

# MINUTES

## ROCKWALL CITY COUNCIL

Monday, July 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, Mike Townsend, Scott Milder and Kevin Fowler. Also present were Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. City Manager Rick Crowley was absent from the meeting.

### II. WORK SESSION

1. Hold Work Session to discuss the Public Outreach Action Plan for reconstruction of South Lakeshore Drive/Summit Ridge Drive from SH 66 to FM 740, and take any action necessary.

City Engineer Tim Tumulty provided a brief presentation to the city council concerning the reconstruction of this stretch of roadway. Mayor Pruitt generally expressed a desire to have sidewalks or some sort of separation between the vehicular traffic and individuals walking between the street and the houses along the stretch of Summit Ridge Dr. Mr. Tumulty expressed that some portion of people's front yards, including some trees and the need for retaining walls all make the idea of sidewalks a little challenging. Mayor Pruitt encouraged getting the residents' input concerning their preference for sidewalks versus no sidewalks. Mayor Pruitt expressed concern about when traffic accidents occur on IH-30 and drivers come through this area in order to cut over to SH-66, indicating that there is typically a long line of traffic that results. The city's consultant, Brad Tribble with Kimley Horne, came forth and explained various ways that the roadway might be designed in order to create various "friction" techniques to dissuade drivers from wanting to use this roadway as a cut-across if and when accidents on IH-30 occur.

Mr. Tumulty indicated that as part of this Public Outreach Action Plan, he plans to ask residents to answer survey questions electronically. Mayor Pro Tem Lewis encouraged the use of paper surveys in addition to electronic ones for some residents who may not be inclined to answer a survey electronically. Councilmember Milder shared that he is in support of conducting a resident survey. He also supports sidewalks and anything that might slow down drivers. Councilmember White stressed that he is most interested in gleaning feedback from the residents that actually live along this roadway in this neighborhood.

Mr. Tumulty indicated that he believes the city may be faced with updating the water/sewer lines in this area before a new street and/or sidewalks are (re)built, and he feels confident that citizen feedback will echo this need.

Councilmember White and Mayor Pruitt summarized that council would like to see staff conduct a survey(s) as well as hold a public town hall meeting to glean resident input on

50 this project. Mr. Tumulty indicated that he would like to start with asking for feedback  
51 from homeowner/property owners whose property directly abuts the roadway and then  
52 widen the survey further thereafter to glean additional input. The council generally  
53 agreed with this plan. Councilmember White stressed that he does not believe Mr.  
54 Tumulty could ask for and obtain too much resident feedback, as he feels this is very  
55 important. After the discussion, no formal action was taken concerning this agenda  
56 item.

- 57  
58 2. Hold Work Session to discuss potential regulations regarding the use and operation  
59 of golf carts, and take any action necessary.

60  
61 Councilmember Fowler asked if the city has to have an ordinance in place in order for  
62 residents to operate golf carts within residential neighborhoods. City Attorney Frank  
63 Garza indicated that, no, no ordinance is needed for individuals to operate golf carts.  
64 Councilmember Hohenshelt generally indicated that he does not really see the need to  
65 pass an ordinance, especially since there doesn't appear to be an overabundance of  
66 complaints or much of a problem. Mayor Pruitt asked if there is a state law calling for a  
67 certain age limit before a person can operate a golf cart. Mr. Garza indicated that, no,  
68 currently there is no state prescribed minimum age limit. Councilmember Fowler asked  
69 if the city would assume any liability if no ordinance is passed. Mr. Garza indicated that,  
70 no, the city assumes no liability either way, pointing out that a local government has  
71 'governmental immunity' anyway.

72  
73 Discussion ensued regarding operating golf carts in master planned communities. Mr.  
74 Garza indicated that any local ordinance that might pass would not apply to master  
75 planned communities in the city because state law allows their operation in master  
76 planned communities whether they're gated or not gated. Mayor Pruitt asked if a golf  
77 cart driver could cross a state roadway to get from one master planned community over  
78 to another. Mr. Garza indicated that a driver could do this as long as doing so is within a  
79 2 mile radius of a golf course.

