

MINUTES

ROCKWALL CITY COUNCIL

Monday, April 06, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss status of state roadway projects, local roadways and other public works projects, and take any action necessary.

City Engineer, Tim Tumulty, came forth and briefed the city council on the status of various current and future state roadway projects affecting the City of Rockwall. Regarding the IH-30 / FM-3549 interchange – the expected date for construction to begin is around June of this year, and it is a TXDOT project. The expected timeframe for completion, after the construction begins, is about two years. This project will route IH-30 over FM-3549. Regarding the SH-276 project from SH-205 to FM-549, it will be a six-lane project, and four lanes will be built in the first phase. This is one of two projects for which Rockwall County received funding from the State of Texas Proposition One Funding source. This project is scheduled for funding in the year 2018, and it will likely be bid in late 2017. This project is about 60% designed already. The next project, FM-3549 Rehab Project, which starts at SH-66 and goes up to FM-552 (a little under 4 miles), and it is a 'rehab' projects. The asphalt will be removed and the shoulders will be expanded. The project was just bid, and construction will likely start sometime around June of this year. Regarding the next project, which is the FM-3549 project from IH-30 to SH-66, this will end up being a four lane / divided roadway. Their bid date is January 2017, and TXDOT is about 30% into the process associated with this project. This project is the other one of the two for which Rockwall County was able to secure funding from the State of Texas Proposition One Funding source. Mr. Tumulty went on to explain that the existing IH 30 ramps near the intersection of SH-205 will end up being reconfigured such that drivers, for example going eastbound on IH-30, will be able to actually exit and access John King instead of having to exit at SH-205 and proceed through the intersection before driving east on the service road to John King. Also, going westbound, drivers wanting to go westbound on IH-30 will be able to enter IH 30 prior to SH 205 so that they don't have to proceed through the IH 30/SH-205 intersection in order to enter onto IH-30. These changes will hopefully help alleviate some of the congestion at this existing intersection.

Regarding the SH-66 interim project, the project limits will be from the Rockwall County Line to the intersection of John King. The asphalt will be stripped and a new surface put down. In addition, turn lanes will be added at the John King intersection and the FM-3549 intersection. March 2016 is the target timeframe for bidding the project. Regarding

the alignment of the permanent project, it will be a four-lane divided roadway from SH 205 to John King, and then it would be a six-lane concrete, divided roadway for the remainder of the project. It is estimated to cost \$96 million, and there is no funding and no estimated timeframe for construction at this time.

Regarding FM-549 Rehab Project from SH-276 to SH-205, TXDOT is estimated to bid the project around June of this year. The pavement surface will be removed and shoulders will be added, followed by a new surface overlay. Also, this project will include improvements along FM-1139 from FM 549 back to the east and connecting into FM-550. Left turn lanes will be added along SH 205 at both connections to FM 549 in order to help alleviate traffic congestion along SH 205 and increase traffic flow.

Regarding FM-549 from SH-276 to SH-205, TXDOT is looking to widen it from a two-lane asphalt to a six-lane divided concrete roadway. However, they are currently studying the traffic counts to see if it really does need to be six lanes, or if four lanes would suffice.

Another project that is in process is adding a westbound on-ramp to IH-30 between Ridge Road and FM-740/Horizon. Staff has selected an engineer and is going through negotiations right now. This project was previously approved by voters, and it is a badly needed project. It is expected that this project would take about nine months to complete after construction starts.

Regarding SH-205 from US 78 in Lavon all the way down to US 80 in Terrell, TXDOT is scheduled to have a kick-off meeting on April 14th with the affected communities. The City of Rockwall is concerned about the area of the road that approaches the downtown area.

