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**MINUTES**  
**ROCKWALL CITY COUNCIL**  
Tuesday, September 08, 2015  
4:00 p.m. Regular City Council Meeting  
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8  
9 Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt,  
10 Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend,  
11 Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant  
12 City Managers Mary Smith and Brad Griggs, and City Attorney (fill-in) Patrick Lindner.  
13 Councilmember Hohenshelt joined the meeting at 4:06 p.m. as reflected during Work  
14 Session item #1 noted below.

15  
16 II. WORK SESSION

- 17  
18 1. HOLD WORK SESSION TO HEAR AND DISCUSS PRESENTATION BY AECOM  
19 REGARDING PUBLIC TRANSPORTATION STUDY FINDINGS, AND TAKE ANY ACTION  
20 NECESSARY.

21  
22 **Jerry Smiley**  
23 **AECOM**  
24 **1950 N. Stemmons Freeway**  
25 **Dallas, Texas**

26  
27 Mr. Smiley explained that he is Vice President of AECOM and Business Unit Leader for  
28 Transit and Environmental Services and is out of the Dallas office. He introduced Kristen  
29 Lucan, Senior Planner, with AECOM and Andrew Idickson, Department Manager for  
30 Transit Planning with AECOM, who also spoke during the presentation.

31  
32 John Hohenshelt arrived to the meeting at 4:06 p.m.

33  
34 Ms. Lucan came forth and shared data concerning a peer comparison of seven other  
35 transportation service providers in Texas and one in Oklahoma. Consultant speakers  
36 from AECOM went on to share information on ridership and trending for Rockwall  
37 County as well as various service level and service type considerations. They also  
38 briefly touched on recommendations related to contracting for public transit services  
39 and monitoring said services. They indicated that AECOM representatives plan to hold a  
40 stakeholder meeting with STAR representatives and gather more data that is specific to  
41 Rockwall County to help the city make more informed decisions moving forward.

42  
43 After brief comments by council members, Mr. Crowley indicated that it appears as  
44 though further analysis of STAR transit will not be able to conclude before it is time for  
45 both the city and county to adopt their upcoming fiscal year budgets. However, he  
46 indicated that the City of Rockwall will need to make some sort of cost-related budget  
47 decisions either this evening or at the September 21 council meeting before the fiscal  
48 year budget can be approved.

- 50           2.     **HOLD WORK SESSION TO DISCUSS THE CURRENT SOLID WASTE COLLECTION**  
51                   **CONTRACT RENEWAL NEGOTIATIONS WITH REPUBLIC WASTE (ALLIED WASTE) AND**  
52                   **TAKE ANY ACTION NECESSARY**  
53

54 Rick Burnis with Republic Waste came forth and briefed the council on a proposal  
55 currently being put forth regarding renewing the contract with his company for a period  
56 of an additional five years. Various comments were made regarding the city's current  
57 recycling program, including the more than 50% of residents who participate in recycling  
58 as well as current costs associated with the program. Discussion took place concerning  
59 the additional tonnage of garbage that might result if the recycling program went away  
60 entirely, as well as the need to consider associated cost implications that may result.  
61

- 62           3.     **HOLD WORK SESSION TO DISCUSS AND CONSIDER LOCAL REGULATIONS REGARDING**  
63                   **NON-EMERGENCY AMBULANCE SERVICES AND ASSOCIATED TRANSPORTS, AND TAKE**  
64                   **ANY ACTION NECESSARY.**  
65

66 City Manager Rick Crowley indicated that the council had previously instructed staff to  
67 come back with an ordinance to become effective November 1, 2015 to essentially do  
68 away with exclusivity of non-emergency EMS transfer services in the city. He went on to  
69 explain that the city council may or may not wish to consider also adopting an ordinance  
70 to establish a franchise agreement with non-emergency transport service EMS providers  
71 doing business in the city. He explained that the council must find that a public  
72 necessity exists in order to enter into those sorts of ordinance-based franchise  
73 agreements. Crowley indicated that associated with these sorts of franchise agreements  
74 would be payment to the city from ambulance providers that equates to about 3.5-3.6% of  
75 their gross revenue. This amount is somewhat of an industry standard, and would be  
76 owed to the city for the purpose of utilizing streets and roadways. The council may or  
77 may not have an interest in these sorts of franchise agreements and may or may not  
78 wish to regulate these providers. Staff is seeking direction from the council at this time.  
79

