

MINUTES
ROCKWALL CITY COUNCIL
Monday, October 19, 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 public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, Scott Milder, Kevin Fowler, and John Hohenshelt. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs, Assistant City Manager Mary Smith and (fill-in) City Attorney Patrick Lindner.

II. WORK SESSION

1. Hold work session with the Rockwall Housing Development Corporation (RHDC) to discuss development-related issues in Planned Development 75 (PD-75), and take any action necessary.

City Manager Rick Crowley explained that David Smith with the Rockwall Housing Development Corporation (RHDC) would like to visit with council to talk about what the options might be moving forward regarding this item.

David Smith came forth to address council regarding this item. He briefly explained that after speaking with P&Z and staff that he had another option for the families affected by the recent flooding in LRE. Mr. Smith explained that the utilities on a large lot could be split and that two potential homes could be placed on one lot. He could work within all abilities to come up with a plan to build a single family attached dwelling at a much cheaper cost and that both homes would be attached by a joining wall and that the structure would be more appealing than the trailer homes.

City Manager Rick Crowley stated that there was a provision in the ordinance which gives council the wide latitude with considering land use without it having to go back through the planning and zoning commission.

Councilmember David White stated that several years ago council held public hearings regarding the zoning of PD-75 and many citizens showed up in opposition of this type of housing. The city council and P&Z members voted to not have that language in the final draft, however, there was a provision added at some point that gave council the ability to approve various land uses without public input. He would like to have public input regarding whether or not they would like to have this type of housing structure in this neighborhood. When the zoning was passed it was not passed to allow for single family-attached structures.

City Manager Rick Crowley reconfirmed that council's direction would be to bring back Mr. Smith's request but advertise the case in the same manner as required for zoning cases. Planning Director Ryan Miller stated that notices for a public hearing could be sent out and the public hearing could take place at the November 10th Planning and

Zoning meeting and on the council agenda for the 2nd meeting in December. No further action was taken.

Mayor Pruitt then read the below listed items into the public record before recessing the meeting into Executive Session at 4:40 p.m.

III. EXECUTIVE SESSION

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

- 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)**
- 2. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).**
- 3. Discussion regarding appointments to city regulatory boards, commissions, or committees - interview candidates: Planning & Zoning Commission vacancy - pursuant to Section 551.074 (personnel matters)**
- 4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)**

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 6:00 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all councilmembers present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Lewis made a motion to appoint Patrick Trowbridge to the Planning and Zoning Commission to fill an unexpired term. Councilmember White seconded the motion. Motion passed unanimously of council.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER

Councilmember Milder delivered the invocation and led the Pledge of Allegiance. Mayor Pruitt then announced that members of the city's Youth Advisory Council (YAC) are present to observe the council meeting this evening, and each of them introduced themselves.

VIII. PROCLAMATIONS / AWARDS

- 1. Bullying Prevention Month Proclamation**

95
96 **Mayor Pruitt called a few members of the Rockwall Youth Advisory Council forth. He**
97 **then read and presented a proclamation declaring October 2015 as Bullying Prevention**
98 **Month.**
99

100 **IX. OPEN FORUM**
101

102 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**
103 **come forth and speak. There being no one, he then closed the Open Forum.**
104

105 **X. CONSENT AGENDA**
106

- 107 1. Consider approval of the minutes from the October 5, 2015 regular city
108 council meeting, and take any action necessary.
- 109 2. Consider authorizing a change order to Hill & Wilkinson Construction
110 Group in the amount of \$75,587.79 to be funded from the 2008 water and
111 Sewer Revenue bonds to replace the sanitary sewer line along Kaufman
112 Street from San Jacinto Street to Fannin Street, and take any action
113 necessary.
- 114 3. Consider awarding a bid to Holt CAT and authorizing the City Manager to
115 execute a Purchase Order for a new Backhoe in the amount of \$127,320
116 to be funded out of the Water and Sewer Fund, Water Operations Budget,
117 and take any action necessary.
- 118 4. Consider awarding a bid to Holt CAT and authorizing the City Manager to
119 execute a Purchase Order for a new Skid Steer Loader in the amount of
120 \$37,568 to be funded out of the General Fund Streets Operations Budget,
121 and take any action necessary.
- 122 5. Consider awarding a bid to CUES and Caldwell Country Chevrolet and
123 authorizing the City Manager to execute Purchase Orders for a new
124 CCTV Inspection Van totaling \$219,855 to be funded out of the Water
125 and Sewer Fund, Sewer Operations Budget, and take any action
126 necessary.
- 127 6. Consider award a bid to Freightliner/CLS and authorizing the City
128 Manager to execute a Purchase Order for a new VACCON Truck in the
129 amount of \$317,257.75 to be funded out of the Water and Sewer Fund,
130 Sewer Operations Budget, and take any action necessary.
- 131 7. Consider authorizing the city manager to execute a Construction Manager
132 at Risk contract with Dean Construction for construction associated with
133 the Park at Stone Creek, with grant matching funds being provided by
134 developer contributions in that park district, and take any action
135 necessary.
- 136 8. Consider approval of a resolution supporting Statewide Proposition 7 for
137 increased state funding for transportation in Texas, and take any action
138 necessary.