City Manager Rick Crowley provided a history of when and for what purpose John King Boulevard was constructed. It was anticipated that it would be a future re-route for SH-205. However, Mr. Crowley explained, after John King was designed, TXDOT's standards for roadways drastically changed, so the design of John King does not meet TXDOT's design standards for having traffic routed onto it off of SH-205. He then went on to explain the potential pros and cons of having John King be a re-route for SH-205. He indicated that this possibility might be something the city could bring up to and explore with the engineering consulting firm, Halff Associates, who will be evaluating the SH-205 project. Indication was given that the North Central TX Council of Governments (NCTCOG) is currently studying this area to see if four or six lanes will be needed on SH-205 just north of downtown. Mayor Pruitt indicated that John King Boulevard was built and was always intended to serve as a bypass for SH-205. If it were to become the route for SH-205, then the existing portion of SH-205 that runs through the downtown area would be turned over to the city and would be maintained and managed by the city. Mayor Pruitt asked if the city council members would like staff to pursue encouraging TXDOT to consider John King as a bypass route for SH-205. General consensus was given to staff by city council members that the city council would like staff to pursue encouraging TXDOT to route traffic off of SH-205 onto John King Boulevard.

Mr. Tumulty provided an update on the last project - FM-3097 to FM-740 to Tubbs Road. This project is a TXDOT project where it will be widened from a two-lane asphalt to a four-lane, divided roadway. It was bid back in September of 2014. The city participated in the cost of this project in an amount of \$900,000. The state anticipates beginning

100 construction in June, and it will be a three phase project that will take about two years to
101 complete.

102
103 Mr. Tumulty next briefed the city council on the status of Rochelle Road, which is
104 partially abutting the city limits of Rockwall and partially abutting the City of Fate
105 jurisdiction in between IH-30 and SH-276. He explained that the city's portion of the
106 roadway is gravel, and the City of Fate's portion is asphalt. It was clarified that no city
107 development, including no commercial, retail or residential homes, are currently located
108 along this roadway. A portion of the roadway is located in a 100 year floodplain zone.
109 So, depending on how heavy rainfall may be, at times the roadway may need to be shut
110 down periodically due to flooding and associated safety concerns. If Rochelle Road
111 were to be entirely re-done/re-built, it would likely cost about \$7 million for the City of
112 Rockwall and just over \$4 million for the City of Fate's portion.

113
114 Mr. Tumulty next discussed a drainage / erosion problem that was brought to the city's
115 attention by a homeowner who lives adjacent to the project, Mr. Bob Carroll. He
116 explained that the problem is located downstream at Emerald Bay where the creek makes
117 a sharp turn. He shared that rough estimates indicate it would cost the city about
118 \$195,000 to build a wall to try and mitigate the drainage / erosion problem that is slowly
119 migrating towards Mr. Carroll's and his neighbor's homes. Should the council choose to
120 move forward with making this repair, the money to do so could be taken out of reserve
121 funds, or it could be considered for inclusion in the future fiscal year's budget. Mr.
122 Crowley indicated that staff will reevaluate the engineering and firm up the costs a little
123 more before bringing a proposal and associated options back to the city council for
124 consideration at a future meeting.

125
126 Mayor Pruitt then read the below listed discussion items into the public record before
127 recessing the meeting into Executive Session.

128
129 **III. EXECUTIVE SESSION.**

130
131 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
132 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
133 CODE:

- 134
135 1. Discussion regarding appointments to city's regulatory boards, including the Board of
136 Adjustments, pursuant to Section 551.074 (Personnel Matters)
- 137 2. Discussion regarding Economic Development incentives, procedures and possible
138 projects pursuant to Section 551.087 (Economic Development)
- 139 3. Discussion regarding proposed development and possible vesting issues under Chapter
140 245 Local Government Code pursuant to Section 551.071 (Consultation with Attorney).
- 141 4. Discussion regarding City Manager performance evaluation pursuant to Section 551.074
142 (Personnel Matters).

143 **IV. ADJOURN EXECUTIVE SESSION**

144
145 Executive Session was adjourned at 5:53 p.m.

146
147 **V. RECONVENE PUBLIC MEETING**

149 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members
150 present except for Mike Townsend, who was absent.

151
152 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

153
154 No action was taken as a result of Executive Session at this time.

155
156 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR JIM PRUITT**

157
158 Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.

159
160 **VIII. PROCLAMATIONS / AWARDS**

- 161
162 1. Austin Cory Eagle Scout Recognition
163 2. Bryce Fuller Eagle Scout Recognition
164 3. Caleb Bailey Davis Eagle Scout Recognition
165

166 Mayor Pruitt called each Boy Scout forward and read and presented each one with an
167 honorary proclamation to commemorate their achieving Eagle Scout rank.

168
169 **IX. OPEN FORUM**

170
171 Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the
172 audience would like to come forth and speak during this time.