80 Mayor Pro Tem Lewis indicated that he is not necessarily interested in entering into  
81 franchise agreements; however, he does wish to ensure that providers that may be  
82 operating in the city are qualified. Mr. Crowley indicated that the State already regulates  
83 EMS service providers; however, the Council may or may not wish to do some sort of  
84 regulating of its own. Brief discussion took place related to how and to what extent  
85 providers may be regulated.  
86

87 Councilmember White indicated that he is against any sort of franchise fee, and he does  
88 not feel that the city should get involved in regulating ambulances since the state already  
89 licenses and regulates them.  
90

91 Councilmember Hohenshelt asked if the city would take any steps, as far as regulation is  
92 concerned, beyond that which the state would already take to regulate such companies.  
93 Mr. Crowley indicated that all that a franchise agreement would do is to allow the city to  
94 keep track of those companies doing business in our city, and a fee would be collected.  
95 Mayor Pruitt also indicated that the companies that would be performing non-emergency  
96 transport services in our city will also potentially impact the amount of annual funding  
97 the city will end up paying to the County of Rockwall Emergency Services Corporation  
98 (ESC) for the annual 'emergency transport' services contract in place and managed  
99 through the ESC.

100 Mayor Pro Tem Lewis indicated that he would like to hear some additional information  
101 from city attorney, Frank Garza, before making any sort of definitive decision on this  
102 topic. Councilmember Hohenshelt indicated that he would also like to better understand  
103 the cost implications, if possible.

104  
105 Councilmember Fowler indicated that he believes the council should care, to some  
106 extent, which providers are operating in our city, so he would like some additional  
107 information before making any decisions as well.

108  
109 Mr. Crowley briefly explained the potential cost implications on annual subsidy paid to  
110 the ESC and ultimately passed on to the ambulance provider on contract with the ESC.  
111 He shared that it will be difficult to determine cost implications, explaining that it will  
112 depend on how often and to what extent businesses, such as the local hospitals and  
113 nursing homes, continue to call the existing contractor to perform non-emergency  
114 transports versus how often and to what extent they start calling other providers to  
115 perform those services. He cautioned that if the council chooses to initiate a franchise  
116 agreement type of ordinance, then the previously expressed November 1 deadline for  
117 implementation may need to be delayed. The council took no action related to this work  
118 session item at this time, indicating they have a desire to hear more input from the city  
119 attorney concerning what other cities have done, and to receive more information  
120 overall.

121  
122 **III. EXECUTIVE SESSION.**

123  
124 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**  
125 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 126  
127 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor  
128 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 129 2. Discussion regarding dangerous dog claim legal pursuant to Section 551.071 (Consultation  
130 with Attorney)
- 131 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
132 committees including the Building and Standards Commission, Planning & Zoning  
133 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

134  
135 **IV. ADJOURN EXECUTIVE SESSION**

136  
137 **Executive Session was adjourned at 5:42 p.m.**

138  
139 **V. RECONVENE PUBLIC MEETING**

140  
141 **Mayor Pruitt reconvened the public meeting at 6:01 p.m.**

142  
143 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

144  
145 **Mayor Pruitt indicated that no action is needed at this time.**

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

150  
151 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

152  
153 **VIII. PROCLAMATIONS / AWARDS**

- 154  
155 1. Constitution Week

156  
157 **The Mayor called forth two representatives of the Daughters of the American Revolution,**  
158 **who spoke a few moments about the U.S. Constitution, including some facts about it and**  
159 **its importance. Mayor Pruitt then read and presented the proclamation for Constitution**  
160 **Week.**

- 161  
162 2. Recognition of Mr. Jeffrey McLeod, Rockwall Police Officer Gary North,  
163 and Rockwall Fire Department staff and volunteers regarding July fire in  
164 downtown Rockwall

