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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 03, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

8 I. CALL PUBLIC MEETING TO ORDER

9
10 Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt,
11 Mayor Pro Tem Dennis Lewis and City Council Members David White, John Hohenshelt,
12 Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley and
13 Assistant City Managers Mary Smith and Brad Griggs, as well as City Attorney Frank
14 Garza. Council Member Mike Townsend was absent from the meeting.
15

16 II. WORK SESSION

- 17
18 1. Hold a work session to hear a presentation by Doug Duffie LLC
19 representing First Texas Homes to request consideration of a 380
20 Agreement for Use Taxes, and take any action necessary.

21 **Doug Duffie**
22 **1816 Grosvenor Green**
23 **Colleyville, TX 76034**
24

25 Mr. Duffie came forth and shared details pertaining to a proposed 380 agreement
26 regarding use taxes. Briefly, he explained that First Texas Homes and their construction
27 subs currently pay sales tax on home building materials at the point of sale rather than at
28 point of use. For example, if First Texas Homes purchases Acme Brick the sales tax is
29 paid either to Dallas or to Denton where their sales offices are located instead of in
30 Rockwall where the home is being built. Mr. Duffie has said that he has researched their
31 suppliers and none of them are located in Rockwall. First Texas Homes proposed to
32 change this by altering their accounting systems and paying Use Tax rather than sales
33 tax. For the effort and expense to alter their systems and processes, they are asking for
34 40% of the Use tax paid to the City. Several area cities have entered into this kind of
35 agreement, Rowlett several years ago with DR Horton, and Frisco has agreements with
36 several builders. Frisco is considering an agreement with First Texas Homes at this time.
37

38 Mayor Pro Tem Lewis asked Mrs. Smith, Finance Director / Assistant City Manager, what
39 disadvantages may exist concerning such arrangement. Mrs. Smith indicated that so far
40 she has not been able to identify any. Mr. Crowley, City Manager, shared that the city
41 attorney has advised that entering into this 380 agreement with First Texas Homes does
42 not set a precedence that would mean the council has to enter into a similar agreement
43 with any and all future builders who may request such. Instead, the council may pick
44 and choose with which builders it would like to enter such agreements.
45

46 Regarding the terms of the agreement, Mr. Duffie indicated that his company tries to
47 utilize the same terms regardless of the city with which they're entering into such
48 agreement.

49 Council generally indicated that it would like staff to check into this further to ensure all
50 is okay with such agreement and then bring an Action Item back to the council for
51 consideration at the next city council meeting.

52
53 2. Hold work session to discuss and consider the city budget, and take any
54 action necessary.

55 City Manager Rick Crowley and Assistant City Manager Mary Smith provided background
56 information related to this agenda item. He indicated that he would like direction from
57 Council regarding if they would like to see him present a budget that is based on future
58 adoption of the current effective rate or the current tax rate. Mayor Pro Tem Lewis
59 indicated that he would like to see a budget presented by staff at the upcoming budgets
60 retreat that reflects the current "effective tax rate." Councilmember Hohenshelt indicated
61 that he is unsure what direction to provide to staff regarding which rate he would like to
62 see associated with the budget proposal that is brought forth. He indicated he is inclined
63 to suggest we should spend less, so he is not prepared to provide a firm answer on the
64 matter at this time. Mayor Pruitt indicated that he is fine with staff presenting a budget
65 that reflects the "effective tax rate." Councilmember Milder expressed concern about
66 continually adopting the 'effective tax rate' in lieu of raising the proposal to reflect the
67 current 'tax rate' solely because funds generated year by year have increased.
68 Generally, he feels that this could eventually prove to be a dangerous practice. Milder
69 expressed he would like to see both budget proposal options presented – a budget
70 reflecting the "effective tax rate" and one reflecting the "current tax rate." Mr. Crowley
71 acknowledged having received sufficient direction from the Council at this time. No
72 action was taken following discussion of this item.

73
74
75 At 4:38 p.m. Mayor Pruitt read the below listed items into the public record before
76 recessing the meeting into Executive Session.

77
78 **III. EXECUTIVE SESSION.**

79
80 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
81 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
82 CODE:

- 83
84 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic
85 Development)
- 86 2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the
87 downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
- 88 3. Discussion regarding possible settlement of City of Rockwall v. Temunovic Partnership, LTD.,
89 Case No. 1-14-878; 382nd District Court of Rockwall, Texas pursuant to Section 551.071
90 (Consultation with Attorney).
- 91 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees
92 including the Building and Standards Commission, Planning & Zoning Commission, and Board of
93 Adjustments pursuant to Section 551.074 (personnel matters)

94 **IV. ADJOURN EXECUTIVE SESSION**

95
96 Executive Session was adjourned at 5:35 p.m.

98 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

99
100 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all city council members
101 except Councilmember Townsend present.