80  
81 To clarify, Councilmember Townsend summarized that this ordinance would only apply  
82 to those residents not located in a master planned community, not living in a PD, and not  
83 located within 2 miles of a golf course. Mr. Garza concurred. Garza went on to indicate  
84 that a health and safety restriction probably could be applied, but he would have to  
85 check on this. However, such ordinance regulations would still not apply in a master  
86 planned community. Several city council members generally expressed that perhaps an  
87 ordinance is not needed at this time, as complaints about this issue are not prevalent  
88 and are very few. No action was taken concerning this item.

89  
90 At 4:38 p.m., Mayor Pruitt read the below listed items (1-8) into the public record before  
91 recessing the meeting into Executive Session.

92  
93 **III. EXECUTIVE SESSION.**

94  
95 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS  
96 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT  
97 CODE:  
98

1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property / land acquisition in the north part of the city for municipal purposes pursuant to Section § 551.072 (Real Property).
4. Discussion regarding possible development-related legal claim in the vicinity of Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
6. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
7. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney).
8. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission and Board of Adjustments pursuant to Section 551.074 (personnel matters)

**IV. ADJOURN EXECUTIVE SESSION**

**Executive Session was adjourned at 5:20 p.m.**

**V. RECONVENE PUBLIC MEETING**

**The public meeting reconvened at 6:00 p.m.**

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

**Mayor Pro Tem Lewis made a motion to reappoint Kathy Mason Penn to serve as Municipal Court Judge. Councilmember White seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**Mayor Pro Tem Lewis made a motion to appoint David Mallard to serve as Associate Municipal Court Judge. Councilmember Milder seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**Mayor Pro Tem Lewis made a motion to approve a settlement of a legal claim with Dewayne Cain in the amount of \$11,664.01. Councilmember White seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

**Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.**

**VIII. OPEN FORUM**

**Charles Miller  
821 Zion Hills Circle**



146 Rockwall, TX

147  
148 Regarding the potholes on FM-549 and IH-30, Mr. Miller expressed thanks to the city's  
149 pothole repair staff person in the Streets Department, expressing that it seems like  
150 something may be happening to address pothole concerns in this area. He went on to  
151 state that the weeds coming into town on SH-66 and along IH-30, as well as along other  
152 roadways within the city, are out of control and need to be addressed. He also has had  
153 recent problems with bulk pick up by the city's trash provider.  
154

155 Martin Ramirez  
156 Rockwall County EMS  
157 809 S. Goliad  
158 Rockwall, TX  
159

160 Mr. Ramirez came forth indicating that he would like to speak to the council about the  
161 possible rescinding of the city ordinance related to exclusivity of EMS service provision.  
162 He pointed out that rescinding this ordinance would open up the flood gates to allow any  
163 provider to come in and service any of the twelve medical facilities in Rockwall, including  
164 Presby, Baylor, nursing homes and assisted living centers. He went on to explain that  
165 because of the exclusivity ordinance being in place, Rockwall County EMS has been able  
166 to cut subsidy costs by about 20% or just under \$100,000 for the most recent year. He  
167 generally expressed that revocation of this ordinance would likely result in more subsidy  
168 money being requested on an annual basis.  
169

170 Richard Langley  
171 2401 Sandstone Court  
172 Rockwall, TX  
173

174 Mr. Langley indicated that he previously spoke before Council expressing concern about  
175 drainage associated with the project the council is considering approving along John  
176 King Boulevard. He thanked the staff, including Mr. LaCroix, for assuring him that the  
177 drainage will be safe. Regarding the issue of raising chickens, he encouraged the  
178 council to consider shortening the time that residents have to speak on matters like this  
179 because doing so would allow the Council an ability to address their concerns in a more  
180 timely fashion.  
181

