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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
**Monday, June 15, 2015**  
**4:00 p.m. Regular City Council Meeting**  
**City Hall, 385 S. Goliad, Rockwall, Texas 75087**

**I. CALL PUBLIC MEETING TO ORDER**

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

**II. WORK SESSION**

1. Hold a work session to discuss Rockwall County Thoroughfare Planning update and the status of SH 205 Planning and take any action necessary.

Mayor Pruitt called forth Public Works Director, Tim Tumulty, to hear an update from him regarding this item. Mr. Tumulty stated that the Rockwall County Road Consortium has been updating the master thoroughfare plan and handed out copies of their draft update to council. Mr. Tumulty explained that he and City Manager Rick Crowley have a meeting the following day after the meeting with Rockwall County and their consultants, Innovative Transportation Solutions, Inc. (ITS), to discuss suggestions from the city. He went on to explain some of the concerns and suggestions that would be proposed so that their thoroughfare plan matches what the city's currently shows.

Staff reviewed the document and proposed some changes to the plan. The section of FM 3097 from Tubbs Road to FM 549 was left as a two lane roadway and should match the four lane divided road shown from FM 740 to Tubbs Road. The section of FM 3097 from IH 30 to FM 740 needs to reflect a four lane undivided as it is today. FM 549 from SH 276 to FM 3097 shows it to be a six lane divided thoroughfare. There is a question regarding if it needs to be a six lane or four lane road from SH 205 to FM 3097. FM 3549 shows to be a four lane divided road from IH 30 to the north city limits line. John King Boulevard is shown as a six lane thoroughfare. FM 552 from SH 205 to our east city limits has been reduced from a six lane divided roadway to a four lane divided roadway. SH 66 from John King Boulevard to our east city limits line has been reduced from a six lane divided thoroughfare to a four lane divided roadway. This map also shows SH 205 from downtown Rockwall to John King Boulevard reduced to a four lane divided roadway. SH 276 from SH 205 to our east City limits line remains a six lane divided thoroughfare.

Councilmember David White stated that the one project he is most concerned about is the north 205 project and felt that the city has made it clear what they would like to see. General discussion and statements from City Manager Rick Crowley took place, and there was no further action concerning this work session discussion item.

48                   2. Hold work session to discuss IH-30 ramp addition (near Ridge Road) and other  
49                   roadway improvements, and take any action necessary.

50 **City Manager Rick Crowley gave brief background information on this work session item**  
51 **and explained that the I-30 ramp near Ridge Road is an onramp that would occur prior to**  
52 **Horizon Drive. He thinks that it's a project that has previous funding authorization from**  
53 **the city. Mr. Crowley stated that there are concerns about the cost of the engineering of**  
54 **the project and that the city will be looking at more cost effective alternatives.**

55 **The other project associated with this agenda item is primarily Rochelle Road. Council**  
56 **has communicated with several residents of the City of Fate and the City of Rockwall, as**  
57 **well as the school district. Mr. Crowley went on to say that the road is in poor condition**  
58 **and that he estimates the improvements would be around \$400K dollars. He indicated**  
59 **that this amount happens to be the amount that the county would be able to help with**  
60 **and that if the council will consider the funds from the county, the project could move**  
61 **forward.**

62 **Mr. Crowley went on to say that a couple of things to keep in mind are that the proposed**  
63 **amount would not result in the ultimate road improvements being made for that stretch**  
64 **of Rochelle Rd., but it would improve it enough to make it a safer road for the residents**  
65 **and the school district. The project could be promising if the City of Fate would agree to**  
66 **do their portion of the road and Rockwall do their own with the help of the county**  
67 **funding. Hehe stated he would like to get council feedback on their thoughts.**

68 **Councilmember David White explained that he felt none of the projects on Rochelle Rd.**  
69 **would benefit the citizens of the City of Rockwall, and he would rather spend the money**  
70 **on a city project in the city limits. He went on to state that eventually future developers**  
71 **would improve the road.**

72 **Councilmember Hohenshelt asked if the \$400K being proposed would only get the road**  
73 **to a base function. Mr. Tumulty answered the question by giving council the various**  
74 **improvements that would take place such as cement and asphalt, explaining these would**  
75 **not accommodate heavy trucks. Mr. Crowley added that the City of Fate is planning to**  
76 **budget for their cost in the upcoming budget year.**

77 **Councilmember Milder indicated that he was in support of partnering with other agencies**  
78 **for a mutual benefit.**

79 **Councilmember Townsend asked if a future developer came through, would the**  
80 **improvements made to the road with the \$400K dollars have to be redeveloped. City**  
81 **Engineer Tim Tumulty indicated that they would more than likely tear out the road and re-**  
82 **develop it at that point. Councilmember Townsend went on to express that he would hate**  
83 **for the city to pay the money for a temporary road, only to see it get torn out later for**  
84 **future development.**