173
174 Michael Kropp
175 1950 Creekside Drive
176 Rockwall, Texas
177

178 Mr. Kropp indicated that he has lived in Rockwall for ten years. Prior to this year, he led
179 a 9U/7U baseball league of teams that played in Rowlett, but he moved both of his teams
180 to Rockwall when the City of Rockwall took over and began a baseball league. He
181 generally expressed disappointment his teams and other similar teams not playing. He
182 indicated that his two teams began playing in February, and they have only played two
183 games. While he understands that it has rained a lot lately, he is disappointed that his
184 teams are not playing and the eight fields are not being better maintained. He
185 encouraged the city to buy land and build additional playing fields and to consider
186 planning for the future.

187
188 Al Crump
189 2295 Falls View Drive
190 Rockwall, Texas
191

192 Mr. Crump expressed that he is a resident of Rockwall and has lived her for over twenty-
193 five years. He is a large 'fan' of Rockwall; however, he approached the city about a year
194 ago about a broken median near the intersection of Ridge Road and North Goliad that the
195 state finally fixed just recently. He had also previously expressed concern about winter
196 sand being left on the roadway's curb areas after the season. He believes it is an
197 eyesore and problematic for storm drains. He believes street sweeping is a good idea
198 and would be met with positive feedback from citizens. He mentioned he used to be in
199 the street sweeping business. In addition, he would like the city to entice more medium

and small sized businesses to come to Rockwall. He has heard stories about some businesses trying to come to Rockwall, but they could not get approved for the incentives they were asking for, so were subsequently turned down. He expressed that he would like to be more involved with economic development in the city. He is overall concerned is the overall appearance of the city, expressing he does not feel it is as clean as it used to be.

Mike Marler
P.O. Box 449
Peyton, CO 80831

Mr. Marler indicated that his permanent residence is in Colorado; however, he is often in Texas and the Rockwall area for work. Mr. Marler commented that he used to work in insurance in Colorado Springs for many years. He indicated that, even if there is no requirement to carry liability insurance on a golf cart, it would not relieve the operator from responsibility if bodily injury occurred.

He went on to explain that his 2006 Ford Super Duty truck was stolen from the Value Place Inn back in January in Rockwall, and it was recovered some time later near Greenville. Last week, someone again attempted to steal his truck by popping a device into the keyhole. He indicated that after it was stolen in January, he purchased an anti-theft device on the ignition, so, as a result, the person who tried to steal it this time was unable to do so because they could not start the engine. He explained that he has a lot of frustration with this because Texas is the number two state in the U.S. for stolen vehicles. He indicated that for a city to ignore problems associated with vehicle theft is to perpetuate the 'border problem.' He suggested that Rockwall consider placing bait vehicles around the city that are equipped with electrical and fuel shut-off capabilities in order to send the message to thieves – "don't steal a vehicle in Rockwall."

X. CONSENT AGENDA

1. Consider approval of the minutes from the March 16, 2015 regular city council meeting, and take any action necessary.
2. **Z2015-007** - Consider approval of an **ordinance** for a request by Kevin Carr of GearHeads Hot Rod Garage for the approval of a Specific Use Permit (SUP) to allow truck rental in conjunction with an existing minor automotive repair garage on a two (2) acre tract of land identified as Tract 23-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 3920 E. IH-30, and take any action necessary. **(2nd reading)**
3. **Z2015-008** - Consider approval of an **ordinance** for a request by Herman Douglas Utley for a zoning change from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0) District for a 4.502-acre tract of land identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed as 1815 E. Quail Road, and take any action necessary. **(2nd reading)**