182 Mrs. Smith  
183 609 Amherst  
184 Rockwall, TX  
185

186 Regarding the draft golf cart ordinance that is being considered on Action Items this  
187 evening, she thanked the council and staff for the work that's gone into this ordinance  
188 draft. She went on point out a few, scrivener's errors that were in need of correction. In  
189 addition, she pointed out that ATVs have to have an orange, reflective flag attached on a  
190 6-8' pole, and she encouraged the council to consider adding a similar provision for  
191 placement on golf carts. She also suggested that the council consider adding break  
192 lights as a requirement for golf carts 24 hours/day. She is glad that the council's draft  
193 ordinance includes a provision that a driver be a licensed driver or that they successfully  
194 complete a required driver's safety course. She wanted drivers to be required to carry  
195 proof of either / both with them when driving a golf cart.  
196



197 IX. CONSENT AGENDA  
198

- 199 1. Consider approval of the minutes from the June 15, 2015 regular city  
200 council meeting, and take any action necessary.
- 201 2. **Z2015-018** - Consider approval of an **ordinance** for a request by Herman  
202 Douglas Utley for a zoning change from a Single Family Estate 2.0 (SFE-  
203 2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-  
204 acre tract of land identified as Tract 1 of the S. R. Barnes Survey,  
205 Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single  
206 Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass  
207 (SH-205 BY OV) District, addressed as 1815 E. Old Quail Run Road, and  
208 take any action necessary. **(2nd Reading)**
- 209 3. **Z2015-017** - Consider approval of an **ordinance** for a request by  
210 Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the  
211 owner Kenneth R. Smith of K. R. Smith Holdings, LLC for a Specific Use  
212 Permit for Commercial Amusement/Recreation (Outside) to allow a  
213 baseball training facility to be constructed on a six (6) acre tract of land  
214 identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of  
215 Rockwall, Rockwall County, Texas, zoned Commercial (C) District,  
216 situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV)  
217 District, located on the north side of Airport Road west of the intersection  
218 of Airport Road and John King Boulevard, and take any action necessary.  
219 **(2nd Reading)**
- 220 4. **P2015-019** - Consider approval of a request by Harold Fetty of H. D. Fetty  
221 Land Surveyor, LLC on behalf of the owner Doug Utley for the approval of  
222 a final plat for Lots 1 & 2, Block A, Utley Addition 4.49-acre parcel of land  
223 currently identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13,  
224 City of Rockwall, Rockwall County, Texas, zoned Single Family Estate  
225 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass Overlay (SH  
226 205 BY-OV) District, addressed as 1751 & 1815 E. Old Quail Run Road,  
227 and take any action necessary.
- 228 5. **P2015-020** - Consider approval of a request by Caprice Michelle of  
229 Rockwall Rustic Ranch, LLC for the approval of a replat for Lot 1, Block  
230 A, Rockwall Rustic Ranch Addition being a 0.53-acre parcel of land  
231 currently identified as Lot B, Block 123, B. F. Boydston Addition, City of  
232 Rockwall, Rockwall County, Texas, zoned Planned Development District  
233 50 (PD-50) for Residential Office (RO) District uses, situated within the  
234 North Goliad Corridor Overlay (NGC OV) District, addressed as 406 N.  
235 Goliad Street, and take any action necessary.
- 236 6. **P2015-027** - Consider approval of a request by Jimmy Strohmeyer of  
237 Strohmeyer Architects, Inc. on behalf of Dr. Umar Burney of the North  
238 Dallas Rockwall Land Investors, LLC for the approval of a replat for Lot 3,  
239 Block A, Ridge/Summer Lee Addition being a replat of 1.6121-acre tract  
240 of land identified as Lot 2, Block A, Ridge/Summer Lee Addition, City of  
241 Rockwall, Rockwall County, Texas, zoned Planned Development District  
242 9 (PD-9) for General Retail (GR) District land uses, located at the  
243 southwest corner of the intersection of Oak Drive and Summer Lee Drive,  
244 and take any action necessary.