102
103 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

104
105 Mayor Pro Tem Lewis made a motion to settle the City of Rockwall v. Temunovic
106 Partnership Condemnation litigation case (Case No. 1-14-878; 382nd District Court of
107 Rockwall), for \$120,000.00 and to authorize execution of all documents necessary to
108 settle the case and transfer ownership of the Justin Road right-of-way to the city.
109 Councilmember White seconded the motion, which passed by a vote of 6 ayes with 1
110 absent (Townsend).

111
112 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS**

113
114 Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance.

115
116 **VIII. OPEN FORUM**

117
118 Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the
119 audience would like to come forth and speak at this time.

120
121 **Martin Ramirez**
122 **Rockwall County EMS**
123 **809 South Goliad**
124 **Rockwall, TX 75087**

125
126 Mr. Ramirez came forth and provided comments related to the issue of ‘ambulance
127 exclusivity.’ He stated he is a Rockwall native and most of his family and friends live
128 here. He generally indicated a willingness and proactive effort to work with Presbyterian
129 Hospital of Rockwall to work out any differences that exist between Rockwall County
130 EMS and the hospital. He indicated that his company has offered to park an ambulance
131 at the hospital, but the offer has not been accepted. He again offered that his company is
132 willing to do so. He spoke to allegations that have been previously made regarding
133 “bypassing” Presby Rockwall (patient diversion), offering various reasons why an
134 ambulance crew may elect to do so. He went on to state that in 2014, 2,020 patients were
135 transported to Presby, while 1,461 were taken to Lakepointe Hospital. He further
136 indicated a willingness to sit down with Presbyterian Hospital of Rockwall to try and
137 address their concerns.

138
139 **Cindy Paris**
140 **762 Black Oak Lane**
141 **Rockwall, TX 75032**

142
143 Mrs. Paris came forth and indicated that she is the President and CEO of Presbyterian
144 Hospital of Rockwall. She spoke regarding the ‘exclusivity of ambulance service’ in the
145 city. She explained that she is an RN and she arrived to work at the hospital here in
146 Rockwall before it was officially opened. She indicated a desire to have safe medical
147 care in the community, and she has ongoing concerns regarding Rockwall County EMS’
148 ability to meet the demands associated with rapid growth. She shared that the hospital

149 has met with Rockwall County EMS many times in the past, but the hospital has seen no
150 improvement regarding concerns that have been expressed. Also, the hospital has never
151 denied Rockwall County EMS' offer to park an ambulance on their hospital campus. She
152 explained that this issue was placed on a 'future follow up' action plan but that it has not
153 yet been followed up on. She explained that everyone at the hospital would agree that
154 Rockwall County EMS provides quality care to members of the community, and she
155 indicated that the hospital will continue to call Rockwall County EMS first simply
156 because they are the closest and they are known to provide good care to their patients.
157 The hospital's main concerns center around patient transports to higher level care
158 facilities in both urgent and emergent situations. She generally urged the council to
159 make a very informed decision before acting upon the exclusivity ordinance at hand.
160

161 **IX. CONSENT AGENDA**

- 162
- 163 1. Consider approval of the minutes from the July 20, 2015 regular city
164 council meeting, and take any action necessary.
 - 165 2. **Z2015-020** - Consider approval of an **ordinance** for a request by Wayne
166 Mershawn of Mershawn architects on behalf of Rex Walker of Life
167 Springs Church for a Specific Use Permit (SUP) for a church in an
168 Agricultural (AG) District for a seven (7) acre portion of a larger 28.881-
169 acre tract of land identified as Tract 15-01 of the J. Strickland Survey,
170 Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned
171 Agricultural (AG) District, situated within the SH-205 By-Pass Corridor
172 Overlay (SH 205 BY-OV) District, located on the north side of John King
173 Boulevard east of the intersection of John King Boulevard and SH-205,
174 and take any action necessary. **(2nd Reading)**
 - 175 3. **Z2015-021** - Consider approval of an **ordinance** for a request by Sam
176 Ellis on behalf of the owner, the George Dewoody Estate, for a Specific
177 Use Permit (SUP) for a daycare facility in an Agricultural (AG) District for
178 a two (2) acre parcel of land identified as Lot 1 of the Dewoody Addition,
179 City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)
180 District, situated within the North SH-205 Corridor Overlay (N SH-205 OV)
181 District, addressed as 3011 N. Goliad Street [SH-205], and take any
182 action necessary. **(2nd Reading)**
 - 183 4. **Z2015-022** - Consider approval of an **ordinance** for modifications to
184 Article IV, Permissible Uses, and Article V, District Development
185 Standards, of the Unified Development Code for the purposes of creating
186 a standard for cultured stone, and adding standards for a Portable
187 Beverage or Food Facility, and take any action necessary. **(2nd Reading)**
 - 188 5. **P2015-029** - Consider approval of a request by Maria Bonilla of
189 Winkelmann & Associates on behalf of Mark Matise of Makko Goliad I, LP
190 for the approval of a replat for Lots 1, 2 & 3, Block A, Kroger 205 Addition
191 being a replat of 11.236-acre tract of land identified as Lots 2 & 3, Block
192 A, Quail Run Retail Addition, City of Rockwall, Rockwall County, Texas,
193 zoned Planned Development District 5 (PD-5) for General Retail (GR)
194 District land uses, situated within the North SH-205 Overlay (N. SH-205
195 OV) District, located at the southeast corner of E. Quail Run Road and
196 SH-205, and take any action necessary.