- 248 4. **Z2015-009** - Consider approval of an **ordinance** for a request by Chris
249 and Jill Blasé for a Specific Use Permit (SUP) for a detached garage that
250 does not conform to the requirements as stipulated by Section 2.1.2,
251 Residential and Lodging Use Conditions, of Article IV, Permissible Uses,
252 of the Unified Development Code for a 4.05-acre parcel of land identified
253 as Lot 1, Block 1, Blasé Addition, City of Rockwall, Rockwall County,
254 Texas, zoned Single Family 10 (SF-10) District, addressed as 1220 East
255 Fork Drive, and take any action necessary. **(2nd reading)**
- 256 5. **P2015-011** - Consider a request by Duane and Jenifer Piercy for the
257 approval of a final plat for Lot 1, Block A, Piercy Place Addition being a
258 1.21-acre tract of land identified as Tract 21 of the R. Ballard Survey,
259 Abstract 29, City of Rockwall, Rockwall County, Texas, zoned Single
260 Family 7 (SF-7) District, situated west of the intersection of Hartman
261 Street and Renfro Street, and take any action necessary.
- 262 6. Consider authorizing the City Manager to execute a contract extension
263 with 3-D Mowing for right-of-ways and forced mowing services in the
264 amount of \$40,291 to be funded through the Parks Operations, Grounds
265 Maintenance Budget, and take any action necessary.
- 266 7. Consider authorizing the City Manager to execute a purchase order to
267 Freedom Dodge for a 2015 Dodge Charger with new equipment for the
268 Police Patrol Traffic Division in an amount not to exceed \$36,000 to be
269 funded from the General Fund, Police Operating Budget, and take any
270 action necessary.

271 **Councilmember White made a motion to approve the Consent Agenda (#s 1, 2, 3,**
272 **4, 5, 6 and 7). Councilmember Daniels seconded the motion. The ordinances**
273 **were read as follows:**

274 **CITY OF ROCKWALL**
275 **ORDINANCE NO. 15-10**
276 **SPECIFIC USE PERMIT NO. S-135**
277

278 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
279 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**
280 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**
281 **SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A TRUCK RENTAL**
282 **FACILITY IN CONJUNCTION WITH AN EXISTING MINOR AUTOMOTIVE**
283 **REPAIR GARAGE, BEING A 2.0-ACRE TRACT OF LAND, ZONED LIGHT**
284 **INDUSTRIAL (LI) DISTRICT AND IDENTIFIED AS TRACT 23-01 OF THE R.**
285 **IRVING SURVEY, ABSTRACT NO. 120, AND LOCATED AT 3920 E IH-30, ,**
286 **CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE**
287 **SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL**
288 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED**
289 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
290 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**
291 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

292 **CITY OF ROCKWALL**
293 **ORDINANCE NO. 15-11**
294

295 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
296 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
297 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED**
298

299 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
300 ZONING FROM AN AGRICULTURE (AG) DISTRICT TO A SINGLE-FAMILY
301 ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 4.502-ACRE TRACT OF LAND
302 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO.
303 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE
304 SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE;
305 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY
306 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
307 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY
308 CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
309 EFFECTIVE DATE.

310
311 CITY OF ROCKWALL
312 ORDINANCE NO. 15-12
313 SPECIFIC USE PERMIT NO. S-136
314

315 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
316 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
317 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
318 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW
319 FOR A DETACHED GARAGE THAT DOES NOT CONFORM TO THE
320 REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND
321 LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES,
322 BEING A 4.05-ACRE PARCEL OF LAND, ZONED SINGLE-FAMILY
323 RESIDENTIAL (SF-10) DISTRICT, AND IDENTIFIED AS LOT 1, BLOCK 1,
324 BLASÉ ADDITION, AND LOCATED AT 1220 EAST FORK DRIVE, CITY OF
325 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
326 DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS;
327 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
328 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
329 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
330 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
331

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

333
334 XI. APPOINTMENTS
335

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

339
340 Mr. LaCroix indicated that neither the Chairman nor the Vice Chairman of the Planning &
341 Zoning Commission was able to attend the meeting this evening. Therefore, this item
342 was not discussed, and no action was taken as a result of this item.
343

- 344 2. Appointment with representatives of the Stone Creek subdivision for
345 discussion regarding golf carts, and take any action necessary.

346 Mr. James Smith
347 609 Amherst Drive
348 Rockwall, TX 75087
349

350 Mr. Smith came forth and indicated that he lives in the Stone Creek subdivision, and he
351 has some concerns about the use of golf carts within his neighborhood. After doing
352 extensive research of state and local laws, he has come to understand that state law
353 allows for golf carts to be utilized within his neighborhood, and he was unable to find any
354 location regulations. He explained that a lady living in his neighborhood would like to
355 purchase and begin using a golf cart, but she does not want to do so only to find out that
356 perhaps she is not legally able to do so. Furthermore, he is concerned about someone
357 who is driving a golf cart getting run over by those driving vehicles. He would like to
358 appeal to the city to add additional regulations that would make golf cart use safer in
359 neighborhoods.

