

MINUTES
ROCKWALL CITY COUNCIL
Monday, April 20, 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 City Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley and Assistant City Manager Mary Smith. City legal counsel Patrick Lindner was present (filling in for City Attorney Frank Garza). Assistant City Manager Brad Griggs was absent from the meeting.

II. WORK SESSION

Mayor Pruitt announced that this item was mistakenly included on the posted meeting agenda and that no work session will actually be held this evening.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting into Executive Session at 4:01 p.m.

III. EXECUTIVE SESSION

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

1. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding deliberation of appointment of public officer to North TX Municipal Water District Board, pursuant to Section 551.074 (personnel matters).
3. Discussion regarding incentives to tenured employees and possible legal issues pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney).
4. Discussion regarding legal claim related to back up of city sewage line in Random Oaks Subdivision pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding legal claim: Jack R. Athey vs. Rockwall Police Chief Mark Moeller, Rockwall County Emergency Services Corporation, and the City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
6. Discussion regarding the Animal Services Shelter and Adoption Services Agreement between the City of Rockwall and Collin County Humane Society pursuant to Section 551.071 (Consultation with Attorney).

- 47 7. Discussion regarding City Manager's performance evaluation and
48 contract pursuant to Section 551.074 (Personnel Matters) and Section
49 551.071 (Consultation with Attorney)

50
51 **IV. ADJOURN EXECUTIVE SESSION**

52
53 **Executive Session was adjourned at 5:30 p.m.**

54
55 **V. RECONVENE PUBLIC MEETING**

56
57 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**
58 **members being present.**

59
60 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

61
62 **Mayor Pro Tem Lewis made a motion to reappoint Bill Lofland to serve as one of the**
63 **city's two representatives on the North Texas Municipal Water District Board (term will**
64 **expire May 31, 2017). Councilmember White seconded the motion, which passed by a**
65 **vote of 7 ayes to 0 nays.**

66
67 **Mayor Pro Tem Lewis made a motion to approve the first amendment to the employment**
68 **agreement for Rockwall City Manager Rick Crowley effective April 6, 2015.**
69 **Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0**
70 **against.**

71
72 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SCOTT MILDER**

73
74 **Councilmember Milder delivered the invocation and led the Pledge of Allegiance.**

75
76 **VIII. PROCLAMATIONS / AWARDS**

77
78 **1. Motorcycle Safety and Awareness Month**

79
80 **Mayor Pruitt called forth several representatives of various motorcycle clubs who were**
81 **present. After brief introductions, he then read and presented the proclamation to this**
82 **group. Representatives of the group expressed interest in partnering with the city to**
83 **install "Share the Road" (with motorcyclists) signs.**

84
85 **2. 9-1-1 Dispatcher Appreciation Day**

86
87 **Mayor Pruitt called forth the Dispatch Manager, Kim Barry, and Dispatch Supervisors**
88 **Kristina Williams, Tosha Marks as well as dispatcher Christopher Minckler. The mayor**
89 **then read and presented staff with this proclamation.**

90
91 **3. Animal Control Officer Appreciation Day**

92
93 **Mayor Pruitt called forth Joyce Ross, Animal Control Officer for the City of Rockwall, to**
94 **whom he then read and presented the proclamation.**

97 **IX. CONSENT AGENDA**

- 98
- 99 1. Consider approval of the minutes from the April 6, 2015 regular city
- 100 council meeting, and take any action necessary.
- 101 2. Consider authorizing the City Manager to execute an agreement with
- 102 Insituforms Technologies LLC to repair wastewater pipe damage at the
- 103 Random Oaks subdivision in the amount of \$16,750 and approval of a
- 104 wastewater operations budget amendment of \$20,000 to provide funding
- 105 for the project and take any action necessary
- 106 3. Z2015-011 - Consider approval of an ordinance for a City initiated zoning
- 107 request for the approval of a text amendment to Article IX, Tree
- 108 Preservation, Section 11.1, Tree fund administration, of the Unified
- 109 Development Code [Ordinance No. 04-38] for the purpose of modifying
- 110 this section of the code, and take any action necessary. (2nd reading)
- 111 4. P2015-012 - Consider a request by Warren Corwin of Corwin Engineering
- 112 on behalf of Ryan Joyce of the Skoburg Company (BH Phase V 80'
- 113 POD, SF, LTD) for the approval of a preliminary plat for 79 single family
- 114 residential lots, identified as Phase V of the Breezy Hill Subdivision, being
- 115 a 25.597-acre tract of land situated within the J. Strickland Survey,
- 116 Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned
- 117 Planned Development District 74 (PD-74) for Single Family 10 (SF-10)
- 118 District land uses, situated on the west side of Breezy Hill Road north of
- 119 the intersection Breezy Hill Road and FM-552, and take any action
- 120 necessary.
- 121 5. Discuss and consider approval of a resolution associated with dedication
- 122 of open space at the Park at Stone Creek as part of the Texas Parks and
- 123 Wildlife Department grant process, and take any action necessary.