85 **Councilmember Hohenshelt made a motion to direct staff to pursue discussion with the**  
86 **county and City of Fate regarding the usage of \$400K of funds on Rochelle Rd. with the**  
87 **contingency that if the land east of Rochelle Rd. is purchased that those funds would not**  
88 **be spent. Councilmember Townsend seconded the motion, which passed by a vote of 5**  
89 **in favor with 1 against (White).**

90

91                   3. Hold work session with the Parks & Recreation Advisory Board to discuss and  
92                   consider Parks and Recreation Business Plan Strategic Initiatives, and take any  
93                   action necessary.

94 Mayor Pruitt called forth Parks and Recreation Board President, Brad Bassett, to hear a  
95 presentation concerning this item.

96 Mr. Bassett started by introducing Park Board members present - Bob Lewis, Larry  
97 Denny, and Ray Harton. He then went on to state that the strategic initiatives proposed  
98 were unanimously approved by the board, and he went on with the presentation.

99 Councilmember Townsend and Milder expressed ideas of developing the city's website  
100 in the future and possibly having a full-time, in house marketing staff person to further  
101 the development of these projects. City Manager Rick Crowley indicated that nothing like  
102 that has been budgeted as of right now, this would be open to suggestions at a later date.

103 Councilmember Townsend made a motion to approve the strategic direction of the Parks  
104 & Recreation board as presented. Councilmember White seconded the motion. The  
105 motion passed unanimously of council present (Lewis absent).

106 Councilmember Townsend made another motion to direct staff to purchase the proposed  
107 software with a budget amendment. Councilmember Milder seconded the motion. The  
108 motion passed unanimously of council present.

109 Following Work Session item #3, the city council recessed into Executive Session.  
110 Mayor Pruitt read the following discussion items into the public record for discussion.  
111 The public meeting was recessed at 5:04 p.m.

112

113 **III. EXECUTIVE SESSION**

114

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

118 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex  
119 RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)

120 2. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071  
121 (Consultation with Attorney)

122 3. Discussion regarding purchase or lease of real property / land acquisition in the vicinity  
123 of the downtown area for municipal purposes pursuant to Section § 551.072 (Real  
124 Property).

125 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall  
126 pursuant to Section 551.071 (Consultation with Attorney).

127 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs. City of Rockwall,  
128 Texas pursuant to Section 551.071 (Consultation with Attorney).

129 6. Discussion regarding possible development-related legal claim in the vicinity of Bourne  
130 Street pursuant to Section 551.071 (Consultation with Attorney)

131 7. Discussion regarding appointment of city council subcommittees and board liaisons  
132 pursuant to Section, §551.074 (Personnel Matters).

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134 **IV. ADJOURN EXECUTIVE SESSION**

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136 Executive Session adjourned at 5:57 p.m.

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**V. RECONVENE PUBLIC MEETING**

**Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all councilmembers present with the exception of Mayor Pro-Tem Lewis, who was absent.**

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

**No action was taken as a result of Executive Session.**

**VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

**Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

**VIII. OPEN FORUM**

**Mayor Pruitt explained how this portion of the meeting is conducted and asked if anyone would like to come forth and speak during this time.**

**Forrest Fenwick  
2715 Promenade Harbor  
Rockwall, TX 75087**

**Ms. Fenwick brought materials to pass out to council regarding takeline maintenance and concerns. Ms. Fenwick went on to state that she has general concerns that shortly after the homes that were built in 2004, the City of Rockwall began maintenance of a small meadow area including mowing. Over the years the mowing has been kept up, but the maintenance of the area under the trees has not been done. Beyond that, she has more concerns about snakes in that area. She went on to ask that these areas continue to be kept up to avoid this problem. She then thanked council for their time to hear her concerns.**

**Charles Miller  
821 Zion Hill Circle  
Rockwall, TX 75087**

**Mr. Miller came forth to express concerns about the pot holes on the 549/Hwy 30 access road. City Manager Rick Crowley clarified that those areas are state roadways. Mr. Miller then urged the city to suggest to the appropriate authorities that the problem be fixed. Mayor Jim Pruitt thanked Mr. Miller for his comments and mentioned that a city staff member would be following up with him the next day regarding these concerns.**

**IX. CONSENT AGENDA**

- 1. Consider approval of the minutes from the June 1, 2015 regular city council meeting, and take any action necessary.**
- 2. P2015-022 - Consider a request by Mike Whittle on behalf of Rockwall Rental Properties, LP for the approval of a replat for Lot 11 & 12, Block 2, Alliance Addition, Phase 2 being a 1.420-acre parcel of land currently identified as Lots 1 & 10, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District**

189 57 (PD-57) for Commercial (C) District land uses, addressed as 6505 &  
190 6525 FM-3097, and take any action necessary.