- 245 7. **P2015-028** - Consider approval of a request by David Greer of Bannister  
246 Engineering on behalf of Ben McMillian of Ben McMillian Properties, LLC  
247 for the approval of a replat for Lot 1, Block A, Hazel and Olive Addition  
248 being a 0.421-acre tract of land composed of two (2) parcels of land  
249 identified as Block 19A & 19B, Amick Addition, City of Rockwall, Rockwall  
250 County, Texas, zoned Planned Development District 50 (PD-50) for  
251 Residential-Office (RO) District land uses, addressed as 503 N. Goliad  
252 Street [SH-205], and take any action necessary.
- 253 8. Consider authorizing the expenditure of funds from insurance claim  
254 proceeds in the amount of \$195,955.00 to make needed repairs at the  
255 Harbor boat docks and a contingency fund of \$10,000 from insurance  
256 claim proceeds, and take any action necessary.
- 257 9. Consider authorizing the city manager to enter into an agreement for the  
258 purchase of upgrades to the recreation facility and reservation system  
259 software in the amount of \$18,764.62 to be funded by Recreational  
260 Development Funds, and take any action necessary.
- 261 10. Consider authorizing the city manager to execute a contract with Binkley  
262 & Barfield, Inc. to perform the engineering design services for the  
263 Greencrest Drive Water Line Replacement Project in the amount of  
264 \$49,070 to be funded out of the 2008 water and sewer revenue bonds,  
265 and take any action necessary.

266  
267 **Councilmember Lewis pulled item #8 for further discussion. Councilmember Milder then**  
268 **made a motion to approve the remaining Consent Agenda items (#1, 2, 3, 4, 5, 6, 7, 9 and**  
269 **10). Mayor Pro Tem Lewis seconded the motion. The ordinances were read as follows:**

270  
271 CITY OF ROCKWALL  
272 ORDINANCE NO. 15-19  
273

274 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
275 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
276 TEXAS, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A  
277 CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A  
278 SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND  
279 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF  
280 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN  
281 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING  
282 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
283 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING  
284 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

285  
286 CITY OF ROCKWALL  
287 ORDINANCE NO. 15-18  
288 SPECIFIC USE PERMIT NO. S-138  
289

290 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING  
291 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,  
292 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)  
293 ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND  
294 MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C)  
295 DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N.  
296 BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST  
297 QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL,  
298 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND



299 AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A  
300 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)  
301 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
302 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
303

304 The motion passed unanimously of council (7 ayes to 0 nays).  
305

306 Regarding Consent Agenda Item #8, Mayor Pro Tem Lewis asked why the repairs  
307 associated with this project/expenditure were not placed out for bid. Assistant City  
308 Manager Brad Griggs indicated that the damage at the boat docks presents a need for  
309 immediate, emergency repairs because delaying the repairs may impede public safety.  
310 So, since the need is an emergency need, and since the boat docks were a custom-made  
311 product by a certain vendor, bids were not requested. Mayor Pro Tem Lewis then made a  
312 motion to approve Consent Agenda item #8. Councilmember White seconded the  
313 motion, which passed unanimously of council present (7 ayes to 0 nays).  
314

315 X. APPOINTMENTS  
316

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

320 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed  
321 the city council on recommendations of the Commission relative to the Public Hearing  
322 item on tonight's council meeting agenda. He indicated that Commissioner Conley and  
323 Commissioner Logan were not in attendance when this item was recently heard at the  
324 Planning & Zoning Commission Meeting. He stated that the P&Z Commission agreed by  
325 a vote of 3 in favor, 2 against to table this item at the request of the applicant. He  
326 explained that this is for a request to change zoning to allow for about 560 residential  
327 lots just west of the Rockwall Technology Park. He indicated that the applicant had  
328 previously explained, during a work session, that a baseball complex of some sort would  
329 be included with this development along with a location for the Boys & Girls Club and a  
330 generous donation of land to the city. However, when the zoning case came forward, the  
331 baseball complex had been removed from the proposal, as well as the Boys & Girls Club  
332 aspect, and the donation of land was discovered to be relatively unusable land located in  
333 a flood plain. He explained that these changes were not well received by some of the  
334 P&Z Commissioners. They also do not like front yard setbacks of 15' (instead of 20') that  
335 are being proposed, and they have concerns about traffic flow. They are also not  
336 comfortable with the proposed trail system access, and the fire department access being  
337 proposed was not sufficient either. So, the applicant requested that this item be tabled  
338 to allow them some time to make some revisions to be brought back for consideration.  
339 Therefore, the P&Z tabled this item.  
340