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6. **P2015-031** - Consider approval of a request by Mike Whittle on behalf of Rockwall Rental Properties, LP for the approval of a replat for Lot 13, Block 2, Alliance Addition, Phase 2 being a 0.571-acre parcel of land identified as Lot 4, Block 2, Alliance Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, addressed as 6540 Alliance Drive, and take any action necessary.
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7. **P2015-032** - Consider approval of a request by Cameron Slown of FC Cuny Corporation on behalf of Lowdent LLC, Hall and Lee Land Company LLC, and Temunovic Partnership LTD for the approval of a replat for Lots 4, 5 & 6, Block A, Temonovic Addition being a 2.582-acre tract of land currently identified as Lots 1, 2 & 3, Block A, Temunovic Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1320 & 1350 Summer Lee Drive, and take any action necessary.
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8. **P2015-033** - Consider approval of a request by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of Lakefront Trail Rockwall Hotel, LP for the approval of a replat for Lot 1, Block A, Marriott Addition being a 2.968-acre tract of land identified as a portion of Lot 3A, Block A, Shoreline Plaza Addition and all of Lot 1-1, Block A, Henry Africa Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, located at the southeast corner of the intersection of the IH-30 Frontage Road and Lakefront Trail, and take any action necessary.
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9. Consider authorizing the City Manager to execute a purchase order with Freedom CDJR for the purchase of a 2015 Dodge Charger for Police Traffic Division in the amount not to exceed \$36,000 to be funded by General Fund Reverses, and take any action necessary.

226 **Councilmember Milder pulled item #9 for further discussion.**

227
228 **Mayor Pro Tem Lewis made a motion to approve the remaining consent agenda items**
229 **(#1, 2, 3, 4, 5, 6, 7 and 8). Councilmember White seconded the motion. The ordinances**
230 **were read as follows:**

231 **CITY OF ROCKWALL, TEXAS**
232 **ORDINANCE NO. 15-21**
233 **SUP NO. 139**

234
235 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
236 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**
237 **TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT**
238 **TO ALLOW FOR A "CHURCH" WITHIN AN AGRICULTURAL (AG) DISTRICT, BEING**
239 **A 7.00-ACRE PORTION OF A LARGER 28.881-ACRE TRACT OF LAND IDENTIFIED**
240 **AS TRACT 15-01 OF THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, AND**
241 **GENERALLY LOCATED ON THE NORTH SIDE OF JOHN KING BOULEVARD EAST**
242 **OF THE INTERSECTION OF JOHN KING BOULEVARD AND SH-205, CITY OF**
243 **ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY**
244 **DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL**
245 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM**
246 **OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR**

247 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
248 FOR AN EFFECTIVE DATE.

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250 CITY OF ROCKWALL, TEXAS
251 ORDINANCE NO. 15-22
252 SUP NO. 140
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254 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
255 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
256 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT
257 TO ALLOW FOR A "DAYCARE FACILITY" WITHIN AN AGRICULTURAL (AG)
258 DISTRICT, BEING A 2.00-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1 OF THE
259 DEWOODY ADDITION, AND LOCATED AT 3011 NORTH GOLIAD STREET, CITY OF
260 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
261 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL
262 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
263 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR
264 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
265 FOR AN EFFECTIVE DATE.
266

267
268 CITY OF ROCKWALL, TEXAS
269 ORDINANCE NO. 15-23
270

271 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
272 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
273 CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTIONS 1.1
274 & 2.1.6 OF ARTICLE IV, PERMISSIBLE USES, AND SECTION 6 OF ARTICLE V,
275 DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR A PENALTY OF FINE
276 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
277 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
278 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
279

280 The motion passed by a vote of 6 in favor with 1 absent (Townsend).

281
282 Regarding Consent Agenda item #9, Councilmember Milder expressed concern regarding
283 purchase of a police vehicle now in lieu of waiting to address this need during the
284 upcoming budget discussions for next fiscal year. Mr. Crowley explained that this
285 particular item is related to replacement of a vehicle that the department had that has
286 become unusable. However, if the council would prefer to hold off on this item until
287 during the budget process, Mr. Crowley indicated that doing so is certainly
288 understandable and doable. Mr. Crowley indicated that last year, the Police Department
289 neither requested nor received any funding for new vehicles.
290

291 After brief comments from Chief Riggs, Mayor Pruitt made a motion to authorize the City
292 Manager to execute a purchase order with Freedom CDJR for the purchase of a 2015
293 Dodge Charger for Police Traffic Division in the amount not to exceed \$36,000 to be
294 funded by General Fund Reverses. Councilmember White seconded the motion, which
295 passed by a vote of 5 in favor, 1 against (Milder), and 1 absent (Townsend).
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301 X. APPOINTMENTS

- 302
- 303 1. Appointment with the Planning and Zoning Chairman to discuss and
- 304 answer any questions regarding cases on the agenda and related issues
- 305 and take any action necessary.

