in a *J-Swing* (or *Traditional Swing*) configuration or be situated a minimum of 20-feet behind the front façade of the home. In addition, the following architectural elements must be incorporated into all garage configurations: [1] divided garage bay doors (i.e. for two (2) car garages two (2) individual entrances and for three (3) car garages a standard two (2) bay garage door with a single bay garage door adjacent), [2] carriage style hardware and lighting, [3] decorative wood doors or wood overlays on insulated metal doors, and [4] driveways must be constructed with ornamental stamped concrete brick pavers, broom finished, or salt finish. An example of a garage door meeting these standards is depicted in *Figure 4*.

Figure 4. Examples of Enhanced Wood Garage Door.



FIGURE 5: EXAMPLES OF UPGRADED FINISHES



Exhibit 'D':
Density and Development Standards

FIGURE 6: EXAMPLES OF UPGRADED GARAGES



- (5) *Anti-Monotony Restrictions.* The development shall adhere to the Anti-Monotony Matrix depicted in Table 3 below (*for spacing requirements see Figures 7 & 8 below*).

Table 3: Anti-Monotony Matrix

<i>Lot Type</i>	<i>Minimum Lot Size</i>	<i>Elevation Features</i>
A	82' x 120'	(1), (2), (3), (4), (5)
B	72' x 120'	(1), (2), (3), (4), (5)
C	62' x 120'	(1), (2), (3), (4), (5)
D	52' x 120'	(1), (2), (3), (4)

- (a) Identical brick blends or paint colors may not occur on adjacent (*side-by-side*) properties along any block face without at least five (5) intervening homes of differing materials on the same side of the street beginning with the adjacent property and six (6) intervening homes of differing materials on the opposite side of the street.
- (b) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces and Mims Road shall not repeat without at least five (5) intervening homes of differing appearance. Homes are considered to have a differing appearance if any of the following three (3) items deviate:
- (1) Number of Stories
 - (2) Permitted Encroachment Type and Layout
 - (3) Roof Type and Layout
 - (4) Articulation of the Front Façade
 - (5) Garage Orientation

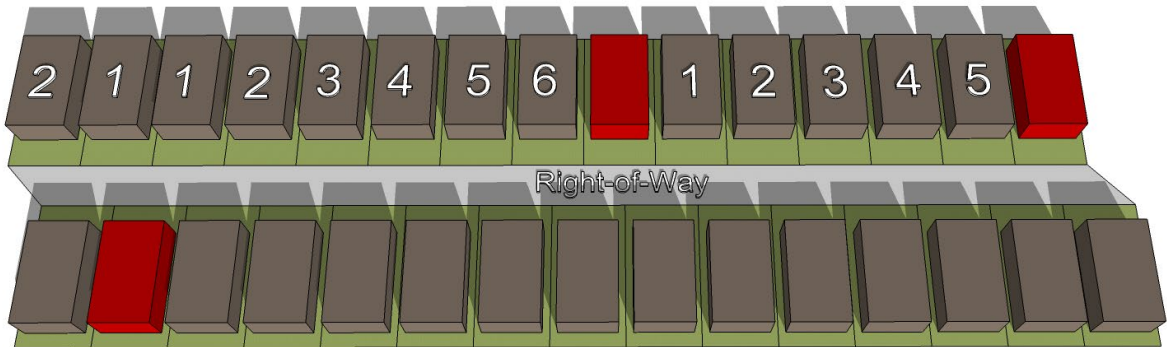
Exhibit 'D':
Density and Development Standards

- (c) Permitted encroachment (*i.e. porches and sunroom*) elevations shall not repeat or be the same along any block face without at least five (5) intervening homes of sufficient dissimilarity on the same side of the street beginning with the home adjacent to the subject property and six (6) intervening homes beginning with the home on the opposite side of the street.
- (d) Each phase of the subdivision will allow for a maximum of four (4) compatible roof colors, and all roof shingles shall be an architectural or dimensional shingle (*3-Tab Roofing Shingles are prohibited*).

Figure 7: Properties line up on the opposite side of the street. Where RED is the subject property.



Figure 8: Properties do not line up on opposite side of the street. Where RED is the subject property.



- (6) **Fencing Standards.** All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the primary structure on the same lot, and meet the following standards:
 - (a) **Front Yard Fences.** Front yard fences shall be prohibited.
 - (b) **Wood Fences.** All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side (*i.e. facing streets, alleys, open space, parks, and/or neighboring properties*). All posts and/or framing shall be placed on the private side (*i.e. facing towards the home*) of the fence. All wood fences shall be smooth finished, free of

Exhibit 'D':
Density and Development Standards

burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited.

- (c) Wrought Iron/Tubular Steel. Lots located along Mims Road, abutting open spaces, greenbelts and parks shall be required to install a wrought iron or tubular steel fence; however, all *Type 'D'* lots (*i.e. the lots directly adjacent to the eastern and southern boundaries of the Subject Property*) shall be permitted to have wood fences in accordance with the requirements of this ordinance regardless of adjacency. Wrought iron/tubular steel fences can be a maximum of six (6) feet in height.
- (d) Corner Lots. Corner lots fences (*i.e. adjacent to the street*) shall provide masonry columns at 45-feet off center spacing that begins at the rear of the property line. A maximum of six (6) foot solid *board-on-board panel* fence constructed utilizing cedar fencing shall be allowed between the masonry columns along the side and/or rear lot adjacent to a street. In addition, the fencing shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (e) Solid Fences (including Wood Fences). All solid fences shall incorporate a decorative top rail or cap detailing into the design of the fence.
- (f) Fence in Easements. No fencing shall be constructed in or across the City of Rockwall's easements.

(7) Landscape and Hardscape Standards.

- (a) Landscape. Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in total height. Any residential lot that sides or backs to a major roadway where wrought iron/tubular steel fencing is required, shall also be required to plant a row of mature shrubs (*i.e. a minimum of seven [7] gallons in size*) adjacent to the wrought iron/tubular steel fence within the required 30-foot landscape buffer (*i.e. on the Homeowner's Associations' [HOAs] property*). These shrubs shall be maintained by the Homeowner's Association (HOA).
- (b) Landscape Buffers. All landscape buffers and plantings located within the buffers shall be maintained by the Homeowner's Association (HOA).
 - (1) Landscape Buffer and Sidewalks (Mims Road). A minimum of a 30-foot landscape buffer shall be provided along Mims Road (*outside of and beyond the required 20-foot utility easement required to be provided adjacent to this roadway*), and shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a minimum height of 48-inches each. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage. A meandering five (5) foot sidewalk shall be constructed within the 30-foot landscape buffer. In addition, two (2) increased landscape areas shall be provided, adjacent to the lots that side to Mims Road. The purpose of these areas is to screen the permitted wood fencing that will be adjacent to Mims Road. These increased landscape areas shall incorporate accent trees and large shrubs and will be reviewed for compliance to the stated intent at the time of *PD Site Plan*.

Exhibit 'D':
Density and Development Standards

- (2) Landscape Buffer (Adjacent to Eastern Property Boundary). A minimum of a 50-landscape buffer shall be provided along the *Type 'D'* lots adjacent to the non-residential properties along the eastern property boundary, and shall incorporate a *built-up* berm and two (2) staggered row of cedar trees. Berms shall have a minimum height of 48-inches each. The staggered row of cedar trees should create a solid screening from the adjacent non-residential land uses.
- (3) Tree Preservation Easement (Adjacent to the Southern Property Boundary). A minimum of a 30-foot tree preservation easement shall be provided along the southern property boundary as depicted in *Exhibit 'C'* of this ordinance. This area shall be established to preserve the existing natural tree line and vegetation, which shall remain undisturbed and serve as screening between the proposed development and the property adjacent to this southern property line.
- (c) Street Trees. The Homeowner's Association (HOA) shall be responsible for the maintenance of all street trees and will be required to maintain a minimum of 14-foot vertical clearance height for any trees overhanging a public right-of-way. Street trees shall be planted a minimum of five (5) feet from public water, sanitary sewer and storm lines that are less than ten (10) inches and ten (10) feet from public water, sanitary sewer and storm lines that are greater than ten (10) inches. All street trees shall be reviewed with the *PD Site Plan*.
- (d) Residential Lot Landscaping. Prior to the issuance of a Certificate of Occupancy (CO), all residential lots depicted on *Exhibit 'C'* shall be landscaped with a minimum of two (2), four (4) inch caliper canopy trees (*as measured per Article 08, Landscape and Fence Standards, of the Unified Development Code [UDC]*) within the front yard. In addition, corner lots shall be required to add a minimum of two (2), four (4) inch caliper canopy trees (*as measured per Article 08, Landscape and Fence Standards, of the Unified Development Code [UDC]*) within the side yard facing the street.
- (e) Irrigation Requirements. Irrigation shall be installed for all required landscaping located within detention areas, common areas, landscape buffers, and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect and shall be maintained by the Homeowner's Association (HOA).
- (f) Hardscape. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.
- (8) Streets. All streets (*excluding drives, fire lanes and private parking areas*) shall be built according to City street standards.
- (9) Lighting. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and be positioned to contain all light within the development area.
- (10) Sidewalks. All sidewalks adjacent to a street shall be a maximum of two (2) feet inside the right-of-way line and be a minimum of five (5) feet in overall width.
- (11) Buried Utilities. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the

Exhibit 'D':
Density and Development Standards

Subject Property, unless otherwise authorized by the City Council. Temporary power-lines constructed across undeveloped portions of the *Subject Property* to facilitate development phasing and looping may be allowed above ground, but shall not be considered existing lines at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

- (12) *Open Space/Public Park*. The development shall consist of a minimum of 20% open space (or a minimum of 28.10-acres -- as calculated using the formula stipulated in the *Comprehensive Plan*), and generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance.
- (13) *Amenity Site*. An amenity site shall generally be located in the same area as depicted in *Exhibit 'C'* of this ordinance, and shall be maintained by the Homeowner's Association (HOA). The design and layout of the amenity site shall be approved with the *PD Site Plan*.
- (14) *Trails*. A minimum of an eight (8) foot concrete trail system shall be constructed generally in the same location as the trail system depicted in *Exhibit 'C'* of this ordinance.
- (15) *Neighborhood Signage and Enhancements*. Permanent subdivision identification signage shall be required at all major entry points for the proposed subdivision. Final design and location of any entry features shall be reviewed and approved with the *PD Site Plan*. The developer shall provide enhanced landscaping areas at all entry points to the *Subject Property*. The final design of these areas shall be provided on the *PD Site Plan*.
- (16) *Homeowner's Association (HOA)*. A Homeowner's Association (HOA) shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the Municipal Code of Ordinances of the City of Rockwall. The HOA shall also maintain all private neighborhood parks, trails, open space and common areas (including *drainage facilities*), detention and drainage easements, floodplain areas, irrigation, landscaping, screening fences and neighborhood signage associated with this development. These areas are required to be delineated on the *PD Site Plan*.
- (17) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.

CITY OF ROCKWALL

ORDINANCE NO. 23-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 6.019-ACRE PARCEL OF LAND IDENTIFIED AS LOT 11 OF THE DOWELL ROAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Peter and Janyce Gardner for the approval of a *Zoning Change* from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District for a 6.019-acre parcel of land identified as Lot 11 of the Dowell Road Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 548 Dowell Road, and more fully described and depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family Estate 2.0 (SFE-2.0) District* as stipulated in Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, and Subsection 03.03, *Single-Family Estate 2.0 (SFE-2.0) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

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

zoning described herein;

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF MARCH, 2023.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A'
Legal Description

Addressed: 548 Dowell Road

Legal Description: Lot 11 of the Dowell Road Addition



Exhibit 'B' Survey



CITY OF ROCKWALL

ORDINANCE NO. 23-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT FOR A 5.41-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4-06 AND ALL OF TRACT 4-2 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Harold Fetty of HD Fetty Land Surveyor on behalf of Gene and Brooke Rodgers for the approval of a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District for a 5.41-acre tract of land identified as a portion of Tract 4-06 and all of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 626 Cullins Road, and more fully described and depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a *Single-Family Estate 4.0 (SFE-4.0) District* as stipulated in Subsection 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses*, and Subsection 03.04, *Single-Family Estate 4.0 (SFE-4.0) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

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

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF MARCH, 2023.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

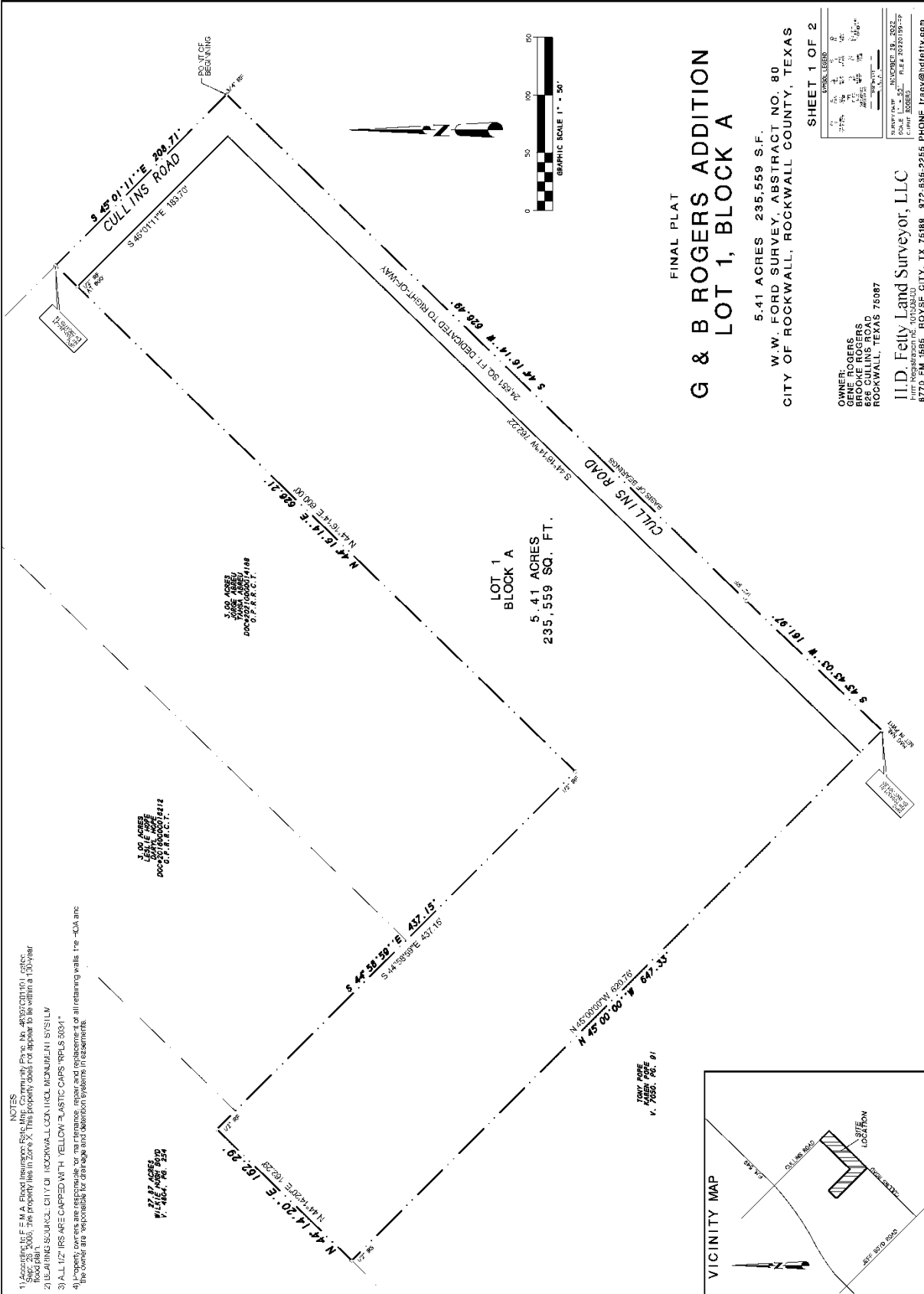
Exhibit 'A'
Legal Description

Addressed: 626 Cullins Road

Legal Description: A Portion of Tract 4-06 and All of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80



Exhibit 'B'
Survey



CITY OF ROCKWALL

ORDINANCE NO. 23-14

SPECIFIC USE PERMIT NO. S-296

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.27-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 905A OF THE LAKE ROCKWALL ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Urbano Fernandez for the approval of a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.27-acre parcel of land identified as Lot 905A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 125 Lynne Drive, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

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

SECTION 1. That Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Planned Development District 75 (PD-75) [*Ordinance No. 16-01*] and Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

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

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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the

ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF MARCH, 2023.**

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

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

Address: 125 Lynne Drive

Legal Description: Lot 905A of the Lake Rockwall Estates #2 Addition

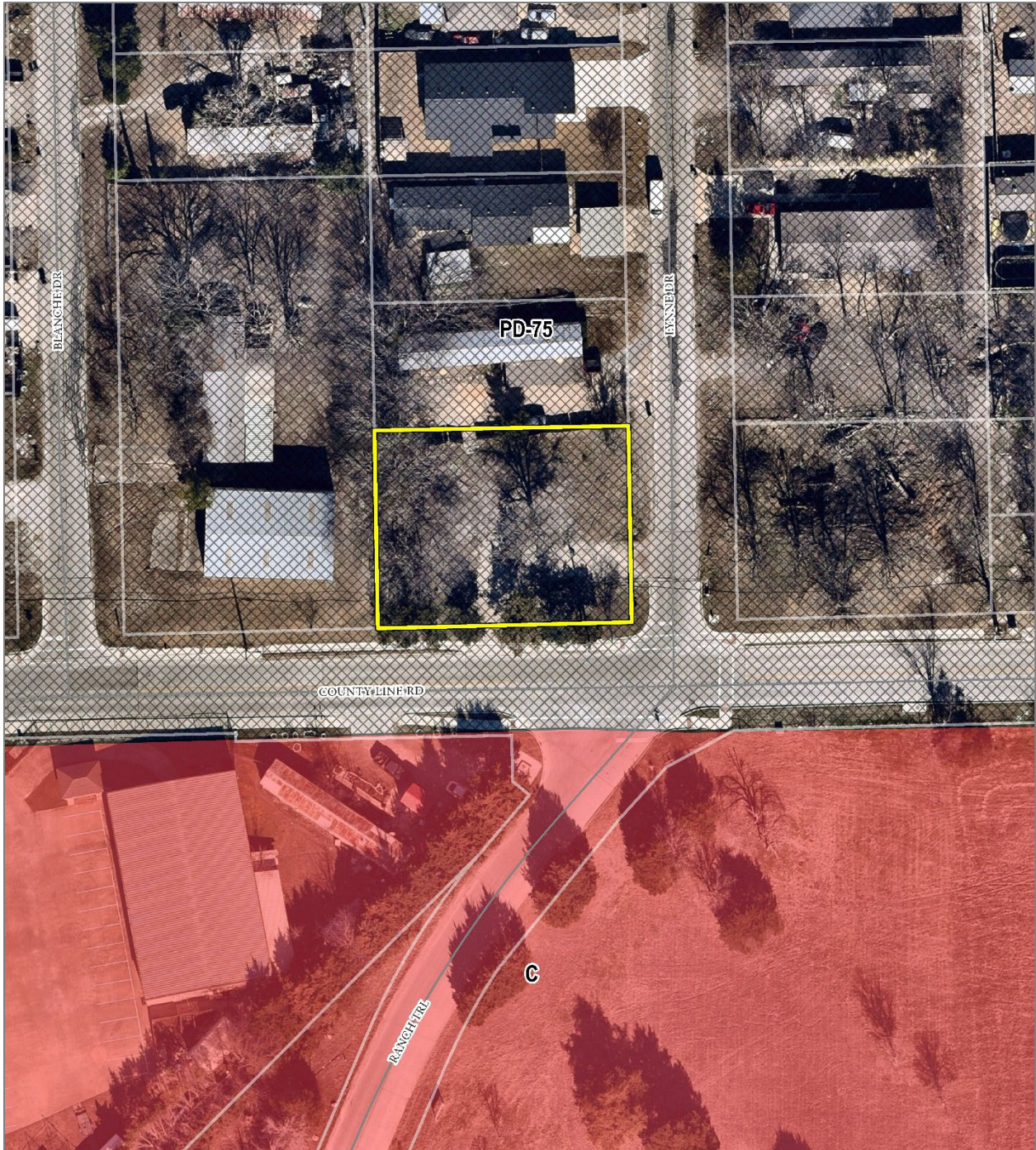


Exhibit 'B':
Residential Plot Plan

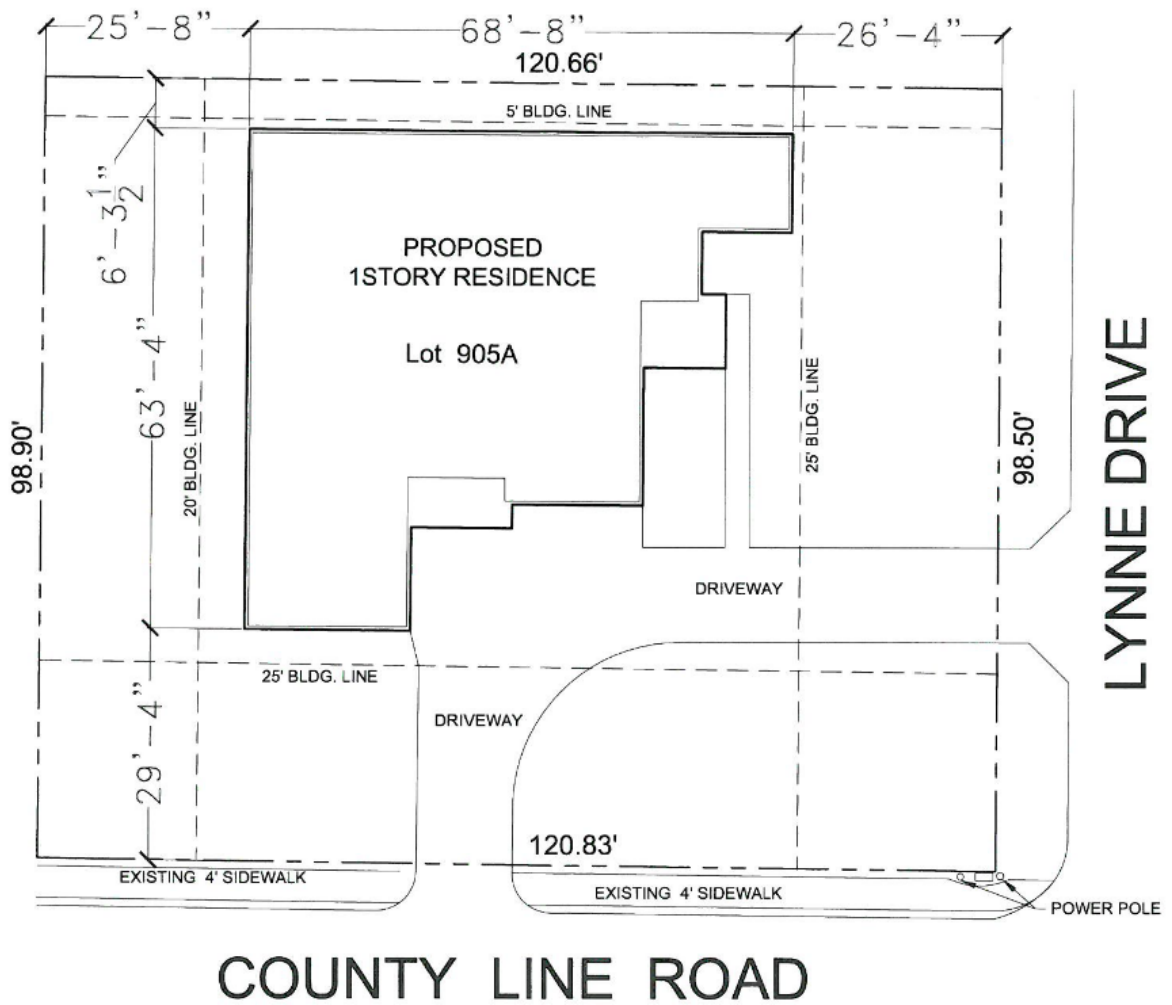
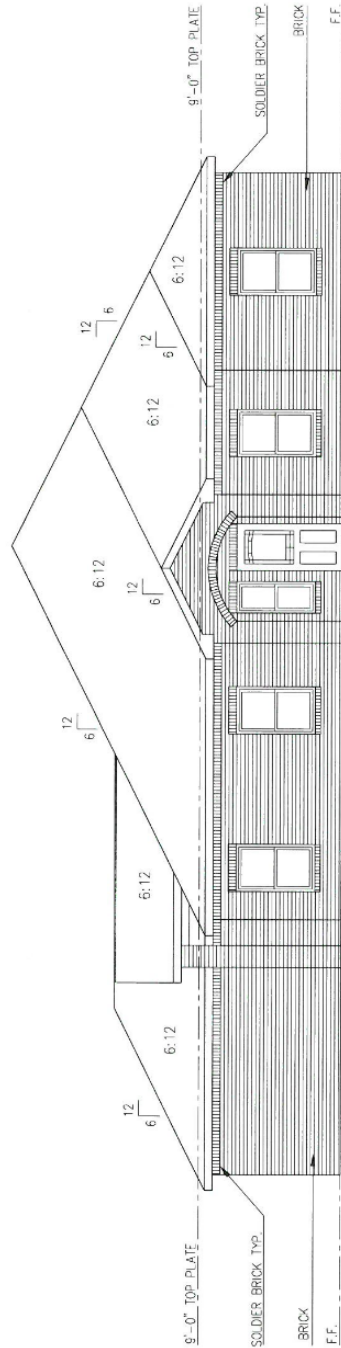
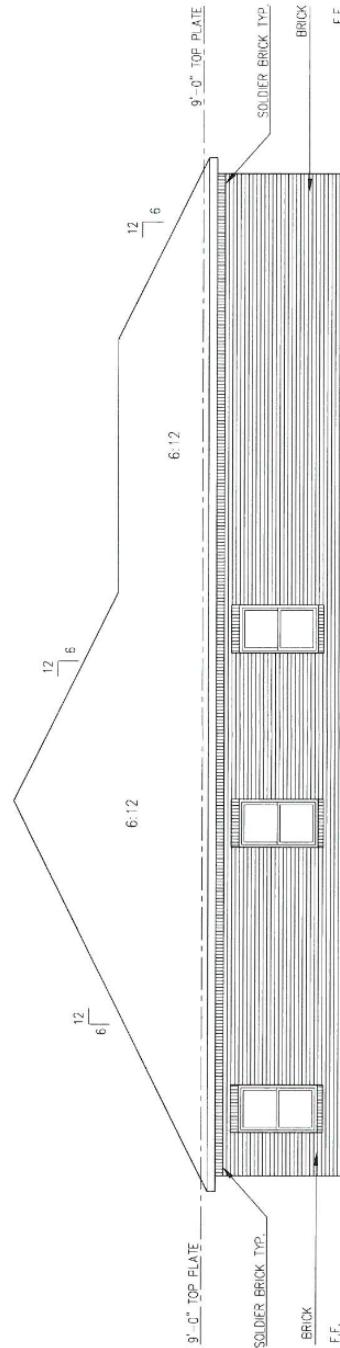


Exhibit 'C':
Building Elevations



FRONT ELEVATION

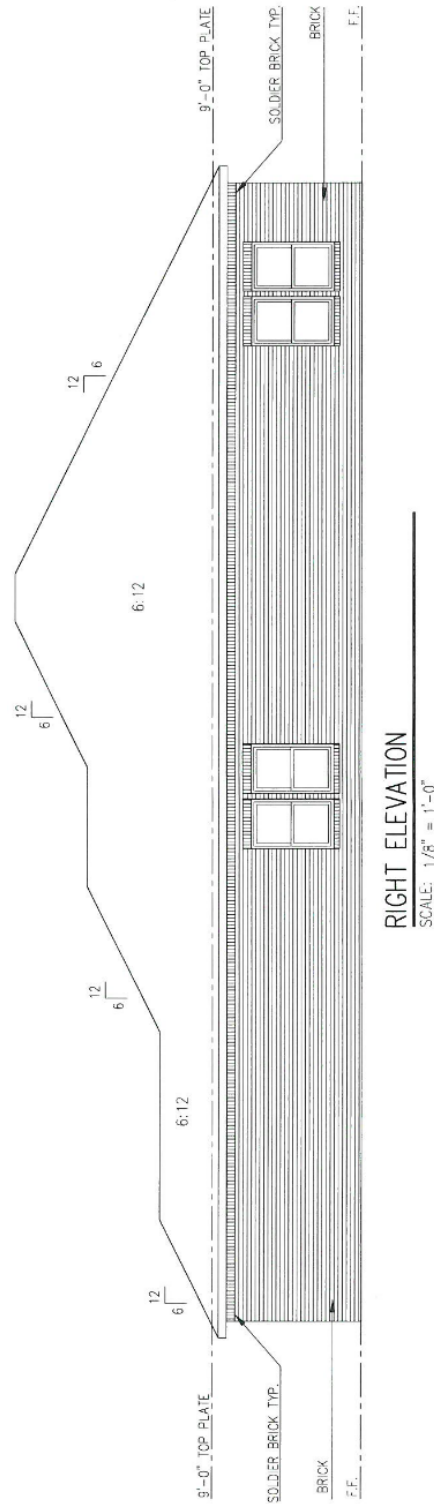
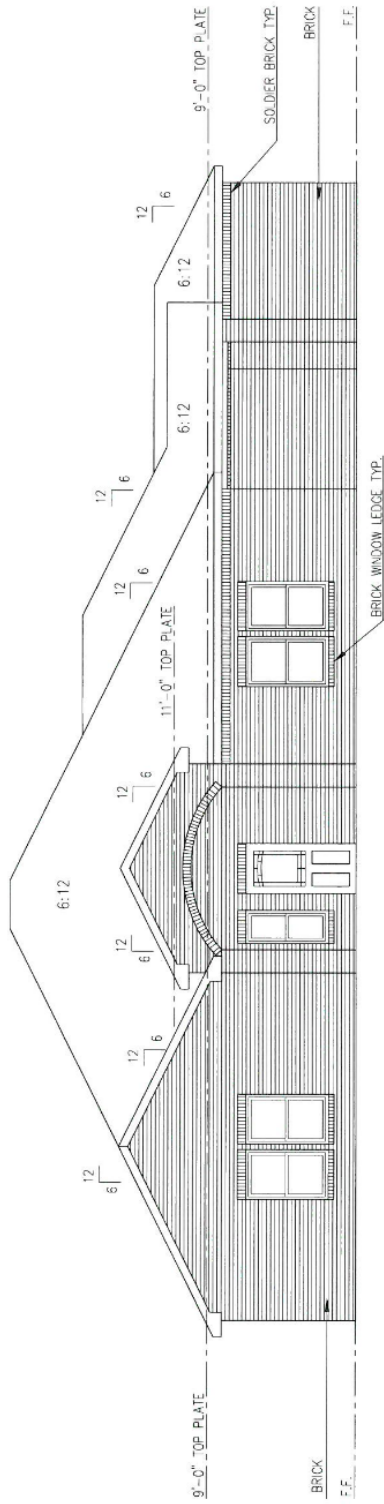
SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

**Exhibit 'C':
Building Elevations**





MEMORANDUM

TO: Mary Smith, City Manager

CC: Honorable Mayor and City Council

FROM: Ryan Miller, Director of Planning and Zoning

DATE: March 6, 2023

SUBJECT: P2023-002; FINAL PLAT FOR THE QUAIL HOLLOW SUBDIVISION

Attachments

Case Memo
Development Application
Location Map
Final Plat

Summary/Background Information

Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of John Arnold of Quail Hollow SF, LTD for the approval of a *Final Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on an 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 97 (PD-97) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

Action Needed

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



CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

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

TO: Mayor and City Council
DATE: March 6, 2023
APPLICANT: Humberto Johnson Jr, PE; Skorburg Company
CASE NUMBER: P2023-002; *Final Plat for the Quail Hollow Subdivision*

SUMMARY

Discuss and consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of John Arnold of Quail Hollow SF, LTD for the approval of a *Final Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on an 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 97 (PD-97) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.

PLAT INFORMATION

- ☑ **Purpose.** The applicant is requesting the approval of a *Final Plat* for an 85.63-acre tract of land (*i.e. Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97*) for the purpose of establishing the Quail Hollow Subdivision. The proposed subdivision will consist of 250 single-family residential lots that are zoned Planned Development District 97 (PD-97) for Single-Family 10 (SF-10) District land uses. In addition to this *Final Plat*, the applicant has concurrently submitted a *Site Plan* [Case No. SP2023-001] that includes the proposed *Landscape and Hardscape Plans* for the subdivision.
- ☑ **Background.** The subject property was annexed on March 16, 1998 by *Ordinance No. 98-10* [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is: [1] a 2,236 SF single-family home, [2] a 64 SF storage building, [3] a 2,400 SF metal storage building, [4] a 2,208 SF barn, [5] an 897 SF storage shed, and [6] an 864 SF storage building. All of these improvements were constructed in 1975. On August 15, 2022, the City Council approved *Ordinance No. 22-44* rezoning the subject property from an Agricultural (AG) District to Planned Development District 97 (PD-97). On September 19, 2022, the City Council approved a *Preliminary Plat* [Case No. P2022-037] and *Master Plat* [Case No. P2022-039] for the subject property. On November 7, 2022, the City Council approved a revised *Master Plat* [Case No. P2022-039], which changed the phasing lines established on the previous *Master Plat*.
- ☑ **Conformance to the Subdivision Ordinance.** The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications, submittal requirements, and conformance to the items listed in the *Conditions of Approval* section of this case memo.
- ☑ **Conditional Approval.** Conditional approval of this *Final Plat* by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

CONDITIONS OF APPROVAL

If the City Council chooses to approve of the *Final Plat* for *Quail Hollow Subdivision* staff would propose the following conditions of approval:

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

PLANNING AND ZONING COMMISSION

On February 28, 2023, the Planning and Zoning Commission approved a recommendation of approval for the Final Plat by a vote of 5-0, with Commissioners Hustings and Llewellyn absent.



DEVELOPMENT APPLICATION

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

STAFF USE ONLY

PLANNING & ZONING CASE NO.

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

DIRECTOR OF PLANNING:

CITY ENGINEER:

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

PLATTING APPLICATION FEES:

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

SITE PLAN APPLICATION FEES:

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

ZONING APPLICATION FEES:

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

OTHER APPLICATION FEES:

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

NOTES:

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

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

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1244 e quail run rd rockwall texas 75087

SUBDIVISION LOT BLOCK

GENERAL LOCATION

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	AG	CURRENT USE	AG
PROPOSED ZONING	PD	PROPOSED USE	PD
ACREAGE	85.629	LOTS [CURRENT]	1
		LOTS [PROPOSED]	250

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

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

<input type="checkbox"/> OWNER	Quail Hollow SF LTD.	<input checked="" type="checkbox"/> APPLICANT	Skorburg Company
CONTACT PERSON	John Arnold	CONTACT PERSON	Humberto Johnson Jr, PE
ADDRESS	8214 westchester Dr STE 900	ADDRESS	8214 westchester Dr STE 900
CITY, STATE & ZIP	Dallas, Tx 75225	CITY, STATE & ZIP	Dallas, Tx 75225
PHONE	214-535-2090	PHONE	682-225-5834
E-MAIL	jarnold@skorburgcompany.com	E-MAIL	jrjohnson@skorburgcompany.com

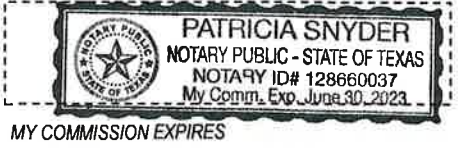
NOTARY VERIFICATION [REQUIRED]

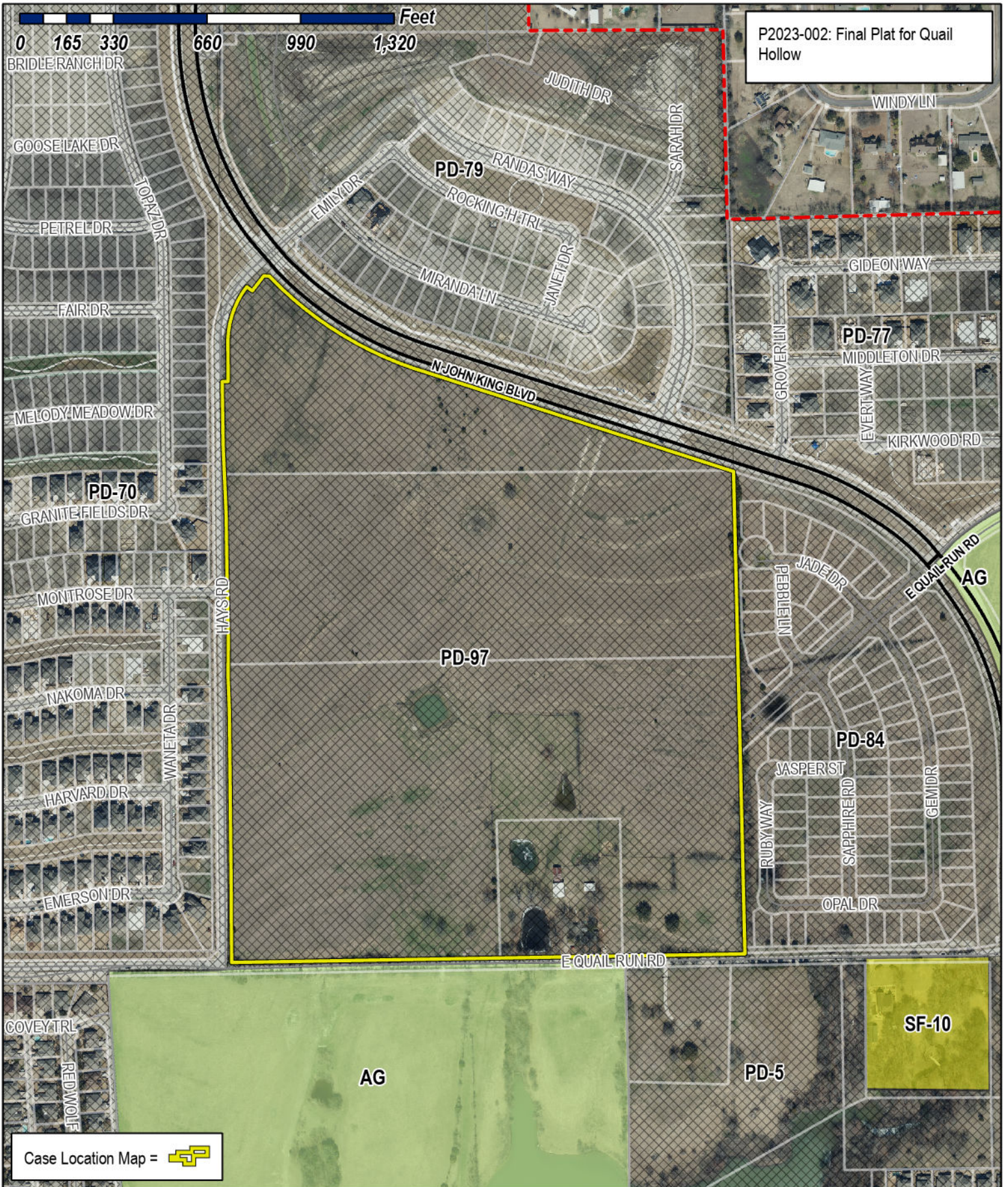
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED John Arnold [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 42,028.44 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 18th DAY OF January, 2023 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 18 DAY OF Jan., 2023

OWNER'S SIGNATURE [Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS [Signature]





P2023-002: Final Plat for Quail Hollow

Case Location Map = 



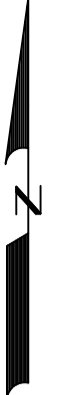
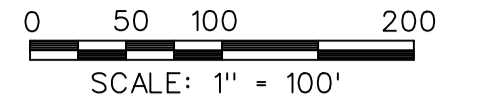
City of Rockwall

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

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



SADDLE STAR
ESTATES SOUTH PH. 1



JOHN KING BOULEVARD (120' R.O.W.)

POINT OF BEGINNING

CITY OF ROCKWALL GRID SYSTEM COORDINATES		
X	Y	ELEV.
2598714.057	7037865.106	538.7

$\Delta = 28^{\circ}29'34''$
 $R = 1260.00'$
 $L = 626.59'$
 $C = 620.15'$
 $B = S57^{\circ}51'28''E$

S72°06'15"E 1168.60'

LOT 1 BLK K
 OPEN SPACE/SIDEWALK/TRAIL ESMT.
 5.276 AC.

LOT 1 BLK D
 OPEN SPACE/SIDEWALK/TRAIL ESMT.
 1.173 AC.

GIDEON GROVE
 PHASE 2
 DOC. NO. 2022000006324

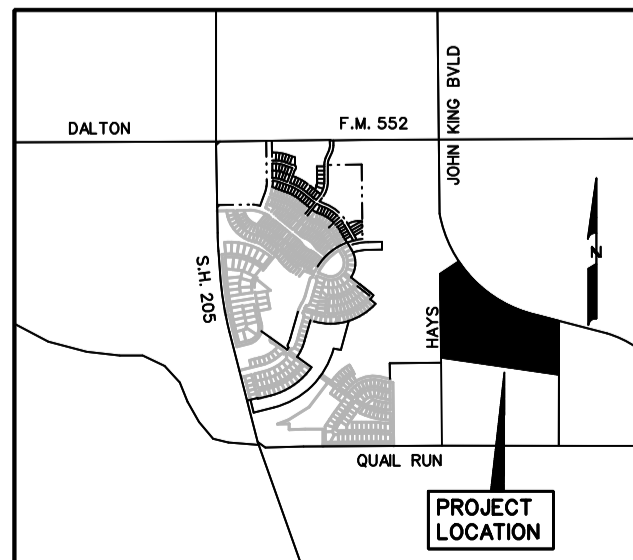
STONE CREEK
 PHASE X
 DOC. NO. 2020000028492

CITY OF ROCKWALL GRID SYSTEM COORDINATES		
X	Y	ELEV.
2596902.008	7038182.212	538.7

STONE CREEK
 PHASE IX
 DOC. NO. 20190000004513

STONE CREEK
 PHASE VIII
 DOC. NO. 20190000004513

CORWIN JOB #17039



NOTES

- Bearings are referenced to a 85,7256 acre tract, as recorded in Deed No. in the Deed Records of Rockwall County, Texas.
- All lot lines are radial or perpendicular to the street unless otherwise noted by bearing.
- 1/2" iron rods with "CORWIN ENGR. INC." caps set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted.
- B.L. - Building Line.
 C.E. - Utility Easements.
 C.M. - Controlling Monument.
 D.E. - Drainage Easement.
 S.S.E. - Sanitary Sewer Easement.
- The HOA will be responsible for maintaining or replacing the open space/drainage easement lots.
- All non-standard decorative street signs, light poles/post, hardware, attachments, foundations, etc. shall be owned, maintained, repaired and replaced by the HOA.
- All landscape, drainage and detention easements are to be owned, maintained, repaired and replaced by the Homeowners Association.