124 **Mayor Pro Tem Lewis pulled item #2 and asked that it be held for consideration until later**

125 **on in the meeting.**

126

127 **Councilmember White made a motion to approve the remaining items (#s 1, 3, 4, and 5).**

128 **Councilmember Milder seconded the motion. The ordinance was read as follows:**

129

130 **CITY OF ROCKWALL**

131 **ORDINANCE NO. 15-13**

132

133 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**

134 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**

135 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,**

136 **BY AMENDING SECTION 11.1 OF ARTICLE IX, TREE PRESERVATION;**

137 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**

138 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**

139 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**

140 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

141

142 **The motion passed unanimously of council (7-0).**

143

144

Consent Agenda item #2 was addressed following Appointment Item #4. Regarding Consent Agenda item #2, City Engineer Tim Tumulty explained that it appears a contractor who was working on the HOA's retaining wall at some point in the past hit the sewer line and dropped rock and concrete into the existing sewer pipe. He explained that this agenda item will provide funding needed in order to make repairs to the line. Mayor Pro Tem Lewis made a motion to approve Consent Agenda item #2. Mayor Pruitt seconded the motion. After brief comments, the motion passed by a vote of 7 ayes to 0 nays.

Public Hearing items were addressed next by Council.

X. APPOINTMENTS

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

Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed the council on recommendations of the Commission relative to items on tonight's city council meeting agenda. No action was taken concerning this agenda item.

2. Appointment with Frank Conroy of Fox, Byrd & Company PC to present the city's Fiscal Year 2014 Comprehensive Annual Financial Report, and take any action necessary.

Mr. Frank Conroy came forth and briefed the Council on results of the city's FY2014 annual audit. He generally indicated that the city's finances are in good shape. The general fund balance for reserves is favorable as well. He indicated that, overall, the City of Rockwall is being managed with sound financial management. The council took no action concerning this agenda item.

3. Appointment with Mr. Tom Galli to hear update regarding a Memorial Day concert scheduled to be held at The Harbor on Sunday evening, May 24th at 7:00 p.m., and take any action necessary.

Mr. Galli came forth to address the council. He indicated that the promotional poster for the concert was designed by a local veteran who served in military and in the 'global war on terror.' He indicated that this event aims to serve as a recurring civic commemoration to honor those who have served and to educate citizens on those who have served and on past wars which have taken place. He briefed the council on the musicians who are slated to perform as well as the narrator who is scheduled to emcee the event. He further indicated that the Rockwall Police Department Honor Guard and the Rockwall Community Band will play a part in the event as well.

Mayor Pruitt thanked Mr. Galli and his counterparts for taking on this project. He expressed appreciation regarding the program they have put together. Councilmember Milder asked who is supporting and funding the event. He indicated that the city has provided funding and a budget; however, the expenses will be very minor. In addition, the local American Legion, some local businesses, local Boy Scout groups and the Hilton Hotel are all playing some role in making the event possible. The council took no action concerning this agenda item.

- 194
195 4. Appointment with Mrs. JoAnn Marsh and her neighbors to hear concerns
196 related to sewage issues in their neighborhood (Random Oaks
197 subdivision), and take any action necessary.