360
361 City Attorney Frank Garza indicated that the City of Rockwall can develop local
362 ordinance regulations to regulate golf carts on city streets, including prohibiting them on
363 major roadways. It would be up to the city council to decide to what extent they would
364 like to regulate the use of golf carts and how specific they would like the regulations to
365 be.

366
367 Brief discussion took place between Councilmember Daniels and Police Chief Mark
368 Moeller concerning 'street legal' neighborhood electric vehicles.

369
370 Councilmember Milder expressed that he is in favor of at least placing an age restriction
371 on operation of golf carts (that you have to have a valid driver's license).

372
373 Mr. Smith went on to share information that he came across in an Attorney General's
374 Opinion - GA0966, dated September of 2012 – that speaks to use of golf carts within
375 "master planned communities" and the state law which seems to allow for their use in
376 'master planned communities.'

377
378 Mary Carter
379 661 York Drive
380 (Buffalo Creek subdivision)

381
382 Mrs. Carter came forth and indicated that she has lived in the Rockwall area since the
383 early 1980's. She is aware of former Heath mayor, John Ratcliffe, getting an ordinance
384 passed that calls for a golf cart driver to be a licensed driver in order to drive one. She
385 encouraged the Rockwall city council to pass an ordinance placing specific and descript
386 restrictions on golf cart use in subdivisions (i.e. one has to be a licensed driver and they
387 are not allowed on sidewalks).

388
389 Mrs. Shirley Smith
390 609 Amherst Drive
391 Rockwall, TX 75087

392
393 Mrs. Smith suggested that all of the various regulations concerning the use of golf carts
394 need to be made available to the public online in one location. She believes in having
395 age restrictions that would disallow anyone under 18 years of age to operate golf carts.
396 She also encouraged them to place a "slow moving vehicle" placard on the back of them
397 as well as a six foot tall 'pole' with a neon flag to make them more visible.

398
399 Mr. Kevin Fowler
400 7115 Hunt Lane

401 Rockwall, TX

402
403 Mr. Fowler suggested that the city council may want to look into the golf cart policy
404 currently in place within the Chandlers Landing subdivision, as he believes a lot of work
405 went into its development, and it is a pretty sound policy.
406

407 Thomas Campion
408 108 Chaphill Drive
409 Rockwall, TX
410 (in Stone Creek subdivision)
411

412 Mr. Campion came forth and encouraged the city to initiate additional regulations and
413 clarify for citizens what will and will not be allowed as far as golf carts and their
414 operation are concerned. He encouraged the city to perhaps allow the vehicles within a
415 neighborhood like Stone Creek but not on a major street. He is in favor of an age
416 restriction. He feels the state regulations are ambiguous.
417

418 Mayor Pro Tem Lewis mentioned that he did make copies of the Chandler's Landing golf
419 cart policy available to city council members for review. He believes it is mostly good;
420 however, he disagrees with the age restriction of that particular policy being only
421 fourteen (14) years old – he believes it should be higher.
422

423 Mayor Pruitt made a motion to instruct the city attorney to draft a model ordinance that
424 has several different options for the city council to review and then have staff go and
425 actually talk to residents to get their input before any passage / implementation of such
426 regulations. Mayor Pro Tem Lewis seconded the motion.
427

428 Mr. Garza indicated that he believes the city could draft an ordinance to require that a
429 golf cart driver have a valid driver's license; however, he does not believe the city could
430 restrict it to only drivers 18 years or older. In addition, a golf cart being utilized on a
431 public street is required to carry liability insurance.
432

433 Councilmember White asked staff to also research if liability insurance would be required
434 for neighborhood electric vehicles and/or golf carts. Mr. Garza indicated that state law
435 does require liability insurance; however, there are exceptions to this insurance
436 requirement (being that it's being operated in a master planned community, is two miles
437 from a golf course or on a golf course, on a public beach, etc.). Mr. Garza clarified that
438 the HOA of a master planned community can place restrictions on golf cart usage if they
439 so choose.
440