139 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**
140 **6, 7, and 8). Councilmember Milder seconded the motion, which passed unanimously of**
141 **council.**

142
143 **XI. APPOINTMENTS**
144

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

148 **Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed**
149 **the Council on recommendations of the Commission relative to planning-related items**
150 **on tonight's city council meeting agenda.**

- 151 2. Appointment with Kim Lovett, Marketing Director, and Silvana Garcia,
152 Property Manager, for The Harbor Rockwall to hear request concerning
153 hosting of a Fox 4 Toys For Tots televised donation event at The Harbor
154 on December 4th, and take any action necessary.

155 **Property Manager Silvana Garcia came forward and gave a brief description and some**
156 **background information related to the event.**

157 **Mayor Pruitt explained that he was at the Harbor the weekend prior for an event and**
158 **noticed that there were several areas of concern regarding the landscaping and overall**
159 **condition of the common areas. Mayor Pruitt also had several photographs to show Ms.**
160 **Garcia that revealed several areas that needed to be addressed and stated that these**
161 **conditions are not something that the city would be proud to showcase with a camera**
162 **crew present.**

163 **Ms. Garcia explained that the plants at the Harbor were taken out because fall plants will**
164 **be going in. Ms. Garcia stated that she would be more than happy to speak with the**
165 **Mayor at another time regarding the plans for the landscaping at the Harbor, but was**
166 **unprepared to do so at this time. Mayor Pruitt responded and asked why his numerous**
167 **letters and phone calls had gone unanswered and not returned regarding these issues.**
168 **Ms. Garcia explained that she has never gotten a message or letter from anyone at the**
169 **city and would be willing to talk with them if necessary. She further went on to say that**
170 **the landscaping at the Harbor was under irrigation repairs for some time delaying the**
171 **planting of new landscaping. Mayor Pruitt stated that he would be willing to send her**
172 **copies of the multiple letters that were sent to the property management company.**

173 **Mayor Pruitt made a motion to deny the request. The motion failed for a lack of a second.**

174 **Mayor Pro Tem Lewis corrected Ms. Garcia by reminding her that he too has made phone**
175 **calls and left messages that went unreturned. Mayor Pro Tem Lewis made a motion to**
176 **approve the event request. Councilmember White seconded. The motion passed by a**
177 **vote of 6 in favor, 1 against (Pruitt).**

178 **Mayor Pruitt added that he would like to contact the Fox 4 new station to see if**
179 **Downtown Rockwall would be a location option for the Toys for Tots event.**

180
181 **XII. PUBLIC HEARING ITEMS**
182

- 183 1. **Z2015-025 - Hold a public hearing to discuss and consider a request by**
184 **Bill K. Ryan for the approval of an ordinance for a zoning change from an**
185 **Agricultural (AG) District to a Single Family One (SF-1) District for a 1.02-**
186 **acre tract of land identified as Tract 11-2 of the D. Harr Survey Abstract,**
187 **City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)**

District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 770 Davis Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller gave brief background on this item. He explained that, in this case, the applicant is requesting to change the zoning from Agricultural to Single Family One, which requires a minimum lot size of 1 acre and allows one grazing animal per 40,000 sf. Mr. Miller stated that the request does conform to the future land use map. Notifications were sent out to 25 property owners and residents. One notice was received back in favor of the request. The Planning and Zoning Commission did approve the request by a unanimous vote.

The applicant, Bill Ryan, came forward to address council and gave background information on the history of his property and his horse.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, the public hearing was closed. Councilmember Milder made a motion to approve the ordinance. Councilmember White seconded the motion. The ordinance was read as follows:

ORDINANCE NO. 15-XX

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, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ONE (SF-1) DISTRICT FOR A 1.02-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11-2 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of council.