306 **Mr. Renfro briefed the council on recommendations of the Commission relative to Public**

307 **Hearing Item #1 (Double Eagle Properties). He generally pointed out that the P&Z**

308 **Commission initially recommended that this case be voted down (they voted against it).**

309 **However, the developer has since gone back and reworked the plans and is now bringing**

310 **back a revised plan for the council to consider at this meeting. He pointed out that the**

311 **revised plans do seem to have taken into account the P&Z's comments, and the**

312 **applicant has made what appear to be 'significant changes' to the plan. After brief,**

313 **additional comments, the Council took no action related to this agenda item.**

- 314 2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson
- 315 LLP to present information regarding a bid received for delinquent
- 316 property taxes at 464 Evans at an amount less than the outstanding
- 317 taxes, and take any action necessary.

318 **Mr. Lambeth came forth and briefed the Council on this agenda item. He indicated that**

319 **this property was recently involved in a judicial foreclosure procedure. A recent**

320 **judgement on this property took place, and the property was struck off the tax rolls to the**

321 **City of Rockwall. The Rockwall Housing Development Corporation has submitted a bid**

322 **for \$6,000 to try and rehabilltee the property. The total judgement was for \$13,290.00,**

323 **and the adjudged value of the property is \$19,670.00. He explained that the County had**

324 **this item on its agenda last week, and they approved it. Furthermore, it is expected that**

325 **the RISD will vote on the item next week as well.**

326

327 **Mayor Pruitt made a motion to accept/approve the proposed \$6,000.00 bid.**

328 **Councilmember White seconded the motion, which passed unanimously of those present**

329 **(6 ayes with Townsend absent).**

- 330
- 331 3. Appointment to hear presentation from Mark Spencer of MHS Planning
- 332 and Design regarding The Park at Stone Creek development plan, and
- 333 take any action necessary.

334 **Mr. Spencer came forth and showed conceptual plans to the City Council concerning**

335 **proposed design associated with the Park at Stone Creek. Assistant City Manager Brad**

336 **Griggs indicated that if the council agrees to approve this item, then staff and Mr.**

337 **Spencer and staff would move forward with construction plans and associated bid**

338 **documents. Mayor Pro Tem Lewis made a motion to approve the design plan, as**

339 **presented, for the Park at Stone Creek. Councilmember White seconded the motion.**

340 **After brief comments, the motion passed by a vote of 6 in favor with 1 absent**

341 **(Townsend).**

342

343 XI. PUBLIC HEARING ITEMS

- 344
- 345 1. **Z2015-016 - Hold a public hearing to discuss and consider approval of an**
- 346 **ordinance for a request by Stacey McVey of Double Eagle Properties on**
- 347 **behalf of the owner 308 ON 276 LP for a zoning change from an Light**
- 348 **Industrial (LI) District to a Planned Development District for Single Family**
- 349 **10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre**

350 tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract
351 No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial
352 (LI) District, located at the northeast corner of the intersection of Rochelle
353 Road and SH-276, and take any action necessary. (1st Reading)

354 **Ryan Miller, Planning & Zoning Director, provided Council with background information**
355 **related to this agenda item. The applicant is proposing 507 single family lots with 1.65**
356 **units per acre on a 316 acre tract of land near the intersection of SH-276 at Rochelle**
357 **Road. Nine acres of commercial retail would be included in addition to the residential**
358 **lots. Along with the commercial / retail, the applicant is asking for Hotel/motel,**
359 **restaurant with drive-in/drive-thru service and a retail store with gasoline sales to be**
360 **permitted by right. He explained that the council would have the ability to review those**
361 **developments before they are actually submitted for site plans due to this being a**
362 **proposed PD (planned development district) development. He went on to explain that the**
363 **development would include an amenity center and a 55 acre park, which would include a**
364 **Soil Conservation Commission pond. The 507 single family lots will consist of a mixture**
365 **of 60', 70' and 80' lot sizes and an overall, average lot size of about 7,600 square feet. A**
366 **mix of j-swing and front-entry products is being proposed, so the applicant is asking for**
367 **a waiver to the city's rear entry / alleyway requirement, and they are requesting a setback**
368 **variance associated with how far back the garage doors would be placed from the front**
369 **property line (versus the front most part of the structure). He generally indicated that the**
370 **applicant has pretty much addressed all of the Planning & Zoning Commission's**
371 **previously expressed concerns when the plan was first brought forth, including**
372 **infrastructure improvements to Rochelle Road and Discovery Boulevard. He explained**
373 **that the city's future land use map currently shows this property to be slated for an**
374 **'employment office.' However, if the council approves the applicant's request this**
375 **evening, the future land use map would need to be updated to designate it for low**
376 **density residential / commercial. Nineteen notices were sent out to adjacent property**
377 **owners and residents located within 500' of the subject property. One notice was**
378 **received back in favor of the request. In addition, two Rockwall citizens (outside of the**
379 **notification area) also wrote e-mails expressing support of this item. The P&Z**
380 **Commission did previously make a recommendation to deny the case by a vote of 5 to 2;**
381 **however, that was before numerous changes were made to the proposed plan. In**
382 **addition, approval of this item will require a ¾ majority vote of the Council for approval**
383 **this evening (five out of the six council members currently present this evening).**