198 **Chris and JoAnn Marsh**
199 **1947 Random Oaks Drive**
200 **Rockwall, TX**

201
202 **Mr. Marsh indicated that about seventy-five homes are located within the Random Oaks**
203 **subdivision, which is near the CVS and is generally located near SH-205 at Quail Run. He**
204 **generally indicated that several sewage-related concerns have been present in the**
205 **neighborhood for many years, ever since they moved into their home. Mrs. Marsh**
206 **proceeded to share a PowerPoint presentation with the city council, which highlighted a**
207 **history of the problem, steps the city has previously taken to help resolve problems,**
208 **health related concerns she and her son have had, a sewage backup that recently**
209 **occurred at her neighbor's home in January of this year, and an overall plea for the city**
210 **to resolve their issues.**

211
212 **Mr. Marsh came forth and provided additional details concerning the sewage-related**
213 **problems. He suggested that perhaps there is a city lift station that is not sufficient.**

214
215 **Larry Brown came forth and indicated that he moved into Random Oaks in 1997. In**
216 **January of this year, he and his wife were home when they witnessed sewage backing up**
217 **in both of their bathrooms, including in the shower, tub and toilets. Two homes,**
218 **including his in January of this year and one back in 2008, have sustained sewage-**
219 **related damage.**

220
221 **Tom and Mitzi Zopp**
222 **502 Bending Oaks**
223 **Rockwall, TX**

224
225 **Mr. and Mrs. Zopp came forth and indicated they moved into their home in 1998. They**
226 **have been noticing a sewage smell while on their daily, evening walks ever since they**
227 **moved into Random Oaks. She has personally called the city about three times for water**
228 **mains that have broken at the top of the hill, which has caused water to rush down into**
229 **their yard.**

230
231 **Mrs. Marsh again came forth and shared a hand drawn map with council member to**
232 **depict where she and her neighbors live. She indicated that the manhole the city**
233 **uncovered in their driveway in about 2011 has exploded twice. Generally speaking, she**
234 **and her neighbors have smelled sewage ever since they have lived in Random Oaks (for**
235 **at least fifteen or twenty years, if not more).**

236
237 **Councilmember Milder asked for City Engineer Tim Tumulty to explain why they city**
238 **installed a manhole in the Marsh's driveway. Mr. Tumulty indicated that the contractor**
239 **who built their home had covered up an existing manhole when he poured their**
240 **driveway. So they city uncovered it.**

242 Mayor Pro Tem Lewis indicated that his brother lives near the Marsh's, on the same
243 street in fact. His brother has indicated to him that he has experienced some smell-
244 related problems.

245
246 Mayor Pruitt thanked Mr. and Mrs. Marsh and their neighbors for coming forth and
247 sharing these concerns with the city council. He then explained that the City Council will
248 address Consent Agenda item #2, which deals with taking steps to repair the
249 broken/damaged sewer line underneath the retaining wall that the HOA's contractor
250 impacted while doing work on the wall. The council took no action concerning this
251 Appointment Item.

252
253 **XI. PUBLIC HEARING ITEMS**

- 254
255 1. Z2015-012 - Hold a public hearing to discuss and consider the approval
256 of an ordinance for a request by Cindy Levandowski on behalf of the
257 owner Terry Rowe for the approval of an amendment to a Specific Use
258 Permit [Ordinance No. 09-28] to allow for a General Retail Store within
259 Planned Development District 50 (PD-50) for a 0.16-acre parcel of land
260 identified as Lot 1, Block 1, Henry Addition, City of Rockwall, Rockwall
261 County, Texas, zoned Planned Development District 50 (PD-50) for
262 Residential-Office (RO) District land uses, situated within the North Goliad
263 Corridor Overlay (NGC OV) District, addressed as 907 N. Goliad Street,
264 and take any action necessary [1st Reading].

265
266 Senior Planner David Gonzales provided background information related to this agenda
267 item. He explained that the owner is currently wishing to open up a boutique type store
268 selling merchandise for ladies and babies. It will occupy about 500 square feet of the
269 existing 1,000 square foot home/business. A description of the operation being
270 proposed, including the anticipated days and hours of operation were included in council
271 member packets. Notices were sent out to property owners and HOA's located within
272 500' of the subject property. Two notices were received back in favor, and one was
273 received back in opposition. The Planning & Zoning Commission has recommended
274 approval of this item as previously indicated by Chairman Renfro.

275
276 Mayor Pruitt opened the public hearing and asked if the applicant or anyone in the
277 audience would like to come forth and speak at this time. There being no one indicating
278 such, he then closed the public hearing.

279
280 Councilmember White made a motion to approve Z2015-012 with staff recommendations.
281 Councilmember Townsend seconded the motion.