165  
166 **Mayor Pruitt read and presented a proclamation to Mr. McLeod to recognize and thank**  
167 **him for his efforts in helping alert a Rockwall police officer of a fire in the downtown area**  
168 **back in July. He then called Police Officer North and members of the Rockwall Fire**  
169 **Department forward to recognize them for their efforts related to the fire as well.**

- 170  
171 3. Recognition of Sikder Rahman and Jackson Ikechukwn regarding August  
172 fire at Rockwall Nursing Care Center

173  
174 **Fire Chief Mark Poindexter explained that these two gentleman work at the nursing**  
175 **home, and they were instrumental in extinguishing a fire that had started in a resident's**  
176 **room. Mayor Pruitt read and presented an honorary proclamation to each of them,**  
177 **expressing gratitude for their life-saving efforts.**

178  
179 **IX. OPEN FORUM**

180  
181 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**  
182 **come forth to speak. There being no one, Mayor Pruitt then closed the Open Forum.**

183  
184 **X. CONSENT AGENDA**

- 185  
186 1. Consider approval of the minutes from the August 17, 2015 regular city  
187 council meeting, and taken any action necessary.
- 188 2. Consider approval of the minutes from the August 31, 2015 budget work  
189 session, and taken any action necessary.
- 190 3. Consider awarding the Lake Forest Erosion Control Improvements project  
191 construction contract to Environmental Safety Services, Inc. in the  
192 amount of \$348,650.00 and take any necessary action.
- 193 4. Consider authorizing the city manager to execute a professional  
194 engineering services contract with Teague, Nall and Perkins, Inc. to  
195 perform the engineering design plans and specifications for the  
196 Stonebridge Drive Sanitary Sewer Lift Station Rehabilitation project in the

197 amount of \$67,800.00 to be funded out of 2015 Water and Sewer  
198 Revenue Bonds, and take any action necessary.

199 5. Consider authorizing the city manager to execute an amendment to the  
200 professional services contract with LaTerra Studio, Inc. related to  
201 professional services associated with the downtown project regarding a  
202 change order in the amount of \$33,538 to be funded out of 2012  
203 downtown bond proceeds, and take any action necessary.

204 6. Consider authorizing the city manager to execute a Memorandum of  
205 Understanding with the cities of Allen, Forney, Frisco, Heath, McKinney,  
206 Mesquite, Plano, Princeton, Richardson, Seagoville and the Town of  
207 Prosper, regarding development of a regional capacity, management,  
208 operations and maintenance program (CMOM) pertaining to North TX  
209 Municipal Water District (NTMWD) wastewater treatment systems, and  
210 take any action necessary.

211 7. Consider approval of a resolution related to a grant through the Texas  
212 Parks and Wildlife Department pertaining to construction of a boating  
213 access facility on Lake Ray Hubbard near SH-66 and N. Lakeshore Drive,  
214 and authorize the city manager to execute associated project agreement,  
215 and take any action necessary.

216 8. Consider authorizing the city manager to execute a professional services  
217 contract with for EJES, Inc. to perform the engineering design services  
218 and specifications for the East Boydston Avenue Reconstruction Project  
219 from South Goliad St. to Clark Street in the amount not to exceed  
220 \$440,228.40 to be funded out of the 2012 bond proceeds, and take any  
221 action necessary.

222 9. Consider authorizing the city manager to execute a professional services  
223 contract with Freese and Nichols, Inc. to perform the engineering design  
224 services and specifications for the County Line Roadway Reconstruction  
225 Project from Horizon Road (FM 3097) to Renee Drive in an amount not to  
226 exceed \$580,440 to be funded out of 2012 bond proceeds, and take any  
227 action necessary.

228 10. Consider authorizing the city manager to execute a professional services  
229 contract for Cobb, Fendley & Associates, Inc. to perform the engineering  
230 design services and specifications for the Throckmorton Street  
231 Reconstruction Project from East Boydston Avenue to East Bourn Street  
232 in an amount not to exceed \$187,695.00 to be funded out of 2012 bond  
233 proceeds, and take any action necessary.