OWNER
QUAIL HOLLOW SF, LTD.
 8214 WESTCHESTER DRIVE, SUITE 900
 DALLAS, TEXAS 75225
 214-522-4945

MASTER PLAT P2022-53
 PRE PLAT P2022-37
 CASE NO. P2023-002
 FEBRUARY 2023
 SCALE 1" = 100'

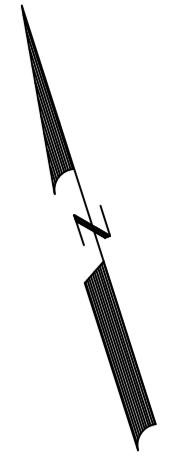
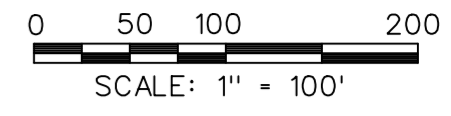
QUAIL HOLLOW PHASE I

139 LOTS, BEING 85.722 ACRES
 OUT OF THE
 P. BRUCE HARRISON SURVEY, ABSTRACT NO. 97

IN THE
 CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS
 PREPARED BY
CORWIN ENGINEERING, INC.
 TBPELS #F-5951
 200 W. BELMONT, SUITE E
 ALLEN, TEXAS 75013
 972-396-1200

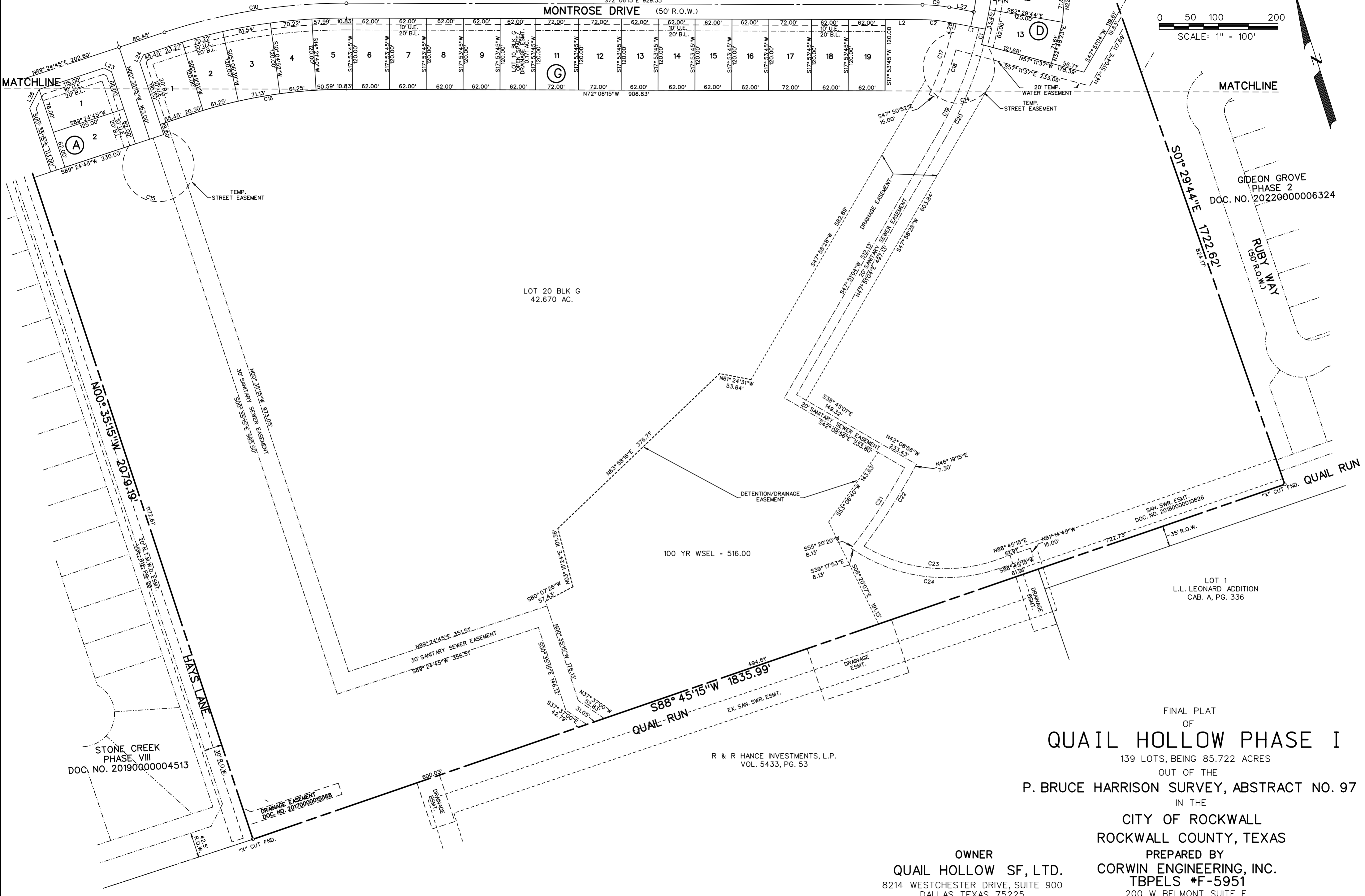
S72° 06'15" E 929.35'

MONTROSE DRIVE (50' R.O.W.)



MATCHLINE

MATCHLINE



LOT 20 BLK G
42.670 AC.

100 YR WSEL = 516.00

STONE CREEK
PHASE VIII
DOC. NO. 2019000004513

LOT 1
L.L. LEONARD ADDITION
CAB. A, PG. 336

FINAL PLAT
OF
QUAIL HOLLOW PHASE I
139 LOTS, BEING 85.722 ACRES
OUT OF THE
P. BRUCE HARRISON SURVEY, ABSTRACT NO. 97
IN THE

CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

OWNER
QUAIL HOLLOW SF, LTD.
8214 WESTCHESTER DRIVE, SUITE 900
DALLAS, TEXAS 75225
214-522-4945

PREPARED BY
CORWIN ENGINEERING, INC.
TBPELS *F-5951
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013
972-396-1200

FEBRUARY 2023

MASTER PLAT P2022-53
PRE PLAT P2022-37
CASE NO. P2023-002

LEGAL DESCRIPTION

BEING, a tract of land situated in the P. Bruce Harrison Survey, Abstract No. 97 in the City of Rockwall, Rockwall County, Texas, being part of a 85.7256 acre tract, as described in Clerks File No. in the Deed Records of Rockwall County, Texas being more particularly described as follows:

BEGINNING, at a 1/2 inch iron rod found at the northeast corner of said 85.7256 acre tract and being in the south line of John King Boulevard (120' R.O.W.), also being the northwest corner of Gideon Grove Phase 2, an addition to the City of Rockwall, as recorded in Doc. No. 20220000006324 in the Plat Records of Rockwall County, Texas:

THENCE, South 01° 29'44" East, along the east line of said 85.7256 acre tract and the west line of said Gideon Grove Phase 2, for a distance of 1722.62 feet, to an "X" cut found at the southeast corner of said 85.7256 acre tract and being the southwest corner of said Gideon Grove Phase 2 and being in Quail Run Road (Variable R.O.W.), same being in the north line of L.L. Leonard Addition, an addition to the City of Rockwall, as described in Cab. A, Pg. 336 in said Plat Records:

THENCE, South 88° 45'15" West, along the south line of said 85.7256 acre tract and with said Quail Run Road and along the north line of said L.L. Leonard Addition, at 437.57, passing a 5/8 inch iron rod found with cap stamped "RPLS 3963", an continuing along said south line, for a total distance of 1835.99 feet, to an "X" cut found at the southwest corner of said 85.7256 acre tract and being the southeast corner of Stone Creek Phase VIII, an addition to the City of Rockwall, an addition to the City of Rockwall, as described in Doc. No. 20190000004513 in said Plat Records:

THENCE, North 00° 35'15" West, along the west line of said 85.7256 acre tract and the east line of said Stone Creek Phase VIII, at 1480.61 feet, passing the northeast corner of said Stone Creek Phase VIII same being the southeast corner of Stone Creek Phase IX, an addition to the City of Rockwall, as described in Doc. No. 20190000004513 in said Plat Records, at 1791.72 feet, passing the northeast corner of said Stone Creek Phase IX and being the southeast corner of Stone Creek X, an addition to the City of Rockwall, as described in Doc. No. 20200000028492 in said Plat Records and continuing for a total distance of 2079.19 feet, to a 1/2 inch iron rod found:

THENCE, North 89° 40'38" East, departing the east line of said Stone Creek X and continuing with said west line, for a distance of 28.47 feet, to a 1/2 inch iron rod found:

THENCE, North 00° 21'45" West, continuing along said west line, for a distance of 136.79 feet, to a 5/8 inch iron rod found with cap stamped "Survcon Inc", being on a curve to the right, having a radius of 320.00 feet, a central angle of 38° 06'44";

THENCE, continuing along said west line and with said curve to the right for an arc distance of 212.86 feet (Chord Bearing North 18° 41'37" East- 208.96 feet), to 1/2 inch iron rod found with a cap stamped "RPLS 5664";

THENCE, South 52° 15'01" East, continuing along said west line, for a distance of 24.00 feet, to 1/2 inch iron rod found with a cap stamped "RPLS 5664";

THENCE, North 37° 44'59" East, continuing along said west line, for a distance of 66.65 feet, to 1/2 inch iron rod found with a cap stamped "RPLS 5664";

THENCE, South 87° 02'51" East, continuing along said west line, for a distance of 19.25 feet, to 1/2 inch iron rod found with a cap stamped "RPLS 5664", being the most northerly northwest corner of said 85.7256 acre tract and being in the south line of said John King Boulevard same being on a curve to the left, having a radius of 1260.00 feet, a central angle of 28° 29'34";

THENCE, along the north line of said 85.7256 acre tract and the south line of said John King Boulevard with said curve to the left for an arc distance of 626.56 feet (Chord Bearing South 57° 51'28" East 620.15 feet), to 1/2 inch iron rod found with a cap stamped "RPLS 5664", at the point of tangency;

THENCE, South 72° 06'15" East, continuing along said north and south lines, for a distance of 1168.60 feet, to the POINT OF BEGINNING and containing 85.722 acres of land.

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: STATE OF TEXAS COUNTY OF ROCKWALL

We the undersigned owner"s" of the land shown on this plat, and designated herein as the QUAIL HOLLOW PHASE I, subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the QUAIL HOLLOW PHASE I, subdivision have been notified and signed this plat.

We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

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

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

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

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

QUAIL HOLLOW SF, LTD. a Texas limited partnership By: QUAIL HOLLOW GP Corporation, a Texas corporation, its General Partner

John Arnold Mortgage or Lien Interest Director

STATE OF TEXAS COUNTY OF DALLAS Before me, the undersigned authority, on this day personally appeared JOHN ARNOLD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated. Given upon my hand and seal of office this _____ day of _____, 2023.

Notary Public in and for the State of Texas My Commission Expires: _____

STATE OF TEXAS COUNTY OF DALLAS Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated. Given upon my hand and seal of office this _____ day of _____, 2023.

Notary Public in and for the State of Texas My Commission Expires: _____

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-54.

Recommended for Final Approval:

Planning & Zoning Commission Date

APPROVED I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 2023.

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

WITNESS OUR HANDS, this _____ day of _____, 2023.

Mayor, City of Rockwall City Secretary City Engineer

SURVEYOR CERTIFICATE

I, WARREN L. CORWIN, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made under my direction and supervision and all corners are as shown thereon and there are no encroachments, conflicts, protrusions or visible utilities on the ground except as shown and said plat has been prepared in accordance with the platting rules and regulations of the City Plan Commission of the City of Rockwall, Texas.

DATED the this _____ day of _____, 2023.

WARREN L. CORWIN R.P.L.S. No. 4621

THE STATE OF TEXAS COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

Notary Public in and for the State of Texas

LINE TABLE

Table with 3 columns: LINE NO., BEARING, DISTANCE. Lists 42 line segments with bearings and distances.

CURVE TABLE

Table with 6 columns: CURVE NO., DELTA, RADIUS, LENGTH, CHORD, BEARING. Lists 33 curve segments with various geometric data.

FINAL PLAT OF QUAIL HOLLOW PHASE I

139 LOTS, BEING 85.722 ACRES OUT OF THE P. BRUCE HARRISON SURVEY, ABSTRACT NO. 97 IN THE

CITY OF ROCKWALL ROCKWALL COUNTY, TEXAS

OWNER QUAIL HOLLOW SF, LTD.

8214 WESTCHESTER DRIVE, SUITE 900 DALLAS, TEXAS 75225 214-522-4945

PREPARED BY CORWIN ENGINEERING, INC. TBPELS *F-5951

200 W. BELMONT, SUITE E ALLEN, TEXAS 75013 972-396-1200

MASTER PLAT P2022-53 PRE PLAT P2022-37

FEBRUARY 2023

CASE NO. P2023-002

SHEET 3 OF 3

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 23-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND CITY COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE 3, AND CITY COUNCILMEMBER PLACE 5, AS ELECTED; PROVIDING THAT THE MAY 6, 2023 GENERAL MUNICIPAL ELECTION IS CANCELLED AND SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall, Texas adopted Resolution No. 23-01 on February 6, 2023, ordering a General Election to be held on May 6, 2023, for the purpose of electing four (4) city officials – the Mayor and City Councilmember Place 1, City Councilmember Place 3, and City Councilmember Place 5; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadlines for filing applications for a place on the ballot and declaration of write-in candidacy for the City’s general election have expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election code, has certified in writing, attached hereto as “**Exhibit A**,” to the City Council that Trace Johannesen is unopposed for election to the office of Mayor; that Tim McCallum is unopposed for election to the office of Councilmember Place 1; that Clarence Jorif is unopposed for election to the office of Councilmember Place 3, and that Dennis Lewis is unopposed for election to the office of Councilmember Place 5; and

WHEREAS, the City Council hereby finds and determines that the candidates whose names were to appear on the ballot in said election are unopposed, that there are no declared write-in candidates, and that no propositions are to appear on the ballot for said election; and, therefore, the City Council hereby determines it is necessary to cancel the General Election.

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices for a term of two years and shall be issued a certificate of election following the date on which the general election for Councilmembers would have otherwise been held:

- Trace Johannesen – Mayor
- Tim McCallum - Councilmember, Place 1
- Clarence Jorif - Councilmember, Place 3
- Dennis Lewis - Councilmember, Place 5

Section 3. Pursuant to Section 2.053(b), Texas Election code, the General (Municipal) Election for Mayor and City Councilmember Place 1, Councilmember Place 3, and Councilmember Place 5 called and ordered by Resolution No. 23-01, for May 6, 2023, is hereby cancelled and shall not be held.

Section 4. The City Secretary is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being May 6, 2023, at all posting places that would have been used in said election.

Section 5. The term of office for the unopposed Mayor and Councilmembers shall commence on May 15, 2023 after Oaths of Office have been administered and executed.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7. The Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 8. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

Section 9. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

Section 10. This ordinance shall take effect immediately upon its second reading as required by the City Charter, Section 3.11.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 20th DAY OF MARCH, 2023.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

1ST Reading: 03 / 06 / 2023

2nd Reading: 03 / 20 / 2023

“EXHIBIT A”

**CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS**

To: Presiding Officer of the Rockwall City Council

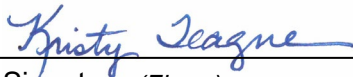
Al: Alcalde del Consejo de la ciudad de Rockwall

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held May 6, 2023:

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 6 de mayo de 2023:

Trace Johannesen - Mayor
Tim McCallum - Councilmember, Place 1
Clarence Jorif - Councilmember, Place 3
Dennis Lewis - Councilmember, Place 5

*Trace Johannesen – Alcalde
Tim McCallum – Miembro del Consejo, Puesto 1
Clarence Jorif – Miembro del Consejo, Puesto 3
Dennis Lewis – Miembro del Consejo, Puesto 5*



Signature (*Firma*)

Kristy Teague

Printed name (*Nombre en letra de molde*)

Rockwall City Secretary

Title (*Puesto*)

March 20, 2023

Date of signing (*Fecha de firma*)



(Seal) (*sello*)



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Mary Smith, City Manager

FROM: Travis E. Sales, Director Parks, Recreation and Animal Services

DATE: March 6, 2023

SUBJECT: Grounds Maintenance Services Contract Extension

The current small contract for grounds and landscape maintenance services provides for mowing, weed eating, trimming and debris removal at City facilities, parks, street medians, ROW and thoroughfares. Maintenance includes but is not limited to all trees, shrubs, ground cover, beds, turf, mulch and application of some herbicides and insecticides. These contracts provide for an annual extension at end of the initial contract period for up to three consecutive years should the scope of work and contracted bid conditions remain the same; and both parties agree to the extension. Staff has determined that it is in the best interest of the City to renew these contracts this year as the Contractors have performed satisfactorily over the last 12 months.

Small Contract

The small service contract (mostly tractor mowing) was granted an annual extension by city council in March 2022 awarded to SRH Landscapes LLC. The current contract price is \$94,235.58

SRH has agreed to the contract renewal and asked for a 3.0% price increase in relation to an increase in cost of equipment and materials/supplies. This price increase request is afforded by contract and compared to the Municipal Cost Index (MCI) average percent change for 2022 Dallas/Fort Worth area of +9.0%. Using this index helps staff determine whether a price increase may be warranted. This 3.0% request equates to an annual contract increase of \$2,827.07 based on the 2022 contract amount and some additional sites added to the contract in 2022 and this increase will be absorbed in the current Parks and Harbor grounds maintenance budgets and amended budget. The 2023 contract renewal total including the 3.0% increase would be \$97,062.65. A 5% increase was already in the 2022-2023 budget to be prepared for an increase request in the 2023 renewal cycle.

Staff asks City Council to consider authorizing the City Manager to execute this contract extension for a period of one year for the new 2023-projected cost.



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Mary Smith, City Manager

FROM: Travis E. Sales, Director Parks, Recreation and Animal Services

DATE: March 6, 2023

SUBJECT: Grounds Maintenance Services Contract Extension

The current large landscape maintenance services contract provides for mowing, weed eating, trimming and debris removal at City facilities, parks, street medians, ROW and thoroughfares. Maintenance includes but is not limited to all trees, shrubs, ground cover, beds, turf, mulch and application of some herbicides and insecticides. These contracts provide for an annual extension at end of the initial contract period for up to three consecutive years should the scope of work and contracted bid conditions remain the same; and both parties agree to the extension. Staff has determined that it is in the best interest of the City to renew these contracts this year as the Contractors have performed satisfactorily over the last 12 months.

Large Contract

The large service contract was granted an annual extension by city council in March 2022 awarded to Southlake Landscaping and Maintenance (SLM). The current contract amount is \$634,452.36.

SLM has agreed to the contract renewal and asked for a 3.0% price increase in relation to their increase in salaries to retain experienced employees and cost materials. This price increase request is afforded by contract and compared to the Municipal Cost Index (MCI) average percent change for 2022 Dallas/Fort Worth area of +9.0%. Using this index helps staff determine whether a price increase may be warranted. This 3.0% request equates to an annual contract increase of \$19,033.57 based on the 2022 contract amount and some additional site added to the contract in 2022 and this increase will be absorbed in the current Parks and Harbor grounds maintenance budgets and amended budget. The 2023 contract renewal total including the 3.0% increase would be \$653,485.93. A 5% increase was already in the 2022-2023 budget to be prepared for an increase request in the 2023 renewal cycle.

Staff asks City Council to consider authorizing the City Manager to execute this contract extension for a period of one-year for the new 2023-projected cost. This will be the last year of this contract and 2024 will require re-bidding.



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mary Smith, City Manager
CC: Honorable Mayor and City Council
FROM: Kenneth Cullins, Fire Chief
DATE: March 3, 2023
SUBJECT: PURCHASE OF NEW FIRE APPARATUS

The purchase of a new ladder truck (replacing the current Ladder 1) was approved to be funded from the General Fund Reserves in the FY2023 budget at a cost of \$1,701,000. It was originally anticipated that build time would be approximately 28 months; however, estimated build times have significantly increased. In fact, estimates now are at least 36 months (and even longer in some cases).

While Ladder 1 continues to serve the community, the cost of keeping it in the fleet has been significant – spending approximately \$60,000 in the last year for maintenance and repairs. It is anticipated that costs to maintain the unit will continue to be significant until it is replaced.

We currently have an opportunity to purchase a new, very similar unit to what was originally ordered. It is currently in the build process and will be ready for delivery in approximately 3-4 months, saving both time and money for continued repairs.


Action Needed:

For council consideration is the purchase of the new ladder truck at a cost of \$1,800,000.



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mary Smith, City Manager
FROM: Edward Fowler, Chief of Police 
DATE: February 22, 2023
SUBJECT: 2022 Racial Profiling Comparative Analysis

In compliance with Texas Code of Criminal Procedure the Police Department's 2022 Racial Profiling Report has been completed and is attached with this memo. The full analysis has also been submitted to the Texas Commission on Law Enforcement (TCOLE), which is the designated central repository for all such reports. Below is a cursory breakdown of some of the data points and attached is the analysis of our data that was prepared by Del Carmen Consulting LLC.

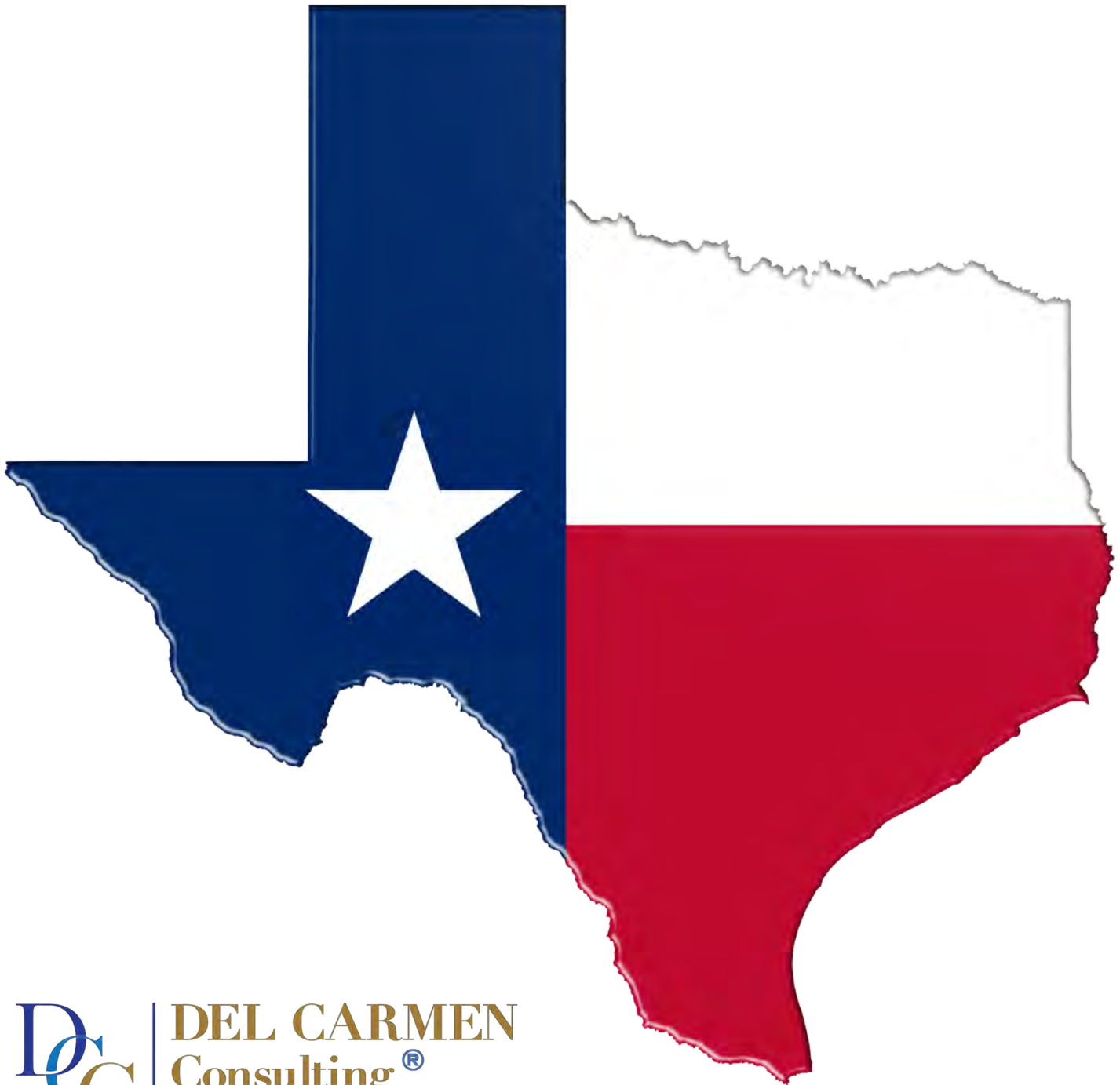
The Department received one racial profiling complaint during the 2022 Calendar Year, which was not sustained. In reviewing the Police Department's public education efforts concerning the racial profiling complaint process, both printed and electronic information on the process to file a racial profiling complaint was found in the Police Department's lobby and website. In addition, a review of the data supported the fact that the patrol supervisors were actively reviewing and auditing the activity of those officers that fell under their chain of command. The data supported the fact that the officers were acting in accordance with state law and/or established Departmental policies.