384
385 **Joel Steed, who indicated he represents the applicant, came forward and addressed the**
386 **council at this time. He explained that he and his wife have owned property in Rockwall**
387 **for about twenty-three years. They also live here and moved his law firm from Dallas to**
388 **Rockwall some years ago. After thanking members of Council, the P&Z Commission,**
389 **and staff, Mr. Steed went on to briefly explain the plans that the applicant is now**
390 **proposing associated with this requested zoning change.**

391
392 **Craig Carney**
393 **Carney Engineering**
394 **4588 Hinton Drive**
395 **Plano, TX**

396
397 **Mr. Carney came forth and briefed the Council on various, proposed aspects of the**
398 **project, should the zoning change be approved by the Council this evening. He**
399 **explained that the details of the plan presented this evening really do reflect changes**

400 that were made as a result of taking into account concerns expressed by the Planning &
401 Zoning Commission. He shared details concerning things such as the park/open space,
402 streets, lot sizes, and commercial aspect of the proposed project.
403

404 Mr. Steed again came forth and shared a lot of details related to the history of this piece
405 of land as well as the proposed zoning change. He expressed that he understands that if
406 the council changes the zoning on this property, it means that the overall amount of
407 Light Industrial zoned land will be decreased. However, he believes that the land that is
408 'lost,' so-to-speak, can be easily replaced. He shared that the land has been zoned "LI"
409 for about ten years, and it was zoned "AG" prior to that time period. He does not believe
410 this piece of property is conducive to "light industrial" because of the flood plain.
411

412 Mr. Byron Prescott
413 1935 Creekside Drive
414 Rockwall, TX
415

416 Mr. Prescott indicated that he is from a law firm out of Dallas (Sheef and Stone), and he
417 represents the applicant. He explained that about three potential buyers have expressed
418 interest in purchasing this property over the years, but none of those potential buyers
419 have been interested in developing it for light industrial. So, the owner hired David
420 English (realtor) to try and market the property for its highest and best use.
421

422 David English
423 Ridgepointe Commercial Realty
424 2255 Ridge Road, #208
425 Rockwall, TX
426

427 Mr. English provided comments pertaining to the real estate aspects of the property. He
428 indicated that some time ago, the REDC was approached about possibly purchasing this
429 land; however, they indicated a disinterest in purchasing it due to the flood plain that is
430 present on the property. He also asked some other potential buyers about their interest
431 in the property; however, those individuals were not interested either. He believes this
432 project may be the 'highest and best use' for the property given the past history and
433 circumstances surrounding this property (including the flood plain) and the length of
434 time it's been sitting vacant.
435

436 Mr. Joel Steed
437 1010 Ralph Hall Parkway
438 Rockwall, TX
439

440 Mr. Steed again came forth and offered extensive comments and information regarding
441 various aspects of the applicant's request.
442

443 Mayor Pro Tem Lewis offered brief comments related to 'big truck' traffic on Discovery
444 for trucks delivering into/out of the Tech Park. He expressed concerns about how the
445 developer may be able to ensure that initial and future home buyers know, with certainty,
446 that there will very likely be a warehouse located adjacent to their homes/neighborhood
447 and associated truck traffic. Mr. Steed indicated that information would be included in
448 the new homeowner packets as well as written into the DCRs (deeds covenants and
449 restrictions).
450

451 Mayor Pruitt asked if the 9 acres of proposed “commercial” area is included in the
452 density calculations of the residential lots. The applicant indicated that the residential
453 density calculation did not include the 9 acres of commercial.
454

455 Councilmember Hohenshelt asked what sort of future notifications might take place
456 someday in the future if and when someone wants to construct a warehouse adjacent to
457 this residential area. Mr. Miller indicated that there would be no notifications as long as
458 there was no change in zoning taking place. The developer, in that case, would just need
459 to meet requirements associated with residential adjacency (i.e. buffers, landscape
460 screening).
461

462 Councilmember Milder asked for clarification regarding which fire station would service
463 this neighborhood. Chief Poindexter indicated that Fire Station #4 and #1 would serve
464 this area until the station that would ultimately serve this area could be built. He
465 explained that the REDC previously dedicated some land to the city on Springer Road
466 near Rochelle Road for use as a future fire station.
467

468 Mayor Pruitt opened the public hearing and asked if anyone would like to come forward
469 and speak at this time.
470