234 11. P2015-035 - Consider approval of a request by Archie Underwood and  
235 Dan Walker for the approval of a replat for Lots 1 & 2, Block A, Lakeside  
236 Veterinary Clinic Addition being a replat of two (2) parcels being 2.43-  
237 acres of land identified as Lot 1, Block A, Bernice Addition and Lakeside  
238 Batting Park Addition, City of Rockwall, Rockwall County, Texas, zoned  
239 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)  
240 District, addressed as 801 & 801B E. IH-30, and take any action  
241 necessary.

242

243           12.    Consider authorizing the Mayor to execute an interlocal agreement with  
244           Rockwall County to provide fire protection services within unincorporated  
245           areas of the county for the year 2015-2016, and take any action  
246           necessary.

247   **Councilmember Lewis pulled item #5 for further discussion. Councilmember Milder then**  
248   **made a motion to approve all remaining consent agenda items (except item #5) (#1, 2, 3,**  
249   **4, 6, 7, 8, 9, 10, 11, and 12). Councilmember Hohenshelt seconded the motion, which**  
250   **passed by a vote of 7 ayes to 0 nays.**

251  
252   **Regarding Consent Agenda item #5, Councilmember Lewis asked if LaTerra has had any**  
253   **delays in responding to the city throughout the course of the project. Mr. Tumulty, City**  
254   **Engineer, indicated that he is not aware of any such delays, noting that the only delays**  
255   **he is aware of have been related to bad weather. Councilmember Lewis questioned if it**  
256   **is necessary to pay LaTerra a continued monthly fee for an additional five month period,**  
257   **or if perhaps staff may be able to handle the architectural oversight instead for that**  
258   **period. Lewis generally indicated that he is not in favor of extending the oversight**  
259   **period.**

260  
261   **Mayor Pro Tem Lewis made a motion to instruct staff to handle the disputed claim and**  
262   **settle it; however, he does not wish to authorize continuation of \$3,300 / month for FIVE**  
263   **additional months. Councilmember Townsend seconded the motion. After various**  
264   **comments by council and staff, Councilmember Lewis repeated his motion – to offer La**  
265   **Terra Studio the amount of \$17,038.63 to settle the disputed amount due caused by**  
266   **ambiguous language in the existing contract and to not pay the additional \$16,500**  
267   **(\$3,300 for five additional months) for monthly, architectural oversight of the project.**

268  
269   **After brief comments, the motion passed by a vote of 6 in favor with 1 against (Fowler).**

270  
271   **Open Forum was addressed next by the Mayor and Council.**

272  
273   **XI.    APPOINTMENTS**

274  
275           1.    Appointment with the Planning and Zoning Chairman to discuss and  
276           answer any questions regarding cases on the agenda and related issues  
277           and take any action necessary.

278   **Chairman, Craig Renfro, came forth and briefed the council on Planning-related items on**  
279   **tonight's agenda, including recommendations of the Commission relative to those items.**  
280   **He mentioned that P&Z board member, Wendi Conley, recently resigned. After his**  
281   **remarks, the council took no action concerning this appointment item.**

282           2.    Appointment with Todd Parks, Fixed Based Operator of the Ralph M. Hall  
283           / Rockwall Municipal Airport, to consider a request regarding modification  
284           of operating hours, and take any action necessary.

285   **Mr. Parks came forth and indicated that he is requesting that the council consider**  
286   **allowing him to adjust airport operating hours to be more in line with when demand for**  
287   **use of the airport is actually present versus when demand is negligible. If the adjusted**  
288   **hours are approved this evening, Mayor Pruitt encouraged Mr. Parks to come back to the**  
289   **council to further adjust the hours of operation should trends in demand change over**  
290   **time. Mr. Parks' written request to the Council indicated that he would like consideration**  
291   **to change the operating hours as follows:**

292  
293

Monday through Friday - change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 5:00 PM

Saturday - Change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 4:00 PM.

Sunday - We currently open at 7:00 AM and close at 7:00 PM. We are requesting that the FBO be closed on Sundays.