441 Mr. Garza explained that the city cannot restrict golf cart usage within two miles of a golf
442 course going to and from a golf course, or they are in a master planned community. The
443 city could, however, restrict their use elsewhere in the city. The city could place an age
444 restriction in a master planned community, or elsewhere, regarding operation of golf
445 carts. It was clarified that, according to the Texas Attorney General's opinion, a golf cart
446 user does not have to carry liability insurance if they are operating it in a master planned
447 community.
448

449 After lengthy discussion, the motion on the floor passed by a vote of 6 in favor with 1
450 absent (Townsend).
451

452 Mayor Pruitt then announced that he will be reopening "Open Forum" because there is a
453 citizen who missed this opportunity earlier in the meeting but would like to come forth
454 and speak.

455
456 **XII. PUBLIC HEARING ITEMS**

- 457
458 **1. Z2015-003** - Hold a public hearing to discuss and consider approval of an
459 ordinance for a request by Cole Franklin of the Skoburg Company on
460 behalf of the owner Larry Hance for a zoning change from an Agricultural
461 (AG) District to a Planned Development District for Single Family 7 (SF-7)
462 and General Retail (GR) District land uses for a 44.56-acre tract of land
463 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of
464 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
465 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,
466 located at the northwest corner of FM-552 and John King Boulevard, and
467 take any action necessary. (1st reading) ***[The applicant has requested***
468 ***and been approved by the Planning and Zoning Commission to***
469 ***withdraw this case]***

470 Mayor Pruitt announced that the applicant has requested that this item be withdrawn. As
471 a result, no discussion took place, and no action was taken.

- 472 **2. Z2015-010** - Hold a public hearing to discuss and consider approval of a
473 ordinance for a request by Noah Flabiano of the Skoburg Company for a
474 zoning change from Planned Development District 70 (PD-70) for limited
475 commercial/retail land uses to a Planned Development District for
476 townhomes on a 10.142-acre tract of land being identified as a portion of
477 a larger 164.812-acre tract of land identified as Tract 3 of the S. King
478 Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas,
479 being zoned Planned Development District 70 (PD-70), situated within the
480 North SH-205 Overlay (N-SH205 OV) District, generally located at the
481 northeast corner of the intersection of E. Quail Run Road and N. Goliad
482 Street [N. SH-205], and take any action necessary. (1st reading)
483 ***[Requested postponement to the May 4, 2015 City Council Meeting]***

484 Mayor Pruitt announced that the applicant has requested that this item be postponed.
485 Mr. LaCroix explained that this case will be on the Planning & Zoning Commission
486 meeting agenda for April 28. It was indicated that postponement of this item was
487 previously requested as well, so, this is the last possible postponement of the case. That
488 being said, the council did not discuss this item further, and no action was taken at this
489 time.

- 490
491 **3. Z2015-011** - Hold a public hearing to discuss and consider approval of an
492 ordinance for a City initiated zoning request for the approval of a text
493 amendment to Article IX, Tree Preservation, Section 11.1, Tree fund
494 administration, of the Unified Development Code [Ordinance No. 04-38]
495 for the purpose of modifying this section of the code, and take any action
496 necessary. (1st reading)

497 Planning Director, Robert LaCroix, provided brief background information related to this
498 agenda item. He indicated that the Planning & Zoning Commission has recommended
499 approval of this change within the Unified Development Code. He generally explained
500 that this change is associated with installing and sustaining landscaping that is donated

to the city by developers through the city's tree mitigation ordinance. It will allow for additional, perineal vegetation to be planted, in addition to trees. Furthermore, it will allow for labor to plant trees and vegetation as well as equipment and irrigation needed to plant and sustain the trees / vegetation.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak during this time. There being no one indicating such, Mayor Pruitt then closed the public hearing.

Mayor Pruitt briefly shared some concerns that he heard expressed at the Planning and Zoning Commission meeting, mainly related to the use of funds collected (using funds for labor to plant trees, equipment to plant trees, etc. and a concern related to the various percentages that may be allocated to purchase trees, plant trees, for equipment, etc.). After brief comments, Councilmember White made a motion to approve the ordinance for Z2015-011. Mayor Pro Tem Lewis seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
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, BY AMENDING SECTION 11.1 OF ARTICLE IX, *TREE PRESERVATION*; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absent (Townsend).