The conclusion based upon the information that has been gleaned from the comparison is that the officers and supervisors of the Rockwall Police Department are following the procedures set forth by the Rockwall Police Department's General Order 412.00 Bias Based Profiling. In addition, the report found that the Department is abiding by all set rules and is in compliance with the Texas Racial Profiling Law and all of its requirements.

Attachment:
Rockwall Police Department 2022 Racial Profiling Report-Del Carmen Consulting

2022 Racial Profiling Report

Rockwall Police Department



DC | **DEL CARMEN**
Consulting[®]
LAW ENFORCEMENT EXPERTS

"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)



February 1, 2023

Rockwall City Council
385 South Goliad St.
Rockwall, TX 75087

Dear Distinguished Members of the City Council,

In 2001 the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. During the last calendar year, the Rockwall Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Rockwall Police Department and are included in this report.

This report consists of three sections with information on motor vehicle-related contacts. In addition, when appropriate, documentation is included which demonstrates the manner in which the Rockwall Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Rockwall Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Finally, section three contains statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/22 and 12/31/22. Further, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

The last section of the report includes the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement), is included. The findings in this report support the Rockwall Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Public Education on Responding to Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Rockwall Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Rockwall Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Rockwall Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Rockwall Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Rockwall Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Rockwall has been included in this report.

It is important to recognize that the Chief of the Rockwall Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Rockwall Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling Course 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.



3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 3. The driver and passengers are ordered out of the vehicle
 4. The officers visually check all observable parts of the vehicle
 5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
 6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
 1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners

- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop

- B. Vehicle exterior
 1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

- C. Pre-stop indicators
 1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
 3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

- D. Vehicle interior
 1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
 2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

*Report on
Compliments
and Racial
Profiling
Complaints*



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/22-12/31/22 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

A check above indicates that the Rockwall Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/22-12/31/22.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case
1	Racial Profiling	Not Sustained

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 9,027

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	5,023
US Highway	1,402
State Highway	1,625
County Road	26
Private Property	951

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	223
No	8,804

RACE OR ETHNICITY

Alaska Native/American Indian	46
Asian/Pacific Islander	160
Black	1,788
White	4,939
Hispanic/Latino	2,094

GENDER

Female Total: 3,242

Alaska Native/American Indian	14
Asian/Pacific Islander	62
Black	677
White	1,933
Hispanic/Latino	556

Male Total: 5,785

Alaska Native/American Indian	32
Asian/Pacific Islander	98
Black	1,111
White	3,006
Hispanic/Latino	1,538

REASON FOR STOP?

Violation of Law Total: 858

Alaska Native/American Indian	5
Asian/Pacific Islander	19
Black	158
White	492
Hispanic/Latino	184

Pre-existing Knowledge Total: 142

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	35
White	71
Hispanic/Latino	36

Moving Traffic Violation Total: 4,221

Alaska Native/American Indian	29
Asian/Pacific Islander	79
Black	668
White	2,558
Hispanic/Latino	887

TIER 2 DATA

Vehicle Traffic Violation Total: 3,806

Alaska Native/American Indian	12
Asian/Pacific Islander	62
Black	927
White	1,818
Hispanic/Latino	987

Contraband (in plain view) Total: 6

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	5

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	1	45
Asian/Pacific Islander	4	156
Black	220	1,568
White	173	4,766
Hispanic/Latino	142	1,952
TOTAL	540	8,487

Probable Cause Total: 330

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	165
White	92
Hispanic/Latino	71

Inventory Total: 30

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	10
White	11
Hispanic/Latino	9

REASON FOR SEARCH?

Consent Total: 153

Alaska Native/American Indian	0
Asian/Pacific Islander	3
Black	36
White	59
Hispanic/Latino	55

Incident to Arrest Total: 21

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	8
White	11
Hispanic/Latino	2

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	1	0
Asian/Pacific Islander	1	3
Black	101	119
White	96	77
Hispanic/Latino	73	69
TOTAL	272	268

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	1	0
Asian/Pacific Islander	1	0
Black	55	46
White	59	37
Hispanic/Latino	41	32
TOTAL	157	115

DESCRIPTION OF CONTRABAND

Drugs Total: 197

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	82
White	60
Hispanic/Latino	53

Currency Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

Weapons Total: 16

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	9
White	6
Hispanic/Latino	1

Alcohol Total: 40

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	18
Hispanic/Latino	9

Stolen Property Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	1
Hispanic/Latino	1

Other Total: 29

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	14
Hispanic/Latino	9

RESULT OF THE STOP

Verbal Warning Total: 4,652

Alaska Native/American Indian	24
Asian/Pacific Islander	105
Black	951
White	2,589
Hispanic/Latino	983

Written Warning Total: 106

Alaska Native/American Indian	1
Asian/Pacific Islander	2
Black	13
White	64
Hispanic/Latino	26

Citation Total: 4,039

Alaska Native/American Indian	20
Asian/Pacific Islander	51
Black	740
White	2,194
Hispanic/Latino	1,034

Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Citation and Arrest Total: 13

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	5
Hispanic/Latino	4

Arrest Total: 217

Alaska Native/American Indian	1
Asian/Pacific Islander	2
Black	80
White	87
Hispanic/Latino	47

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 163

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	57
White	62
Hispanic/Latino	42

Violation of Traffic Law Total: 26

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	7
White	12
Hispanic/Latino	6

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 41

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	20
White	18
Hispanic/Latino	3

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	46
Asian/Pacific Islander	0	160
Black	0	1,788
White	0	4,939
Hispanic/Latino	0	2,094
TOTAL	0	9,027

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	46	20	24	1	1%	0%	1%	1%
Asian/ Pacific Islander	160	51	105	2	2%	1%	2%	2%
Black	1,788	744	951	13	20%	18%	20%	12%
White	4,939	2,199	2,589	64	55%	54%	56%	60%
Hispanic/ Latino	2,094	1,038	983	26	23%	26%	21%	25%
TOTAL	9,027	4,052	4,652	106	100%	100%	100%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	0%
Asian/Pacific Islander	2%	5%
Black	20%	14%
White	55%	60%
Hispanic/Latino	23%	19%
TOTAL	100%	100%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	1	0	1
Asian/Pacific Islander	4	3	2
Black	220	36	84
White	173	59	92
Hispanic/Latino	142	55	51
TOTAL	540	153	230

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop

Table 5. Search Data

Race/Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/American Indian	1	1	0	1	0%	0%	0%	0%
Asian/Pacific Islander	4	1	3	2	1%	0%	1%	1%
Black	220	101	119	84	41%	37%	44%	37%
White	173	96	77	92	32%	35%	29%	40%
Hispanic/Latino	142	73	69	51	26%	27%	26%	22%
TOTAL	540	272	268	230	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/22-12/31/22.

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	03/01/22	Data was valid and reliable
2	06/01/22	Data was valid and reliable
3	09/01/22	Data was valid and reliable
4	12/01/22	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	0	0%
Hispanic/Latino	0	0%
TOTAL	0	0%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	1	0	0	0	1%	0%	0%	0%
Asian/ Pacific Islander	1	1	0	0	1%	4%	0%	0%
Black	57	7	0	20	35%	27%	0%	49%
White	62	12	0	18	38%	46%	0%	44%
Hispanic/ Latino	42	6	0	3	26%	23%	0%	7%
TOTAL	163	26	0	41	100%	100%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	1	1	100%	0%	0%
Asian/ Pacific Islander	4	1	25%	1%	0%
Black	220	101	46%	41%	37%
White	173	96	55%	32%	35%
Hispanic/Latino	142	73	51%	26%	27%

Analysis and Interpretation of Data

In 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the central requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As previously noted, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

More recently, in 2017 the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

As part of their effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Rockwall Police Department commissioned the analysis of its 2022 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2022 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The additional data analysis performed was based on a comparison of the 2022 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Rockwall Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Rockwall Police Department in 2022 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, some civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Rockwall Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2022) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2022, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Hispanics.

On searches and arrests, the data showed that most searches took place among Blacks. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of those that produced contraband, most were of Blacks; this was followed by Whites. Of the searches that did not produce contraband, most were of Blacks. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department does not report any instances where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and Asians who came in contact with police was the same or lower than the percentage of White and Asian households in DFW that claimed in the 2020 census to have access to vehicles. The opposite was true of Blacks, Hispanics, and American Indians. That is, a higher percentage of Blacks, Hispanics, and American Indians came in contact with police than the percentage of Black, Hispanic, and American Indian households in DFW that claimed in the 2020 census to have access to vehicles. It should be noted that the percentage difference among American Indian contacts with households is of less than 3%; thus, deemed by some as statistically insignificant.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of American Indians. This was followed by Whites and Hispanics. This means that among all searches performed in 2022, the most significant percentage of these that resulted in contraband was among American Indians. The lowest contraband hit rate was among Asians.

Summary of Findings

As referenced earlier, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Rockwall Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings produced as a result of this analysis, it is recommended that the Rockwall Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Rockwall Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2023 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis included in this report serves as evidence that the Rockwall Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

Checklist

The following requirements were met by the Rockwall Police Department in accordance with The Texas Racial Profiling Law:

- ✔ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✔ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Rockwall Police Department from engaging in racial profiling.
- ✔ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✔ Provide public education related to the compliment and complaint process.
- ✔ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✔ Collect, report and analyze motor vehicle data (Tier 2).
- ✔ Commission Data Audits and a Search Analysis.
- ✔ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✔ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2023.
- ✔ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

Legislative & Administrative
Addendum



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~7~~] the date of conviction; and

(9) [~~8~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race ~~[:~~

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [existed and the facts supporting the existence of that probable cause];

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop[, including a description of the warning or a statement of the violation charged].

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) [means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the incident-based data [information] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [in a manner approved by the agency].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
 - (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**ROCKWALL
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

supervisor. All employees shall maintain a telephone either at their residence or a cell phone on their person.

- F. An employee shall not feign illness or injury. If injured or ill when duty has been scheduled, the employee shall remain at his residence except to consult a physician, attend a medical facility, or obtain prescriptions. If convalescence is to be at a location other than their residence, they will notify the department.
- G. Except in emergencies, an employee shall not leave a post, beat or other assignment without having been properly relieved. An employee, who has cause to leave his post, beat or other assignment because of an emergency without being relieved shall notify or cause notification of his supervisor as soon as possible of the absence, the reason for it, and the employee's present whereabouts and activity.
- H. Every employee receiving a subpoena or instructions to appear in court or at any hearing shall do so at the time and place designated. An employee who is unable to comply will notify or cause to be notified his supervisor and the appropriate court as soon as possible.
- I. Employees shall advise their supervisors of any unusual activity, situations, or problem in which the department would logically be concerned.
- J. Except when other duties prevent it, officers shall patrol and take enforcement actions in accordance with the tenets of selective enforcement aimed at accident reduction.
- K. Whenever it is reasonably possible, all required reports or forms relating to daily activities, such as citations, accident investigations, recovered or stored vehicles, arrests, radio transmissions and assignments, shall be completed and submitted at the end of the tour of duty during which such activities were performed by the employee responsible for such reports. When such completion and submission is not possible, reports shall be submitted in preliminary form and shall be completed during the next tour of duty unless a supervisor directs otherwise.

411.00 DEPARTMENTAL RIGHT TO ENTER AND INSPECT

- A. Employees may be assigned department-owned vehicles, lockers, desks, file cabinets, and/or similar equipment. The department does not relinquish its control of rights to such items and reserves the right to enter and inspect the aforementioned property. Employees shall have no expectation of privacy in the above property.
- B. Supervisory staff may conduct inspections as they deem necessary.

412.00 BIAS BASED PROFILING

The purpose of this policy is to reaffirm the Rockwall Police Department's commitment to unbiased policing in all its encounters between officer and any person, to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion, and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

- A. It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in bias based profiling, and especially bias based profiling as defined in this policy. Bias based profiling is an unacceptable police tactic and will not be condoned.
- B. This General Order is adopted in compliance with requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in bias based profiling.

412.01 DEFINITIONS

- A. Bias Based Profiling - A law enforcement-initiated action based on an individual's cultural group, sexual orientation, economic status, age, gender, background, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Bias based profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance or other citizen contacts.
- B. Race or Ethnicity – Persons of particular descent, including Alaska Native or American Indian, White, Black, Hispanic or Latino, Asian or Pacific Islander.
- C. Acts Constituting Bias Based Profiling – Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation or an arrest based solely upon an individual's race, ethnicity or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Motor Vehicle Contacts – Means an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance.

412.02 PROHIBITION

- A. Officers of the Rockwall Police Department are strictly prohibited from engaging in bias based profiling. The prohibition against bias based profiling does not preclude the use of race, ethnicity or national origin as factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.
- B. Officers of the Rockwall Police Department shall not engage in profiling based solely on gender, sexual orientation, religion, economic status, age, culture or any other identifiable group.

412.03 COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because they filed such a complaint.
- B. Any person who believes that a peace officer employed by the Rockwall Police Department has engaged in bias based profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 507, Complaint Processing and Investigation.
 - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Orders 507, Section 507.01, Action upon Receipt of Complaint.
 - 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "Bias Based Profiling Complaint Procedures". Brochures are maintained in the Rockwall Police Department lobby and at Rockwall City Hall. Citizens may also be directed to the departmental website to file a complaint.
- C. Any supervisor who becomes aware of an alleged or suspected violation of the General Order shall report the alleged violation in accordance with General Order 504, Responsibilities in Internal Complaints, Section 504.01, Supervisors Responsibilities.
- D. Complaints of bias based profiling shall be investigated by the Internal Affairs Division, unless otherwise directed by the Chief of Police. A log of all Bias based profiling Complaints will be maintained by the Internal Affairs Division.

412.04 DISCIPLINARY AND CORRECTIVE ACTIONS

- A. Any officer of this department, who is found, after investigation, to have engaged in bias based profiling in violation of the General Order, may be subject to disciplinary action, up to and

including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

412.05 PUBLIC EDUCATION

- A. This department shall provide education to the public concerning the bias based profiling complaint process. The primary method of public education shall be through a brochure, "Bias Based Profiling Complaint Procedures", which are maintained in the lobby of the Rockwall Police Department and at the Rockwall City Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public include local newspapers, news media, service or civic presentations, the Internet, as well as City Council Meetings.
- B. This department shall provide public education relating to our agency's compliment and complaint process, including providing the:
 - 1. Telephone number
 - 2. Mailing address
 - 3. Email address

412.06 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED, ARREST MADE, OR WARNING ISSUED

- A. For each motor vehicle contact in which a citation or warning is issued and/or for each arrest resulting from a motor vehicle contact, an officer involved in the stop shall collect the following information:
 - 1. The physical description of any person operating the motor vehicle who is being detained as well as a result of the stop, including:
 - a. Gender
 - b. Race or Ethnicity (as stated by the person or as determined by the officer to the best of the officer's ability)
 - 2. Race or Ethnicity means the following categories:
 - a. White
 - b. Black
 - c. Hispanic or Latino
 - d. Asian or Pacific Islander
 - e. Alaska Native or American Indian
 - 3. Initial reason for the stop:
 - a. Violation of the law
 - b. Pre-existing knowledge (i.e. warrant)
 - c. Moving Traffic Violation
 - d. Vehicle Traffic Violation (Equipment, Inspection, Registration)
 - 4. If a search was conducted as a result of the stop?
 - a. If so, did the person detained consent to the search?
 - 5. Was contraband or other evidence discovered as a result of the search?
 - 6. Description of the contraband or evidence found?
 - a. Illegal drugs/drug paraphernalia
 - b. Currency
 - c. Weapons
 - d. Alcohol
 - e. Stolen Property

- f. Other
7. Reason for search:
 - a. Consent
 - b. Contraband/Evidence in Plain Sight
 - c. Probable Cause or Reasonable Suspicion
 - d. Inventory Search Performed as a Result of Towing
 - e. Incident to Arrest/Warrant
 8. Information on arrests:
 - a. Did officer make an arrest as a result of the stop or search?
 - b. Reasons for Arrest:
 - i. Violation of Penal Code
 - ii. Violation of Traffic Law
 - iii. Violation of City Ordinance
 - iv. Outstanding Warrant
 9. Street address or approximate location of the stop:
 - a. City Street
 - b. US Highway
 - c. County Road
 - d. Private Property or Other
 10. Verbal or Written Warning or a Ticket or Citation as a result of the stop?
 11. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition"), during the stop;
 - a. The location of the stop, and
 - b. The reason for the stop
- B. The information collected shall be entered in to a database by entering Bias Based Profiling data utilizing the in-car Mobile Data Computer (MDC) or the computers available in the department. All contacts requiring Bias Based Profiling data collection must be entered.
1. In the event the data is unable to be collected electronically, the data will be recorded on temporary forms and entered in the database at a later date.
- C. The Assistant Chief of Police shall ensure all Bias Based Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Rockwall no later than March 1 of the following year. The report must include:
1. A comparative analysis of the information compiled (under Article 2.133):
 - a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
 - c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS).
 2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
 3. Number of searches that were consensual;

4. Number of citations that resulted in custodial arrest; and
 5. Public education efforts concerning the Bias Based Profiling complaint process.
- D. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- E. Bias based profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

412.07 AUDIO AND VIDEO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle contacts shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle contacts shall be equipped with video and audio recording equipment.
- B. Each motor vehicle contact made by an officer of this department capable of being recorded by video and audio, shall be recorded, both on the in car video and issued body worn camera.
- C. Supervisors and officers shall ensure that mobile video camera equipment and/or audio equipment is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. This department shall retain the video and audiotape of each motor vehicle stop. If a complaint is filed with this department alleging that one of our officers has engaged in bias based profiling with respect to a motor vehicle contact, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

412.08 REVIEW OF VIDEO AND AUDIO DOCUMENTATION

- A. The Patrol Lieutenants shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in bias based profiling, the audio/video recording shall be forwarded through the Chain of Command to the Internal Affairs Division. The Internal Affairs Division shall retain the video until final disposition of the complaint has been made.
- C. Supervisors will ensure officers of this department are recording their motor vehicle contacts. A recording of each officer will be reviewed at least once every thirty (30) days.
 1. Written documentation shall include:
 - a. The names of the officers whose contacts were reviewed;
 - b. The date(s) of the videos reviewed;
 - c. The date the actual review was conducted; and
 - d. The name of the person conducting the review.
 2. The Patrol Division Lieutenants shall forward the required documentation to the Internal Affairs Division.
 3. The Internal Affairs Division shall maintain a file of all video review documentation performed, in compliance with this General Order.
- D. In reviewing audio and video recordings, the Patrol Division Lieutenant or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of Bias Based Profiling, which includes multiple acts constituting bias based profiling for which there no reasonable, credible explanation is based on established police and law enforcement procedures.
- E. This agency shall review the data collected to identify any improvements this agency could make in its practices and policies regarding motor vehicle stops.

412.09 TRAINING

- A. Each peace officer employed by the department shall complete the comprehensive education and training program on bias based profiling established by the Texas Commission of Law Enforcement (TCOLE) no later than the second anniversary of the date the officer was licensed, or the date the officer applies for an Intermediate Proficiency Certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCOLE Intermediate Proficiency Certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on bias based profiling not later than September 1, 2003.
- B. The Chief of Police shall, in completing the training required by Section 96.941, Texas Education Code, complete the program on Bias Based Profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

500.00 INTERNAL INVESTIGATIONS AND DISCIPLINARY PROCESS

501.00 PHILOSOPHY OF DISCIPLINE

- A. The Chief of Police is charged with the responsibility and has the authority to maintain discipline within the Department. The policy of the Rockwall Police Department is to provide citizens with a fair and effective avenue of redress with their legitimate grievances against members of this Department. At the same time, members of this Department must be protected from false charges of misconduct or wrongdoing, and must be provided with *due process* safeguards. The Department seeks to maintain its integrity and that of its employees. In doing so, the Department will not hesitate to impose severe disciplinary actions on those found guilty of any violation such as untruthfulness or dishonesty, which is contrary to the ethics of this Department. The Department will remove from employment those individuals who prove to be unfit for their assignment and dismiss unjustified allegations against innocent members of this Department.
- B. All members will comply with City and Department rules, regulations, directives and orders. Employees will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and the property of individuals.
- C. The Rockwall Police Department is committed to providing high quality law enforcement services applied efficiently, fairly, impartially, and with empathy. In doing so, employees are held to the highest standards of official and professional conduct and are expected to respect the rights of all citizens. Employees' voluntary adherence to these standards, motivated by an ethical obligation to perform their job to the best of their ability, is eminently desirable and an ultimate objective to this Department.
- D. If an employee does not adhere to the standards of official conduct, either through deliberate action or negligence, corrective action will be applied in a prompt and certain manner. This corrective action will be applied consistently and fairly to all employees at all times.

502.00 REQUIREMENTS FOR MAKING COMPLAINTS

- A. Personnel complaints will be handled in accordance with the Texas Government Code, Section 614.021 – 614.023.
 - 1. A signed letter of complaint will be sufficient after verifying that it is not a fictitious letter signed with a fictitious name.
 - 2. A signed memo to the Chief from a supervisor, or other employee, who is aware of the facts of an incident will fulfill the requirements for an internally originated complaint.
- B. Complaints will not be accepted more than sixty (60) days after the alleged incident with the following exceptions:
 - 1. The complaint involves a criminal matter in which the statute of limitations will prevail;
 - 2. The complainant can show good cause;
 - 3. The complainant alleges racial profiling from a traffic stop. The Texas Code of Criminal Procedure Art. 2.135 requires law enforcement agencies to retain audio and video recordings for ninety (90) days and longer until the final disposition of any complaint. For that reason, allegations of racial profiling will be accepted up to ninety (90) days following the incident.
- C. Complaint Restrictions
 - 1. Complaints related to differences of opinion over the issuance of a traffic citation will not be investigated;
 - 2. Complaints relative to the difference of opinion over guilt or innocence of a citizen will not be investigated, but will be properly adjudicated within the judicial system;
 - 3. Complaints involving a citizens' misunderstanding of Department Policy, which can be explained and resolved by a supervisor; or
 - 4. Complaints relative to differences of opinion regarding contributing factors listed on an accident report will not be investigated.