294  
295  
296 **Mayor Pruitt made a motion to approve the request to adjust operating hours as**  
297 **presented. Councilmember White seconded the motion, which, after brief comments,**  
298 **passed by a vote of 7 in favor with 0 against.**  
299

- 300           3.     Appointment with Rockwall resident Jim Smith to hear concerns related to  
301                   drones, and take any action necessary.

302 **Mr. Smith came forth and thanked the council for their tireless work on behalf of citizens.**  
303 **He went on to share that he was sitting on his back porch recently, and a drone flew into**  
304 **the air space over his back yard. He expressed that he wishes to not address or attempt**  
305 **to have the city regulate government or commercial drone use, but rather drones used**  
306 **for hobby or recreational purposes (aka 'model aircraft'). He spoke to some of the**  
307 **existing Federal Aviation Administration (FAA) 'guidelines' he has researched and found**  
308 **to be in place, sharing that they are guidelines rather than regulations and that they seem**  
309 **to still be evolving. He also has concerns about people using recreational drones**  
310 **(unmanned aircraft) for the purpose of taking photos without someone's permission and**  
311 **perhaps distributing those photos. He wants to maintain serenity and peacefulness in**  
312 **Rockwall resident's back yards. He pointed out an existing section of the city's Code of**  
313 **Ordinances (Chapter 8. Aviation, Article II. Airport) that he feels could be used to prohibit**  
314 **the use of recreational drones (aircraft). He also believes that Ch. 16 (Environment),**  
315 **Article IV. (Noise) of the Code might also have some provisions that could be applied to**  
316 **help regulate drones and maintain quite, peace and serenity in residents' back yards, for**  
317 **example. Mr. Smith asked the council, staff and city attorney a series of questions,**  
318 **including inquiries regarding if these sections of the Code of Ordinances mean that the**  
319 **city already regulates drones, or if additional regulations should be established.**  
320

321 **Following Mr. Smith's presentation, Mayor Pruitt thanked him for his comments, and the**  
322 **city council took no action concerning this appointment item.**  
323

324 **XII.     PUBLIC HEARING ITEMS**  
325

- 326           1.     Hold a public hearing to receive comments regarding the proposed FY  
327                   2015-2016 City of Rockwall budget, and take any action necessary.

328 **Mr. Crowley provided the Council with a broad overview of some of the various recurring**  
329 **and one-time expenses that are proposed to be funded in this upcoming budget,**  
330 **including staff, programs and equipment. He explained that the proposed budget**  
331 **assumes adoption of the effective tax rate. Mrs. Smith provided a brief overview of a**  
332 **meeting recently held with staff, including herself, Brad Griggs, (Fire) Chief Poindexter**  
333 **and Battalion Chief Merritt. She shared some information concerning how it may be**

334 possible to lower the Fire Department's overtime budget to free up some funds to hire  
335 some additional, full-time, paid staff. After lengthy discussion, Mayor Pruitt opened the  
336 public hearing and asked if anyone would like to come forth and speak at this time.  
337 There being no one, Mayor Pruitt then closed the public hearing. He indicated that  
338 Council will take formal action to adopt the budget at its September 21<sup>st</sup> meeting.  
339

340 **XIII. ACTION ITEMS**

- 341
- 342 1. Discuss and consider a recommendation of the City Council's Naming  
343 Sub-Committee regarding approval of a resolution renaming Camelot  
344 Court to Lynch Court, and take any action necessary.

345 Mayor Pruitt addressed this agenda item next, following the Proclamations portion of the  
346 public meeting agenda. He called forth Mr. Lynch and his wife, introducing them and  
347 sharing a detailed history of both Mr. Lynch's current volunteer involvement in the  
348 community and to veterans, as well as his past military service to our country while  
349 serving in the U.S. Army. He shared that there are four homes located on what is now  
350 known as Camelot Court, and all of the residents who live on that street have indicated  
351 support for changing the name of the street to Lynch Court to honor Specialist Five  
352 Joseph P. Lynch, Sr.

353

354 Councilmember Lewis made a motion to move forward with changing the name of  
355 Camelot Court to Lynch Court. Councilmember Milder seconded the motion, which  
356 passed unanimously of council (7 ayes to 0 nays).