282
283 The ordinance was read as follows:

284
285 **CITY OF ROCKWALL**
286 **ORDINANCE NO. 15-**
287 **SPECIFIC USE PERMIT NO. S-**

288
289 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
290 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
291 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
292 **AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-68**

293 [ORDINANCE NO. 09-28] TO ALLOW FOR A GENERAL RETAIL STORE IN
294 A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF
295 LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY
296 LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED
297 DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL,
298 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
299 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
300 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
301 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
302 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
303

304 The motion passed by a vote of 7 ayes to 0 nays.
305

- 306 2. P2015-008 - Hold a public hearing to discuss and consider a request by
307 Michael Clark for the approval of a residential replat for Lots 6 & 7, Block
308 K, Sanger Brothers Addition, being a 0.23-acre parcel of land currently
309 identified as the eastern ½ of Lot 3, Block K, Sanger Brothers Addition,
310 City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7)
311 District, situated within the Southside Residential Neighborhood Overlay
312 (SRO) District, addressed as 808 Sam Houston Street, and take any
313 action necessary.

314 Mr. Gonzales provided brief background information concerning this agenda item. He
315 indicated that thirty-eight notices were sent out to adjacent property owners. One notice
316 was received back by staff expressing opposition to this item. The Planning & Zoning
317 Commission has recommended its approval with staff recommendations (vote of 7 to 0).
318

319 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
320 speak. There being no one, Mayor Pruitt then closed the public hearing.
321

322 Councilmember Townsend made a motion to approve P2015-008. Councilmember White
323 seconded the motion, which passed unanimously of council (7 - 0).
324

325 XII. ACTION ITEMS 326

- 327 1. Discuss and consider approval of a resolution regarding TxDot planning
328 for SH205, and take any action necessary.

329 City Manager Rick Crowley provided background information concerning this agenda
330 item, generally indicating that the City of Rockwall prefers that John King Boulevard be
331 designated as the preferred, future route for SH-205. Mayor Pruitt indicated that he,
332 another council member, and Mr. Crowley recently met with the city's state
333 representatives to discuss their strong support and preference for John King to be
334 utilized for this purpose. It fiscally makes the most sense for the state of Texas and for
335 the city, as the city does not wish to have large trucks and large amounts of traffic
336 traversing through the historic downtown area. This designation, should it occur, would
337 mean that Goliad would be extended northward through downtown and would be taken
338 over and maintained as a city owned and operated street.
339

340 Mayor Pruitt made a motion to approve the resolution. Councilmember White seconded
341 the motion. Councilmember White indicated that he would like this resolution to be sent
342 to TXDOT, our state representatives as well as our county representatives. After brief
343 comments, the motion passed by a vote of 7-0.

- 344
345 2. Discuss and consider a recommendation from the City Council's Hotel
346 Tax Subcommittee regarding a supplemental funding request from the
347 Soroptimist Club for the annual Country Fair and take any action
348 necessary.

349 Assistant City Manager Mary Smith provided brief background information concerning
350 this agenda item. She indicated that a request of up to \$20,000 was recently reviewed by
351 the city council subcommittee (Lewis, White and Townsend), and the sub-committee is
352 recommending that the council consider approving \$2,500 of funding for this event. The
353 funding, if approved, will be utilized for the 2nd annual Country Fair being held by the
354 local Soroptimist group at the end of May.
355

356 Mayor Pro Tem Lewis made a motion to approve the recommended \$2,500 of funding.
357 Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.
358

- 359 3. SP2015-007 - Discuss and consider a request by Maria Bonilla of
360 Winkelmann and Associates, Inc. on behalf of Mark Matise of MAKKO
361 Goliad I, LP for the approval of a site plan and associated variances for a
362 grocery store and fuel center on a 11.28-acre tract of land identified as
363 Lots 2 & 3, Block A, Quail Run Retail Addition, City of Rockwall, Rockwall
364 County, Texas, zoned Planned Development District 5 (PD-5) for General
365 Retail (GR) District land uses, situated within the North SH-205 Overlay
366 (N. SH-205 OV) District, located at the southeast corner of the
367 intersection of N. Goliad Street (SH-205) and E. Quail Run Road, and
368 take any action necessary.