191 **Councilmember White made a motion to approve all Consent Agenda items (#1 and 2).**  
192 **Councilmember Milder seconded the motion. The motion passed unanimously of council**  
193 **present (Lewis absent).**

194  
195 **X. APPOINTMENTS**

- 196  
197 1. Appointment with the Planning and Zoning Chairman to discuss and  
198 answer any questions regarding cases on the agenda and related issues  
199 and take any action necessary.

200 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the**  
201 **city council on recommendations of the Commission relative to items on tonight's city**  
202 **council meeting agenda. The council took no action concerning this agenda item.**

- 203 2. Appointment with Mr. Jack Youngkin to hear about the "International  
204 Campaign for Compassionate Cities" and to discuss and consider  
205 approval of a resolution affirming the "Charter for Compassion," and take  
206 any action necessary.

207 **Mayor Jim Pruitt first noted that this item has nothing to do with Section 8 housing in any**  
208 **way. He then called Jack Youngkin forward to hear a presentation regarding this item.**  
209 **Mr. Youngkin started by introducing his colleague, Dr. Charles Barker, who is also a**  
210 **board member of the Richardson Interfaith Alliance. Mr. Youngkin then proceeded with a**  
211 **presentation regarding the program. Dr. Barker then came forward to give a brief**  
212 **background of the proposed charter and adoption of the initiative.**

213 **Councilmember Townsend expressed concerns regarding what the city's role would be**  
214 **and thinks that we can change an atmosphere, and city and people's hearts and minds,**  
215 **but that we don't necessarily need government to do it. He believes that government will**  
216 **change when people change and added that he would like to see actions come from the**  
217 **citizens out in the community itself.**

218 **No formal action was taken on this item.**

- 219 3. Appointments to hear concerns related to city ordinance regulations  
220 contained in Chapter 6, Article VI, Sec. 6-162(b) (regarding the prohibition  
221 of owning or keeping chickens, ducks, turkeys, geese, peacocks, or  
222 guinea hens within the corporate limits of the city except in agricultural  
223 zoned districts), and take any action necessary.

224 a) Paul and Leah Freese,

225 **943 Lexington Drive, Rockwall, TX**

226 **Mayor Jim Pruitt called upon Mr. & Mrs. Freese to hear their concerns on this item. Mrs.**  
227 **Freese gave a short presentation in favor of amending the current city ordinance to allow**  
228 **for chickens in the city limits.**

229 b) Mike Dean,

230 **947 Lexington Drive, Rockwall, TX**

231 **Mr. Dean came forward in opposition of any change to the ordinance.**

232

233 c) Brent Polunsky,  
234 955 Lexington Drive, Rockwall, TX  
235 Mr. Polunsky came forward as the Turtle Cove HOA President in opposition of allowing  
236 any changes to the current ordinance prohibiting chickens.  
237 d) Sharon Worthy – Ms. Worthy was not able to attend the meeting.  
238 e) Ben Weible,  
239 215 Trout Street, Rockwall, TX  
240 Mr. Weible came forward in support of possibly changing the current ordinance,  
241 expressing that this particular issue should be taken to the Turtle Cove HOA.  
242 Thomas Gaili – Came forward in opposition of changing the ordinance.  
243 645 Stafford Circle  
244 Rockwall, TX 75087  
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246 Gina Celii – Came forward in opposition of changing the ordinance.  
247 667 Turtle Cove Blvd.  
248 Rockwall, TX 75087  
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250 Candace Jefcoat – Came forward in opposition of changing the ordinance.  
251 3115 Lakeside Drive  
252 Rockwall, TX 75087  
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254 Roman Linane – Came forward in support of changing the ordinance.  
255 919 Lexington Drive  
256 Rockwall, TX 75087  
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258 Nathan Sellers – Came forward in support of changing the ordinance.  
259 4053 Bass Rd.  
260 Rockwall, TX 75032  
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262 Neil Welborn – Came forward in opposition of changing the ordinance.  
263 810 Lake Meadows Circle  
264 Rockwall, TX 75087  
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266 Jay Bedford – Came forward in opposition of changing the ordinance.  
267 301 N. Alamo  
268 Rockwall, TX 75087  
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270 Bree McClusky – Came forward in support of changing the ordinance.  
271 4053 Bass Rd.  
272 Rockwall, TX 75032  
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274 Heather Canun – Came forward in support of changing the ordinance.  
275 784 Berrymore Drive  
276 Rockwall, TX 75087  
277  
278 Councilmember White expressed that he would be in favor of a possible change.  
279

280 Councilmembers Milder and Mayor Pruitt expressed that they have concerns regarding  
281 what sized lot would be allowed to have chickens if the ordinance is changed.