1. The Incident Section is intended to capture basic information about the pursuit and conditions.
 2. The Police Personnel Section is intended to capture information about any police officers and/or supervisors actually involved in the pursuit or involved in the management of the pursuit.
 3. The Other Persons Section is intended to capture information about any persons involved in or injured as a result of the pursuit.
 4. The Reporting Officer's Narrative Section is intended to capture narrative details about the decision to initiate the pursuit, continue/discontinue it and how/why it ended or any other narrative information that may be required. It is not necessary to repeat any information that is already in this report or documented in any attached, associated report.
- B. The Supervisor Review:
1. The Supervisor Review is intended to capture additional information about the initiating officer, the officer's assignment, property damage assessment, policy violations, reviewing supervisor's comments and/or conclusions and forward through the chain of command.
 2. The Controlling Supervisor's Narrative (Supervisor on duty) is intended to capture narrative details regarding policy violations, property damage, other agency involvement, Inter-jurisdictional pursuit agreement violation(s), your conclusion, and other pertinent information. The controlling supervisor will forward a copy of the form to the initiating officer's immediate supervisor.
 3. Policy Violations is intended to capture information about alleged policy violations committed by any officer listed on the front of the form.
 4. Chain of Command Review is intended to capture information regarding the chain review of the pursuit and space for reviewing supervisor's comments and/or conclusions. The Intermediate Supervisor is defined as the Division Commander (Patrol Lieutenant), Assistant Chief and the Chief.
- C. Annual Pursuit Report
1. Every calendar year, an annual report will be completed by the Patrol Division Commander documenting the number of incidents requiring a Pursuit Report. This annual report will be completed and forwarded through the chain of command to the Chief of Police no later than the 15th day of February of the following calendar year.
 2. The report will include any identified trends in use of force by agency personnel, as well as identified training or equipment needs, and any recommendations to policy revisions.

308.10 EMERGENCY ESCORTS

- A. An emergency escort is the use of an emergency vehicle to lead other non-emergency vehicles on the roadway. Because of the hazard and liability, this department does not permit emergency escorts. If necessary, an officer may lead a motorist to a destination if that is appropriate and a judicious use of time, but not doing so using emergency equipment. The motorist should be advised that such assistance does not allow violation of any laws.
- B. A supervisor on duty will determine a code response to be utilized for police vehicles while escorting dignitaries or other processions.

309.00 MOBILE VIDEO RECORDING EQUIPMENT

309.01 USE OF EQUIPMENT

- A. Mobile video/audio equipment has proven valuable in the prosecution of traffic violations and related offenses; in evaluation of officer performance; and in training. In order to ensure the most

efficient and effective use of MVR equipment, officers shall follow the procedures set forth in this directive.

309.02 DEFINITIONS:

- A. MVR – Mobile Video/Audio Recording equipment
- B. PVR – Portable Video/Audio Recording equipment

309.03 PROCEDURES

A. Program Objectives

The Rockwall Police Department has adopted the use of in-car video/audio recording systems in order to accomplish several objectives. The objectives include, but are not limited to:

1. The enhancement of officer safety;
2. The enhancement of officer reporting, evidence collection, and court testimony through audio/video documentation of events, actions, conditions, and statements made during arrests and critical incidents;
3. The enhanced ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes;
4. The protection from false claims of impropriety; and
5. For officer evaluation and training.

B. General Statements

1. All patrol vehicles are equipped with MVR systems.
2. The MVR will automatically activate when the vehicle's emergency warning devices are in operation and will remain in operation until the conclusion of the incident. An officer may not deactivate the MVR video during an incident unless approved by a supervisor.
3. The MVR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parades, escorts, etc.
4. Recordings are to be used for official use only and copies must be obtained only through formal channels specified by this directive.

C. Applications

Shall Use To:

1. Record all traffic stops;
2. Record all enforcement actions;
3. Record the actions of suspects during calls for service, interviews, and sobriety checks; and
4. Record family violence/disturbance calls.

May Use To:

1. Document the circumstances at crime and accident scenes or other events such as confiscation and documentation of evidence or contraband; and
2. During other circumstances in which documentation of the suspect's or officer's actions may prove to be useful in court.

D. Officer Responsibilities

1. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle and will be maintained according to manufacturer's recommendation.
2. At the beginning of each shift, officers shall determine whether the MVR equipment is working satisfactorily by doing the following:
 - a. Officers will log into the MVR system using their **name** and password;

- b. Ensure the **body cam** is synced with the MVR system and working properly in order to capture audio;
 - c. Confirm the camera is properly positioned in order to capture incidents; and
 - d. Report any problem to the attention of their immediate supervisor. If another vehicle with a properly functioning MVR is available, the officer will change vehicles.
3. When an enforcement action has been taken, the officer must mark the recording when prompted to do so upon completion of the incident.
- a. On traffic stops, officers will clear the system with Citation or Warning.
 - b. On pursuits, officers will clear the system with Pursuit.
 - c. On arrests, officers will clear the system with Class C or Class B and above.
 - d. For Class B and above arrests, the case number and the defendant's last name must be entered into the system.
 - e. Officers will also note in their offense report narrative and/or supplements whether or not the incident was captured on the MVR and if the incident was not captured, officers will explain the reason for not recording the incident, i.e.; equipment malfunction, distance from recording unit, etc.
 - f. All MVR systems are set up to auto upload the recordings. Officers are responsible for making sure recordings are uploaded by the end of their shift.
 - g. If recordings do not upload properly, the officer will notify the shift supervisor in order to complete a manual upload.
4. Portable Video/Audio Recorders
- a. Motorcycle officers and other assigned officers are issued PVR units that can be worn on their uniform.
 - b. Officers will activate the PVR during the same circumstances as outlined for the MVR systems.
 - c. Officers will download the PVR at the Police Department prior to the end of their shift.

309.04 MANAGEMENT OF RECORDINGS

A. Evidentiary

- 1. Recordings for Class C citations/arrests are maintained for a period of one year.
- 2. Recordings for Class B and above arrests are maintained for a period of two years.
- 3. Recordings of pursuits are maintained for a period of two years.

B. Non-Evidentiary

- 1. Recordings not scheduled for court proceedings or departmental uses shall be maintained for a minimum of a 90 day period.
- 2. Officers may request a copy of a recording for training and/or demonstration purposes. These requests must be forwarded to a patrol lieutenant for approval.

C. Public Information Act Request

- 1. Recordings will be considered subject to Public Information Act requests as any other police record.
- 2. Requests are to be directed to the Records Department.
- 3. The Records Department Supervisor will be responsible for determining to what extent the contents of the recording are to be released.



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For additional questions regarding the information presented in this report, please contact:

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Council Members
FROM: Kristy Teague, City Secretary / Asst. to the City Manager
DATE: March 2, 2023
SUBJECT: Historic Preservation Advisory Board (HPAB) Appointment

Several months ago, Brad Adams resigned from the HPAB. Councilmember Moeller, who is the liaison for that board, would like Council to consider appointing the following applicant to fill this vacancy (see application below). The term associated with the vacant seat runs through this August (2023). If you all are indeed interested in appointing this applicant, since that is only five months away, Council may wish to consider the following:

...appoint Steve Gaskin to fill the vacant seat on the HPAB for an initial term to run through August of 2023 and thereafter to serve a full, two-year term through August of 2025.

Sent: Thursday, February 23, 2023 6:03 PM

 **Boards & Commissions**

NAME & ADDRESS
 Steve Gaskin
 Street Address: 602 Kernodle st
 City: Rockwall
 State: Texas
 Zip Code: 75087

VOTER REGISTRATION
 Registered Voter: Yes
 Voter Registration Number: [REDACTED] 1617

PHONE NUMBER & EMAIL
 Phone: [REDACTED] Email: [REDACTED]

PERSONAL DETAILS
 I've worked in Rockwall for forty years. I owned a historic home in Dallas for twenty years, sold it and bought a historic house in old town Rockwall in 2019. I know quite a lot about trying to preserve old areas. My good friend Michael Amonett was president of The Oak Cliff historic area in Dallas for years. Id

BOARDS & COMMISSIONS OF INTEREST
 Historic Preservation Advisory Board (HPAB)



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mary Smith, City Manager
Joey Boyd, Assistant City Manager

FROM: Travis Sales, Parks, Recreation and Animal Services Director

DATE: March 6, 2023

SUBJECT: 2023 Founders Day Festival

The 2023 City of Rockwall Founders Day will be held at Harry Myers Park on Saturday, May 20th beginning at 1:00pm and concluding around 9:30pm.

This year our main stage entertainment will open with The Bellamy Brothers from 6:00 – 7:30pm, and we finish the evening with our headliner Easton Corbin from 8:00 – 9:30pm. These talented artists are sure to provide high quality entertainment and performances to our Rockwall residents.

In 2014, the City Council amended sec. 30-2, Regulated Activities in Parks which permitted the possession and consumption of alcohol in Harry Myers Park for City-sponsored events as designated by the City Council. Since Founders Day Festival was held on the Square for eight years prior to the 2014 festival, patrons have been permitted to bring their own alcoholic beverages to the festival. When the venue location changed in 2014, the City Council has considered this matter each year as to whether or not to allow alcohol in Myers Park on the day of the festival.

With the 2023 festival just a few weeks away, the City Council has the discretion to designate the event as a City-sponsored event where the possession and consumption of alcohol would be permitted. The designation must be granted annually and expires at the conclusion of the event and can be limited to all or a portion of Harry Myers Park. As with all previous Founders Day Festivals, coordination and planning is already underway with the Rockwall Police Department and the Rockwall Fire Department.

Discuss and consider granting permission for an alcohol waiver associated with the city's May 20, 2023 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Article I, Sec. 30-2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action necessary.



City of Rockwall
The New Horizon

Building Inspections Department Monthly Report

January 2023

Permits

Total Permits Issued:	250
Building Permits:	23
Contractor Permits:	227
Total Commercial Permit Values:	\$5,652,465.55
Building Permits:	\$3,804,500.00
Contractor Permits:	\$1,847,965.55
Total Fees Collected:	\$235,769.45
Building Permits:	\$201,903.60
Contractor Permits:	\$33,865.85

Board of Adjustment

Board of Adjustment Cases: 0

2/7/2023
8:28:51AM

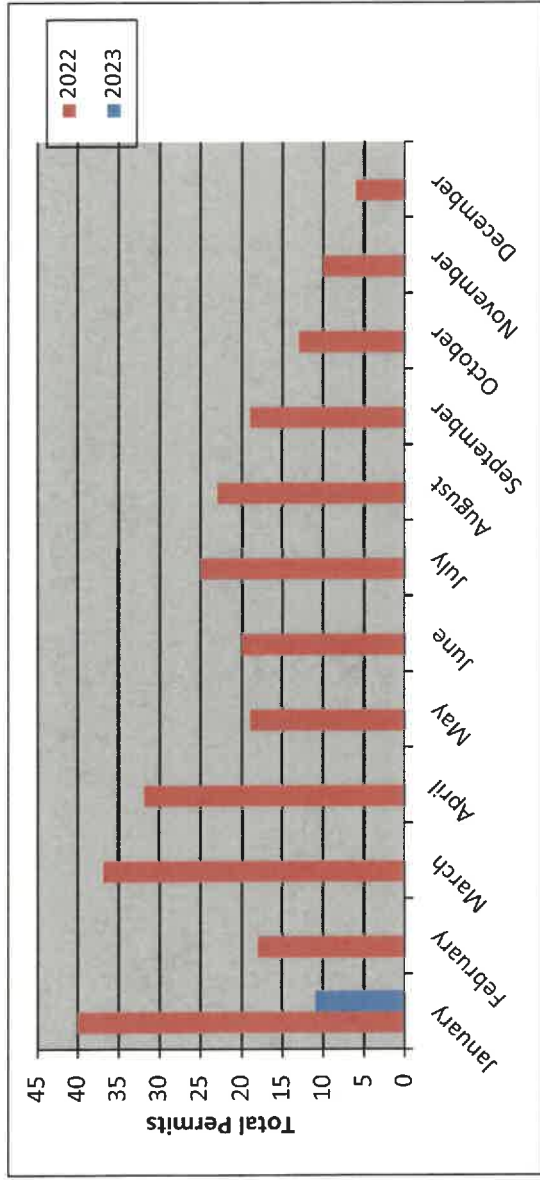
City of Rockwall
PERMITS ISSUED - Summary by Type and Subtype
For the Period 1/1/2023 to 1/31/2023

Type/Subtype	# of Permits Issued	Valuation of Work	Fees Charged
Commercial Building Permit	58	\$5,652,465.55	\$144,528.95
Accessory Building Permit	2	120,000.00	\$1,321.92
Cell Tower Permit	1	7,450.00	\$168.05
Certificate of Occupancy	15	76,801.00	\$1,140.00
Demolition	2		\$101.00
Electrical Permit	5	41,775.00	\$835.43
Irrigation Permit	1		\$76.50
Mechanical Permit	2	15,500.00	\$333.05
New Construction	3	3,684,500.00	\$127,610.23
Plumbing Permit	6	72,995.06	\$1,308.78
Pool	1		\$153.00
Remodel	5	1,394,000.00	\$9,218.99
Roofing Permit	4	208,664.49	\$304.50
Sign Permit	7	30,780.00	\$1,147.50
Temporary Certificate of Occupancy	2		\$606.00
Temporary Construction Trailer	2		\$204.00
Residential Building Permit	192		\$91,240.50
Accessory Building Permit	6		\$576.51
Addition	1		\$562.26
Concrete Permit	4		\$917.18
Deck Permit	1		\$51.00
Demolition	2		\$102.00
Electrical Permit	3		\$280.50
Fence Permit	36		\$1,831.00
Generator	2		\$306.00
Irrigation Permit	27		\$2,058.00
Mechanical Permit	11		\$1,346.50
New Single Family Residential	11		\$71,832.68
Patio Cover/Pergola	4		\$687.00
Plumbing Permit	32		\$2,719.50
Pool	2		\$336.00
Remodel	3		\$738.60
Retaining Wall Permit	4		\$204.00
Roofing Permit	27		\$2,059.50
Saferoom/Storm Shelter Permit	2		\$102.00
Solar Panel Permit	8		\$4,226.27
Window & Door Permit	6		\$304.00
Totals:	250		\$235,769.45

New Residential Permits

Calendar Year

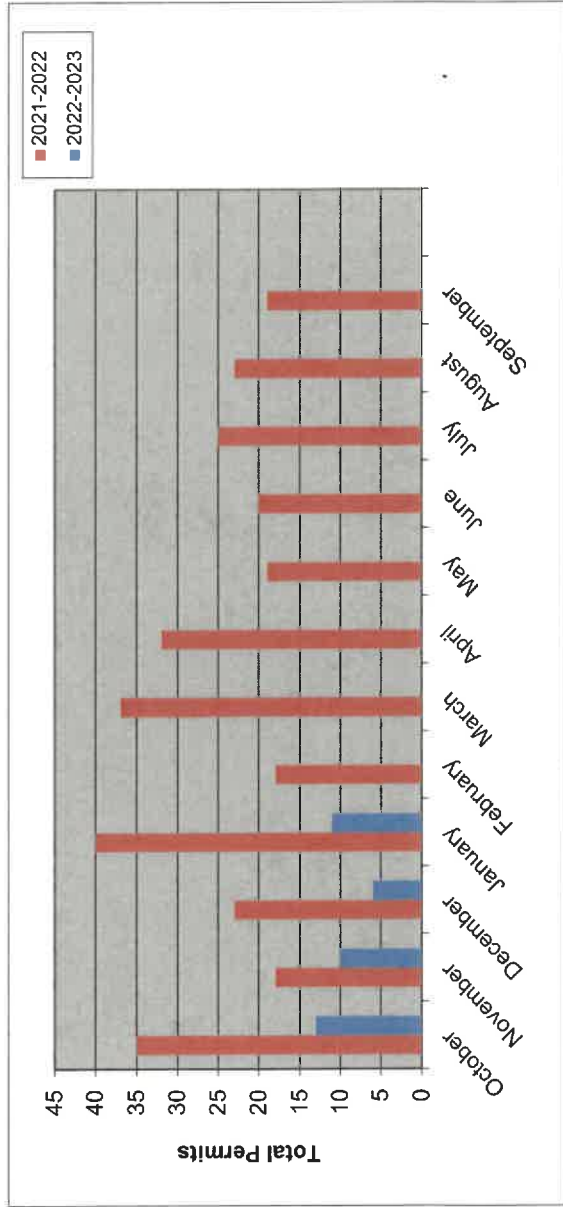
	Year	
	2022	2023
January	40	11
February	18	
March	37	
April	32	
May	19	
June	20	
July	25	
August	23	
September	19	
October	13	
November	10	
December	6	
Totals	262	11



New Residential Permits

Fiscal Year

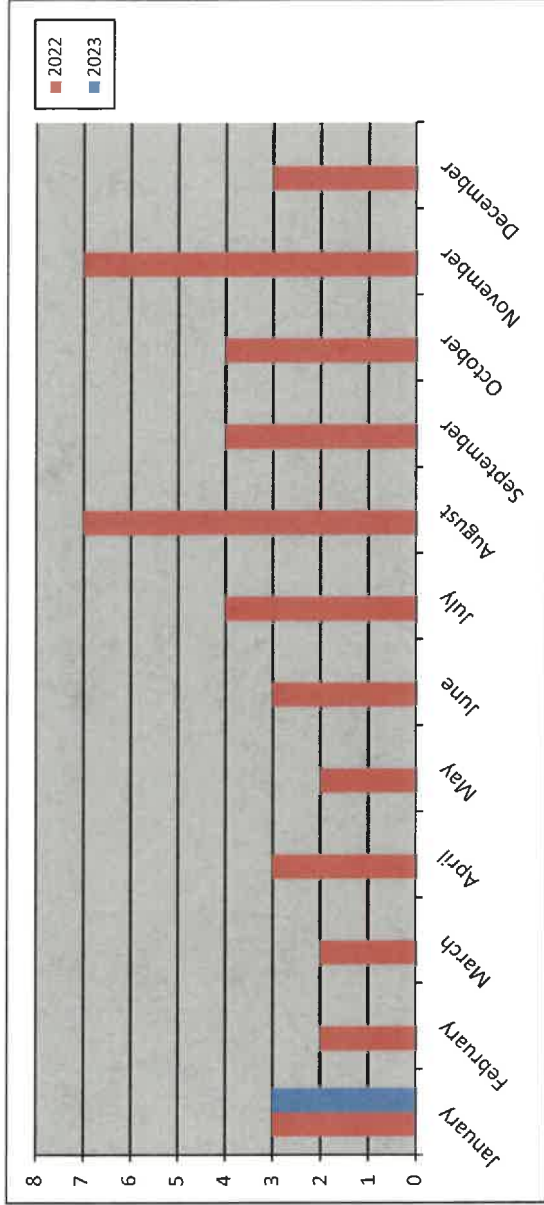
	Year	
	2021-2022	2022-2023
October	35	13
November	18	10
December	23	6
January	40	11
February	18	
March	37	
April	32	
May	19	
June	20	
July	25	
August	23	
September	19	
Totals	309	40



Residential Remodel Permits

Calendar Year

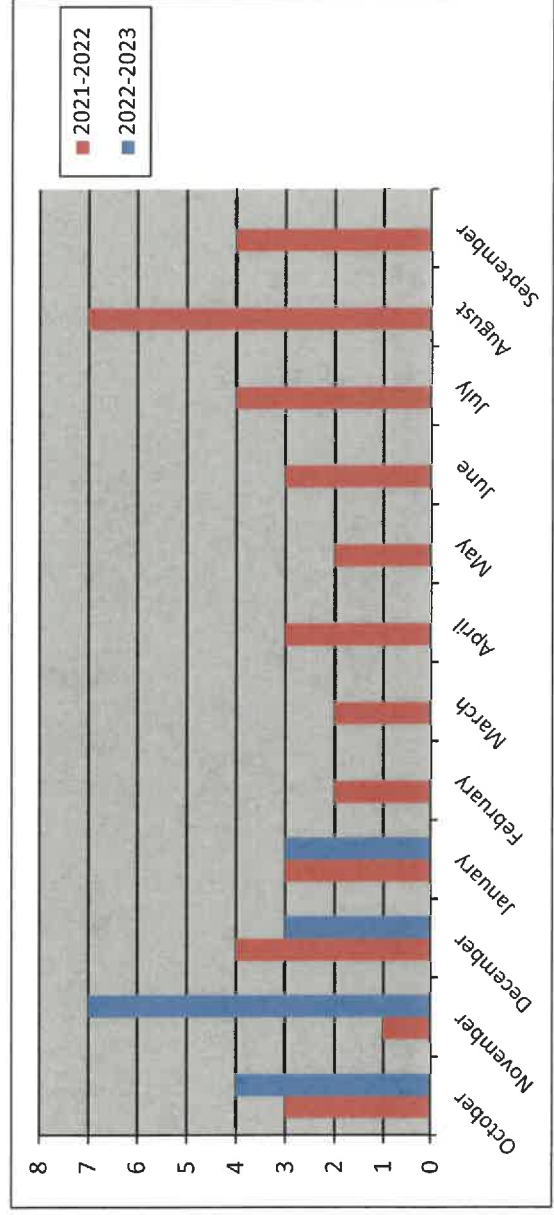
	Year	
	2022	2023
January	3	3
February	2	
March	2	
April	3	
May	2	
June	3	
July	4	
August	7	
September	4	
October	4	
November	7	
December	3	
Totals	44	3