- 357
- 358 2. Discuss and consider possible options for the solid waste contract, and  
359 take any action necessary.

360 Mr. Crowley provided background information related to this agenda item, reminding the  
361 Council and the public that this agenda item was discussed at greater length during a  
362 work session that was held earlier this afternoon.

363

364 Councilmember Milder indicated that he does not personally have any problem with the  
365 current service provider; however, he does feel that it is prudent to periodically go out  
366 for bid to explore other options in order to compare and ensure we are getting the best  
367 value for our dollars spent.

368

369 Mayor Pro Tem Lewis shared that he has heard only one or two complaints about bulk  
370 trash pick-up; however, he believes these issues have been addressed. He shared that  
371 fuel costs and costs of things like tires are 'up' quite significantly lately.

372

373 Mayor Pro Tem Lewis then made a motion to authorize the City Manager to execute  
374 contract renewal documents with Republic Waste and bring back a corresponding rate  
375 resolution for Council action at a later date. Councilmember Townsend seconded the  
376 motion, which passed by a vote of 6 in favor with 1 against (Milder).

- 377
- 378 3. MIS2015-006 - Discuss and consider a request by Elias Pope of 8020  
379 Restaurants, LLC for the approval of a variance to the parking  
380 requirements in conjunction with an approved site plan for a restaurant on  
381 a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District  
382 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned  
383 Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30



384 OV) District, located at the southeast corner of the IH-30 Frontage Road  
385 and Sunset Ridge Drive, and take any action necessary.

386 **Planning Director Ryan Miller provided a brief synopsis of this agenda item and the**  
387 **associated request. He stated that this item is associated with a 6,800 square foot**  
388 **restaurant facility just north of Trend Tower. The applicant is showing 68 parking spaces**  
389 **being provided with 53 being provided on site and an additional fifteen being provided**  
390 **offsite in the Trend Tower parking garage. The applicant is now requesting that the**  
391 **council consider waiving the additional 15, off-site parking spaces at Trend Tower, citing**  
392 **that sufficient public parking is available within the sub-district. Councilmember Lewis**  
393 **asked when public access to spaces located in Trend Tower begins. Mr. Crowley**  
394 **clarified that it starts at 5:00 p.m. Mr. Crowley clarified that the applicant is requesting to**  
395 **be able to count "on street" and other public parking spaces towards his required**  
396 **number of spaces. After brief comments, Councilmember White made a motion to**  
397 **approve the variance request for MIS2015-006. Mayor Pro Tem Lewis seconded the**  
398 **motion, which passed by a vote of 7 ayes to 0 nays.**  
399

- 400 4. MIS2015-005 - Discuss and consider a request by Duane and Jennifer  
401 Piercy for the approval of an exception to the minimum masonry  
402 requirements stipulated in Section 3.1, General Residential District  
403 Standards, of Article V, District Development Standards, of the Unified  
404 Development Code, for a 1.21-acre tract of land identified as Lot 1, Block  
405 A, Piercy Place Addition, City of Rockwall, Rockwall County, Texas,  
406 zoned Single Family 7 (SF-7) District, addressed as 713 Hartman Street,  
407 and take any action necessary.

408 **Mr. Miller provided brief background information related to this agenda item, indicating**  
409 **that the applicant would like to request a variance to allow him/her to utilize 100% hardy**  
410 **plank material instead of the city's current masonry standards (required to use 80%**  
411 **masonry with a maximum of 50% being dedicated to hardy plank, stucco or other**  
412 **cement-like materials). However, the code does allow for the council to grant variances**  
413 **at its discretion. He explained that this home is located near the adjacent historic**  
414 **district, so it would be in line with some of the other homes in the area. The P&Z**  
415 **Commission has recommended approval of this agenda item. Councilmember White**  
416 **made a motion to approve the variance request for MIS2015-005. Mayor Pro Tem Lewis**  
417 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

418 **Regarding the next two agenda items (Action item #5 and #6), Mayor Pruitt announced**  
419 **that Councilmember Hohenshelt has recused himself and has filed an affidavit, as**  
420 **required, with the City Secretary.**

- 421 5. Discuss and consider a motion for reconsideration regarding the Chapter  
422 212 Development Agreement approved with Joey Howell on August 3,  
423 2015 for the property within the City of Rockwall's Extraterritorial  
424 Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548,  
425 being a ~98-acre tract of land, and take any action necessary.