282  
283 Councilmember Hohenshelt asked City Attorney, Frank Garza, a question regarding if the  
284 HOA already had a regulation prohibiting chickens, and the city changed it, could the  
285 HOA still prohibit them. Mr. Garza informed council that the HOA could indeed still  
286 prohibit chickens in their subdivision.

287  
288 General discussion took place, and no action was taken.  
289

290 4. Appointment with Chris Johnson to discuss changes to the Unified  
291 Development Code that would allow the operation of a Portable Beverage  
292 or Food Service Facility under a Specific Use Permit, and take any action  
293 necessary.

294 Indication was given that Councilmember Milder would be recusing himself from this  
295 item.

296 Mayor Pruitt called Mr. Johnson forth to speak on this item. Mr. Johnson generally  
297 expressed that he would like to request a variance to be able to operate a food truck  
298 longer than 150 days at 803 N. Goliad Street, which is Councilmember Milder's lot. He  
299 explained that Councilmember Milder has granted him permission for use of this  
300 property. He went further to explain that the menu and type of food being served hasn't  
301 been decided on yet. He would also like to partner with the Rockwall High School  
302 Culinary program to give some of the students an opportunity to work in this venue and  
303 that they would be giving a portion of profits to the RHS Culinary Program. He gave  
304 examples of what the trailer would look like and expressed that there would be paving,  
305 tables and umbrellas for seating as well as some possible outdoor games such as  
306 horseshoes.

307 Planning and Zoning Director, Robert LaCroix, explained that if the item comes back at  
308 direction of council, there would be an ordinance change, and the SUP chart would also  
309 change.

310 Councilmember White made a motion to send the item back to modify the UDC for the  
311 operation of a portable food facility, with the exception of the requested timeframe with  
312 the stipulation that the timeframe could be extended if needed. Councilmember  
313 Townsend seconded the motion. The motion passed by a vote of 4 ayes, 1 against  
314 (Pruitt), 1 abstention (Milder) and 1 absent (Lewis).

315 5. Appointment with representative(s) of Core Adventure Sports to discuss  
316 and consider entering into a contract with the City for the purpose of  
317 providing Stand-up Paddle Board services within the take line lease area  
318 at The Harbor and the SH 66 Public Boat Ramp, and take any action  
319 necessary.

320 Mayor Pruitt called forth Dean People and Stephanie Olsen to speak on this item. Mr.  
321 People gave a brief update on his company and its vision.

322 Mayor Pruitt expressed general concern about the area at the SH 66 Boat Ramp because  
323 he feels that ramp is not a park and is specifically used as a boat ramp only.

324 Councilmember Milder stated that he would be in favor of this activity being offered to  
325 citizens but shares Mayor Pruitt's thought that it should not be allowed at the SH 66 Boat  
326 Ramp.

327 Councilmember Milder made a motion to enter into a contract with Core Adventure  
328 Sports for the purpose of providing Stand-up Paddle Board services in the takeline lease  
329 area at The Harbor. Councilmember White seconded the motion, which passed  
330 unanimously of council (Lewis absent).

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**XI. PUBLIC HEARING ITEMS**

334 1. **Z2015-017** - Hold a public hearing to discuss and consider a request by  
335 Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the  
336 owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of  
337 an **ordinance** for a Specific Use Permit for Commercial  
338 Amusement/Recreation (Outside) to allow a baseball training facility to be  
339 constructed on a six (6) acre tract of land identified as Tract 4-07 of the  
340 N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County,  
341 Texas, zoned Commercial (C) District, situated within the SH-205 By-  
342 Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side  
343 of Airport Road west of the intersection of Airport Road and John King  
344 Boulevard, and take any action necessary [**1st Reading**].

345 Planning Director Robert LaCroix gave a brief history of this item and provided a site  
346 plan to council. He stated that the complex is intended for select team training. One of  
347 the concerns expressed is related to the lighting at the complex. The applicant did  
348 indicate they would use a max height of 50 feet on the light poles. They have also made  
349 arrangements to get their FFA clearance.

350 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and  
351 speak.

352 Kenneth Smith  
353 3888 N. SH 205  
354 Rockwall, TX

355 Kenneth Smith came forth to speak on this item and explained his vision for this facility.  
356 He indicated it would be a two story building with a workout area, arcade, concession  
357 stand and pro shop. He further explained that it would include a turf field.