471 Matthew Nielsen
472 676 St. Johns Place
473 Rockwall, TX 75087
474

475 Mr. Nielsen came forth indicating that he is speaking on behalf of the REDC, as he is
476 currently a member of the REDC board. He indicated that he used to serve on the
477 Planning & Zoning Commission in years past. He offered comments in favor of keeping
478 this property zoned light industrial, as it makes the most sense since it is already located
479 contiguous to the existing “LI” land located in the Tech Park. He expressed skepticism
480 that someone would be willing to spend \$700,000+ on a home that is located so near
481 warehouses and industrial type facilities. He acknowledged that the existing flood plain
482 does present a bit of a hurdle for warehouse type facilities; however, he believes that
483 “Class A office space” could likely be placed nicely on this property. He believes that if
484 the Council changes the zoning, it will cut off the ability for that area to continue to be
485 developed as an economic development corridor. He explained that he believes the
486 developer has likely put a lot of thought into this proposal. He has no animosity towards
487 the applicant and believes this development may work out well somewhere else in the
488 city; however, from a zoning standpoint, he explained that the REDC is strongly opposed
489 to this zoning change request on this particular piece of property. Councilmember White
490 asked if Mr. Nielsen’s comments are representative of the ‘official position’ of the REDC.
491 Mr. Nielsen indicated that, yes, his comments do represent the sentiments of the full
492 REDC board. Councilmember Hohenshelt asked for clarification regarding any vote that
493 took place on the part of the full REDC board. Mrs. Franza, REDC President/CEO, came
494 forth and generally indicated that a vote was taken at a May 14, 2015 REDC board
495 meeting in which the board expressed opposition to the proposed zoning change. She
496 explained that this action was taken following a May 6 Planning Committee meeting. Mr.
497 Nielsen expressed large concern, again, regarding future residents being admittedly
498 opposed to “light industrial” (i.e. warehouses) being constructed right next door to their
499 homes.
500

501 Councilmember Milder expressed concern about him not having had knowledge that the
502 REDC was officially opposed to the zoning change, while all along the developer was
503 going back and making a lot of changes to the plan and investing a lot of time and effort
504 in doing so after a June work session was held between the developer and the City
505 Council.
506

507 After various comments, Mrs. Franza indicated that a “corporate campus” might be a
508 good use of this property as a transitional use prior to the introduction of nearby
509 residentially zoned land. Councilmember White asked for clarification regarding if the
510 REDC does or does not wish to purchase this land. Mr. Nielsen clarified that the REDC
511 does not wish to personally purchase this land; however, he does not believe that
512 whether or not the REDC wishes to purchase this particular “LI” land should determine
513 the appropriate zoning.
514

515 Mayor Pruitt called for a break at 7:42 p.m., indicating that the public hearing will
516 continue after the meeting reconvenes.
517

518 Mayor Pruitt called the meeting back to order at 7:55 p.m.
519

520 **Stacy McVey**
521 **7218 Lakewood**
522 **Dallas, TX 75214**
523

524 Mr. McVey, applicant, came forth and provided comments, generally indicating that in the
525 research they have done, the property owner did not ever have a desire for the property
526 to be zoned “LI.” The three past purchase inquiries were all from potential buyers
527 expressing ‘residentially zoned’ desired uses for this property.
528

529 Craig Renfro of the Planning & Zoning Commission came forth and asked how many
530 buyers have approached the property owners to date. The developer indicated that no
531 buyers have approached the owners expressing a desire to buy it for the purpose of
532 developing it as “light industrial.” Mr. Renfro went on to comment that the economy has
533 seen a notable slump and downturn over the last ten years; however, it seems as though
534 the economy is now on an ‘up tick.’ He suggested that if the council approves this
535 zoning change request, it could possibly inhibit the Tech Park from ultimately becoming
536 what it could possibly be in future years. He also questioned why the developer could
537 not take his residential/commercial development somewhere else in the city.
538

539 Mr. English, the realtor associated with the project, indicated that no commercial
540 campuses have been brought forth from any potential buyers associated with this
541 property. He indicated that they did try to market the land as ‘light industrial;’ however,
542 there was never any interest at all from buyers it when it was marketed as “LI.”
543

544 **Mr. John White**
545 **1929 S. Lakeshore Drive**
546 **Rockwall, TX**
547

548 Mr. White indicated that he does not believe how long a property has sat on the market
549 should be a driving factor as to what its zoning should be. He expressed general support
550 of the REDC, indicating that the REDC is a viable representation of the citizens of

551 Rockwall, as the citizens voted on establishing the REDC years ago. He stated that he is
552 opposed to rezoning the land and he agrees with the REDC's sentiments.
553