369 Senior Planner David Gonzales provided brief background information related to this
370 agenda item. He explained that this building will include six gas pumps as well as a
371 drive-thru pharmacy on the north end of the building (with three drive-thru lanes). Also,
372 a truck loading dock area will be located on the south end of the building along with the
373 detention pond area. He explained that the size of the building requires a 30' landscape
374 buffer. This buffer will be included along with an additional 30' fire lane access
375 designation (the building sits 60' back). As part of the landscape buffer between the
376 building and residential properties, southern Live Oaks as well as Junipers and a
377 masonry screening fence will be placed between the store and the adjacent residential
378 neighborhood. The Architectural Review Board (ARB) did review the proposed
379 articulations for this proposed development. He explained the nature of various variance
380 requests that the applicant is asking of council, explaining that the variances are for
381 items, including masonry materials, stone requirements, articulation requirements and
382 architectural finishing, all of which will not be visible to anyone because they are in the
383 rear of the building (4th side) and will not be visible to drivers or to the neighborhood
384 behind the development. He explained that two of the variance requests (A&D for
385 masonry requirements and four-sided architecture) require a $\frac{3}{4}$ super majority vote of the
386 council for approval, and the remaining two variance requests require a simple majority
387 vote. Mr. Gonzales mentioned that a treescape plan, previously approved in 2002, has
388 resulted in some outstanding tree mitigation left on the property. The owners plan to pay
389 \$6,375 into the city's Tree Mitigation Fund in order to satisfy the outstanding tree
390 mitigation on the property.
391

392 Michael Clark
393 Winkelmann and Associates

394 6750 Hillcrest Plaza, Suite #325
395 Dallas, Texas 75230
396

397 Mr. Clark came forth and indicated that he and several representatives of Kroger are
398 present this evening. He respectfully requested approval of this item tonight.
399

400 Gary Huddleston
401 Director of Public Affairs, Kroger
402 1331 East Airport Freeway
403 Irving, Texas 75062
404

405 Mr. Huddleston explained that normal deliveries would occur between 6:00 a.m. and
406 11:00 p.m.; however, they are happy to comply with any expressed city requirement.
407 Mayor Pruitt expressed concerns about trucks making deliveries having trouble coming
408 out onto Memorial and then trying to make a tough turn onto SH-205. He is also
409 concerned about truck traffic accessing the loading dock only to / from Memorial Drive.
410

411 Mr. Clark indicated that he envisions truck traffic coming in on Quail Run and then onto
412 Memorial Drive.
413

414 Councilmember Milder asked the applicant to consider flipping the proposed location of
415 the loading dock in order to locate it at the other end of the building instead of where it is
416 currently proposed to be located. Councilmember Milder went on to express some
417 concern about the large square footage that is being proposed associated with this
418 particular Kroger development. He believes this square footage is perhaps out of sorts
419 with the large, residential area that exists in the north part of town. It was clarified that
420 this particular Kroger store will be the same size as the currently expanded store located
421 in the south part of town.
422

423 Councilmember White asked if this proposed store is allowed to be 90,000 square feet on
424 this particular lot. Mr. Crowley indicated that, yes, the store is allowed to be that size
425 without special approval by Council. The only reason it is coming before the city council
426 this evening is for review and votes concerning the variance requests.
427

428 Councilmember Daniels asked what implications would be posed if the loading dock
429 were flipped to the south side rather than the north side of the building. Mr. Clark
430 indicated that it would pose some significant problems because the distance from the
431 ground up to the loading dock would be significantly increased due to the elevation of
432 the ground on the south end of the building versus the north end.
433

434 Mr. Crowley indicated that flipping the loading dock to the other side of the building
435 would result in some aesthetic impacts as well.
436

437 Mr. Huddleston indicated that the pharmacy traffic will be much more significant than the
438 delivery truck traffic, and these customers will be better served on the Quail Run side of
439 the building.
440

441 Lengthy discussion took place related to delivery truck traffic.
442

443 Assistant Police Chief Riggs expressed agreement with the city council's concerns about
444 delivery truck traffic turning right onto SH-205, expressing that it would be best if those

truck turned onto Quail Run instead, as it is difficult for a driver to make it across traffic at this location.

Councilmember Hohenshelt suggested that trucks could come out onto Memorial and then work their way to SH-205; however, at that point, perhaps signage could be placed to indicate that all trucks must turn right (no left turn).