341 Following Mr. Renfro's comments, the Council took no action related to this appointment  
342 item.  
343

344 XI. PUBLIC HEARING ITEMS  
345

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

10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the northeast corner of the intersection of Rochelle Road and SH-276, and take any action necessary. **(1st Reading)**  
**(postponed due to P&Z Commission tabling)**

Mayor Pruitt announced and acknowledged that this case has been postponed. Therefore, no action was taken by council concerning this agenda item at this time.

## **XII. ACTION ITEMS**

1. **Z2015-014** - Discuss and consider approval of an **ordinance** for a request by Cole Franklin of the Skorborg Company on behalf of the owner of the Lonnie Gideon Estate for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary. **(2nd Reading)**

Regarding this item, Councilmember White made a motion to approve Z2015-014. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

### **CITY OF ROCKWALL ORDINANCE NO. 15-20**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 77 (PD-77) FOR SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. Discuss and consider approval of an **ordinance** adding Sections 26-290 to 260-296 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of the Municipal Code of Ordinances to authorize the operation of golf carts within the city limits, and take any action necessary. **(1st reading)**

City Attorney Frank Garza provided brief comments, indicating that, per council's direction at the last meeting, some changes were made to the previously proposed golf cart ordinance related to operation of golf carts on city streets. He pointed out that, by state law, the city may not regulate golf carts within a master planned community or if the golf carts being operated are located within two miles of a golf course.



Councilmember Milder pointed out that, during the work session that took place earlier this afternoon, it was discussed that passing an ordinance like this would not affect very many neighborhoods in the city because a lot of the neighborhoods are located within master planned communities.

After brief comments by Milder, no motion was presented, so no action was taken concerning this agenda item.

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

Mayor Pro Tem Lewis asked for clarification regarding if he needs to recuse himself from this discussion item because his wife is a nurse at Presbyterian Hospital. Mr. Garza indicated that, unless his wife has direct input regarding the selection and use of an ambulance service provider, there is not a need for him to recuse himself. Lewis indicated that his wife does not have any input regarding the provision of ambulance service, so he stayed for the discussion.

Mayor Pruitt then provided detailed background information related to this agenda item, explaining the city's existing 'exclusivity ordinance' and how it impacts the local hospitals and the countywide ambulance service provider, both with regards to keeping the ordinance in place and regarding revoking it.

Mayor Pro Tem Lewis, who serves on the countywide Emergency Services Corporation Board (ESC) with Mayor Pruitt, provided brief comments as well, indicating that he understands that revoking our city ordinance may in fact result in Medic Rescue (service provider in the county) having to ask for an increased subsidy from the ESC in future years. He explained that Royse City was considering instituting an exclusivity ordinance; however, their city attorney advised against it because he believed it would create a monopoly. He pointed out that various cities around Ft. Worth who contract with MedStar maintain similar exclusivity ordinances; however, he is personally in favor of our city revoking its exclusivity ordinance.

City Attorney Frank Garza spoke briefly about how some of the other cities he represents do have exclusivity provisions in place regarding emergency transports, but that they generally do not have exclusivity provisions in place regarding non-emergency transports.