554 Mr. Joel Steed
555 3065 N. Goliad Street
556 1010 W. Ralph Hall Parkway
557 Rockwall, TX
558

559 Mr. Steed came forth again and pointed out that there are existing residential homes east
560 and south of this property. He stated that the homes that are proposed to be built will be
561 nice homes. He generally encouraged the city to be good stewards of tax payer dollars,
562 and he pointed out that this particular property has not made any money for the city as it
563 has been sitting vacant for thirteen years. He shared that the owner would really like to
564 sell this piece of property, and he has been trying to do so for a number of years as it has
565 sat in trust.
566

567 Councilmember Hohenshelt made a motion to table Z2015-016 until the city council has
568 an opportunity to complete its strategic plan. Councilmember Milder seconded the
569 motion. Council commented that the estimated timeframe for completing this plan is
570 approximately six weeks. Councilmember White offered comments, expressing full
571 support for this zoning change.
572

573 Councilmember Milder expressed support for delaying action on this item until the
574 council has time to consider it further.
575

576 The motion failed by a vote of three in favor with three against (Pruitt, Fowler, Lewis).
577

578 Councilmember White made a motion to approve Z2015-016. Mayor Pruitt seconded the
579 motion. Councilmember Milder expressed that he believes allowing six weeks for the
580 council to finish its strategic plan and be better prepared to make an informed decision is
581 not too much to ask. After the comments, the motion to approve the zoning change
582 passed by a vote of 5 in favor with 1 against (Milder) and one absent (Townsend). The
583 ordinance was read into the record as follows:
584

585 CITY OF ROCKWALL
586 ORDINANCE NO. 15-XX
587

588 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
589 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
590 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE
591 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED
592 DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL
593 (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-
594 ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY,
595 ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND
596 MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR
597 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
598 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
599 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
600 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
601
602

603 **XII. ACTION ITEMS**

- 604
- 605 1. Discuss and consider Construction Manager at Risk process for The Park
606 at Stone Creek development, and take any action necessary.

607 **Assistant City Manager Brad Griggs provided background information related to this**
608 **agenda item. Councilmember Milder made a motion to approve the Construction**
609 **Manager at Risk process as recommended by staff. Councilmember White seconded the**
610 **motion, which passed by a vote of 6 ayes with 1 absent (Townsend).**

- 611
- 612 2. **A2015-002 - Discuss and consider initiating a development agreement**
613 **with Joey Howell, in accordance with Chapter 212 of the Texas Local**
614 **Government Code, for a property identified as Tract 18 & 18-01 of the S.**
615 **McFadgin Survey, Abstract No. 142, Rockwall County, Texas, being a**
616 **~98-acre tract of land situated within the City of Rockwall's Extraterritorial**
617 **Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548,**
618 **and take any action necessary.**

619 **Mayor Pruitt expressed that Councilmember Hohenshelt has recused himself from this**
620 **item and has filed an affidavit with the City Secretary accordingly.**

621 **Planning Director Ryan Miller provided background information related to this agenda**
622 **item. He explained that the city attorney and the applicant, Joey Howell, have worked on**
623 **revising the agreement that was included in the council members' meeting packet. An**
624 **updated version, which reflects some revised setbacks, has been provided to the city**
625 **council in paper form this evening. Discussion took place between Mr. Crowley, Mr.**
626 **Miller and Mr. Howell regarding future inspections of septic tanks, as this development**
627 **would, in the immediate future, be located out in the county (within the city's ETJ).**
628 **Mayor Pruitt asked what the development standard will be for this property. Mr. Howell**
629 **indicated that these homes will meet the city's most recently adopted developments**
630 **standards, which were put in place about six months ago.**

631 **Councilmember White made a motion to approve the 212 development agreement**
632 **associated with A2015-002. Councilmember Milder seconded the motion, which passed**
633 **by a vote of 5 in favor, 1 abstention (Hohenshelt), and 1 absent (Townsend).**

- 634 3. Discuss and consider the provisions of Chapter 12. Businesses & Sales,
635 Article XII. Ambulance Service of the Code of Ordinances, and take any
636 action necessary.

637 **City Manager Rick Crowley provided brief background information related to this agenda**
638 **item. Mayor Pro Tem Lewis followed Mr. Crowley's comments with some additional**
639 **information, specifically concerning the ES Corporation's position concerning Rockwall**
640 **revoking or keeping its "exclusivity" ordinance in place. He indicated that the ESC**
641 **essentially declined to take an official position, indicating the ordinance falls under the**
642 **city's purview.**

643

644 **Mr. Crowley explained that accurately predicting the financial impact associated with**
645 **repealing this ordinance as far as how it might financially affect Medic Rescue is difficult**
646 **to determine. However, Medic Rescue has provided some financial information in a**
647 **memo provided to the city council in their packets.**

648

649 **Councilmember White expressed that, at this time, he is not in support of repealing the**
650 **ordinance. He is generally "fifty / fifty" as far as a decision regarding leaving it in place**

651 or repealing it. He would like to see a true, documented effort between the hospital and
652 Rockwall County EMS, to resolve their differences. He would like to see a work plan on
653 what the issues are, how they might be resolved and how they ultimately got resolved
654 thereafter. He would like for this documented effort to take place very quickly on the part
655 of both parties. Then, if the issues are not able to be worked out, he would not be
656 opposed to possible revocation of the ordinance.
657