Residential Remodel Permits

Fiscal Year

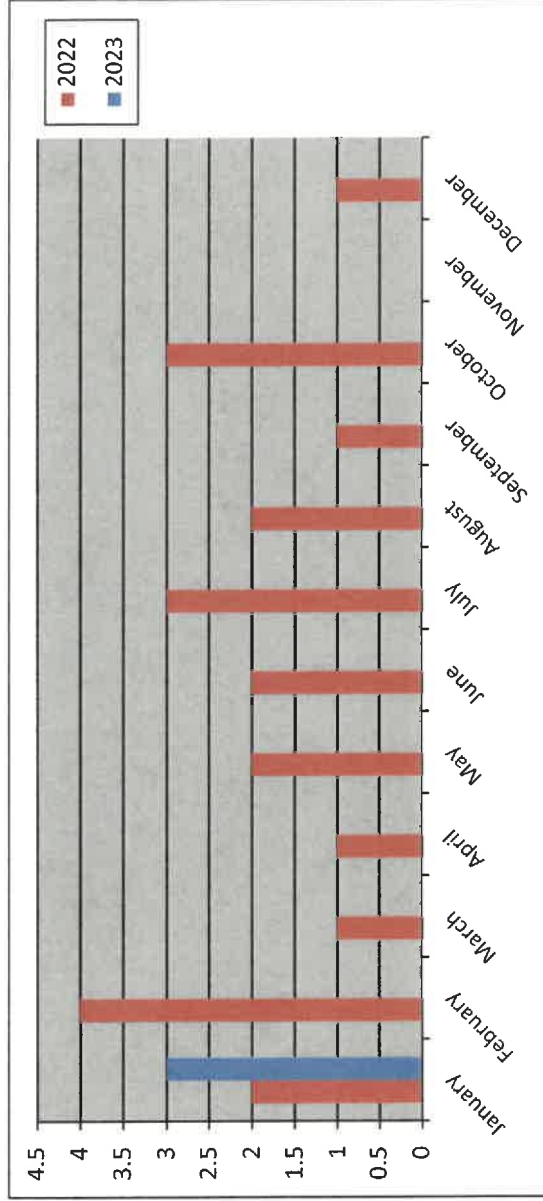
	Year	
	2021-2022	2022-2023
October	3	4
November	1	7
December	4	3
January	3	3
February	2	
March	2	
April	3	
May	2	
June	3	
July	4	
August	7	
September	4	
Totals	38	17



New Commercial Permits

Calendar Year

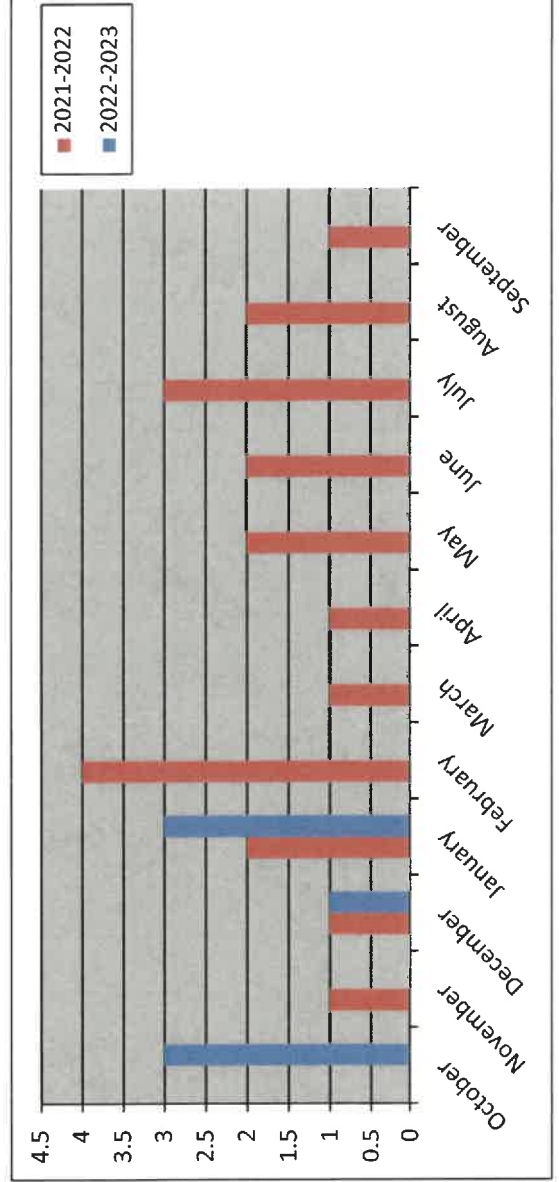
	Year	
	2022	2023
January	2	
February	4	3
March	1	
April	1	
May	2	
June	2	
July	3	
August	2	
September	1	
October	3	
November	0	
December	1	
Totals	22	3



New Commercial Permits

Fiscal Year

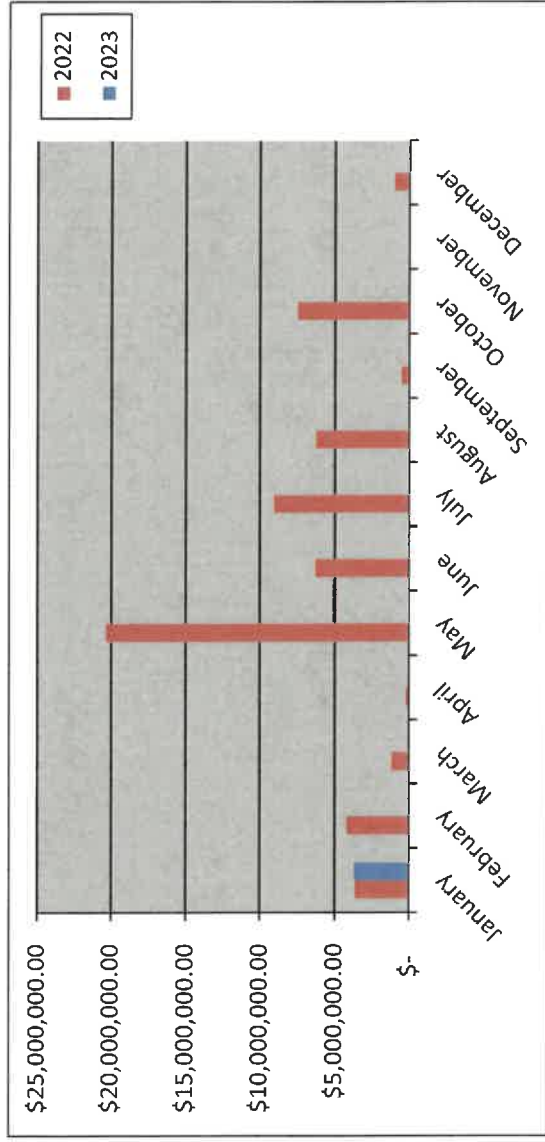
	Year	
	2021-2022	2022-2023
October	0	3
November	1	0
December	1	1
January	2	3
February	4	
March	1	
April	1	
May	2	
June	2	
July	3	
August	2	
September	1	
Totals	20	7



New Commercial Value

Calendar Year

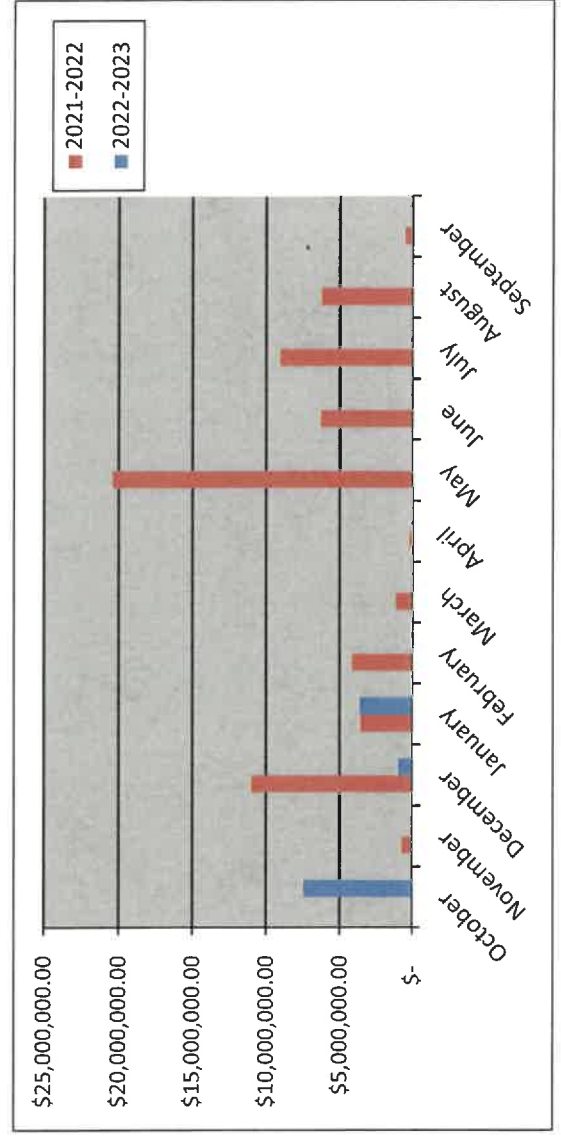
	Year	
	2022	2023
January	\$ 3,625,000.00	\$ 3,684,500.00
February	\$ 4,186,300.00	
March	\$ 1,200,000.00	
April	\$ 250,000.00	
May	\$ 20,400,000.00	
June	\$ 6,300,000.00	
July	\$ 9,075,000.00	
August	\$ 6,244,700.00	
September	\$ 550,000.00	
October	\$ 7,472,450.00	
November	\$ -	
December	\$ 1,000,000.00	
Totals	\$ 60,303,450.00	\$ 3,684,500.00



New Commercial Value

Fiscal Year

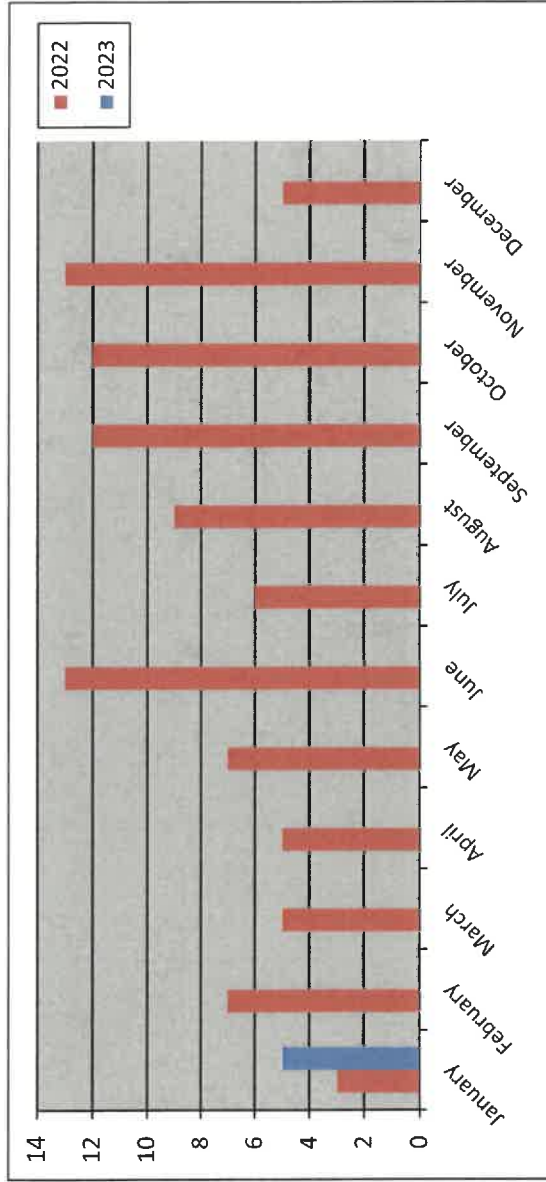
	Year	
	2021-2022	2022-2023
October	\$ -	\$ 7,472,450.00
November	\$ 750,000.00	\$ -
December	\$ 11,000,000.00	\$ 1,000,000.00
January	\$ 3,625,000.00	\$ 3,684,500.00
February	\$ 4,186,300.00	
March	\$ 1,200,000.00	
April	\$ 250,000.00	
May	\$ 20,400,000.00	
June	\$ 6,300,000.00	
July	\$ 9,075,000.00	
August	\$ 6,244,700.00	
September	\$ 550,000.00	
Totals	\$ 63,581,000.00	\$ 12,156,950.00



Commercial Remodel Permits

Calendar Year

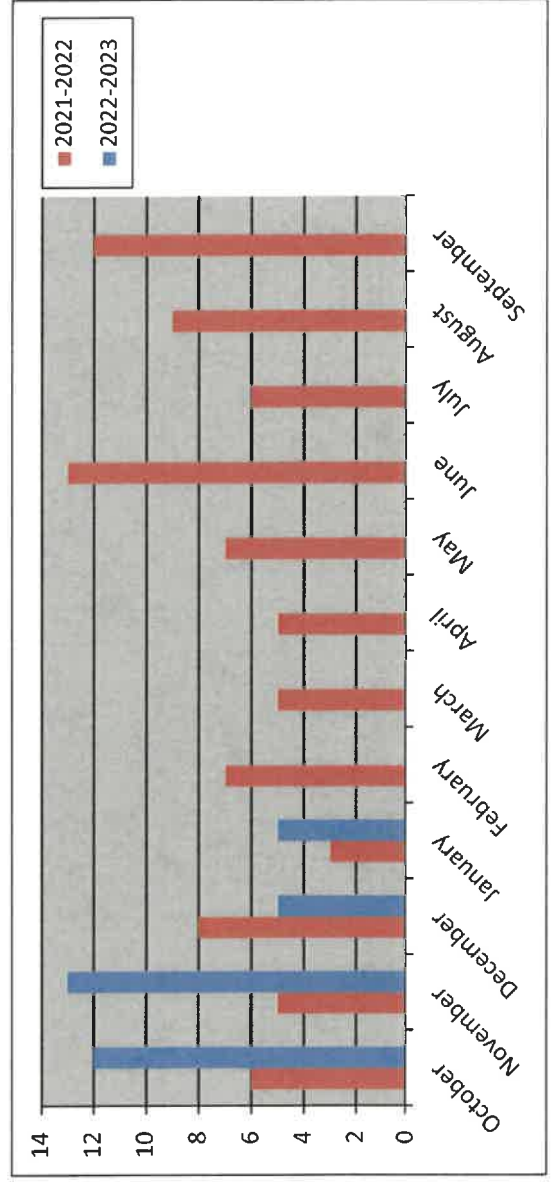
	Year	
	2022	2023
January	3	5
February	7	
March	5	
April	5	
May	7	
June	13	
July	6	
August	9	
September	12	
October	12	
November	13	
December	5	
Totals	97	5



Commercial Remodel Permits

Fiscal Year

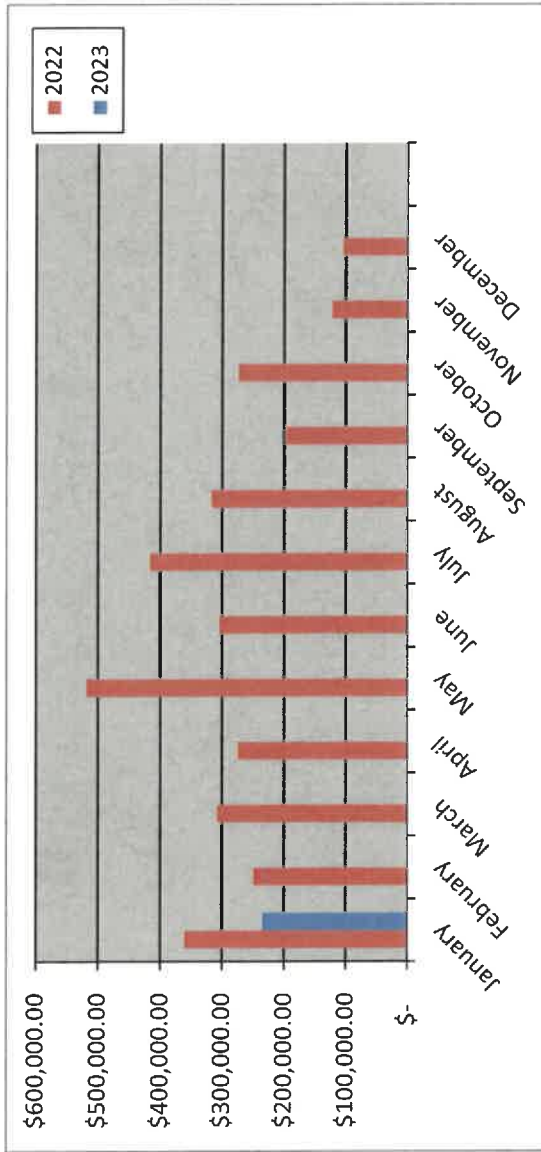
	Year	
	2021-2022	2022-2023
October	6	12
November	5	13
December	8	5
January	3	5
February	7	
March	5	
April	5	
May	7	
June	13	
July	6	
August	9	
September	12	
Totals	86	35



Total Fees Collected

Calendar Year

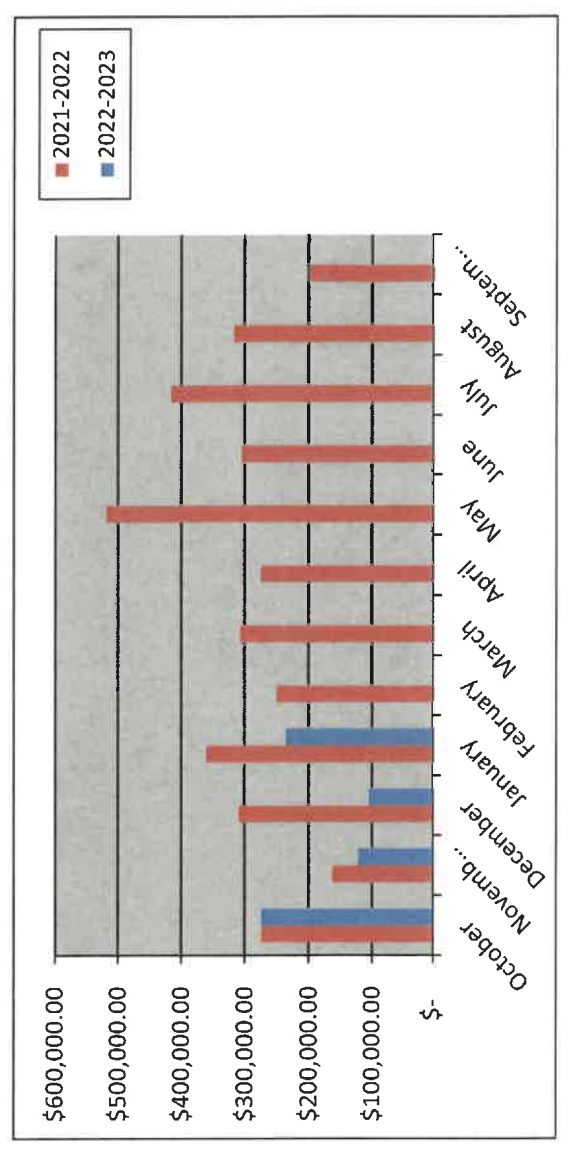
	Year	
	2022	2023
January	\$ 361,270.18	\$ 235,769.45
February	\$ 250,094.89	
March	\$ 307,866.69	
April	\$ 274,768.54	
May	\$ 518,725.96	
June	\$ 304,895.03	
July	\$ 416,616.46	
August	\$ 317,170.14	
September	\$ 197,419.77	
October	\$ 274,314.07	
November	\$ 122,821.42	
December	\$ 105,480.50	
Totals	\$ 3,451,443.65	\$ 235,769.45



Total Fees Collected

Fiscal Year

	Year	
	2021-2022	2022-2023
October	\$ 273,670.22	\$ 274,314.07
November	\$ 163,206.06	\$ 122,821.42
December	\$ 310,002.73	\$ 105,480.50
January	\$ 361,270.18	\$ 235,769.45
February	\$ 250,094.89	
March	\$ 307,866.69	
April	\$ 274,768.54	
May	\$ 518,725.96	
June	\$ 304,895.03	
July	\$ 416,616.46	
August	\$ 317,170.14	
September	\$ 197,419.77	
Totals	\$ 3,695,706.67	\$ 738,385.44



8:30:48AM

CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2023 to 1/31/2023

Permit Number	Permit Type	Site Address	Total Fees		
Application Date	Subtype	Parcel Number	Total SQFT	Fees Paid	
Issue Date	Status of Permit	Subdivision Name	Valuation		
	Business Name	Plan Number			
COM2022-4197	Commercial Building Permit				
07/06/2022	Certificate of Occupancy	301 W KAUFMAN ST,	\$76.50	\$76.50	
01/13/2023	ISSUED	ROCKWALL, TX 75087	2,300.00		
	Rise Academy (Second Location)				
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	Shara Barousse	7106 Liberty Grove Rd	Rowlett	TX	75089
	972-210-6130				
Property Owner	Shara Barousse	7106 Liberty Grove Rd	Rowlett	TX	75089
Contractors					
COM2022-7297	Commercial Building Permit				
11/22/2022	Certificate of Occupancy	3092 HORIZON RD	\$76.50	\$76.50	
01/11/2023	ISSUED		5,551.00		
	Frost Bank				
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	Frost Bank	3092 Horizon Rd	Rockwall	TX	75032
	214-515-4900				
Property Owner	Frost Bank	3092 Horizon Rd	Rockwall	TX	75032
Contractors					
COM2022-7323	Commercial Building Permit				
11/23/2022	Certificate of Occupancy	2135 RIDGE RD, SUITE	\$75.00	\$75.00	
01/20/2023	ISSUED	200, ROCKWALL, TX	2,200.00		
	Scalar Energy Wellness Center	75087			
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	Rick Spletter	2135 Ridge Rd, Suite 200	Rockwall	TX	75087
	214-766-6424				
Property Owner	RIDGE POINTE	102 S. GOLIAD ST., SUITE 200	Rockwall	TX	75087
	PROPERTIES				
Contractors					
COM2022-7664	Commercial Building Permit				
12/14/2022	Certificate of Occupancy	2504 Ridge Rd, S. 106,	\$75.00	\$75.00	
01/09/2023	ISSUED	Rockwall, TX 75087	1,050.00		
	Live in Motion Chiropractic				

8:30:48AM

CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2023 to 1/31/2023

Permit Number Application Date Issue Date	Permit Type Subtype Status of Permit Business Name	Site Address Parcel Number Subdivision Name Plan Number	Valuation	Total Fees Total SQFT	Fees Paid
Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	William Eric Lewis 972-209-0777	2504 Ridge Road, Suite 106	Rockwall	TX 75087	
Property Owner	Moni Brooks	2504 RIDGE RD, SUITE 101	ROCKWALL	TX 75087	

Contractors

COM2022-7699	Commercial Building Permit			\$75.00	\$75.00
12/15/2022	Certificate of Occupancy	811 E YELLOW JACKET LN, 102, ROCKWALL, TX, 75087			
01/30/2023	ISSUED Vio Custom Collections			750.00	

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	Violeta DeRidder 972-670-2218	811 E Yellow Jacket Ln, Ste 102	Rockwall	TX 75087	
Property Owner	David Lowery	811 E. Yellow Jacket Ln.	Rockwall	TX 75087	

Contractors

COM2022-7712	Commercial Building Permit			\$76.50	\$76.50
12/16/2022	Certificate of Occupancy	2235 S GOLIAD ST, S. 110, ROCKWALL, TX 75032			
01/24/2023	ISSUED Texas Health Breeze Urgent Care			3,285.00	

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	Texas Health 817-960-6100	800 W Randal Mill Rd	Arlington	TX 76012	
Property Owner	Cienda Partners	4514 Travis St #326	Dallas	TX 75205	