426 **Mr. Crowley, City Manager, provided some background information related to this**  
427 **agenda item, generally summarizing his memo and pointing out that Mr. Howell**  
428 **submitted an e-mail that has been included in council members' informational meeting**  
429 **packet. He summarized that the County has expressed some opposition to approval of**  
430 **this 212 Development Agreement on the part of the city. He further indicated that the**  
431 **County recently disapproved Mr. Howell's variance request. As such, City Manager**

432 Crowley explained that, although the council had authorized him to execute the 212  
433 agreement at a previous council meeting, he did not yet move forward with signing said  
434 document. At this point, since there seems to be some opposition from the County, as  
435 well as some unknown eventual outcomes at the county level concerning this topic, Mr.  
436 Howell came forth and indicated that he is in support of the city council rescinding its  
437 previous action whereby it authorized the city manager to execute the 212 agreement.

438 Councilmember White made a motion for reconsideration of the 212 agreement.  
439 Councilmember Townsend seconded the motion, which, after brief comments, passed by  
440 a vote of 6 in favor with 1 recusal (Hohenshelt).

441 6. Discuss and consider terminating the authorization to approve the  
442 Chapter 212 Development Agreement with Joey Howell for a property  
443 identified as Tract 18 & 18-01 of the S. McFadgin Survey, Abstract No.  
444 142, Rockwall County, Texas, being a ~98-acre tract of land situated  
445 within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located  
446 south of SH-276 on the east side of FM-548, and take any action  
447 necessary.

448 Councilmember Townsend made a motion to terminate the previously granted  
449 authorization associated with the city manager executing the 212 development  
450 agreement with Joey Howell. Councilmember Milder seconded the motion, which passed  
451 by a vote of 6 ayes with 1 recusal (Hohenshelt).

452 7. Discuss and consider (re)appointments to city advisory boards, including  
453 the Animal Adoption Center/Shelter Advisory Committee, the Architectural  
454 Review Board, the Historic Preservation Advisory Board, and the Youth  
455 Advisory Council, and take any action necessary.

456 Councilmember White made a motion to reappoint the following students to serve on the  
457 the YAC this school year:

- 458 1. Beth Naylor (re-appointment) – Senior, homeschool
- 459 2. Isabella Burzair (re-appointment) – Senior, RHHS
- 460 3. Baldwin Bakkal (re-appointment) – Senior, RHHS
- 461 4. Derek “Gunner” Avenetti (re-appointment) – Senior, RHS
- 462 5. Cate Ghormley (re-appointment) – Senior, RHS
- 463 6. Logan Peet (re-appointment) – Senior, RHHS
- 464 7. Jake Mirelez (re-appointment) – Senior, RHS
- 465 8. Reid Rakow (re-appointment) – Junior, RHS
- 466 9. Bethany Villalobos (re-appointment) – Sophomore, RHS

467

468 and to newly appoint the following students:

- 469 10. Lanson Bennett (new appointment) – Senior, Heritage Christian Academy
- 470 11. Avery Dalfrey (new appointment) – Junior, RHHS
- 471 12. Zully Zavala (new appointment) – Junior, RHS
- 472 13. Caleb Davis (new appointment) – Freshman, homeschool

473 Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0  
474 nays.

475 Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember  
476 Fowler made a motion to reappoint Ken Dickson, Dr. Kurt Avery and Sandra Solomon to  
477 continue serving. Mayor Pro Tem Lewis seconded the motion, which passed  
478 unanimously (7 ayes to 0 nays).

479 Regarding the Architectural Review Board, Councilmember Folwer made a motion to  
480 replace Engiell Tomaj with new board member Ralph Chizzonite and to reappoint Enid  
481 Reyes, Ashlei Neil and Jimmy Strohmeier to serve an additional term (thru August of  
482 2017). Councilmember White seconded the motion, which passed by a vote of 7 ayes to  
483 0 nays.