2. **Z2015-026** - Hold a public hearing to discuss and consider a request by Randy Kopplin of Stone Creek Real Estate Partners, LLC on behalf of the owner Arkoma Development, LLC for the approval of an **ordinance** amending Planned Development District 65 (PD-65) [*Ordinance No. 08-02*] to allow for a ~74,000 SF Assisted Living Facility to be established on a 5.507-acre portion of a larger 11.723-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, located west of the intersection of N. Goliad Street [*SH-205*] and Pecan Valley Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller explained that the applicant had requested to withdraw this case, but because it was published already, the public hearing must still be acted upon.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, the public hearing was closed. Mayor Pruitt made a motion to

237 **withdraw the request. Mayor Pro Tem Lewis seconded the motion. The motion passed**
238 **unanimously of council.**

239
240 **XIII. ACTION ITEMS**
241

- 242 1. Discuss and consider authorizing the city manager to execute an
243 agreement with Paul Davis for through-the-fence access from private
244 property onto the Ralph M. Hall / Rockwall Municipal Airport, and take any
245 action necessary.

246 **Internal Operations Director Joey Boyd gave brief background information regarding this**
247 **action item.**

248 **Mayor Pro Tem Lewis made a motion to authorize the city manager to execute the**
249 **agreement with Paul Davis. Councilmember Townsend seconded the motion. The motion**
250 **passed unanimously of council.**

- 251 2. **SP2015-022** - Discuss and consider a request by Jonathan Hake of
252 Cross Engineering on behalf of the owner Kenneth R. Smith of K. R.
253 Smith Holdings, LLC for the approval of an exception to allow tilt-wall
254 construction and variances to the articulation, architectural and material
255 requirements for an approved site plan for an indoor/outdoor baseball
256 training facility on a six (6) acre tract of land identified as Tract 4-07 of the
257 N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County,
258 Texas, zoned Commercial (C) District, situated within the SH-205 By-
259 Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side
260 of Airport Road west of the intersection of Airport Road and John King
261 Boulevard, and take any action necessary.

262 **Planning Director Ryan Miller gave brief background information on this item. All of the**
263 **requested variances relate to the exterior of the building itself related to tilt wall**
264 **construction, horizontal and vertical building articulation, the 20% natural stone**
265 **requirement and secondary materials, and the four sided building requirement of the**
266 **overlay district. The ARB Board and P&Z Board did recommend full approval of the**
267 **variances.**

268 **Councilmember White made a motion to approve the 1st variance for the tilt wall**
269 **construction. Councilmember Fowler seconded the motion. The motion passed**
270 **unanimously of council.**

271 **Councilmember Milder made a motion to approve the 2nd variance for horizontal and**
272 **vertical articulation requirements. Mayor Pro Tem Lewis seconded the motion. The**
273 **motion passed unanimously of council.**

274 **Councilmember White made a motion to approve the 3rd variance for less than 20%**
275 **natural stone. Mayor Pruitt seconded the motion. The motion passed unanimously of**
276 **council.**

277 **Councilmember White made a motion to approve the 4th variance for an excess of 10%**
278 **secondary materials. Mayor Pro Tem seconded the motion. The motion passed**
279 **unanimously of council.**

280 **Councilmember Townsend made a motion to approve the 5th variance for not meeting the**
281 **four sided architectural requirements. Councilmember White seconded the motion. The**
282 **motion failed to get a ¾ majority vote by 5 ayes and 2 nays (Milder and Fowler).**

- 283 3. Discuss and consider a request by Michael M. Caffey for the approval of
284 a structure preservation tax exemption application seeking to have the
285 assessed value for ad valorem taxation fixed for a period of seven (7)
286 years on the subject property at 311 S. Fannin Street, further identified as
287 Lot 9 & 10, Block C of the Eppstein Addition, City of Rockwall, Rockwall
288 County, Texas, zoned Single Family 7 (SF-7) District, located within the
289 Old Town Rockwall (OTR) Historic District, and take any action
290 necessary.

291 **Planning Director Ryan Miller gave brief background on this agenda item. He explained**
292 **that the request was reviewed and approved by the Historic Preservation Board and that**
293 **the recommendation to the Rockwall Central Appraisal District would only be sent after**
294 **the improvements to the home have been completed.**

295 **Councilmember White made a motion to approve the request. Mayor Pro Tem Lewis**
296 **seconded the motion. The motion passed unanimously of council.**

- 297 4. Discuss and consider various zoning provisions pertaining to Planned
298 Development District 75 (PD-75) including sections dealing with
299 consideration of special requests, and take any action necessary.