Mr. Huddleston indicated that Kroger delivery trucks could be mandated, from within the company, to not turn left onto SH-205.

Councilmember White indicated that TXDOT has previously indicated that no traffic signal is warranted at Memorial Drive; however, he questions if this topic may need to be raised again and reconsidered by TXDOT. Mr. Crowley indicated that the city can certainly raise this concern; however, it is very likely that, if this were to happen at all, it would take a very, very long time (a number of years), if at all.

Mr. Crowley briefed the council on the city originally instituting masonry and stone materials on the façade of buildings being developed. At that time, he explained, those sorts of materials looked the best; however, since that time, many cultured type stones have come to look just as good as natural stone.

A Kroger representative came forth and indicated that the supply and quicker availability of the cultured stone works best for them. Also, cultured stone was previously utilized on the existing Kroger store that is located on the south side of town.

Councilmember Townsend made a motion to approve SP2015-007, variance requests A&D (masonry material (use of cultured stone veneer instead of natural stone) and 4-sided Architecture (not meeting architectural finishing (materials, detailing and features) on the 4th / rear side of the building). Councilmember White seconded the motion, which failed by a vote of 5 ayes to 2 nays (Pruitt and Milder) (a $\frac{3}{4}$ (super majority) vote of council was required for approval).

Councilmember Townsend made a motion to approve SP2015-007, including variance requests B&C (stone requirements and articulation requirements (horizontal and vertical articulation for rear of the building)). Councilmember White seconded the motion, which passed by a vote of 5 in favor with 2 against (Pruitt and Milder).

Mayor Pruitt indicated that Tom Thumb, who is Kroger's major competitor and is located very near down the road, was required to utilize real stone, so he believes Kroger should have to as well.

Councilmember White indicated he would like staff to place an agenda item on the next city council meeting agenda to consider modifying the city's existing ordinance regulations to allow cultured stone to be utilized in lieu of real stone. Mayor Pro Tem Lewis echoed the desire to revisit the city's ordinance regulations related to use of cultured stone.

Mr. Gonzales pointed out that a city council vote is still needed to approve the site plan itself. The site plan approval would include the photometrics, landscaping, building elevations and the site plan itself.

Councilmember Townsend made a motion to approve the site plan for SP2015-007 with the condition that Kroger will submit a letter agreeing to have their delivery trucks turn right onto SH-205 (Goliad) off of Memorial Drive. Councilmember White seconded the motion, which passed by a vote of 6 in favor with 1 against (Milder).

4. Discuss and consider installing public restrooms in the downtown area, and take any action necessary.

Mayor Pro Tem Lewis indicated he placed this agenda item on for discussion after hearing from several citizens concerning this subject.

Councilmember White asked what citizens are currently doing for restrooms when they attend downtown events. Mr. Crowley indicated that at, for example Farmers Market, the restrooms at The Center are available for use. Lewis expressed some concern about The Center not being open during the upcoming live music series that is scheduled to be held on Friday and Saturday nights. He is also concerned about "life safety issues" associated with downtown visitors having to cross SH-66 in order to get to The Center to utilize public restrooms when that building is open.

Councilmember Milder suggested the city put up signage at events indicating that public restrooms are available at The Center if/when that option will work for events scheduled downtown. It was indicated by staff that sometimes private rentals mean that people are occupying The Center in the evenings when city sponsored events, such as the upcoming music series, may be scheduled. This could pose an unwanted conflict with individuals who have paid to rent out The Center for personal events.

Mr. Crowley indicated that the city spent about \$125,000 on restrooms that were somewhat recently installed at the Tuttle Ball Fields. This amount does not include the land. Also, cost associated with restroom facilities of this nature would depend on availability of electrical and sewage-related infrastructure as well as land availability.

Mayor Pruitt asked if restaurants and merchants downtown have a problem with patrons or downtown visitors utilizing their restrooms. Mr. Crowley indicated that staff has not yet had these sorts of discussions with restaurants and businesses currently located in the downtown area. However, he pointed out that some locations probably do not have public restrooms available for use by their patrons at this time. Mr. Crowley indicated The Center is already open on Saturday mornings for use by the public when attending the Farmer's Market.