358 Following public comment, Councilmember Townsend made a motion to approve the  
359 SUP for Commercial Amusement/Recreation for a baseball training facility.  
360 Councilmember White seconded the motion, which passed unanimously of council  
361 (Lewis absent). The ordinance was read as follows:

ORDINANCE NO. 15-18  
SPECIFIC USE PERMIT NO. S-138

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN 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.



379 2. **Z2015-018** - Hold a public hearing to discuss and consider a request by  
380 Herman Douglas Utlely for the approval of an **ordinance** for a zoning  
381 change from a Single Family Estate 2.0 (SFE-2.0) District to a Single  
382 Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land  
383 identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of  
384 Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-  
385 2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District,  
386 addressed as 1815 E. Old Quail Run Road, and take any action  
387 necessary. **[1st Reading]**

388 **Planning Director Robert LaCroix gave a brief history on this item. He indicated that**  
389 **notices went out to adjacent property owners, but none have been received back.**

390 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**  
391 **speak. Seeing no one, he closed the public hearing.**

392 **Councilmember Townsend made a motion to approve Z2015-018. Councilmember Milder**  
393 **seconded the motion, which passed unanimously of council. The ordinance was read as**  
394 **follows:**

395 CITY OF ROCKWALL  
396 ORDINANCE NO. 15-19  
397

398 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
399 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
400 AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
401 CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A  
402 SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND  
403 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF  
404 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN  
405 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
406 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
407 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
408 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
409

410 **XII. ACTION ITEMS**

- 411
- 412 1. MIS2015-002 - Discuss and consider a request by David Smith of the  
413 Rockwall Housing Development Corporation for the approval of a special  
414 exception to allow a manufactured home for the purpose of providing  
415 emergency housing on a 0.27-acre parcel of land identified as Lot 984A  
416 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County,  
417 Texas, addressed as 112 Chris Drive, and to consider a city initiated  
418 request for the approval of a special exception to allow for manufactured  
419 homes for the purpose of providing emergency housing on other lots  
420 currently owned by the City of Rockwall, zoned Planned Development  
421 District 75 (PD-75) [Ordinance No. 09-37], located within the Lake  
422 Rockwall Estates Subdivision, and take any action necessary.

423 **City Manager Rick Crowley gave council a brief update on the status of the homes in the**  
424 **Lake Rockwall Estates area that recently flooded. He explained that, of the four residents**  
425 **that receive funding, one other property owner owns several lots but has not come to**  
426 **terms with if he is able to move back into the home. He is getting help from Helping**  
427 **Hands. Other homeowners have stated that they do not have a desire to return to their**  
428 **homes.**

429 Fire Chief Mark Poindexter stated that the water had subsided a great deal, but it is still  
430 too deep, so the road remains closed at this time. There is potential for more flooding in  
431 the coming days with the future weather forecast.

432 The applicant, David Smith of RHDC, came forward to speak on this item and update  
433 council on the condition of the current homes. He stated that there are still two  
434 homeowners that are displaced and understand their homes were located in a flood  
435 plain. They are currently living at the Super 8 Motel short-term. Mr. Smith asked council  
436 to authorize the City Manager's office to send the designated organization a letter so that  
437 the families can be placed in better homes.

438 Mayor Pruitt asked what would happen to the trailer homes, if approved, after they are no  
439 longer needed.

440 City Manager Rick Crowley stated that he believed the city could find a spot on city land  
441 to park them after they are no longer being used as well as find a spot for them to go  
442 when the families move in.

443 Mr. Smith explained that the private corporation has a financing period that will take 60-  
444 90 days along with a planning period and a construction phase. FEMA also has the  
445 stipulation that the trailers be owned for at least 18 months by the municipality.

446 Councilmember Townsend made a motion to approve MIS2015-002 and give staff  
447 direction to send a letter to ask for the assistance. Councilmember White seconded the  
448 motion, which passed unanimously of council.

449 2. P2015-021 - Discuss and consider a request by Jay Bedford of A. J.  
450 Bedford Group, Inc. on behalf of the owners G. Kent and Kay Loy Smith  
451 for the approval of a final plat for Lots 1-4, Block A, Breezy Hill Estates  
452 being a 7.873-acre tract of land identified as Lots 10-13, Breezy Hill  
453 (Unrecorded), Rockwall County, Texas, situated within the City of  
454 Rockwall's Extraterritorial Jurisdiction (ETJ), located on property currently  
455 addressed as 575 Breezy Hill Lane, and take any action necessary.