Councilmember Fowler pointed out that he does not believe it is a 'monopoly' any more than the city contracting exclusively with a trash service provider is a monopoly. The only difference is that a citizen does not commit a criminal offense if they use a different provider to pick up their trash. Fowler indicated that he would like to see a lot more information, have more extensive discussion and more time to consider this issue before voting to repeal the current ordinance.

Councilmember Townsend asked the city attorney for clarification regarding if the city could possibly amend the ordinance to still keep the exclusivity provision in place, yet not make it a criminal offense to violate its provisions. He expressed that he does have some level of concern with opening up the door to ambulance service providers with

whom our city is not familiar and does not have knowledge of regarding their level of service and care.

Councilmember White indicated that he also does not feel he has enough information to take action on this agenda item this evening. He has never heard or personally received any complaints from the hospitals or any citizens or members of the public concerning Medic Rescue's service. He would like to see staff, Pruitt and Lewis assimilate additional information on past history that has transpired related to this issue. He would also like to see Mary Smith prepare some information on the potential financial impact. Pruitt indicated that Smith won't be able to do so because she does not have access to Medic Rescue's business financials. Pruitt indicated that the only thing the Council has been given in regards to the potential financial impact is Medic Rescue's email today stating that if they cannot keep Presby's business, they will lose \$600,000 per year.

Councilmember Fowler indicated that he would like additional information on this issue, and he would like to have some conversations with Mitch and Tim, representatives of the current EMS service provider (Medic Rescue), before moving forward with any potential ordinance change.

Councilmember Milder indicated that he too would like to receive some additional information before making any decision. He has some concerns that the city's ultimate cost (annual payment to the ES Corp. for ambulance service subsidy) may increase.

Mayor Pruitt requested that a work session be scheduled for the Monday, July 20<sup>th</sup> city council meeting to further discuss this topic. White requested that Presby Hospital, Baylor, the EMS company representatives, etcetera be allowed to come forth to plead their case and express their concerns. Hohenshelt requested that such information submitted by the various stakeholders (Presby hospital and Medic Rescue) please be submitted to the city council for review and consideration in advance of the scheduled work session to allow ample time for thorough review of said information in advance.

4. Discuss and consider animal surrender policies at the Rockwall Animal Adoption Center, and take any action necessary.

Mayor Pruitt provided background information on this agenda item, generally explaining that, more and more, animals are showing up in our city shelter that are suspected to have come from places and individuals living outside of our city limits. This is causing our space to be 'maxed out,' and it is beginning to cause problems with maintaining our 90% live outcome. Molly Petterson who runs the shelter via contract has met with Pruitt to express that this is problematic, and she would like to see the city institute an ordinance that has some 'teeth' to it that would make it an offense, including an associated fine, to surrender animals to our shelter if they truly did not originate from within our city limits. Councilmember White suggested that perhaps the council could consider placing a limit on the number of animals that a citizen can surrender to our city shelter each year.

Council directed the city attorney to draft an ordinance for the council to discuss and consider at its next meeting on July 20<sup>th</sup>.

5. Discuss and consider approval of a policy for the construction of structures, including a dock deck, fixed pier or boathouse within Lake Ray



Hubbard for properties eligible to lease the Lake Ray Hubbard Takeline adjacent to the property, and take any action necessary.

Planning Director Robert LaCroix provided background information related to this agenda item. Mr. LaCroix explained that the ability for a property owner to construct one of these structures in the lake depends on their eligibility to lease the 'take line' area adjacent to their property. All eligible properties were initially surveyed and identified along the perimeter of the lake prior to establishing the 'Take Line Overlay District,' creating the requirements and standards for the take line area. The setback requirements for structures in the leased 'take line' area are measured from the extension of the side property lines as indicated on the survey. However, the forty (40') feet of area into the lake, beyond the leased 'take line', that is allowed to be used for boathouses and docks was not clearly determined in measuring setback requirements. Generally staff has extended those imagery survey lines from each survey into the unleased lake area to determine the location of boathouses for construction. However, this practice has presented problems with certain properties that are allowed to lease but, due to the extension of the survey lines into the lake, has narrowed their building area to the point of having to reduce the size of their boathouse or completely eliminate the ability to build a boathouse. The intent of the 'Take Line Overlay District' was to establish consistency for all structures on the lake with similar materials and appearance and to allow property owners to enjoy and invest in their lake property and, in so doing, provide the needed erosion control that preserves the shoreline. He explained that staff is seeking some policy direction from the Council to have the flexibility to establish the imagery survey lines into lake that will allow all property owners the ability to build structures i.e. boathouses and docks.