Councilmember Milder asked if the city's mobile restroom facility could be utilized for some events. Mr. Crowley indicated that, yes, it could be; however, there is cost associated with delivery and pick-up of the mobile restroom facility, and it has to be staffed as well.

Mayor Pro Tem Lewis asked staff if they have shopped for a possible building downtown that could be utilized for installation of public restroom facilities. Mr. Crowley indicated that staff has not done so, but this can be done if the council desires.

Councilmember White indicated that he has not heard of any complaints associated with a lack of restroom facilities in downtown. Mr. Crowley indicated that some stores are not required by the city (for example retail stores) to have public restrooms available,

546 whereas other types of businesses (i.e. restaurants) are required to have public
547 restrooms.

548
549 Councilmember Daniels indicated that, as a previous small business owner who had
550 public restrooms available, he knows that opening up restrooms for public use can result
551 in a lot of costly plumbing bills for business owners.

552
553 Mayor Pro Tem Lewis asked Andy Hesser, Parks Manager, his thoughts about public
554 restroom availability. Mr. Hesser indicated that they will just need to wait and see what
555 sort of turn out results from the upcoming music series.

556
557 Mayor Pruitt asked if the existing Parks Administration offices could perhaps be
558 repurposed to make public restrooms available. Mr. Crowley indicated that staff can look
559 at some possibilities and then return to the council with options at a later date.

560
561 Mayor Pro Tem Lewis indicated that he would like staff to evaluate options and report
562 back to Council. No action was taken at this time concerning this agenda item.

563
564 At the end of the scheduled agenda items above, Mayor Pruitt utilized personal privilege
565 to allow the following citizen to come forth and speak about various concerns he wished
566 to express:

567
568 Mr. Robert Wacker
569 806 Miramar
570 Rockwall, TX 75087

571
572 Mr. Wacker came forth and expressed concerns related to his dissatisfaction related to
573 various topics. He generally expressed that he is not in favor of the Kroger development.
574 He is concerned about a traffic signal light possibly being installed at Memorial Drive, as
575 he believes there is not enough room to allow for this at this location. He is also
576 concerned about townhomes possibly being built near this area. He expressed that he is
577 in favor of SH-205 traffic being routed onto John King, and he believes that
578 developments such as Kroger should go there instead. He expressed general concerns
579 about roadways, including drainage and runoff problems near the pond by York Street.
580 He is also concerned about a park being built at Featherstone at John King, especially
581 related to the retention pond that will be utilized by the public. He encouraged a water
582 study to be done to ensure it won't overflow. He is also concerned about a retention
583 pond on site if the Kroger is developed at the currently proposed site (on SH-205). He
584 encouraged the council to take time to understand issues and follow its master plans.

585
586 Following Mr. Wacker's comments, Mayor Pruitt adjourned the public meeting (at 8:36
587 p.m.).

588
589 **XIII. EXECUTIVE SESSION**

590
591 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
592 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
593 CODE:
594

1. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding deliberation of appointment of public officer to North TX Municipal Water District Board, pursuant to Section 551.074 (personnel matters).
3. Discussion regarding incentives to tenured employees and possible legal issues pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney).
4. Discussion regarding legal claim related to back up of city sewage line in Random Oaks Subdivision pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding legal claim: Jack R. Athey vs. Rockwall Police Chief Mark Moeller, Rockwall County Emergency Services Corporation, and the City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
6. Discussion regarding the Animal Services Shelter and Adoption Services Agreement between the City of Rockwall and Collin County Humane Society pursuant to Section 551.071 (Consultation with Attorney).
7. Discussion regarding City Manager's performance evaluation and contract pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)

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

The city council did not convene in Executive Session following the close of the public meeting agenda.

XV. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

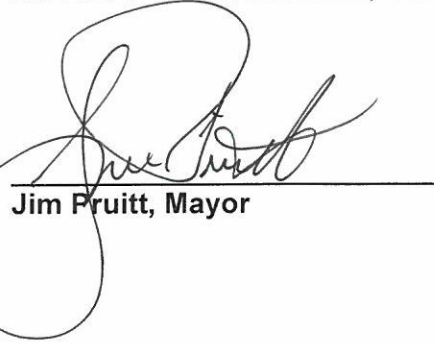
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

THIS 4th DAY OF MAY, 2015.

ATTEST:


Kristy Ashberry, City Secretary




Jim Pruitt, Mayor