456 Planning Director Robert LaCroix gave a brief update on this item. He explained that the  
457 tract is located on Breezy Hill and is in the city's ETJ. The applicant would like to sell  
458 these tracts of land. Two tracts of land would have street frontage access but do not  
459 have street front drives. He stated that the Planning & Zoning Commission approved this  
460 item.

461 Mr. A.J. Bedford, 301 N. Alamo Drive, Rockwall, came forth to address council and give a  
462 brief update on their intentions with said properties.

463 Councilmember Townsend made a motion to approve P2015-021. Councilmember Milder  
464 seconded the motion. It passed unanimously of council present (Lewis absent).

465 3. Z2015-014 - Discuss and consider approval of an ordinance for a  
466 request by Cole Franklin of the Skorburg Company on behalf of the owner  
467 of the Lonnie Gideon Estate for a zoning change from an Agricultural  
468 (AG) District to a Planned Development District for Single Family 10 (SF-  
469 10) District land uses, on a 29.192-acre tract of land identified as a  
470 portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of  
471 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,  
472 situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District,  
473 located at the northeast corner of the intersection of E. Quail Run Road  
474 and John King Boulevard, and take any action necessary. (1st Reading)

475 Mayor Jim Pruitt called representatives forth to deliver a presentation they would like to  
476 give.

477 Cole Franklin with the Skorburg Company came forward to address council and briefly  
478 updated council on the intentions for the requested zoning change. He stated that they  
479 do not meet the 20% open space requirement, but the proposal does have alternatives  
480 included, such as a small park and a swimming pool/amenities center. He explained the  
481 benefits of what's being proposed.

482 Mayor Jim Pruitt called forth two citizens wishing to address council on this item.

483 John Yingling & Lynelle Yingling  
484 570 E. Quail Run Rd  
485 Rockwall, TX 75087

486 Mr. and Mrs. Yingling generally expressed concerns with allowing variances and urged  
487 the council to please follow the guidelines for the current comprehensive plan as it  
488 relates to open space.

489 Mayor Pruitt asked Mr. LaCroix what the comprehensive plan calls for in this area. Mr.  
490 LaCroix explained that in 2007, they took those policies and tried to work them into the  
491 code, and council had the ability to take various factors into consideration. It was  
492 ultimately decided that the area would call for a mixed use of lots and specificity density.

493 Nick Grant  
494 1569 E. Quail Run Rd.  
495 Rockwall, TX 75087

496 Mr. Grant asked that council not approve this item for failure to meet the guidelines of  
497 the current comprehensive plan.

498 Mike Larriviere  
499 1425 E. Quail Run  
500 Rockwall, TX 75087

501 Mr. Larriviere stated that he is in opposition of this item.

502 Councilmember White made a motion to approve Z2015-014 to include a playground  
503 area. Councilmember Hohenshelt seconded the motion, which passed with 5 ayes, 1 nay  
504 (Townsend), and 1 absent (Lewis).

505 The ordinance was read as follows:

506 CITY OF ROCKWALL  
507 ORDINANCE NO. 15-XX  
508

509 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
510 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
511 AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL  
512 (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-77) FOR SINGLE FAMILY 10  
513 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE TRACT  
514 OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY,  
515 ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY  
516 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
517 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
518 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
519 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
520

521 4. Discuss and consider approval of an ordinance adding Sections 26-290  
522 to 260-297 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and  
523 Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of

524 the Municipal Code of Ordinances to authorize the operation of golf carts  
525 within the city limits, and take any action necessary. **(1st reading)**

526 **Mayor Pruitt called forth citizens wishing to address council on this item.**

527  
528 **Jim Smith & Shirley Smith**  
529 **609 Amherst**  
530 **Rockwall, TX**

531 **Mr. & Mrs. Smith came forth to address council on proposed revisions to the ordinance.**  
532 **They gave extensive recommendations as specified in an email sent to council in**  
533 **advance of the meeting**

534 **Councilmember Fowler felt that having an ordinance with regulations would be too**  
535 **restrictive. Councilmember Milder felt that there should be some regulations related to**  
536 **drivers of golf carts needing to have a valid driver's license.**

537 **Councilmember White asked Assistant Chief Riggs if the police department gets very**  
538 **many complaints about reckless driving and younger drivers on golf carts. Chief Riggs**  
539 **indicated that there may be a few calls a year, but they are more specifically about**  
540 **younger drivers in general, not necessarily that they are driving recklessly.**

541 **Mayor Pruitt made a motion to table this item for work session discussion before it**  
542 **comes back for an action item and vote. Councilmember Townsend seconded the**  
543 **motion, which passed by a vote of 5 ayes, 1 nay (White) and 1 absent (Lewis).**

544 **5. Discuss and consider update related to an erosion control project located**  
545 **near 2065 Lake Forest Drive, and take any action necessary.**