300 **Councilmember White gave a brief history of this item stating that the area was annexed**
301 **in February of 2009 and that a few months later the city began zoning of the Lake**
302 **Rockwall Estates neighborhood. There were several town hall meetings that took place**
303 **with the surrounding citizens, and there was an overwhelming objection to multifamily**
304 **type uses. He explained that the city council and the P&Z commission both voted against**
305 **allowing multifamily zoning, however the ordinance was written to allow it at council's**
306 **discretion. Councilmember White stated that he would like for the P&Z commission to**
307 **take under advisement the opinions of the citizens that spoke out against this zoning**
308 **change many years prior, and consider changing the current provisions of the ordinance**
309 **as it reads today.**

310 **Mayor Pruitt stated that he would like to hear citizen input concerning the proposed**
311 **changes.**

312 **Councilmember White made a motion to direct staff to initiate a zoning case to amend**
313 **PD-75 to remove the clause that allows council to consider allowing land uses other than**
314 **those allowed by the current zoning without public input. This will require notification of**
315 **all property owners within the Lake Rockwall Estates subdivision. Mayor Pruitt**
316 **seconded the motion. The motion passed unanimously of council.**

- 317
318 5. Discuss and consider potential regulation of non-emergency ambulance
319 (transport) service providers operating within the city, and take any action
320 necessary.

321 **Councilmember Townsend spoke regarding concern with the way the current proposed**
322 **ordinance is written. His concern is that anyone can get the license and file the**
323 **appropriate paperwork and operate in the city no matter what tier of service they provide.**
324 **He went on to say that, although the state issues the licenses, they aren't as strict as the**
325 **city might be, and he feels the city could be taking a risk to allow several ambulance**
326 **providers.**

327 **Councilmember White asked the City Manager and the City Attorney what the risk might**
328 **be for allowing other ambulance services to transport in the City of Rockwall. City**

329 Manager Rick Crowley explained that there wasn't necessarily a legal risk for the city.
330 However, deciding on the extent of regulating them is necessary to meet an obligation to
331 the residents that want other transport options and to clarify what the city is willing to
332 allow. Councilmember White explained that he didn't think the city is qualified to regulate
333 ambulances services and still thinks that it's the responsibility of the facilities using
334 other ambulance services that would need to answer to the patients. Rick Crowley stated
335 that if the council would like to pass an ordinance stating that they would like for outside
336 ambulance companies to be regulated, the City of Rockwall would be contracting outside
337 for those inspection purposes.

338 General discussion took place, and no formal action was taken on this item.
339

- 340 6. Discuss and consider approval of an **ordinance** amending the Code of
341 Ordinances in Chapter 12. Businesses & Sales, Article XII. Ambulance
342 Service by adding and amending Sections 12-1250 through 12-1253
343 regulating ambulance services and providers in the City, and take any
344 action necessary. **(2nd reading)**

345 Mayor Pro Tem Lewis made a motion to approve the ordinance. Mayor Pruitt seconded
346 the motion. The ordinance was read as follows:

347
348 **ORDINANCE NO. 15-28**
349

350 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER
351 12, ARTICLE XII, SECTION 12 BY ADDING AND AMENDING SECTIONS 12-1250
352 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING
353 AMBULANCE SERVICES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE;
354 PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.
355

356 Mayor Pruitt stated for the record that, although a vote is being taken at this time, further
357 discussion regarding a change from this ordinance can take place at any time.

358 The motion passed by a vote of 5 ayes and 2 nays (Fowler and Townsend).
359

- 360 7. Discuss and consider approval of a policy for seasonal outside storage of
361 shipping containers and/or similar storage containers for commercial land
362 uses, and take any action necessary.

363 Planning Director Ryan Miller gave brief background on this item.

364 Councilmember Hohenshelt stated that he would like this policy to state that this type of
365 temporary storage may only be approved for retail facilities.

366 Councilmember White made a motion to approve the policy as written with the exception
367 of adding that it would only be for retail facilities during seasonal months.
368 Councilmember Hohenshelt seconded the motion. The motion passed unanimously of
369 council.

370 Mayor Pruitt read all items into the record before recessing the meeting into Executive
371 Session at 8:00 p.m.
372
373
374

375
376 **XIV. EXECUTIVE SESSION (8PM)**
377

378 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
379 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
380 CODE:
381

- 382 1. Discussion regarding Economic Development prospects pursuant to
383 Section 551.087 (Economic Development)
- 384 2. Discussion regarding legal matters related to land lease operations at
385 Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation
386 with Attorney).
- 387 3. Discussion regarding appointments to city regulatory boards,
388 commissions, or committees - interview candidates: Planning & Zoning
389 Commission vacancy - pursuant to Section 551.074 (personnel matters)
- 390 4. Discussion regarding process associated with City Manager performance
391 evaluation pursuant to Section 551.074 (personnel matters)
- 392

393 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
394

395 Mayor Pruitt reconvened the public meeting at 8:22 p.m. and there was no action taken.
396

397 **XVI. ADJOURNMENT**
398

399 Mayor Pruitt adjourned the meeting at 8:22 p.m.
400

401
402 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

403 **THIS 2nd DAY OF November, 2015.**
404

406
407 **ATTEST:**
408

409 
410 Jacky Casey, Assistant City Secretary


Jim Pruitt, Mayor