XIII. ACTION ITEMS

1. Discuss and consider approval of a resolution related to the authority of private toll road corporations, and take any action necessary.

Assistant City Manager Brad Griggs provided brief background information related to this agenda item, indicating that Councilmember Daniels asked staff to look into this topic and place it on the city council for discussion and consideration.

After brief discussion, Councilmember Daniels made a motion to approve a resolution (shown on pg. 116 of the council packet), which supports all three proposed bills currently in the legislature. Councilmember White seconded the motion, which passed by a vote of 5 in favor, 1 against (Hohenshelt), and 1 absent (Townsend).

2. Discuss and consider a recommendation from the City Council's Hotel Tax Subcommittee regarding funding request from the Rockwall County Historical Foundation, and take any action necessary.

The Rockwall Historical Foundation would like to do some work to paint their property (historic house). They have requested money to help pay the paint contractor, as they have received the actual paint for free. The council subcommittee met and reviewed the request and has made a recommendation that the council consider approving their

request. Mayor Pruitt made a motion to approve the funding request in the amount of \$1,500. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 absent (Townsend).

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

1. Departmental Reports
 - Building Inspections Monthly Report - February 2015
 - Fire Department Monthly Reports - February 2015
 - Harbor PD Monthly Report - February 2015
 - Internal Operations Department Monthly Report - February 2015
 - Police Department Monthly Report - February 2015
 - Recreation Monthly Report - February 2015
 - Rockwall Animal Adoption Center Monthly Report - February 2015
 - Rockwall County Meals on Wheels Senior Services Quarterly Report

2. City Manager's Report

Staff's implementation of additional volunteer opportunities is underway. Staff will be coming before the council at a future date to discuss and determine how representatives for neighborhoods that do not have HOAs will be chosen for him (the city manager) to meet with on a semi-annual basis. Programing has been secured and the city has been advertising holding live music from May through September on Friday and Saturday nights on San Jacinto Plaza. The Phelps Lake ribbon cutting has been rescheduled for Saturday, April 18 at 10:30 a.m. The Parks Department has submitted the grant application for the Breezy Hill neighborhood park. Lake levels of lakes that serve the City of Rockwall through the North Texas Municipal Water District have notably improved. Citizens of Rockwall will stay on a once every two week watering scheduled for the time being. The city's Household Hazardous Waste Day is scheduled for April 18th from 9AM to 3PM at the Service Center on Airport Road. Brief discussion took place related to a few fire calls in the Fire Department report which were shown as 'no incident found upon arrival at dispatch address.' No action took place related to this agenda item.

At 7:28 p.m., Mayor Pruitt read the below listed items into the public record before recessing into Executive Session.

XV. 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 appointments to city's regulatory boards, including the Board of Adjustments, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)

- 599 3. Discussion regarding proposed development and possible vesting issues
600 under Chapter 245 Local Government Code pursuant to Section 551.071
601 (Consultation with Attorney).
- 602 4. Discussion regarding City Manager performance evaluation pursuant to
603 Section 551.074 (Personnel Matters).

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

605
606 Mayor Pruitt reconvened the public meeting at 7:48 p.m. with all council members, except
607 Mike Townsend (absent), being present.

608
609 Mayor Pro Tem Lewis made a motion to amend the City manager's contract per
610 Executive Session discussion and bring the contract back before the city council for
611 approval. Councilmember Milder seconded the motion. The motion passed by a vote of
612 6 in favor with 1 absent (Townsend).

613
614 Mayor Pro Tem Lewis made motion to appoint Allan Dennard to serve on the Board of
615 Adjustments and Peter Flores to serve as an Alternate Member on the Board of
616 Adjustments. Councilmember White seconded the motion, which passed by a vote of 6
617 in favor with 1 absent (Townsend).

618
619 **XVII. ADJOURNMENT**

620
621 The meeting was adjourned at 7:49 p.m.

622
623
624 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
625 **THIS 20th DAY OF APRIL, 2015.**

626
627
628
629 **ATTEST:**

630 *Kristy Ashberry*
631 _____
632 **Kristy Ashberry, City Secretary**



Jim Pruitt

Jim Pruitt, Mayor