546 **City Engineer Tim Tumulty gave a brief update and background information on this item,**  
547 **explaining that erosion is slowly moving toward this home and toward the retaining wall**  
548 **near the back part of this property. He indicated that the city is ready to put out an open**  
549 **bid on this project on July 9<sup>th</sup>. Once bids are returned, staff would look for a direction**  
550 **from council to move forward. He added that the estimated cost of the project would be**  
551 **around \$200K.**

552 **Councilmember Hohenshelt asked if the resident, Mr. Carol, would be willing to allow**  
553 **access. Mr. Tumulty stated that access through the resident's property would not be**  
554 **possible. No formal action was taken.**

555 **6. Discuss and consider the provisions of Chapter 12. Businesses & Sales,**  
556 **Article XII. Ambulance Service of the Code of Ordinances, and take any**  
557 **action necessary.**

558 **Mayor Jim Pruitt explained the he doesn't think he and Mayor Pro Tem Lewis are ready to**  
559 **make a recommendation, and since Lewis is absent tonight, he would like to update**  
560 **council in two weeks.**

561 **Councilmember White made a motion to table this item until the next regular council**  
562 **meeting. Councilmember Townsend seconded, which passed unanimously of council.**

563 **7. Discuss and consider survey results and options related to the city's solid**  
564 **waste collection contract, and take any action necessary.**

565 **Assistant City Manager Mary Smith gave a brief update and background information on**  
566 **this item and further expressed that the current vendor, Allied Waste Management, would**  
567 **need to be notified by July 3<sup>rd</sup> regarding the city's intentions are concerning the contract.**

568 Mr. Rick Bernas of Allied Waste Management stated he would like the opportunity to sit  
569 down with the city to negotiate another 5 year extension.

570  
571 Dick Demien, Progressive Waste  
572 1240 Coastal Drive  
573 Rockwall, TX

574 Mr. Demien generally explained that he is a competitor of Allied Waste Management and  
575 services several other cities in the area. He would like the opportunity to bid for this  
576 contract.

577 Councilmember Milder stated that he feels that the council owes it to the citizens in  
578 Rockwall to go out for an RFP to see what the options are.

579 Mayor Jim Pruitt made a motion to send the letter to Allied to allow for the possibility of  
580 an RFP and give them 45 days to talk with staff and come up with a proposal before  
581 deciding if the city wants to move forward with the RFP process. This motion failed for  
582 lack of a second.

583 Councilmember Hohenshelt made a motion to go out for competitive bid.

584 Councilmember Townsend asked City Attorney Frank Garza to clarify the difference  
585 between the two motions. Frank Garza stated that a letter has to be sent to notify the  
586 current provider that the city is not prepared to stay with the same contract. He then  
587 clarified that a letter would need to be sent either way under both motions that were  
588 made previously.

589 Councilmember Milder then made a motion to second Councilmember Hohenshelt's  
590 motion to go out for competitive bid. The motion failed by a vote of 3 ayes and 3 nays  
591 (Townsend, White, and Pruitt against) with 1 absent (Lewis).

592 Councilmember Milder made a motion to send the letter to Allied to allow for the  
593 possibility of an RFP and give them 45 days to talk with staff and come up with a  
594 proposal before deciding if the city wants to move forward with the RFP process.  
595 Councilmember David White seconded the motion, which passed by a vote of 4 ayes, 2  
596 nays (White and Hohenshelt) and 1 absent (Lewis).

597 8. Discuss and consider amendments to the natural and/or quarried stone  
598 requirement stipulated by the overlay district standards contained in  
599 Article V, District Development Standards, of the Unified Development  
600 Code, and take any action necessary.

601 Planning Director Robert LaCroix gave brief background information on this item. He  
602 explained the differences between the materials of stone being proposed. He stated that  
603 an ordinance would come back before council for future consideration if this item is  
604 approved.

605 Councilmember White made motion to move forward with the ordinance change and  
606 recommendations by the Planning and Zoning Commission as presented.  
607 Councilmember Townsend seconded the motion, which passed by a vote of 5 ayes, 1 nay  
608 (Milder) and 1 absent (Lewis)

609 9. Discuss and consider options related to providing public restrooms in the  
610 downtown area, and take any action necessary.

611 Assistant City Manager Brad Griggs gave a brief update on this item, explaining that the  
612 best option at this time would be to utilize the public building at The Center for  
613 downtown events such as Farmers Market and the San Jacinto Music Series. This cost

614 would be around \$2K, and directional signs would be placed to let the public know where  
615 restrooms are available.

616 **No action was taken on this item.**

617 **10.** Discuss and consider an update related to public parking signage at The  
618 Harbor, and take any action necessary.