Following Mr. LaCroix's explanation, Councilmember Hohenshelt made a motion to instruct staff to draft and bring back a policy for the council to consider at the next city council meeting. Councilmember Milder seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

6. Discuss and consider citywide roadway / thoroughfare planning, and take any action necessary.

City Engineer Tim Tumulty provided background information related to this agenda item. He indicated that the Rockwall County Master Thoroughfare Plan was previously brought forth to Council for review. Subsequently, Rockwall's requested changes were turned over to the County's consultant, who will review and make those changes accordingly. Eventually, the plan will be brought back to the city council for review/approval, and aspects of the County's master thoroughfare plan will be incorporated into the city's master thoroughfare plan. Mr. Tumulty explained that the city's thoroughfare plan would go through a process of going before the P&Z Commission for review and public hearing, and then it would come forth before Council for a public hearing and review. Following his presentation, council expressed general consensus on moving forward with this process. However, no formal action was taken by council concerning this agenda item.

Mayor Pruitt pointed out that this is the last city council meeting that Police Chief Mark Moeller will be attending prior to his upcoming retirement. He thanked the chief for his years of service to the city. Chief Moeller then thanked the council and expressed that

he has enjoyed his years of service here in Rockwall and is looking forward to his retirement.

Pruitt shared that City Manager Rick Crowley's mother passed away, and his mother's funeral is scheduled in Hamlin, TX tomorrow.

**XIII. 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 - May 2015
  - Police Department Monthly Report - May 2015
  - Fire Dept. Monthly Reports - May 2015
  - Harbor PD Monthly Report - May 2015
  - Internal Operations Department Monthly Report - May 2015
  - Recreation Monthly Report - May 2015
  - Rockwall Animal Adoption Center Monthly Report - May 2015

2. City Manager's Report

Mrs. Smith, Assistant City Manager, reminded the City Council of various, upcoming receptions scheduled to honor several staff members who are retiring. She thanked the Parks & Rec staff for all the recent work on the 4<sup>th</sup> of July fireworks event. Mayor Pruitt indicated that it was the best fireworks he's seen in Rockwall, and he thanked staff for their efforts.

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

**XIV. EXECUTIVE SESSION**

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

1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding purchase or lease of real property / land acquisition in the north part of the city for municipal purposes pursuant to Section § 551.072 (Real Property).
4. Discussion regarding possible development-related legal claim in the vicinity of Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
6. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
7. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney).



- 598 8. Discussion regarding (re)appointments to city regulatory boards, commissions, and  
599 committees including the Building and Standards Commission and Board of  
600 Adjustments pursuant to Section 551.074 (personnel matters)

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

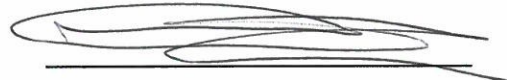
602  
603 The Council did not reconvene in Executive Session following the conclusion of the  
604 public meeting agenda.

605  
606 **XVI. ADJOURNMENT**

607  
608 The meeting was adjourned at 7:27 p.m.  
609  
610

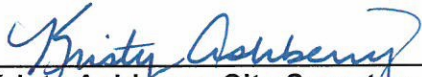
611 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

612 **THIS 20<sup>th</sup> DAY OF JULY, 2015.**



Dennis Lewis, Mayor Pro Tem

613  
614  
615 **ATTEST:**

616   
617  
618 Kristy Ashberry, City Secretary