Contractors

COM2022-7785	Commercial Building Permit			\$76.50	\$76.50
12/21/2022	Certificate of Occupancy	2608 RIDGE RD			
01/26/2023	ISSUED Velvet Taco Rockwall LLC			2,880.00	

8:30:48AM

CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2023 to 1/31/2023

Permit Number	Permit Type	Site Address		Total Fees
Application Date	Subtype	Parcel Number		
Issue Date	Status of Permit	Subdivision Name		
	Business Name	Plan Number	Valuation	Total SQFT
Contact Type	Contact Name Business Phone	Contact Address		Fees Paid
Business Owner	Velvet Taco Holdings 817-312-4792	15140 Dallas Parkway	Dallas TX	75248
Property Owner	Good Cluck LLC	P.O. Box 496539	Garland TX	75049
Applicant	Billy Jolly - Venture Construction			
Inspection Report (David Mueller			
Contact	Jessica Lowrey - Velvet Taco			
Inspection Report (Ron Rexroad, Construction Mgr	Velvet Taco Rockwall		

Contractors

COM2022-7813	Commercial Building Permit			
12/27/2022	Certificate of Occupancy	3045 N GOLIAD ST	\$75.00	\$75.00
01/09/2023	ISSUED		1,200.00	
	La Rose Nails & Spa			

Contact Type	Contact Name Business Phone	Contact Address		
Business Owner	Vivian Lam Tran	3045 N Goalid St	Rockwall TX	75087
Property Owner	Abdul R Khan	3008 Dove Creek Ln	Richardson TX	75082

Contractors

COM2022-7855	Commercial Building Permit			
12/29/2022	Certificate of Occupancy	2640 SUNSET RIDGE	\$76.50	\$76.50
01/26/2023	ISSUED	DR, 100, ROCKWALL, TX, 75032	3,497.00	
	Team Burns, LLC			

Contact Type	Contact Name Business Phone	Contact Address		
Business Owner	Eddie Burns 214-455-8222	2640 Sunset Ridge Dr	Rockwall TX	75032
Property Owner	HH Retail Center, LP	2701 Sunset Ridge Dr	Rockwall TX	75032
Contact	Jill Tatum	2640 Sunset Ridge Dr. Ste 100		

Contractors

8:30:48AM

CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2023 to 1/31/2023

Permit Number	Permit Type	Site Address	Total Fees	
Application Date	Subtype	Parcel Number		
Issue Date	Status of Permit	Subdivision Name	Total SQFT	Fees Paid
	Business Name	Plan Number	Valuation	
COM2022-893	Commercial Building Permit			
02/23/2022	Certificate of Occupancy	2640 SUNSET RIDGE	\$76.50	\$76.50
01/26/2023	ISSUED	DR, BLDG A, ROCKWALL, 75032	17,968.00	
	Harbor Heights Retail (Shell Building)			

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	D.W. Bobst 469-402-1522	2701 Sunset Ridge Dr, S. 608	Rockwall	TX	75032
Property Owner	D.W. Bobst	2701 Sunset Ridge Dr, S. 608	Rockwall	TX	75032
Contractor	Cooper General Contractors	Beth Mills			

Contractors

COM2023-127	Commercial Building Permit			
01/10/2023	Certificate of Occupancy	2010 INDUSTRIAL BLVD,	\$76.50	\$76.50
01/18/2023	ISSUED	604, ROCKWALL, TX, 75087	3,000.00	
	Rockwall Makerspace			

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	Scott Birdsong 214-918-8359	2010 Industrial Blvd, Suite 604	Rockwall	TX	75087
Property Owner	Rockwall Steel Co	PO Box 159	Rockwall	TX	75087

Contractors

COM2023-252	Commercial Building Permit			
01/18/2023	Certificate of Occupancy	105 W WASHINGTON	\$75.00	\$75.00
01/26/2023	ISSUED	ST, 102, ROCKWALL, TX, 75087	1,320.00	
	105 W Washington LLC			

Contact Type	Contact Name Business Phone	Contact Address			
Business Owner	Lorne & Paul Liecty 214-288-2854	105 W Washington St	Rockwall	TX	75087
Property Owner	Lorne & Paul Liecty	105 W Washington St	Rockwall	TX	75087
Applicant	Tommy Brown (GC)				

Contractors

8:30:48AM

CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2023 to 1/31/2023

Permit Number	Permit Type	Site Address		Total Fees	
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Subdivision Name			
	Business Name	Plan Number	Valuation	Total SQFT	Fees Paid
COM2023-259	Commercial Building Permit				
01/18/2023	Temporary Certificate of Occupancy	130 LAKE MEADOWS		\$306.00	\$306.00
01/26/2023	ISSUED	DR		83,542.00	
	DCP Lake Meadows LLC				
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	DCP Lake Meadows LLC 817-236-8100	9901 E Valley	Irving	TX	75063
Property Owner	DCP Lake Meadows LLC	9901 E Valley	Irving	TX	75063
Contractors					
COM2023-359	Commercial Building Permit				
01/24/2023	Certificate of Occupancy	1355 RIDGE RD, 105,		\$76.50	\$76.50
01/30/2023	ISSUED	ROCKWALL, TX, 75087		1,800.00	
	Middle Child Title, LLC dba Harbor Town Title				
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	Sarah Blackburn 469-855-0047	PO Box 162022	Austin	TX	78716
Property Owner	The Commons Rockwall Valerie Jobe	1389 Ridge Rd	Rockwall	TX	75087
Contractors					
COM2023-39	Commercial Building Permit				
01/04/2023	Temporary Certificate of Occupancy	2350 DISCOVERY BLVD		\$300.00	\$300.00
01/20/2023	ISSUED	Bldg 1 (A)		51,747.00	
	The Royalton at Discovery PH2				
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	SWBC RW2, LP 214-924-4156	5949 Sherry Ln	Dallas	TX	75225
Property Owner	Spencer Byington	5949 Sherry Ln	Dallas	TX	75225
Contractors					
COM2023-43	Commercial Building Permit				
01/04/2023	Certificate of Occupancy	1507 AIRPORT RD, S.	\$76,801.00	\$76.50	\$76.50
01/12/2023	ISSUED	150 ROCKWALL, TX, 75087		1,141.00	
	Edward Jones Real Estate				

CERTIFICATES OF OCCUPANCY ISSUED

For the Period 1/1/2023 to 1/31/2023

Permit Number	Permit Type	Site Address		Total Fees	
Application Date	Subtype	Parcel Number			
Issue Date	Status of Permit	Subdivision Name			
	Business Name	Plan Number	Valuation	Total SQFT	Fees Paid
Contact Type	Contact Name	Contact Address			
	Business Phone				
Applicant	Kenneth G McKelroy	1507 Airport Rd, S. 150	Rockwall	TX 75087	
Property Owner	Kenneth G McKelroy	1507 Airport Rd, S. 150	Rockwall	TX 75087	
Inspection Report C	Kenneth G McKelroy		Rockwall	TX 75087	

Contractors

Contact Type	Contact Name	Contact Address			
	Business Phone				
Applicant	Kenneth G McKelroy	1507 Airport Rd, S. 150	Rockwall	TX 75087	
Property Owner	Kenneth G McKelroy	1507 Airport Rd, S. 150	Rockwall	TX 75087	
Inspection Report C	Kenneth G McKelroy		Rockwall	TX 75087	

Contractors

COM2023-46	Commercial Building Permit				
01/04/2023	Certificate of Occupancy	105 S SAN JACINTO ST		\$76.50	\$76.50
01/12/2023	ISSUED			600.00	
	Flying Ryno				

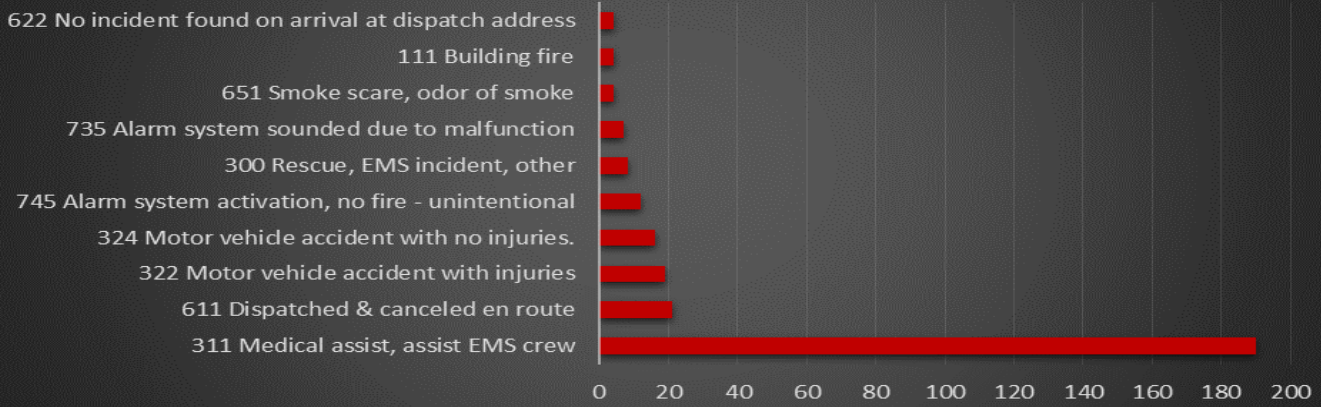
Contact Type	Contact Name	Contact Address			
	Business Phone				
Business Owner	Nicola Ripp 214-676-0493	105 S San Jacinto	Rockwall	TX 75087	
Property Owner	Greg Fox	1412 Main Street	Dallas	TX 75202	

Contractors



January 2023 Monthly
Report

Top 10 NFIRS Call Types



All Calls By NFIRS Call Type



Incident Count

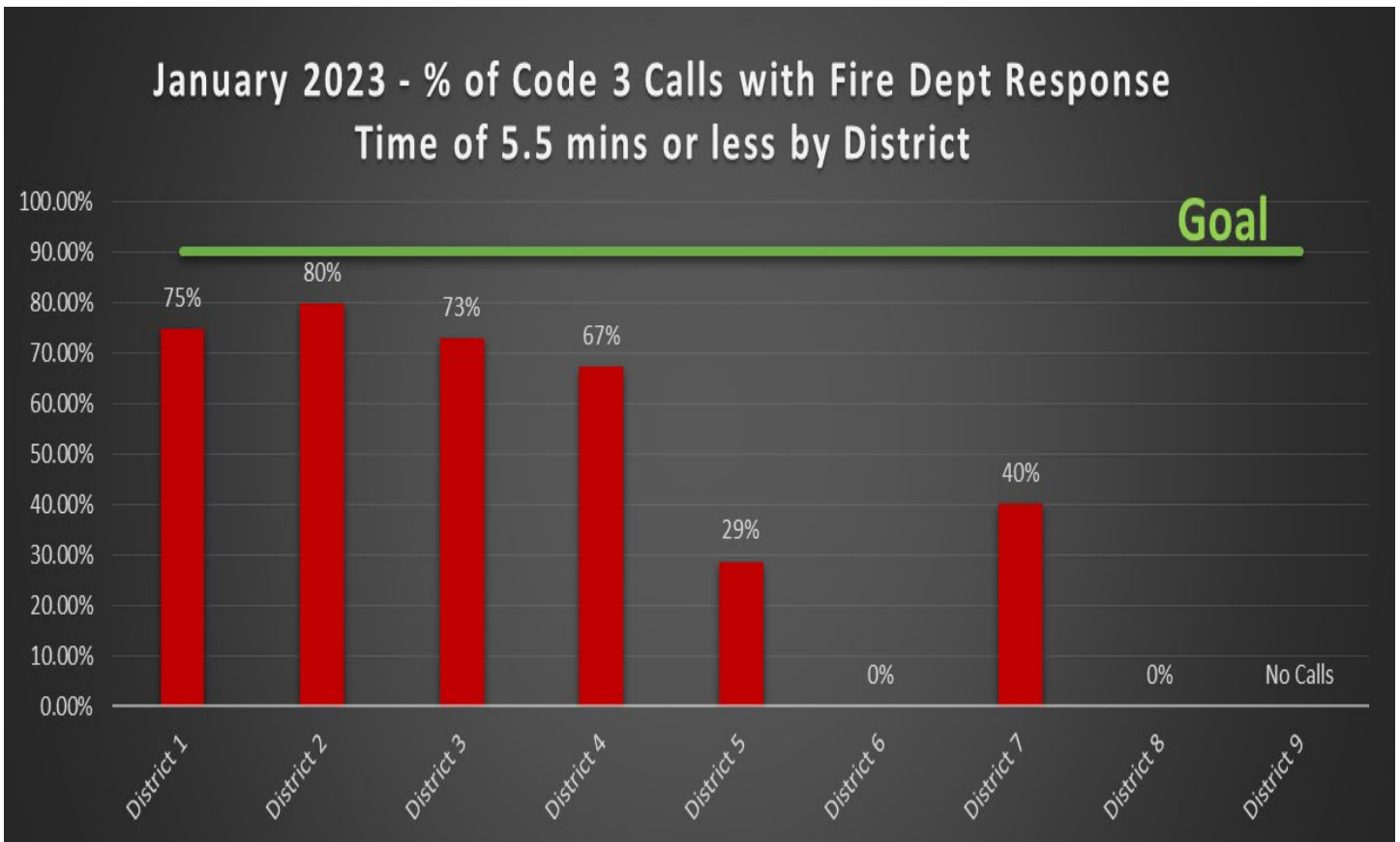
111 Building fire	4
112 Fires in structure other than in a building	1
118 Trash or rubbish fire, contained	1
131 Passenger vehicle fire (cars, pickups, SUV's)	2
134 Water vehicle fire	1
142 Brush or brush-and-grass mixture fire	1
143 Grass fire	1
151 Outside rubbish, trash or waste fire	1
300 Rescue, EMS incident, other	8
311 Medical assist, assist EMS crew	190
322 Motor vehicle accident with injuries	19
324 Motor vehicle accident with no injuries.	16
350 Extrication, rescue, other	1
352 Extrication of victim(s) from vehicle	1
411 Gasoline or other flammable liquid spill	1
412 Gas leak (natural gas or LPG)	3
423 Refrigeration leak	2
440 Electrical wiring/equipment problem, other	1
444 Power line down	1
461 Building or structure weakened or collapsed	1
510 Person in distress, other	1
520 Water problem, other	2
522 Water or steam leak	3
542 Animal rescue	1
550 Public service assistance, other	1
550 Smoke Detector Battery Change/Install	3
551 Assist police or other governmental agency	2
555 Defective elevator, no occupants	1
611 Dispatched & canceled en route	21
622 No incident found on arrival at dispatch address	4
651 Smoke scare, odor of smoke	4
652 Steam, vapor, fog or dust thought to be smoke	1
700 False alarm or false call, other	1
715 Local alarm system, malicious false alarm	1
731 Sprinkler activation due to malfunction	1
734 Heat detector activation due to malfunction	1
735 Alarm system sounded due to malfunction	7
736 CO detector activation due to malfunction	1
741 Sprinkler activation, no fire - unintentional	1
743 Smoke detector activation, no fire - unintentional	3
745 Alarm system activation, no fire - unintentional	12
746 Carbon monoxide detector activation, no CO	1
900 Special type of incident, other	1

Grand Total

330

January 2023 Dispatch to Arrival Analysis

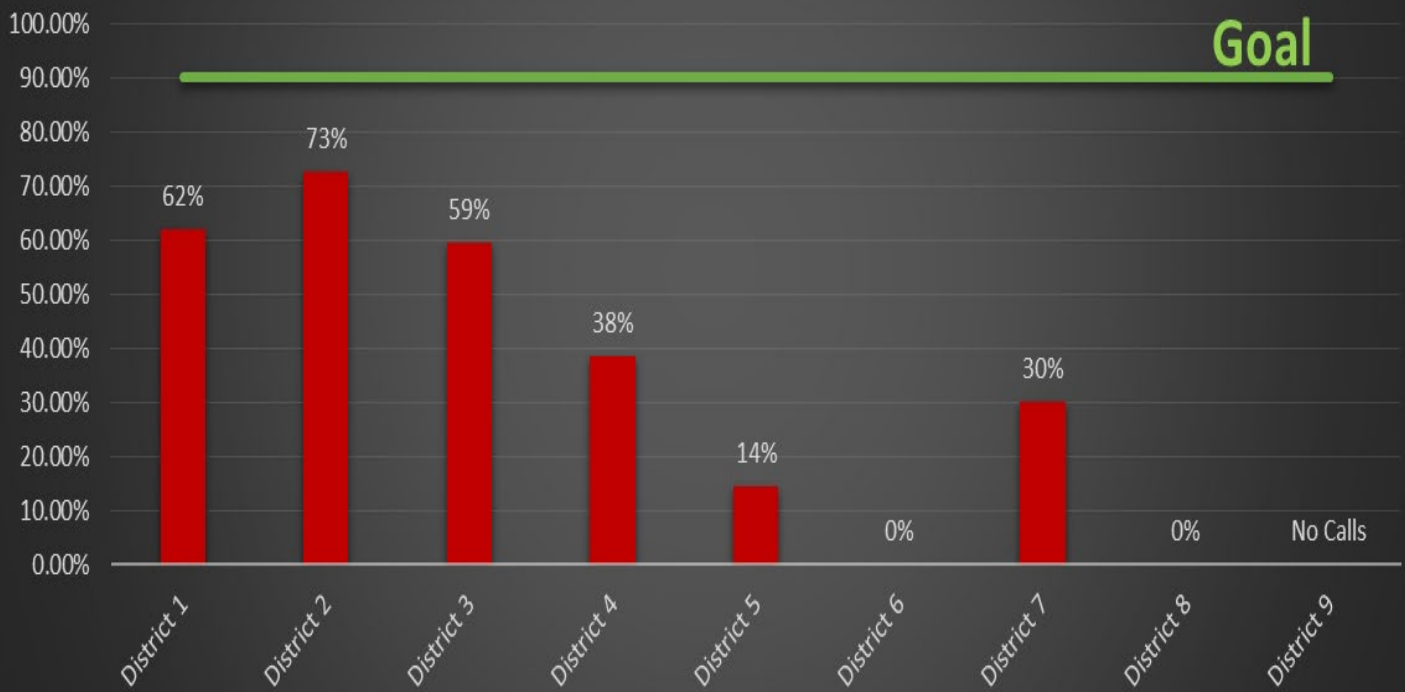
District	Total Number of Calls	Percent of Runs per District	Number of Calls in 5.5 mins or Less	Average FD Response Time Minutes	% in 5.5 min or less	Goal of 90%
District 1	79	29%	59	0:06:18	75%	90%
District 2	84	30%	67	0:04:15	80%	90%
District 3	37	13%	27	0:05:09	73%	90%
District 4	52	19%	35	0:06:00	67%	90%
District 5	7	3%	2	0:06:47	29%	90%
District 6	2	1%	0	0:38:51	0%	90%
District 7	10	4%	4	0:08:11	40%	90%
District 8	5	2%	0	0:07:48	0%	90%
District 9	0	0%	0	0:00:00	No Calls	90%
Department	276	100%	194	0:05:49	70%	90%



January 2023 Travel Times by District

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 4 or Less	Average Travel Time Minutes	% in 4 min or less	Goal of 90%
District 1	79	29%	49	0:05:28	62%	90%
District 2	84	30%	61	0:03:22	73%	90%
District 3	37	13%	22	0:04:15	59%	90%
District 4	52	19%	20	0:05:10	38%	90%
District 5	7	3%	1	0:05:52	14%	90%
District 6	2	1%	0	0:37:45	0%	90%
District 7	10	4%	3	0:07:23	30%	90%
District 8	5	2%	0	0:06:51	0%	90%
District 9	0	0%	0	0:00:00	No Calls	90%
Department	276	100%	156	0:04:57	57%	90%