658 Mayor Pruitt expressed concern about turning Presby representatives into ‘criminals’
659 when they want to call a provider to help them perform their duties most efficiently.
660 Mayor Pro Tem Lewis generally indicated that he believes these sorts of “fix the
661 problems” efforts have been ongoing for a number of years, and the issues have been
662 unable to be resolved.
663

664 Councilmember White shared an excerpt from the 1993 city council meeting minutes
665 back when this ordinance provision was first adopted and put into place.
666

667 Councilmember Fowler asked for more information regarding Mr. Steve Athey of
668 Healthcare Visions, who is evidently an EMS consultant to the Emergency Services
669 Corporation (ESC) board. Mayor Pro Tem Lewis briefly indicated that he is an advisory
670 consultant to the board, and he has indicated an opinion that ‘exclusivity’ ordinances are
671 a good idea.
672

673 At the request of Mayor Pro Tem Lewis, Mr. Garza clarified that most cities he provides
674 legal services to do have ‘exclusivity’ ordinances in place for emergency ambulance
675 services. However, most do NOT have ‘exclusivity’ ordinances in place for non-
676 emergency ambulance service transfers.
677

678 Mayor Pruitt generally expressed that both Presby and Rockwall County EMS have been
679 “contracting around” the city’s exclusivity ordinance.
680

681 Mayor Pro Tem Lewis made a motion to repeal the exclusivity ordinance provisions (only
682 related to non-emergency transports), to authorize the city attorney to draft an ordinance
683 accordingly, and to delay implementation of said repeal until November 1, 2015. Mayor
684 Pruitt seconded the motion.
685

686 Indication was given that the current ambulance service contract that is in place through
687 the ESC expires in 2017.
688

689 The motion passed by a vote of five in favor with two against (White and Fowler) and one
690 absent (Townsend).
691

- 692 4. Discuss and consider (re)appointments to city advisory boards, including
693 the Animal Adoption Center/Shelter Advisory Committee, the Architectural
694 Review Board, the ART Commission, the Historic Preservation Advisory
695 Board and the Park Board, and take any action necessary.

696 Mayor Pruitt indicated that the council is not prepared to make any (re)appointments this
697 evening. Staff liaisons will be contacted regarding these appointments, and council
698 action will be taken at a future meeting.
699

700 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
701 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

702
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1. Departmental Reports
 - Building Inspections Monthly Report - June 2015
 - Fire Dept. Monthly Report - June 2015
 - Harbor PD Monthly Report - June 2015
 - Internal Operations Department Monthly Report - June 2015
 - Meals on Wheels Senior Services Third Quarter Report
 - Police Department Monthly Report - June 2015
 - Recreation Monthly Report - June 2015
 - Rockwall Animal Adoption Center Monthly Report - June 2015
2. City Manager's Report

713 **Mr. Crowley updated the Council on various items. He indicated that the grand opening**
714 **of the new Yellow Jacket Park is scheduled for this Saturday. He shared that the Police**
715 **Department is holding an upcoming National Night Out event tomorrow evening at Home**
716 **Depot, which is in addition to the Texas Night Out, which will be held in a couple of**
717 **months. Staff will be bringing this item to council for consideration at the next meeting.**
718 **He then congratulated Mr. Widmer on recently achieving a "Certified Building Official"**
719 **designation. Regarding planning for improvements to FM-549, the state has approached**
720 **the city with a viable drainage improvement option. He indicated that a fire recently**
721 **occurred in the downtown area, and our fire department responded very quickly. Also,**
722 **staff is trying to track down the party(ies) who reported the fire. Once they find out who**
723 **it was, staff will likely be coming before the council so that the person(s) may be formally**
724 **recognized for this act.**

725

726 **XIV. EXECUTIVE SESSION**

727

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

730

- 731 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic
732 Development)
- 733 2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the
734 downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
- 735 3. Discussion regarding possible settlement of City of Rockwall v. Temunovic Partnership, LTD.,
736 Case No. 1-14-878; 382nd District Court of Rockwall, Texas pursuant to Section 551.071
737 (Consultation with Attorney).
- 738 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees
739 including the Building and Standards Commission, Planning & Zoning Commission, and Board of
740 Adjustments pursuant to Section 551.074 (personnel matters)

741

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

743

744 **The Council did not reconvene in Executive Session following the conclusion of the**
745 **public meeting agenda.**

746

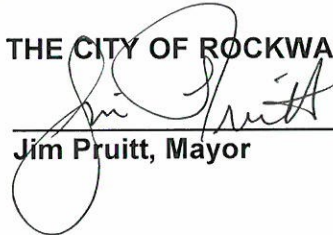
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XVI. ADJOURNMENT

Mayor Pruitt adjourned the public meeting at 8:47 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS 17th DAY OF AUGUST, 2015.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