484 Regarding the Historic Preservation Advisory Board, Mayor Pruitt made a motion to  
485 reappoint Mike Mishler and Carolyn Francisco (to serve through August 2017) and to  
486 newly appoint Daniel Nichols and Gabriel Castro (replacing former members, Keegan and  
487 Turbyfill). Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 7 ayes  
488 to 0 nays.

489 Mayor Pro Tem Lewis made a motion to reappoint Stephen Geiger and Martin Musser to  
490 the Board of Adjustments (through August of 2017). Councilmember White seconded the  
491 motion, which passed unanimously of those present (7 ayes to 0 nays).

492 Mayor Pro Tem Lewis made a motion to reappoint Dennis Dayman and Freddie Jackson  
493 to the Building and Standards Commission (through August of 2017). Councilmember  
494 White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

495 Mayor Pro Tem Lewis made a motion to appoint a new member, Jerry Welch, to serve on  
496 the Building and Standards Commission (through August of 2017). Councilmember  
497 White seconded the motion, which passed unanimously (7 ayes to 0 nays).

498

499 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,  
500 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

501

502 1. Departmental Reports

503 Building Inspections Monthly Report - July & Aug. 2015

504 Fire Dept. Monthly Reports - July 2015

505 GIS Department Monthly Report - July 2015

506 Harbor PD Monthly Report - July 2015

507 Internal Operations Department Monthly Report - July 2015

508 Police Department Monthly Report - July 2015

509 Recreation Monthly Report - July 2015

510 Rockwall Animal Adoption Center Monthly Report - July 2015

511 2. City Manager's Report

512

513 Mr. Crowley attempted to clarify a few, budget-related topics, specifically related to STAR  
514 Transit and the potential of adding firefighter positions. Councilmember White requested  
515 that, if STAR Transit is included in the budget, he would like the ability to vote on it as a  
516 separate item, apart from the budget as a whole, because he has no intention of voting  
517 "for" it. Regarding the firefighter positions, Councilmember Milder requested the ability  
518 to also vote on this expense separately from the rest of the budget as a whole, as he

519 does not support a budget that does not include increased staffing in the Fire  
520 Department.

521 Mr. Crowley indicated that the city has been trapping and testing mosquitos for the West  
522 Nile Virus for number of years. Recently, a mosquito that was trapped tested positive for  
523 the virus. As a result and in accordance with the recommendation of the city's health  
524 official, staff will be spraying within a one mile radius of where this mosquito was  
525 recently trapped.

526 **XV. EXECUTIVE SESSION**

527  
528 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
529 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
530 CODE:

- 531 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor  
532 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 533 2. Discussion regarding dangerous dog legal claim pursuant to Section 551.071 (Consultation  
534 with Attorney).
- 535 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
536 committees including the Building and Standards Commission, Planning & Zoning  
537 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

538 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

539  
540 The city council did not return to Executive Session following the close of the public  
541 meeting agenda.

542  
543 **XVII. ADJOURNMENT**

544  
545 Mayor Pruitt adjourned the meeting at 7:51 p.m.

546  
547  
548 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
549 **THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2015.**

550

551

552

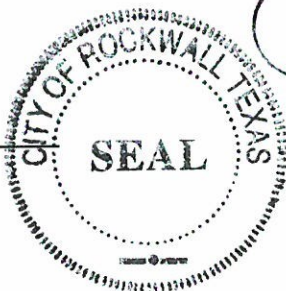
553 **ATTEST:**

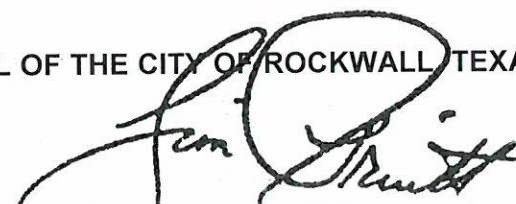
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555

556

  
Kristy Cole, City Secretary



  
Jim Pruitt, Mayor