January 2023 - % of Code 3 Calls with Travel Time of 4 mins or less by District





Total Dollar Losses

January 2023



City of Rockwall
The New Horizon

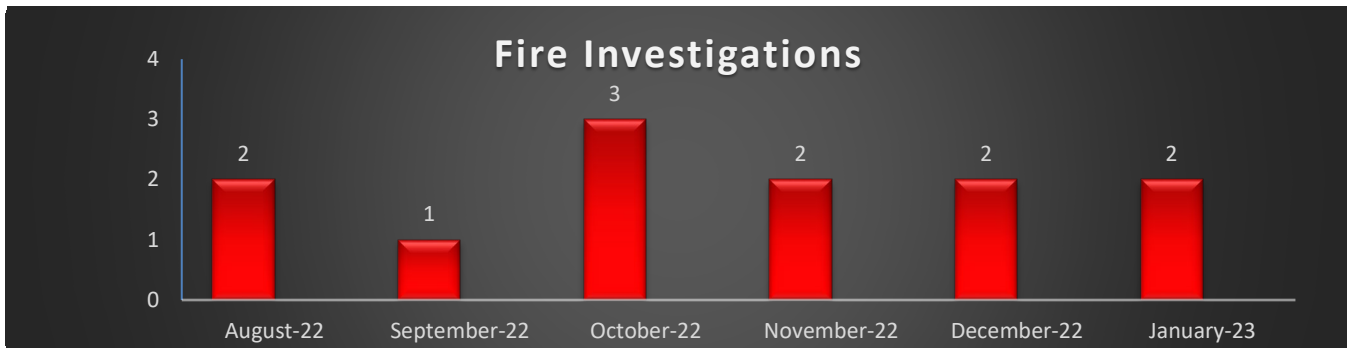
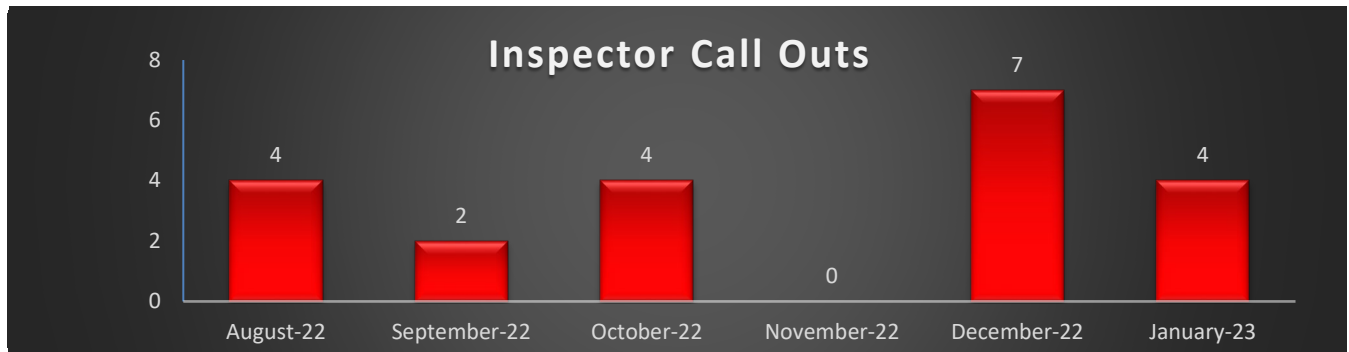
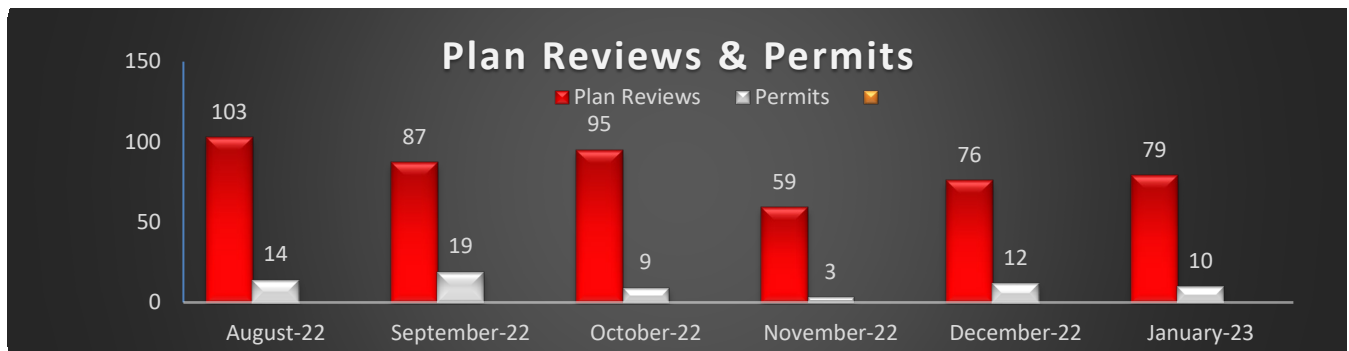
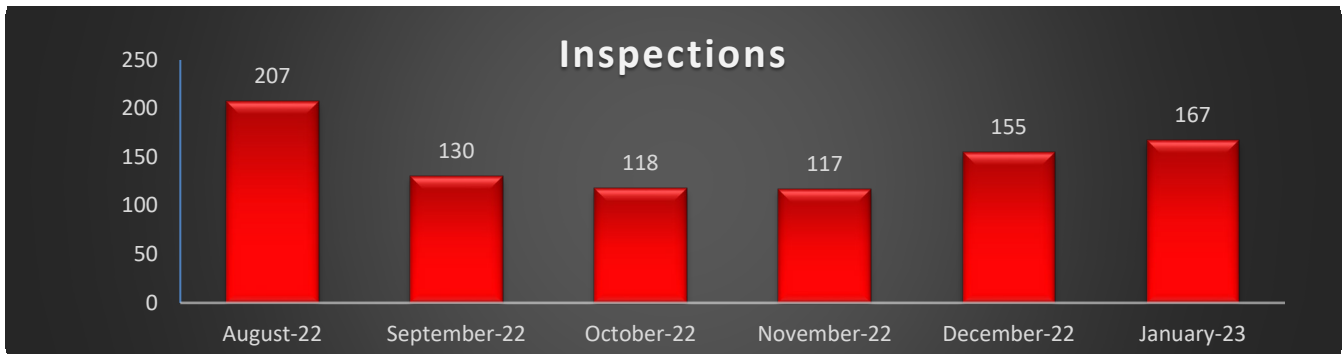
Rockwall Fire Department

Print Date/Time: 02/13/2023 10:57
Login ID: rck\ldgang
Layer: All
Areas: All

ORI Number: TX504
Incident Type: All
Station: All

	Current Month	Last Month	Same Month Last Year	Year To Date	Last Year To Date
Total Property Loss:	\$26,000.00	\$0.00	\$240,300.00	\$26,000.00	\$240,300.00
Total Content Loss:	\$10,100.00	\$0.00	\$100,000.00	\$10,100.00	\$100,000.00
Total Property Pre-Incident Value:	\$10,000,000.00	\$0.00	\$381,550.00	\$10,000,000.00	\$381,550.00
Total Contents Pre-Incident Value	\$2,000,000.00	\$0.00	\$100,000.00	\$2,000,000.00	\$100,000.00
Total Losses:	\$36,100.00	\$0.00	\$340,300.00	\$36,100.00	\$36,100.00
Total Value:	\$12,000,000.00	\$0.00	\$481,550.00	\$12,000,000.00	\$481,550.00

Fire Prevention, Education, & Investigations Division Monthly Report January 2023





Monthly Report January 2023



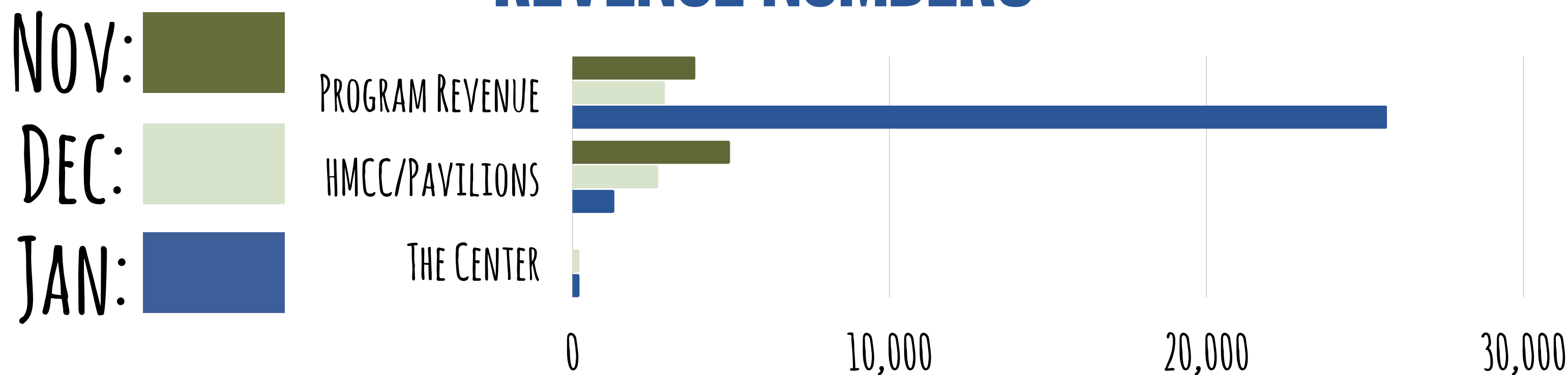
DADDY DAUGHTER DANCE
700 ATTENDEES



SENIOR TRIP - DALLAS
MUSEUM OF ART
10 ATTENDEES



REVENUE NUMBERS



Upcoming:

RBSL Spring Season	Mar. 13 Leon Tuttle Athletic Complex
Little Kickers	Begins March 8 - Harry Myers Park
SNAP Easter Egg Hunt	March 25 - Yellow Jacket Park

PARKS PROJECT UPDATE – JANUARY 2023



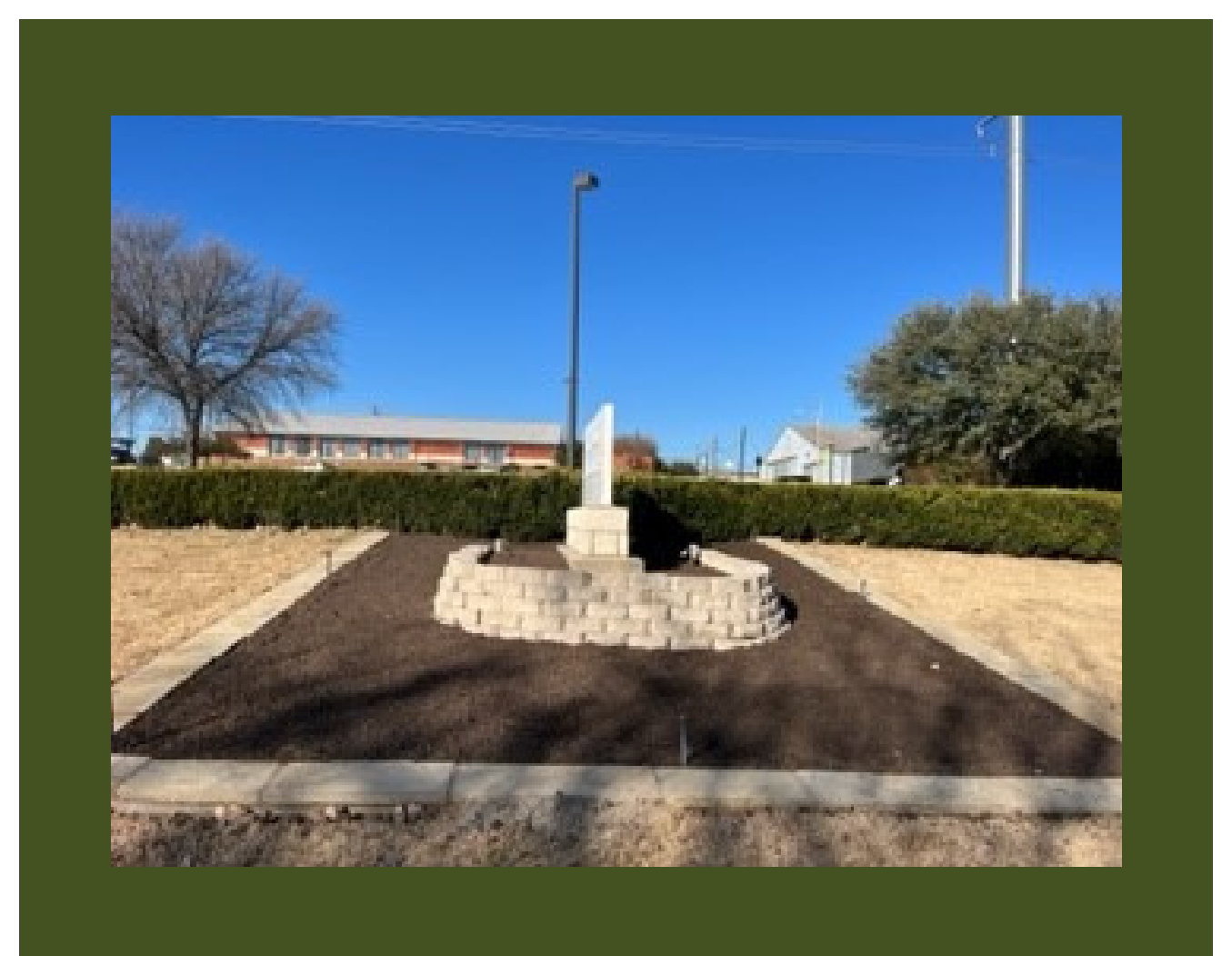
TCEQ HARRY MYERS DAM
MAINTENANCE



HARRY MYERS POOL BUILDING
AWNING REBUILD



THE PARK AT TERRACINA BBQ GRILL
INSTALLATION



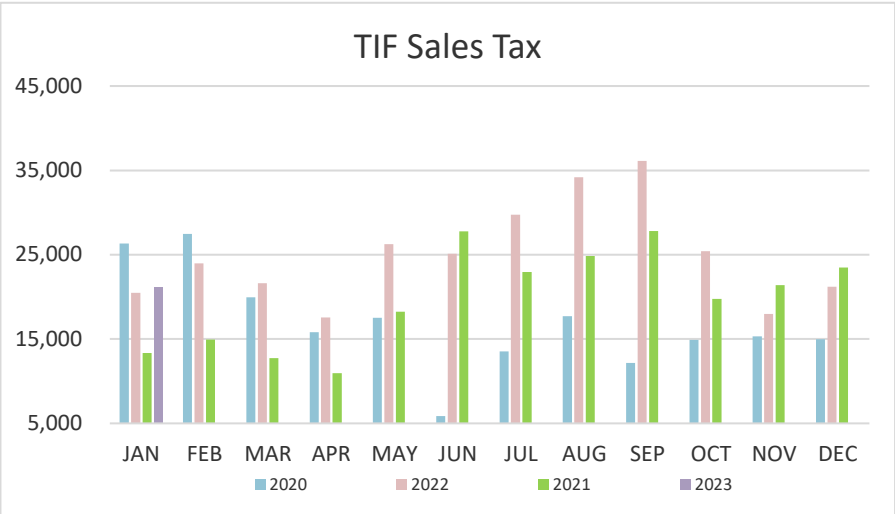
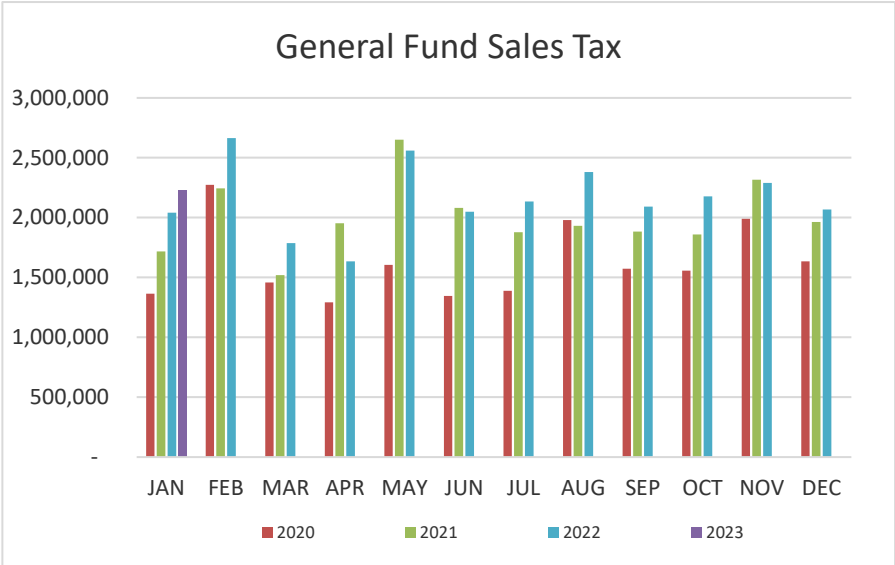
CITY HALL ANNUAL BED RENOVATION

Other Projects

KIDZONE ROTARY BENCH INSTALLATION

Sales Tax Collections - Rolling 36 Months

	<u>General Fund</u> <u>Sales Tax</u>	<u>TIF</u> <u>Sales Tax</u>
Feb-20	2,273,520	27,472
Mar-20	1,458,193	19,955
Apr-20	1,292,639	15,829
May-20	1,605,986	17,538
Jun-20	1,345,598	5,881
Jul-20	1,376,026	13,529
Aug-20	1,979,539	17,706
Sep-20	1,573,352	12,179
Oct-20	1,558,570	14,888
Nov-20	1,989,955	15,299
Dec-20	1,634,280	14,994
Jan-21	1,718,364	13,341
Feb-21	2,244,778	14,935
Mar-21	1,521,031	12,738
Apr-21	1,952,165	10,954
May-21	2,651,412	18,252
Jun-21	2,080,645	27,773
Jul-21	1,877,982	22,940
Aug-21	1,930,521	24,860
Sep-21	1,882,276	27,803
Oct-21	1,860,016	19,744
Nov-21	2,317,862	21,385
Dec-21	1,963,345	23,464
Jan-22	2,040,002	20,495
Feb-22	2,664,185	23,976
Mar-22	1,786,902	21,605
Apr-22	1,633,850	17,548
May-22	2,559,349	26,254
Jun-22	2,050,066	25,127
Jul-22	2,135,457	29,738
Aug-22	2,381,510	34,190
Sep-22	2,092,217	36,105
Oct-22	2,177,040	25,420
Nov-22	2,291,130	17,990
Dec-22	2,068,593	21,213
Jan-23	2,231,654	21,134

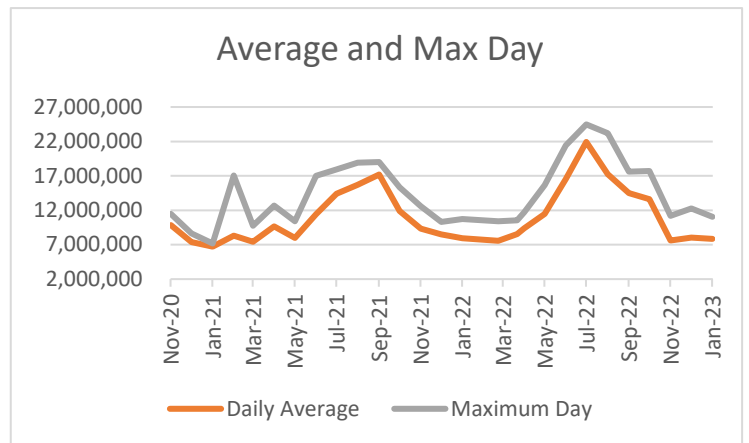
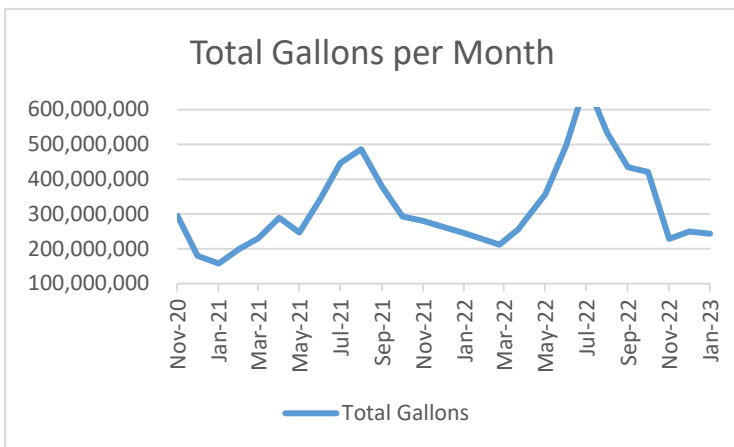


Notes:
 75% of total sales tax collected is deposited to the General Fund each month
 Comptroller tracks sales tax generated in the TIF and reports it monthly
 75% of TIF sales tax (city share) is pledged to the TIF

Monthly Water Consumption - Rolling 27 Months

	<u>Total Gallons</u>	<u>Daily Average</u>	<u>Maximum Day</u>
Nov-20	295,091,494	9,836,383	11,452,738
Dec-20	179,571,968	7,371,629	8,653,526
Jan-21	157,800,928	6,718,182	7,179,987
Feb-21	199,821,312	8,288,901	17,044,360
Mar-21	230,130,315	7,423,560	9,739,996
Apr-21	289,545,756	9,651,525	12,683,656
May-21	247,421,005	7,981,324	10,400,411
Jun-21	342,904,230	11,430,141	16,988,604
Jul-21	446,687,809	14,409,284	17,918,524
Aug-21	486,443,590	15,691,730	18,928,160
Sep-21	377,898,464	17,173,544	19,016,086
Oct-21	293,280,384	11,880,576	15,338,545
Nov-21	280,398,508	9,346,618	12,584,820
Dec-21	262,730,021	8,475,163	10,313,293
Jan-22	245,557,172	7,921,199	10,742,941
Feb-22	211,955,941	7,569,855	10,394,759
Mar-22	256,035,618	8,529,214	10,544,988
Apr-22	281,707,217	9,390,241	11,718,730
May-22	356,050,664	11,485,506	15,634,756
Jun-22	496,374,560	16,545,820	21,414,344
Jul-22	679,705,160	21,925,974	24,474,168
Aug-22	534,145,350	17,230,494	23,206,750
Sep-22	434,247,536	14,474,915	17,617,728
Oct-22	421,229,833	13,588,058	17,692,206
Nov-22	228,795,657	7,626,522	11,187,251
Dec-22	249,341,535	8,043,275	12,260,392
Jan-23	243,528,725	7,855,765	11,040,666

Source: SCADA Monthly Reports generated at the Water Pump Stations



Rockwall Police Department

Monthly Activity Report

January-2023

ACTIVITY	CURRENT MONTH JANUARY	PREVIOUS MONTH DECEMBER	YTD 2023	YTD 2022	YTD % CHANGE
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Homicide / Manslaughter	0	0	0	0	0.00%
Sexual Assault	0	2	0	1	-100.00%
Robbery	1	1	1	3	-66.67%
Aggravated Assault	4	0	4	1	300.00%
Burglary	1	8	1	3	-66.67%
Larceny	51	73	51	57	-10.53%
Motor Vehicle Theft	7	15	7	5	40.00%
TOTAL PART I	64	99	64	70	-8.57%
TOTAL PART II	115	138	115	126	-8.73%
TOTAL OFFENSES	179	237	179	196	-8.67%

ADDITIONAL STATISTICS

FAMILY VIOLENCE	15	7	15	5	200.00%
D.W.I.	8	23	8	11	-27.27%

ARREST

FELONY	26	32	26	21	23.81%
MISDEMEANOR	46	69	46	51	-9.80%
WARRANT ARREST	6	7	6	7	-14.29%
JUVENILE	5	6	5	4	25.00%
TOTAL ARRESTS	83	114	83	83	0.00%

DISPATCH

CALLS FOR SERVICE	2224	2301	2224	1913	16.26%
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ACCIDENTS

INJURY	2	2	2	8	-75.00%
NON-INJURY	71	107	71	72	-1.39%
FATALITY	0	0	0	1	-100.00%
TOTAL	73	109	73	81	-9.88%

FALSE ALARMS

RESIDENT ALARMS	42	60	42	52	-19.23%
BUSINESS ALARMS	131	148	131	160	-18.13%
TOTAL FALSE ALARMS	173	208	173	212	-18.40%
Estimated Lost Hours	114.18	137.28	114.18	139.92	-18.40%
Estimated Cost	\$2,716.10	\$3,265.60	\$2,716.10	\$3,328.40	-18.40%

ROCKWALL NARCOTICS UNIT

Number of Cases	2
Arrests	1
Arrest Warrants	0
Search Warrants	1
Seized	
Cocaine	229 grams
Methamphetamine	54 grams
Heroin	2000 grams
Weapons	2
Money	\$220,000

Rockwall Police Department

Dispatch and Response Times

January 2023

Police Department

	Average Response Time	
Priority 1		Number of Calls 172
Call to Dispatch	0:01:33	
Call to Arrival	0:05:55	
% over 7 minutes	21%	
Priority 2		Number of Calls 932
Call to Dispatch	0:07:21	
Call to Arrival	0:14:27	
% over 7 minutes	17%	
Priority 3		Number of Calls 59
Call to Dispatch	0:01:54	
Call to Arrival	0:08:33	
% over 7 minutes	41%	

Average dispatch response time goals are as follows:

Priority 1: 1 Minute

Priority 2: 1 Minute, 30 Seconds

Priority 3: 3 Minutes