619 **Mayor Jim Pruitt explained that he added this item to the agenda due to a recent event at**  
620 **The Harbor, Cars for CASA. He explained that there was general confusion as to where**  
621 **people could park, and he feels that the signs that are out there now don't adequately**  
622 **direct people to the city's available parking at Trend Tower. Mayor Pruitt suggested that**  
623 **getting a larger sign on the building so that traffic can be directed to the parking garage**  
624 **would help.**

625 **Councilmember Hohenshelt stated that he would like to see city signage along the public**  
626 **road access leading up to the building and then a larger sign on the garage itself.**

627 **Mayor Pruitt made a recommendation for staff to negotiate with Trend Tower to move**  
628 **forward with signage on the garage.**

629 **11.** Discuss and consider maintenance within the take line area, and take any  
630 action necessary.

631 **Mayor Pruitt gave a brief update on the background of this item. He expressed that there**  
632 **is general confusion as to whose responsibility it is to clean up debris and trees from the**  
633 **takeline area if there is not a lease on the property. He stated that he would like to give**  
634 **staff direction as to how to answer questions and phone calls from those that would like**  
635 **the city to clean up these areas because he would like there to be a consistent way of**  
636 **handling it. He then went on to say that the residents that do have leases on the takeline**  
637 **do clean up that area, but others that do not have a lease expect the city to do it.**

638 **Councilmember White asked staff where the \$350 dollars per year goes that the city**  
639 **collects from the takeline leases. Assistant City Manager, Brad Griggs explained that it**  
640 **goes into the Recreation Development fund. He further explained that the \$350 per year**  
641 **is to pay for the cost of the Neighborhood Improvement Services Department to rent a**  
642 **boat and take care of the maintenance of dangerous areas along the takeline.**

643 **Councilmember Hohenshelt asked for clarification on what such maintenance really**  
644 **includes - if it includes trees or other trash and things that float up to the takeline. City**  
645 **Manager Rick Crowley clarified that the maintenance could include both if the city is**  
646 **required to do regular maintenance.**

647 **Mr. Crowley explained that he would like the ability to determine if the debris is a danger**  
648 **and needs to be taken down.**

649 **Councilmember Townsend asked who mows the lots that are not leased. Brad Griggs**  
650 **explained that it's up to the property owner to mow, but if they don't, the land returns to**  
651 **its natural state. Councilmember Townsend asked who can determine if trees are**  
652 **dangerous. City Manager Rick Crowley stated that if a tree is already in the process of**  
653 **dying or is in a state that it could fall on someone, it's his opinion that the city should go**  
654 **in and have it removed.**

655 **Council's suggestion for staff was to determine on a case-by-case basis if trees are**  
656 **dangerous enough for the city to handle. City Manager Rick Crowley stated he would get**  
657 **the cost related documents together for council to review.**

658

659 From the Executive Session discussion items below, Mayor Pruitt then read #7 into the  
660 record before recessing the meeting into Executive Session at 10:27 p.m.

661  
662 **XIII. EXECUTIVE SESSION**

663  
664 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**  
665 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**  
666 **CODE:**

- 667
- 668 1. Discussion regarding the city's concession agreement with Suntex Marina  
669 / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation  
670 with Attorney)
  - 671 2. Discussion regarding possible legal claim related to Oncor pursuant to  
672 Section 551.071 (Consultation with Attorney)
  - 673 3. Discussion regarding purchase or lease of real property / land acquisition  
674 in the vicinity of the downtown area for municipal purposes pursuant to  
675 Section § 551.072 (Real Property).
  - 676 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of  
677 Rockwall pursuant to Section 551.071 (Consultation with Attorney).
  - 678 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs.  
679 City of Rockwall, Texas pursuant to Section 551.071 (Consultation with  
680 Attorney).
  - 681 6. Discussion regarding possible development-related legal claim in the  
682 vicinity of Bourne Street pursuant to Section 551.071 (Consultation with  
683 Attorney)
  - 684 7. Discussion regarding appointment of city council subcommittees and  
685 board liaisons pursuant to Section, §551.074 (Personnel Matters).

686 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**  
687

688 **Mayor Pruitt reconvened the public meeting at 10:37 p.m. and there was no action taken.**

689  
690 **XV. ADJOURNMENT**

691  
692 **Mayor Pruitt adjourned the meeting at 10:40 p.m.**

693  
694  
695 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

696 **THIS 6<sup>th</sup> DAY OF JULY, 2015.**

697  
698  
699  
700  
701  
702

  
\_\_\_\_\_  
Jim Pruitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Jacky Casey, Assistant City Secretary



